

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2228

To amend the Elementary and Secondary Education Act of 1965 to allow States to count certain students formerly identified as limited English proficient as being within the limited English proficient subgroup, and certain students formerly identified as students with disabilities as being within the students with disabilities subgroup.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 4, 2009

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

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## A BILL

To amend the Elementary and Secondary Education Act of 1965 to allow States to count certain students formerly identified as limited English proficient as being within the limited English proficient subgroup, and certain students formerly identified as students with disabilities as being within the students with disabilities subgroup.

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. ALLOWING STATES TO COUNT CERTAIN STU-**  
2 **DENTS FORMERLY IDENTIFIED AS LIMITED**  
3 **ENGLISH PROFICIENT OR AS STUDENTS**  
4 **WITH DISABILITIES AS CONTINUING TO BE**  
5 **MEMBERS OF THAT SUBGROUP.**

6 Section 1111(b)(2)(C)(v)(II) of the Elementary and  
7 Secondary Education Act of 1965 (20 U.S.C.  
8 6311(b)(2)(C)(v)(II)) is amended—

9 (1) in item (cc) by inserting before the semi-  
10 colon the following: “, which may, at the discretion  
11 of the State, include students who no longer are  
12 identified as students with disabilities but who were,  
13 in any of the preceding three school years, identified  
14 as students with disabilities”; and

15 (2) in item (dd) by inserting before the semi-  
16 colon the following: “, which may, at the discretion  
17 of the State, include students who no longer are  
18 identified as students with limited English pro-  
19 ficiency but who were, in any of the preceding three  
20 school years, identified as students with limited  
21 English proficiency”.

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