

1 **Committee Substitute**

2 **for**

3 **H. B. 4384**

4  
5 (By Delegates Campbell, Poling, Perry, Tomblin, Young, Barrett,  
6 Lawrence, Hartman, L. Phillips, Ferro and Hunt)

7 [Originating in the Committee on Education.]

8 (February 13, 2014)

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10  
11 A BILL to amend and reenact §18-20-1c of the Code of West Virginia,  
12 1931, as amended, relating to education of exceptional  
13 children; requiring processes for certain other teachers of  
14 students with exceptional needs to either participate or  
15 document understanding of student's individualized education  
16 program; and requiring modifications if needed or identified.  
17 d meeting or to read and sign a copy of the individualized  
18 education program plan indicating that they have read the  
19 plan.

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

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

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

24 **§18-20-1c. Integrated classrooms serving students with**  
25 **exceptional needs; and requirements as to the**

1                   **assistance, training and information to be**  
2                   **provided to the affected classroom teacher.**

3           The regular classroom teacher ~~shall be~~ is entitled to the  
4 following when placing a student with exceptional needs into an  
5 integrated classroom when the student's individualized education  
6 program requires an adjustment in either the curriculum,  
7 instruction or service to be provided by the regular classroom  
8 teacher:

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

21           (2) A signed copy of the individualized education program for  
22 the special education student prior to the placement of the student  
23 into the regular classroom. The receiving and referring teachers  
24 shall participate in the development of that student's  
25 individualized education program and shall also sign the

1 individualized education program as developed. In all cases the  
2 teacher shall receive a copy of the individualized education  
3 program for the special education student prior to or at the time  
4 of the placement of the student into the regular classroom. Any  
5 teacher disagreeing with the individualized education program  
6 committee's recommendation shall file a written explanation  
7 outlining his or her disagreement or recommendation;

8       (3) Participation by referring teachers in all eligibility  
9 committees and participation by referring and receiving teachers in  
10 all individualized education program committees which involve  
11 possible placement of an exceptional student in an integrated  
12 classroom;

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

19       (5) Assistance from persons trained or certified to deal with  
20 a student's exceptional needs whenever ~~such~~ assistance is part of  
21 the student's individualized education program as necessary to  
22 promote accomplishment of the program's goals and objectives:  
23 *Provided*, That aides in the area of special education cannot be  
24 reassigned to more than one school without the employee's consent;  
25 and

1        (6) Except teachers already required to participate in the  
2 development of a student's individualized education program and  
3 sign it as provided in subdivision two of this section, all other  
4 teachers in whose class or program a student with exceptional needs  
5 is enrolled shall:

6        (1) Participate in the meeting to develop the student's  
7 individualized education program, or read and sign a copy of the  
8 student's individualized education program plan acknowledging that  
9 he or she has read and understands it; and

10       (2) Make modifications for the student, if needed or  
11 identified, to help the student succeed in the class or program.

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

Strike-throughs indicate language that would be stricken from  
the present law, and underscoring indicates new language that would  
be added.