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Dr. Kerri L. Briggs
Assistant Secretary
Office of Elementary and Secondary Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Dr. Briggs:

I am writing to request clarification regarding the definition of a "...recently arrived limited English proficient student..." under 34 CFR 200.6(b)(4)(i).

I request clarification on the following two circumstances:

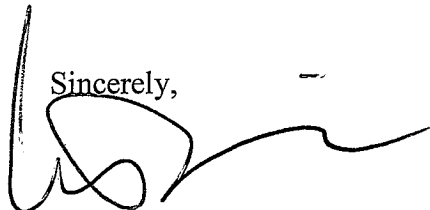
1. Does an LEP child entering a U.S. school for the first time qualify as "recently arrived" even if the child was born in the U.S. and lived in the U.S. for an extended period of time prior to entry into school?
2. Does an LEP child entering a U.S. school for the first time qualify as "recently arrived" even if the child was not born in the U.S. but has lived in the U.S. for an extended period of time prior to entry into school?

The Department's guidance seems to preclude this interpretation although the regulation does not address it. This is a question that arises regularly in our practice and we understand that the Department has given some informal guidance to the the Council of Chief State School Officers on the subject.

It would be extremely helpful to the field if you would provide a more formal written clarification of the Department's position on this question.

Thank you for your consideration.

Sincerely,



Leigh M. Manasevit

LMM/tnb