

**First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 19-0629.01 Jacob Baus x2173

**HOUSE BILL 19-1066**

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**HOUSE SPONSORSHIP**

**Buentello and Kipp,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**  
Education

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING COUNTING A STUDENT WHO IS ENROLLED IN SPECIAL**  
102                    **EDUCATION SERVICES IN THE GRADUATION RATE IN THE SCHOOL**  
103                    **YEAR IN WHICH THE STUDENT COMPLETES THE MINIMUM**  
104                    **GRADUATION REQUIREMENTS.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill clarifies that a student who is enrolled in special education services must be counted in the enrolling public high school's, school district's or institute's, and state's graduation rate in the year in which the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

student completes high school graduation requirements.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 22-11-204, **amend**  
3 (4)(a)(III), (4)(b)(III), and (4)(c)(III) as follows:

4 **22-11-204. Performance indicators - measures.** (4) The  
5 department shall determine the level of attainment of each public high  
6 school, each school district, the institute, and the state as a whole on the  
7 postsecondary and workforce readiness indicator by using, at a minimum,  
8 the following measures:

9 (a) For each public high school, the department shall calculate:

10 (III) (A) The graduation and dropout rates, as defined by rule of  
11 the state board.

12 (B) BEGINNING IN THE 2020-21 SCHOOL YEAR, FOR PURPOSES OF  
13 THIS SUBSECTION (4)(a)(III), A STUDENT WHO IS ENROLLED IN SPECIAL  
14 EDUCATION SERVICES, AS DEFINED IN SECTION 22-20-103 (23), MUST BE  
15 COUNTED IN THE PUBLIC HIGH SCHOOL'S GRADUATION RATE IN THE  
16 SCHOOL YEAR IN WHICH THE STUDENT COMPLETES THE MINIMUM  
17 GRADUATION REQUIREMENTS. NOTHING IN THIS SUBSECTION (4)(a)(III)(B)  
18 LIMITS THE RIGHT TO A FREE APPROPRIATE PUBLIC EDUCATION FOR A  
19 STUDENT AS PROVIDED BY THE FEDERAL "INDIVIDUALS WITH DISABILITIES  
20 EDUCATION ACT", 20 U.S.C. SEC. 1400 ET SEQ., AS AMENDED; THE  
21 "EXCEPTIONAL CHILDREN'S EDUCATIONAL ACT", ARTICLE 20 OF THIS  
22 TITLE 22; OR ANY OTHER FEDERAL OR STATE LAW OR RULE.

23 (b) For each school district and the institute, the department shall  
24 calculate:

25 (III) (A) The overall graduation and dropout rates, as defined by

1 rule of the state board, for the district public high schools or the institute  
2 charter high schools.

3 (B) BEGINNING IN THE 2020-21 SCHOOL YEAR, FOR PURPOSES OF  
4 THIS SUBSECTION (4)(b)(III), A STUDENT WHO IS ENROLLED IN SPECIAL  
5 EDUCATION SERVICES, AS DEFINED IN SECTION 22-20-103 (23), MUST BE  
6 COUNTED IN THE SCHOOL DISTRICT'S AND THE INSTITUTE'S GRADUATION  
7 RATE IN THE SCHOOL YEAR IN WHICH THE STUDENT COMPLETES THE  
8 MINIMUM GRADUATION REQUIREMENTS. NOTHING IN THIS SUBSECTION  
9 (4)(b)(III)(B) LIMITS THE RIGHT TO A FREE APPROPRIATE PUBLIC  
10 EDUCATION FOR A STUDENT AS PROVIDED BY THE FEDERAL "INDIVIDUALS  
11 WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400 ET SEQ., AS  
12 AMENDED; THE "EXCEPTIONAL CHILDREN'S EDUCATIONAL ACT", ARTICLE  
13 20 OF THIS TITLE 22; OR ANY OTHER FEDERAL OR STATE LAW OR RULE.

14 (c) For the state, the department shall calculate:

15 (III) (A) The statewide graduation and dropout rates, as defined  
16 by rule of the state board, for the public high schools in the state.

17 (B) BEGINNING IN THE 2020-21 SCHOOL YEAR, FOR PURPOSES OF  
18 THIS SUBSECTION (4)(c)(III), A STUDENT WHO IS ENROLLED IN SPECIAL  
19 EDUCATION SERVICES, AS DEFINED IN SECTION 22-20-103 (23), MUST BE  
20 COUNTED IN THE STATEWIDE GRADUATION RATE IN THE SCHOOL YEAR IN  
21 WHICH THE STUDENT COMPLETES THE MINIMUM GRADUATION  
22 REQUIREMENTS. NOTHING IN THIS SUBSECTION (4)(c)(III)(B) LIMITS THE  
23 RIGHT TO A FREE APPROPRIATE PUBLIC EDUCATION FOR A STUDENT AS  
24 PROVIDED BY THE FEDERAL "INDIVIDUALS WITH DISABILITIES EDUCATION  
25 ACT", 20 U.S.C. SEC. 1400 ET SEQ., AS AMENDED; THE "EXCEPTIONAL  
26 CHILDREN'S EDUCATIONAL ACT", ARTICLE 20 OF THIS TITLE 22; OR ANY  
27 OTHER FEDERAL OR STATE LAW OR RULE.

1           **SECTION 2. Safety clause.** The general assembly hereby finds,  
2 determines, and declares that this act is necessary for the immediate  
3 preservation of the public peace, health, and safety.