

**CHAPTER 15.1-38**  
**ENGLISH LANGUAGE LEARNERS INSTRUCTION**

**15.1-38-01. English language learners - Program of instruction.**

Each school district shall provide a program of instruction for students who are English language learners. The program may be provided by a school district or in conjunction with one or more districts.

**15.1-38-01.1. English language learner - Definition.**

English language learner means a student who:

1. Is at least five years of age but has not reached the age of twenty-one before August first of the year of enrollment;
2. Is enrolled in a school district in this state;
3. Has a primary language other than English or comes from an environment in which a language other than English significantly impacts the individual's level of English language proficiency; and
4. Has difficulty speaking, reading, writing, and understanding English, as evidenced by a language proficiency test approved by the superintendent of public instruction and aligned to the state English language proficiency standards and the state language proficiency test.

**15.1-38-01.2. New immigrant English language learner - Definition.**

Repealed by S.L. 2009, ch. 175, § 64.

**15.1-38-02. Program establishment.**

The superintendent of public instruction shall:

1. Appoint a state advisory committee to assist with the establishment and administration of English language learner programs and the state English language proficiency assessment;
2. Establish standards for English language learner programs;
3. Establish student caseload criteria for English language learner teachers, deviation from which may not affect the accreditation or funding level of a school district;
4. Ensure that the English language learner programs use effective research-based methods to teach the students;
5. Assist school districts with the development and administration of English language learner programs and services;
6. Employ a program administrator and other necessary personnel; and
7. Coordinate federal, state, and local funding to maximize the services available to students.

**15.1-38-03. English language learner services - Individualized plans.**

If a school district determines through assessment that a student requires English language learner services, the school district shall convene a team to review the student's language and educational needs. The team may develop an individualized language plan and recommend specialized language instruction and related services.