

**CODE: C4**  
**(Required)**

## **ENGLISH LEARNERS**

### **Policy:**

It is the policy of the \_\_\_\_\_ School District to ensure that English Learners, including immigrant students, have equitable access to academic and extracurricular school programming as required by law.

### **Definition:**

For purposes of this policy and administrative rules and procedures developed pursuant to this policy:

**English learner:** The term “English learner,” when used with respect to an individual, means an individual:

1. who is aged 3 through 21<sup>[1]</sup>;
2. who is enrolled or preparing to enroll in an elementary school or secondary school;
3.
  - A. who was not born in the United States or whose native language is a language other than English;
  - B. who:
    - i. is a Native American or Alaska Native, or a native resident of the outlying areas; and
    - ii. 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
  - C. 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 —
  - A. the ability to meet the challenging State academic standards;
  - B. the ability to successfully achieve in classrooms where the language of instruction is English; or
  - C. the opportunity to participate fully in society.

### **Administrative Responsibilities:**

The superintendent or designee shall be responsible for developing and implementing procedures to comply with federal and state laws, which define standards for serving students who are English learners.

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[1] According to the USDE [Non-Regulatory Guidance: English Learners and Title III \(September 23, 2016\)](#), under ESEA, and the addendum to the aforementioned Guidance, LEAs may use Title III funds to serve ELs as young as age three, but are not required to do so.

<i>VSBA Update:</i>	<i>12/5/2022</i>
<i>Date Warned:</i>	
<i>Date Adopted:</i>	
<i>Legal Reference(s):</i>	<i>42 U.S.C. §§ 2000 d et seq. (Title VI of the Civil Rights Act of 1964)</i>
	<i>20 U.S.C. 6801 et seq. (English Language Acquisition, Enhancement, and Academic Achievement Act)</i>
	<i>20 U.S.C. § 7801(20) (Definition of English Learner)</i>
	<i>34 C.F.R. Part 100 9 V.S.A. § 4502 (Discrimination, public accommodations)</i>
	<i>Vermont State Board of Education Manual of Rules and Procedures § 1250</i>
<i>Cross Reference:</i>	