

110TH CONGRESS
2^D SESSION

H. R. 7116

To amend the Elementary and Secondary Education Act of 1965 to require States to include certain students with disabilities in the calculation of graduation rates, and to assess limited English proficient students who have been in the United States for 5 or more consecutive years.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 26, 2008

Mr. BUYER introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend the Elementary and Secondary Education Act of 1965 to require States to include certain students with disabilities in the calculation of graduation rates, and to assess limited English proficient students who have been in the United States for 5 or more consecutive years.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. INCLUSION OF STUDENTS WITH DISABILITIES**
2 **IN CALCULATION OF GRADUATION RATES.**

3 Section 1111(b)(2) of the Elementary and Secondary
4 Education Act of 1965 (20 U.S.C. 6311(b)(2)) is amended
5 by adding at the end the following:

6 “(L) INCLUSION OF STUDENTS WITH DIS-
7 ABILITIES IN CALCULATION OF GRADUATION
8 RATES.—In carrying out subparagraph (C)(vi),
9 the State shall treat as follows students served
10 under the Individuals with Disabilities Edu-
11 cation Act (20 U.S.C. 1400 et seq.) who do not
12 graduate with a regular diploma in the stand-
13 ard number of years:

14 “(i) If the student graduates with a
15 regular diploma before attaining 22 years
16 of age, the student shall be considered a
17 graduate.

18 “(ii) If the student attains 22 years of
19 age without obtaining a regular diploma,
20 but has achieved the goals of the student’s
21 individualized education program (as de-
22 fined in section 602 of such Act (20
23 U.S.C. 1401)), the student shall be consid-
24 ered a graduate.

25 “(iii) If the student attains 22 years
26 of age, has not obtained a regular diploma,

1 and has not achieved the goals of the stu-
2 dent’s individualized education program
3 (as defined in section 602 of such Act (20
4 U.S.C. 1401)), the student shall not be
5 considered a graduate.”.

6 **SEC. 2. ASSESSMENT FOR LIMITED ENGLISH PROFICIENT**
7 **STUDENTS.**

8 Section 3113(b)(3)(C) of the Elementary and Sec-
9 ondary Education Act of 1965 (20 U.S.C. 6823(b)(3)(C))
10 is amended by striking “3” and inserting “5”.

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