

50-State Comparison: English Learner Policies

How is "English learner" defined in state policy?

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The following information was gathered from state statute and regulation. In the cases where statute or regulation specified that definitions were determined by the department of education's EL guidebooks or used the federal definition, this is noted. The state-specific term for English learners is included along with the definition. The definition is taken directly from the source with minor edits for readability.

When a definition is not provided in statute or regulation, the state relies on either the federal definition or a definition set through the department of education's EL guidebook. View the full 50-State Comparison: English Learner Policies [here](#).

STATE	HOW IS "ENGLISH LEARNER" DEFINED IN STATE POLICY?	SOURCE
Federal Law	"English Learner": An individual (1) who is aged 3 through 21 (2) who is enrolled or preparing to enroll in an elementary school or secondary school (3)(i) who was not born in the United States or whose native language is a language other than English (ii) who is a Native American or Alaska Native, or a native resident of the outlying areas and who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency or (iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant and (4) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual (i) the ability to meet the challenging State academic standards (ii) the ability to successfully achieve in classrooms where the language of instruction is English or (iii) the opportunity to participate fully in society.	20 U.S.C.A. § 7801
Alabama	Governed by the department of education's EL guidebook or federal law rather than state policy.	

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Alaska	"English Learner": An individual (1) who is between 3 and 21 years old (2) who is enrolled or preparing to enroll in an elementary school or secondary school (3) who falls into one or more of the following categories of individuals: (i) an individual not born in the United States or whose native language is a language other than English (ii) an American Indian, Alaska Native, or native resident of the outlying areas, who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency or (iii) an individual who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant (4) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual the (i) ability to obtain an achievement level that meets standards on the state assessments in English language arts, mathematics, and science, (ii) ability to successfully achieve in classrooms where the language of instruction is English or (iii) opportunity to participate fully in society.	Alaska Admin. Code tit. 4, § 34.090
Arizona	"English Learner" or "Limited English Proficient Student": A child who does not speak English or whose native language is not English, and who is not currently able to perform ordinary classroom work in English.	Ariz. Rev. Stat. Ann. § 15-751
Arkansas	"English-Language Learners": Students identified by the state board as not proficient in the English language based upon approved English proficiency assessment instruments administered annually in the fall of the current school year, which assessments measure oral, reading, and writing proficiency.	Ark. Code Ann. § 6-20-2303
California	State policy uses the federal definition.	Cal.Educ.Code § 306
Colorado	"English Language Learner": A student who is linguistically diverse and who is identified as having a level of English language proficiency that requires language support to achieve standards in grade-level content in English.	Colo. Rev. Stat. Ann. § 22-24-103
Connecticut	"Eligible Students": Students enrolled in public schools in grades kindergarten to twelve, inclusive, whose dominant language is other than English and whose proficiency in English is not sufficient to assure equal educational opportunity in the regular school program.	Conn. Gen. Stat. Ann. § 10-17e
Delaware	State policy defers to the department of education's EL guidebook.	Del. Code Ann. tit. 14, § 1102A
District of Columbia	State policy uses the federal definition.	D.C. Code § 38-2901

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Florida	<p>"Limited English Proficient" or "Limited English Proficiency":</p> <p>(1) an individual who was not born in the United States and whose native language is a language other than English, or</p> <p>(2) an individual who comes from a home environment where a language other than English is spoken, or</p> <p>(3) an individual who is an American Indian or Alaskan Native and who comes from an environment where a language other than English has had a significant impact on his or her level of English language proficiency, and</p> <p>(4) who has sufficient difficulty speaking, reading, writing, or listening to the English language to deny him or her the opportunity to learn successfully in classrooms where the language of instruction is English.</p>	Fla. Stat. Ann. § 1003.56
Georgia	<p>"English Learners": Students whose primary or home language is other than English and who are eligible for services based on the results of an English language proficiency assessment.</p>	Ga. Comp. R. & Regs. 160-4-5-02
Hawaii	<p>Governed by the department of education's EL guidebook or federal law rather than state policy.</p>	
Idaho	<p>"English language learner": A student who does not score proficient on the English language development assessment established by rule of the state board of education.</p>	Idaho Code Ann. § 33-1001
Illinois	<p>"English Learners":</p> <p>(1) all children in grades pre-K through 12 who were not born in the United States, whose native tongue is a language other than English, and who are incapable of performing ordinary classwork in English, and</p> <p>(2) all children in grades pre-K through 12 who were born in the United States of parents possessing no or limited English-speaking ability and who are incapable of performing ordinary classwork in English.</p>	105 Ill. Comp. Stat. Ann. 5/14C-2
Indiana	<p>"Limited English Proficient": An individual</p> <p>(1) who is three years of age through twenty-one years of age</p> <p>(2) who is enrolled or preparing to enroll in an elementary school or secondary school</p> <p>(3) who (i) was not born in the United States or whose native language is a language other than English, (ii) is a Native American or Alaska native, or a native resident of the outlying areas from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency or (iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant and</p> <p>(4) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual (i) the ability to meet Indiana's proficient level of achievement on state assessments, (ii) the ability to successfully achieve in classrooms where the language of instruction is English, or (iii) the opportunity to participate fully in society.</p>	511 Ind. Admin. Code 7-32-59

