# **Classifying and reporting English Learners (ELs) and Immigrant Students**

Understanding the federal definitions (as described in the Every Student Succeeds Act (ESSA) of 2015 for English learners (ELs), as well as immigrant children and youth (IY) students), is essential to:

* Identifying these students in order to ensure they are provided meaningful and equal access to the same curriculum and educational opportunities as all students; and
* Determining the Title III, Part A, allocations to school divisions based on an accurate count of ELs and IY students.

## **Federal Definition of English Learners (ELs)**

An EL is classified according to the federal definition as described in ESSA, Section 8101. There are three categories of the EL status:

An EL who is classified as one who is aged 3 through 21 who is enrolled or preparing to enroll in an elementary school or secondary school and who was not born in the United States or whose native language is a language other than English.

An EL who is a Native American or Alaska Native, or native resident of 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. (Please ask about the languages spoken at home, if above ethnic indicators are provided)

An EL 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.

In addition, an EL is a student whose difficulties speaking, reading, writing, or understanding the English language may be sufficient to deny the individual:

* the ability to meet the challenging state academic standards
* the ability to successfully achieve in classrooms where the language of instruction is English, or
* the opportunity to participate fully in society.

### **Further clarification on High School Exchange Students**

For students on J-1 (Exchange Visitor) or H-1 (Exchange High School Student) visas, the entrance procedures to identify an English learner must be followed as required by Title VI of the Civil Rights Act of 1964 to determine if an exchange student has an English proficiency level. If the screening indicates that an exchange student has an English proficiency level, the student should be identified as an EL and included in the Student Record Collection (SRC). The school division should document in the student’s educational record how the EL status was determined.

#### **Federal Definition of Immigrant Children and Youth (IY) Students**

An immigrant (IY) student is classified according to the federal definition as described in ESSA, Section 3201. IY students are aged 3 through 21, were not born in any state, and have not been attending one or more schools in any one or more states for more than three full academic years. The three full academic years requirement must be applied on a cumulative basis. It is also important to note that immigrant students may or may not be also identified as an English learner.

##### **Further clarification on the Definition of Immigrant Children and Youth (IY)**

Under Section 3201 of ESSA, the term “state” means each of the 50 students, the District of Columbia, and the Commonwealth of Puerto Rico. Therefore, students born in Puerto Rico are not considered immigrant. Students born in U.S. territories other than Puerto Rico, such as Guam, American Samoa, or the U.S. Virgin Islands, may be considered immigrant.

The following students may be considered as immigrant if they meet all of the criteria in the federal definition of immigrant children and youth:

* Children of U.S. military personnel
* Children of NATO families
* Children of visiting university or college faculty
* Children who are temporarily residing in the U.S. because of parental employment,
* Students on Exchange Visitor (J-1) visas or Exchange High School Student (F-1) visas

###### **Reporting ELs Students including IY students who are also identified as an EL**

Title III, Part A, funding to school divisions is based on the annual fall Student Record Collection (SRC). The state reporting codes are:

1 = Identified as EL and receives services (Students at ELP levels 1 through 4.3)

2 = Identified as EL but has refused services (Students at ELP levels 1 through 4.3)

4 = Identified as formerly EL for each of the four years after exiting EL services (Students at ELP levels 4.4 or higher)

###### **Reporting Immigrant Children and Youth only**

IY funding to school divisions is based on the annual fall Student Record Collection (SRC).

IY data should be captured using the federal definition of immigrant and youth students.

Refer to [Supt’s Memo #179-17](https://www.doe.virginia.gov/home/showpublisheddocument/4312/638005124617270000) for further clarification on meeting the significant increase of 20 IY required as the baseline for funding.