

ASSEMBLY CONCURRENT RESOLUTION NO. 16—COMMITTEE ON EDUCATION
(ON BEHALF OF LEGISLATIVE COMMISSION’S STUDY OF SPECIAL EDUCATION
AND STUDENT DISCIPLINE)

FEBRUARY 11, 1999

Referred to Committee on Education

SUMMARY—Urges Department of Education to establish advisory group to review requirements for pupil with disability to graduate with standard diploma. (BDR R-320)

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

ASSEMBLY CONCURRENT RESOLUTION—Urging the Department of Education to establish an advisory group to review the requirements for a pupil with a disability to graduate from high school with a standard diploma.

- 1 WHEREAS, The Individuals with Disabilities Education Act (IDEA), 20
2 U.S.C. §§ 1400 et seq., is the federal law which seeks to ensure that
3 children with disabilities have access to a free appropriate public
4 education; and
5 WHEREAS, Providing a free appropriate public education to pupils with
6 disabilities who reside in Nevada is an essential element of fulfilling this
7 state’s important goal of ensuring equality of opportunity, full
8 participation, independent living and economic self-sufficiency for persons
9 with disabilities; and
10 WHEREAS, Pursuant to IDEA and the regulations adopted by the State
11 Board of Education to carry out IDEA, an individualized education
12 program must be developed for each pupil with a disability that includes a
13 written statement of the annual goals for the pupil which must be designed
14 to enable the pupil to participate and progress in the general curriculum;
15 and
16 WHEREAS, An individualized education program for a pupil with a
17 disability must also include a statement of the modifications, if any, in the
18 administration of statewide examinations of pupil achievement that are
19 necessary for the pupil with a disability to participate in the examinations;
20 and

1 WHEREAS, If the team of persons developing a pupil's individualized
2 education program determines that the pupil will not participate in a
3 particular statewide examination or a particular part of a statewide
4 examination, the individualized education program must include a
5 statement explaining why the examination is not appropriate for the pupil
6 and how the pupil will otherwise be tested; and

7 WHEREAS, Nevada law requires the administration of achievement and
8 proficiency examinations to pupils who are enrolled in public schools
9 before the completion of grades 4, 8, 10 and 11; and

10 WHEREAS, Nevada law prohibits the issuance of a diploma to a pupil
11 until he has passed the high school proficiency examination; and

12 WHEREAS, The State Board of Education has adopted regulations
13 providing that a pupil with a disability is entitled to graduate from high
14 school with an adjusted diploma if he fulfills all the requirements which
15 are outlined in his individualized education program but does not
16 otherwise fulfill the requirements for a standard diploma; and

17 WHEREAS, These statutes and regulations have been interpreted so that
18 a pupil with a disability cannot graduate from high school with a standard
19 diploma if his individualized education program:

20 1. Exempts him from taking the high school proficiency examination;
21 or

22 2. Requires the pupil to take the examination with modifications or
23 accommodations that are not considered appropriate for graduation from
24 high school with a standard diploma; now, therefore, be it

25 RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE
26 CONCURRING, That the members of the 70th session of the Nevada
27 Legislature hereby urge the Department of Education to establish an
28 advisory group consisting of special education teachers, other teachers,
29 administrators in the public schools, parents of pupils who are enrolled in
30 programs of special education, members of the staff of the Department of
31 Education and members of the staff of the Legislative Counsel Bureau to
32 review this issue and recommend any additional criteria by which a pupil
33 with a disability should be eligible to graduate from high school with a
34 standard diploma; and be it further

35 RESOLVED, That the Department of Education is also urged to ask the
36 advisory group to consider which accommodations and modifications in
37 the administration of the high school proficiency examination to pupils
38 with disabilities should be determined appropriate for graduation from
39 high school with a standard diploma, including, without limitation, the
40 acceptable use of calculators and spell checkers and the provision of oral
41 testing; and be it further

1 RESOLVED, That if such an advisory group is established during the
2 1999-2001 legislative interim, the Department of Education is directed to
3 submit a copy of any findings and recommendations on this subject by the
4 advisory group to the Director of the Legislative Counsel Bureau for
5 transmittal to the 71st session of the Nevada Legislature; and be it further
6 RESOLVED, That the Chief Clerk of the Assembly prepare and transmit
7 a copy of this resolution to the Superintendent of Public Instruction and the
8 President of the State Board of Education.

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