

1 ENROLLED

2 COMMITTEE SUBSTITUTE

3 FOR

4 H. B. 4384

5
6 (By Delegates Campbell, Poling, Perry, Tomblin, Young, Barrett,
7 Lawrence, Hartman, L. Phillips, Ferro and Hunt)

8 [Passed March 3, 2014; in effect ninety days from passage.]

9
10 AN ACT to amend and reenact §18-20-1c of the Code of West Virginia,
11 1931, as amended, relating to education of exceptional
12 children; requiring processes for certain other teachers of
13 students with exceptional needs to either participate in the
14 meeting to develop or document reading and understanding of
15 the student's individualized education program; and requiring
16 accommodations and modifications if needed or identified.

17 *Be it enacted by the Legislature of West Virginia:*

18 That §18-20-1c of the Code of West Virginia, 1931, as amended,
19 be amended and reenacted to read as follows:

20 **ARTICLE 20. EDUCATION OF EXCEPTIONAL CHILDREN.**

21 **§18-20-1c. Integrated classrooms serving students with**
22 **exceptional needs; and requirements as to the**
23 **assistance, training and information to be**
24 **provided to the affected classroom teacher.**

25 (a)The regular classroom teacher is entitled to the following

1 when placing a student with exceptional needs into an integrated
2 classroom when the student's individualized education program
3 requires an adjustment in either the curriculum, instruction or
4 service to be provided by the regular classroom teacher:

5 (1) Training provided pursuant to the integrated classroom
6 program and additional individualized training, pursuant to the
7 rules developed by the State Board of Education, if requested by
8 the regular classroom teacher to prepare the teacher to meet the
9 exceptional needs of individual students. Whenever possible, the
10 training shall be provided prior to the placement. Where prior
11 training is not possible, the training shall be commenced no later
12 than ten days following the placement of the student into the
13 regular classroom. Unavoidable delays in the provision of training
14 may not result in the exclusion of a special needs student from any
15 class if the training cannot be provided in ten days;

16 (2) A signed copy of the individualized education program for
17 the special education student prior to the placement of the student
18 into the regular classroom. The receiving and referring teachers
19 shall participate in the development of that student's
20 individualized education program and shall also sign the
21 individualized education program as developed. In all cases the
22 teacher shall receive a copy of the individualized education
23 program for the special education student prior to or at the time
24 of the placement of the student into the regular classroom. Any
25 teacher disagreeing with the individualized education program

1 committee's recommendation shall file a written explanation
2 outlining his or her disagreement or recommendation;

3 (3) Participation by referring teachers in all eligibility
4 committees and participation by referring and receiving teachers in
5 all individualized education program committees which involve
6 possible placement of an exceptional student in an integrated
7 classroom;

8 (4) Opportunity to reconvene the committee responsible for the
9 individualized education program of the student with special needs
10 assigned to the regular classroom teacher. The meeting shall
11 include all persons involved in a student's individualized
12 education program and shall be held within twenty-one days of the
13 time the request is made; and

14 (5) Assistance from persons trained or certified to deal with
15 a student's exceptional needs whenever assistance is part of the
16 student's individualized education program as necessary to promote
17 accomplishment of the program's goals and objectives: *Provided,*
18 That aides in the area of special education cannot be reassigned to
19 more than one school without the employee's consent.

20 (b) Except teachers already required to participate in the
21 development of a student's individualized education program and
22 sign it as provided in subdivision two of this section, all other
23 teachers in whose class or program a student with exceptional needs
24 is enrolled shall:

25 (1) Participate in the meeting to develop the student's

1 individualized education program, or read and sign a copy of the
2 student's individualized education program plan acknowledging that
3 he or she has read and understands it; and

4 (2) Make accommodations and modifications for the student, if
5 needed or identified, to help the student succeed in the class or
6 program.

This requirement includes, but is not limited to, teachers of
music, musical education, art, driver education and other
instruction offered.