

110TH CONGRESS
1ST SESSION

H. R. 3613

To amend the Elementary and Secondary Education Act of 1965 to make improvements relating to students with disabilities.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 20, 2007

Mr. BILBRAY 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 make improvements relating to students with disabilities.

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

3 **SECTION 1. STUDENTS WITH DISABILITIES.**

4 Section 1111(b) of the Elementary and Secondary
5 Education Act of 1965 (20 U.S.C. 6311(b)) is amended—

6 (1) in paragraph (2)—

7 (A) in subparagraph (C)—

8 (i) in clause (vi), by striking “and” at
9 the end;

1 (ii) in clause (vii), by striking the pe-
2 riod at the end and inserting “; and”;

3 (iii) by adding at the end the fol-
4 lowing:

5 “(viii) ensures that both the partici-
6 tion and performance of students with dis-
7 abilities utilizing the reasonable accom-
8 modations for children with disabilities (as
9 defined in section 602(3) of the Individuals
10 with Disabilities Education Act (20 U.S.C.
11 1401(3))), or the modifications for children
12 with disabilities they regularly use in daily
13 classroom instruction as documented in
14 their individualized education program or
15 their plan under section 504 of the Reha-
16 bilitation Act of 1973 (29 U.S.C. 794), are
17 counted for the purposes of determining
18 adequate yearly progress.”; and

19 (B) in subparagraph (D)—

20 (i) by redesignating clauses (i) and
21 (ii) as (ii) and (iii), respectively; and

22 (ii) by inserting before clause (ii) (as
23 so redesignated) the following:

24 “(i) shall ensure that students with
25 disabilities who take the academic assess-

1 ments on which adequate yearly progress is
2 based and who utilize the reasonable ac-
3 commodations for children with disabilities
4 (as defined in section 602(3) of the Indi-
5 viduals with Disabilities Education Act (20
6 U.S.C. 1401(3))), or the modifications for
7 children with disabilities they regularly use
8 in daily classroom instruction as docu-
9 mented in their individualized education
10 program or their plan under section 504 of
11 the Rehabilitation Act of 1973 (29 U.S.C.
12 794), are counted for the purposes of de-
13 termining adequate yearly progress for a
14 school;” and

15 (2) in paragraph (3)(C)—

16 (A) in clause (xiv) by striking “and” at the
17 end;

18 (B) in clause (xv) by striking the period at
19 the end and inserting “; and”; and

20 (C) by adding at the end the following:

21 “(xvi) ensure that both the participa-
22 tion and performance of students with dis-
23 abilities utilizing the reasonable accom-
24 modations for children with disabilities (as
25 defined in section 602(3) of the Individuals

1 with Disabilities Education Act (20 U.S.C.
2 1401(3))), or the modifications for children
3 with disabilities they regularly use in daily
4 classroom instruction as documented in
5 their individualized education program or
6 their plan under section 504 of the Reha-
7 bilitation Act of 1973 (29 U.S.C. 794), are
8 counted for the purposes of determining
9 adequate yearly progress.”.

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