

Limited English Proficient Student:

Students must meet a part of the criteria in each of the sections (A-D)

The term “**limited English proficient**”, which is defined in section 9101 of Title IX when used with respect to an individual, means an individual:

- (A) who is aged 3 through 21;
- (B) who is enrolled or preparing to enroll in an elementary school or secondary school;
- (C)
 - (i) who was **not born in the United States** or whose **native language is a language other than English**;
 - (ii)
 - (I) who is a **Native American** or **Alaska Native**, or a native resident of the outlying areas; **and**
 - (II) 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**
- (D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual -

Must meet either part i, ii **or** iii

If part (ii) then must meet both pieces I **and** II

Must meet either part i, ii **or** iii

- (i) the ability to meet the State’s proficient level of achievement on State assessments described in section 1111(b)(3);
- (ii) the ability to successfully achieve in classrooms where the language of instruction is English: **or**
- (iii) the opportunity to participate fully in society.