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Iowa	"Limited English Proficient": A student who has a language background other than English, and the proficiency in English is such that the probability of the student's academic success in an English-only classroom is below that of an academically successful peer with an English language background.	Iowa Admin. Code r. 281-60.2(280)
Kansas	"Limited English Proficient Pupils": National origin-minority pupils who because of their inability to speak, read, write and/or understand the English language are excluded from effective participation in the educational programs offered by a school district.	Kan. Stat. Ann. § 72-3609
Kentucky	"English Learners": Students currently identified on an English language proficiency exam for purposes of the indicators of growth and transition readiness metrics.	703 Ky. Admin. Regs. 5:270
Louisiana	"English Language Learners": Children working to learn a second language (English) while continuing to develop their first (or home) language.	28 La. Admin. Code Pt CLIX, 409
Maine	"English Learner": A student who has a primary or home language other than English, as determined by a language use survey developed by the department; who is not yet proficient in English, as determined by a state-approved English language proficiency assessment; and who satisfies the federal definition.	Me. Rev. Stat. tit. 20-A, § 15672
Maryland	"English Learner": A student (1) who communicates in a language other than English, or (2) whose family uses a primary language other than English in the home, and (3) whose English language proficiency falls within the range established by the State for an English language development program.	Md. Code Regs. 13A.05.07.02
Massachusetts	"English Learner": A student who does not speak English or whose native language is not English, and who is not currently able to perform ordinary classroom work in English.	Mass. Gen. Laws Ann. ch. 71A, § 2
Michigan	"Children of Limited English-Speaking Ability": Children who have or reasonably may be expected to have difficulty performing ordinary classwork in English because their native tongue is a language other than English or because they come from a home or environment where the primary language used is a language other than English.	Mich. Comp. Laws Ann. § 380.1152

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Minnesota	<p>"English Learner": A pupil in kindergarten through grade 12 or a prekindergarten student enrolled in an approved voluntary prekindergarten program or a school readiness plus program who meets certain requirements or the following requirements: (1) the pupil, as declared by a parent or guardian first learned a language other than English, comes from a home where the language usually spoken is other than English, or usually speaks a language other than English, and (2) the pupil is determined by a valid assessment measuring the pupil's English language proficiency and by developmentally appropriate measures, which might include observations, teacher judgment, parent recommendations, or developmentally appropriate assessment instruments, to lack the necessary English skills to participate fully in academic classes taught in English.</p>	Minn. Stat. Ann. § 124D.59
Mississippi	Governed by the department of education's EL guidebook or federal law rather than state policy.	7 Code Miss. R. T. 7, Pt. 109
Missouri	Governed by the department of education's EL guidebook or federal law rather than state policy.	
Montana	<p>"Student with Limited English Proficiency": A student (1)(i) who was not born in the United States or whose native language is a language other than English, (ii) who is an American Indian and who comes from an environment in which a language other than English has had a significant impact on the individual's level of English proficiency, or (iii) who is migratory, whose native language is a language other than English, and who comes from an environment in which a language other than English is dominant, and (2) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the student: (i) the ability to meet the state's proficiency assessments, (ii) the ability to successfully achieve in classrooms where the language of instruction is English, or (iii) the opportunity to participate fully in society.</p>	Mont. Code Ann. § 20-1-101

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Nebraska	<p>"English Learner": A student:</p> <p>(1) who is enrolled or preparing to enroll in an elementary school or secondary school</p> <p>(2) who falls into at least one of the following categories:</p> <p>(i) who was not born in the United States or whose native language is a language other than English, (ii) who is a Native American or Alaska Native, or a native resident of the outlying areas and who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency, or (iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant and</p> <p>(3) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual at least one of the following: (i) the ability to meet the challenging State academic standards, (ii) the ability to successfully achieve in classrooms where the language of instruction is English, or (iii) the opportunity to participate fully in society.</p>	92 Neb. Admin. Code Ch. 15,002
Nevada	State policy uses the federal definition.	Nev. Rev. Stat. Ann. § 388.890
New Hampshire	<p>"English Language Learner": A pupil who has a predominant language other than English or who is educationally disadvantaged by a limited English proficiency, and who participated in the annual assessment of English language proficiency required of such pupils by the Elementary and Secondary Education Act.</p>	N.H. Rev. Stat. Ann. § 198:38
New Jersey	<p>"Children of Limited English-Speaking Ability": Children whose primary language is other than English and who have difficulty performing ordinary classwork in English.</p>	N.J. Stat. Ann. § 18A:35-16
New Mexico	<p>"English Language Learner": A student whose first or heritage language is not English and who is unable to read, write, speak or understand English at a level comparable to grade level English proficient peers and native English speakers.</p>	N.M. Stat. Ann. § 22-23-2
New York	<p>"English Language Learners": Students who, by reason of foreign birth or ancestry, speak or understand a language other than English and speak or understand little or no English, and require support in order to become proficient in English and are identified pursuant to this section.</p>	N.Y. Comp. Codes R. & Regs. tit. 8, § 154-2.2
North Carolina	Governed by the department of education's EL guidebook or federal law rather than state policy.	

