

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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HOUSE RESOLUTION 2879

Sponsors: Representatives Glazier, Johnson, B. Allen, Jeffus (Primary Sponsors);
Pate and Wiley.

Referred to: Rules, Calendar, and Operations of the House.

June 19, 2006

1 A HOUSE RESOLUTION URGING THE UNITED STATES DEPARTMENT OF
2 EDUCATION TO RESPOND QUICKLY BUT THOUGHTFULLY ON THE
3 FINAL REGULATIONS FOR STUDENTS WITH DISABILITIES, ALLOW
4 SUFFICIENT TIME FOR STATES TO IMPLEMENT THE FINAL
5 REGULATIONS, AND AFFORD AS MUCH FLEXIBILITY AS POSSIBLE TO
6 THE STATES DURING THE INTERIM PERIOD.

7 Whereas, North Carolina has had a statewide testing program in reading and
8 mathematics in grades three through eight since the 1992-1993 school year; and

9 Whereas, the Individuals with Disabilities Education Act (IDEA) and the
10 subsequent passage of No Child Left Behind (NCLB) have caused changes to occur in
11 the statewide testing program; and

12 Whereas, these two major federal acts together affect the testing of all
13 students, including students with disabilities and Limited English Proficient (LEP)
14 students; and

15 Whereas, the design, process, and procedures for appropriately assessing
16 students with disabilities and LEP students is a challenge; and

17 Whereas, there is recognition of the importance of scientifically based
18 instruction for all students, including students with disabilities and LEP students, with
19 appropriate, reasonable, and valid universally designed assessments to measure
20 progress; and

21 Whereas, on December 15, 2005, the United States Department of Education
22 (USED) issued proposed regulations in the Federal Register; and

23 Whereas, the USED has received numerous comments and concerns
24 expressed during the comment period for the above-mentioned proposed regulations;
25 and

26 Whereas, the Council of Chief State School Officers (CCSSO) and the
27 National Association of State Directors of Special Education (NASDSE) have expressed
28 explicitly their concerns about the testing of students with disabilities; and

1 Whereas, the time given to states to make the changes necessary to meet the
2 federal regulations in a timely manner is often inadequate; and

3 Whereas, the stakes involved for students, schools, school districts, and the
4 State are high based on these assessments; Now, therefore,

5 Be it resolved by the House of Representatives:

6 **SECTION 1.** The North Carolina House of Representatives urges the United
7 States Department of Education to respond quickly but thoughtfully to the concerns
8 expressed by CCSSO and NASDSE on the final regulations for students with
9 disabilities, allow sufficient time for states to implement the final regulations, and afford
10 as much flexibility as possible to the states during the interim period and in
11 implementing the final regulations.

12 **SECTION 2.** The Principal Clerk shall transmit certified copies of this
13 resolution to the President of the United States and the Secretary of Education of the
14 United States.

15 **SECTION 3.** This resolution is effective upon adoption.