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Definition of an LEP

An LEP student is classified as one:

- (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 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;

(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 speaking, reading, writing, or understanding the English language may be sufficient to deny the individual –

(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 achieve successfully in classrooms where the language of instruction is English; or

(iii.) the opportunity to participate fully in society.

[P.L. 107-110, Title IX, Part A, Sec. 9101, (25)]

Student must meet A, B, C and D.