

**WAC 392-172A-01062 English learner.** English learner has the meaning given the term in 20 U.S.C. Section 7801(20). The term "English learner," when used with respect to an individual, means an individual:

- (1) Who is aged three through twenty-one;
- (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) (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  
(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.

[Statutory Authority: RCW 28A.155.090. WSR 17-23-054, § 392-172A-01062, filed 11/9/17, effective 12/10/17.]