

Assembly Concurrent Resolution No. 16—Committee on Education

FILE NUMBER.....

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.

WHEREAS, The Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400 et seq., is the federal law which seeks to ensure that children with disabilities have access to a free appropriate public education; and

WHEREAS, Providing a free appropriate public education to pupils with disabilities who reside in Nevada is an essential element of fulfilling this state's important goal of ensuring equality of opportunity, full participation, independent living and economic self-sufficiency for persons with disabilities; and

WHEREAS, Pursuant to IDEA and the regulations adopted by the State Board of Education to carry out IDEA, an individualized education program must be developed for each pupil with a disability that includes a written statement of the annual goals for the pupil which must be designed to enable the pupil to participate and progress in the general curriculum; and

WHEREAS, An individualized education program for a pupil with a disability must also include a statement of the modifications, if any, in the administration of statewide examinations of pupil achievement that are necessary for the pupil with a disability to participate in the examinations; and

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

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

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

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

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

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

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

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

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

RESOLVED, That if such an advisory group is established during the 1999-2001 legislative interim, the Department of Education is directed to submit a copy of any findings and recommendations on this subject by the advisory group to the Director of the Legislative Counsel Bureau for transmittal to the 71st session of the Nevada Legislature; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Superintendent of Public Instruction and the President of the State Board of Education.

~