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North Dakota	<p>"English Language Learner": A student who</p> <p>(1) is at least five years of age but has not reached the age of twenty-one before August first of the year of enrollment</p> <p>(2) is enrolled in a school district in this state</p> <p>(3) has a primary language other than English or comes from an environment in which a language other than English significantly impacts the individual's level of English language proficiency, and</p> <p>(4) has difficulty speaking, reading, writing, and understanding English, as evidenced by a language proficiency test approved by the superintendent of public instruction and aligned to the state English language proficiency standards and the state language proficiency test.</p>	N.D. Cent. Code Ann. § 15.1-38-01.1
Ohio	State policy uses the federal definition.	Ohio Rev. Code Ann. § 3301.0711
Oklahoma	State policy uses the federal definition.	Okla. Admin. Code 210:10-13-2
Oregon	<p>"English Language Learner": A student who</p> <p>(1) has limited English language proficiency because English is not the native language of the student or the student comes from an environment where a language other than English has had a significant impact on the student's level of English language proficiency, and</p> <p>(2) meets any other criteria established by the State Board of Education by rule.</p>	Or. Rev. Stat. Ann. § 336.079
Pennsylvania	Governed by the department of education's EL guidebook or federal law rather than state policy.	
Rhode Island	<p>"English Language Learner": A student</p> <p>(1) whose first language is not English or who speaks a variety of English, as used in a foreign country or U.S. possession, that is so distinct that ELL instruction is necessary,</p> <p>(2) who is now learning English, but</p> <p>(3) who has not yet attained enough proficiency in English to allow him or her to fully profit from content area instruction conducted only in English.</p>	R.I. Code R. 20-30-3.2
South Carolina	Governed by the department of education's EL guidebook or federal law rather than state policy.	
South Dakota	State policy uses the federal definition.	S.D. Admin. R. 24:55:01:01
Tennessee	Governed by the department of education's EL guidebook or federal law rather than state policy.	

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Texas	"Student of Limited English Proficiency": A student whose primary language is other than English and whose English language skills are such that the student has difficulty performing ordinary classwork in English.	Tex. Educ. Code Ann. § 29.052
Utah	"Student Learning English": An individual (1) who has sufficient difficulty speaking, reading, writing, or understanding the English language, and whose difficulties may deny the individual the opportunity to: (i) learn successfully in classrooms where the language of instruction is English, or (ii) participate fully in society (2) who was not born in the United States or whose native language is a language other than English and who comes from an environment where a language other than English is dominant, or (3) who is an American Indian or Alaskan native or who is a native resident of the outlying areas and comes from an environment where a language other than English has had a significant impact on such individual's level of English language proficiency.	Utah Admin. Code r. R277-716-2
Vermont	Governed by the department of education's EL guidebook or federal law rather than state policy.	
Virginia	State policy uses the federal definition.	8 Va. Admin. Code 20-131-5
Washington	"Eligible Student": A student whose primary language is other than English and whose English skills are sufficiently deficient or absent to impair learning, for purposes of eligibility for the transitional bilingual program.	Wash. Rev. Code Ann. § 28A.180.030
West Virginia	State policy uses the federal definition.	W. Va. Code R. 126-15-2
Wisconsin	"Limited-English Proficient Pupil": A pupil whose ability to use the English language is limited because of the use of a non-English language in his or her family or in his or her daily, nonschool surroundings, and who has difficulty, as defined by rule by the state superintendent, in performing ordinary classwork in English as a result of such limited English language proficiency.	Wis. Stat. Ann. § 115.955
Wyoming	"English Language Learner (ELL) Student": Any student reported as primarily enrolled by a district on the October snapshot who has been identified as an ELL or former ELL in Year 1 or Year 2 monitor status in compliance with required identification criteria presented in a format specified by the Department.	Wyo. Admin. Code 206.0002.8 § 2