

## 50-State Comparison: English Learner Policies

### Which program approaches does state policy authorize?

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Research is mixed about which program approaches are most effective, but researchers agree that English learners perform better academically and achieve greater language proficiency when they have some type of English language instruction. Program approaches vary widely, but the most common types include:

- **English as a Second Language:** Academic content is taught in English in mainstream classrooms, and students receive ESL instruction to develop English language skills.
- **Sheltered English/Structured English Immersion:** Academic content is taught only in English and in EL-only classrooms. Instruction is adjusted to students' English proficiency levels.
- **Bilingual/Bilingual-Bicultural:** English learners receive academic instruction in English and a second language, eventually transitioning to English instruction only with a goal of moving to a mainstream classroom. Transitional bilingual programs complete these transitions rapidly.
- **Dual language immersion/two-way bilingual:** Students are taught academic content in two languages with a goal of developing proficiency in both languages. Some programs include both English learners and English-only students.

A resource from the National Clearinghouse on English Language Acquisition details the types of language instruction education programs that focus on developing students' literacy in two languages. Many states include some or all of these options in state guidance to districts or local education agencies when choosing a program of instruction for English learners.

The information in this resource was gathered from state statutes and regulations and does not include policies in state-level guidance documents or arising from court orders. View the full 50-State Comparison: English Learner Policies [here](#).

STATE	WHICH PROGRAM APPROACHES DOES STATE POLICY AUTHORIZE?	SOURCE
Federal Law	<p>School districts must provide English learners with appropriate language assistance services. Language assistance services or programs for EL students must be educationally sound in theory and effective in practice; however, federal law does not require any particular program or method of instruction for EL students. EL programs must be designed and reasonably calculated to enable EL students to attain both English proficiency and participate at a comparable level to non-EL peers in the academic program within a reasonable length of time.</p> <p>Students in EL programs must receive appropriate language assistance services until they are proficient in English and can participate meaningfully in the district's educational programs without language</p>	<p>Dear Colleague Letter: English Learner Students are Limited English Proficient Parents (2015)</p>

STATE	WHICH PROGRAM APPROACHES DOES STATE POLICY AUTHORIZE?	SOURCE
	assistance services.	
Alabama	Governed by the department of education's EL guidebook or federal law rather than state policy.	
Alaska	District choice	Alaska Admin. Cod tit. 4, § 34.055
Arizona	Sheltered English Immersion or Alternative English Instruction	<p>Ariz. Rev. Stat. Ann. §15-752</p> <p>Ariz. Rev. Stat. Ann. §15-756.01</p> <p>Ariz. Rev. Stat. Ann. §15-756.02</p> <p>Ariz. Admin Code R7-2-306(E)</p>
Arkansas	Governed by the department of education's EL guidebook or federal law rather than state policy.	
California	Structured English Immersion Program which includes Designated and Integrated English Language Development	<p>Cal. Code Regs tit. 5, § 11309</p> <p>Cal. Educ. Code § 305</p>
Colorado	LEAs chose from: Bilingual, English as a Second Language, or any other methods that achieve the purposes of the English Language Proficiency Act	<p>Colo. Code Regs. § 301 10:2224-R-3.00</p> <p>Colo. Rev. Stat. Ann. § 22-24-104(4)</p>
Connecticut	English as a Second Language, Sheltered English, English Immersion, or other research-based language development programs.	Conn. Gen. Stat. § 10-17f(b) & (d)
Delaware	District choice: programs of instruction for English learners shall include formal instruction to increase English language proficiency and instruction in academic subjects which is designed to provide ELs with access to the regular curriculum.	Code Del. Regs. 14 920:3.1

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District of Columbia	Bilingual or English as a Second Language	D.C. Mun. Regs. tit. 5-1 § 3100
Florida	English for Speakers of Other Languages (ESOL) instruction in English and ESOL instruction or home language instruction in the basic subject areas.	Fla. Stat. Ar § 1003.56
Georgia	English for Speakers of Other Languages (ESOL), including the pull-out model, push-in model or dual-language immersion model	Ga. Comp. F & Regs. 16C 4-5-.02
Hawaii	Governed by the department of education's EL guidebook or federal law rather than state policy.	
Idaho	Governed by the department of education's EL guidebook or federal law rather than state policy.	
Illinois	Transitional Bilingual Education	105 Ill. Com Stat. Ann. 5/14C-1
Indiana	Bilingual-Bicultural Program	Ind. Code Ann. § 20-3 9-2
Iowa	English as a Second Language or Transitional Bilingual Instruction	Iowa Admir Code r. 281 60.3
Kansas	Bilingual education	Kan. Stat. Ann. § 72-3609
Kentucky	Governed by the department of education's EL guidebook or federal law rather than state policy.	
Louisiana	Governed by the department of education's EL guidebook or federal law rather than state policy.	
Maine	Transitional instruction using bilingual techniques.	Me. Rev. Sta tit. 20-A, § 4701
Maryland	Local school system choice	Md. Code Regs. 13a.05.07.C
Massachusetts	Sheltered English Immersion or an alternative instructional program that meets the requirements of federal and state law, including transitional bilingual education and dual language education.	Mass. Gen. Laws Ann. 71A, § 4

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Michigan	Bilingual Instruction	Mich. Comp. Laws Ann. § 380.1152
Minnesota	English as a Second Language or Bilingual Education Program	Minn. Stat. Ann. § 124D.59
Mississippi	Governed by the department of education's EL guidebook or federal law rather than state policy.	
Missouri	Governed by the department of education's EL guidebook or federal law rather than state policy.	
Montana	Governed by the department of education's EL guidebook or federal law rather than state policy.	
Nebraska	English as a Second Language or Bilingual Program	92 Neb. Admin. Cod Ch. 15, § 00
Nevada	Bilingual program of instruction or program of instruction that teaches English language acquisition	Nev. Admin Code 388.640 Nev. Admin Code 388.605 Nev. Admin Code 388.615
New Hampshire	Bilingual Education	N.H. Rev. Stat. Ann. § 189:19
New Jersey	Bilingual, English as a second language, or English language services education program	N.J. Admin. Code § 6A:15-1.10
New Mexico	Bilingual Multicultural Education Program: dual language immersion, enrichment, heritage language, maintenance or transitional	N.M. Stat. Ann. § 22-22 N.M. Stat. Ann. § 22-24 N.M. Admin Code 6.32.2.12

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New York	Bilingual Education or English as a Second Language	N.Y. Educ. Law § 3204
North Carolina	English as a Second Language (ESL), bilingual Education or programs which provide neither instruction in the native language nor direct instruction in ESL but which adapt instruction to meet the needs of these students.	16 N.C. Admin. Cod 6D.0106
North Dakota	District choice	N.D. Cent. Code Ann. § 15.1-38-02
Ohio	Governed by the department of education's EL guidebook or federal law rather than state policy.	
Oklahoma	Governed by the department of education's EL guidebook or federal law rather than state policy.	
Oregon	Dual language or two-way bilingual grant program and structured English immersion	Or. Admin. I 581-018-0200  Or. Rev. Sta Ann. § 336.079
Pennsylvania	Bilingual-Bicultural Program or English as a Second Language	22 Pa. Code 4.26
Rhode Island	English as a Second Language, Sheltered Content Instruction, Collaborative ESL & General Education, Bilingual Education, Two-Way/Dual Language, or Newcomer Program	R.I. Code R. 20-30-3.10
South Carolina	Governed by the department of education's EL guidebook or federal law rather than state policy.	
South Dakota	Governed by the department of education's EL guidebook or federal law rather than state policy.	
Tennessee	Governed by the department of education's EL guidebook or federal law rather than state policy.	
Texas	Bilingual education, instruction in English as a Second Language (ESL), or other transitional language instruction approved by the state department of education in post-elementary grades through grade 8.  Instruction in ESL in grades 9 through 12.	Tex. Educ. Code Ann. § 29.053
Utah	Dual language immersion	Utah Admir Code r. 53f-2-502

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Vermont	Governed by the department of education's EL guidebook or federal law rather than state policy.	
Virginia	Governed by the department of education's EL guidebook or federal law rather than state policy.	
Washington	Transitional bilingual program or an alternative program.	Wash. Adm Code 392-160-010  Wash. Adm Code 392-160-035  Wash. Adm Code 392-160-010
West Virginia	School districts must provide a research-based alternative language program to facilitate the student's achievement of English proficiency and the academic content standards.	W. Va. Code R. § 126-153
Wisconsin	Bilingual-Bicultural Education Program	Wis. Stat. Ann. § 115.96
Wyoming	Governed by the department of education's EL guidebook or federal law rather than state policy.	