

# Senate Bill No. 209

(By Senators Beach, Miller, Cookman, Walters and Fitzsimmons)

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[Introduced January 8, 2014;  
referred to the Committee on Education.]

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A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-48, relating to requiring county boards of education to allow students with special needs to participate in graduation ceremonies with their peers; and prohibiting county boards from denying special needs services to a student due to participating in the graduation ceremonies.

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

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §18-5-48, to read as follows:

**ARTICLE 5. COUNTY BOARD OF EDUCATION.**

**§18-5-48. Graduation policy; special needs students.**

1           (a) Each county board of education shall establish a  
2           policy of permitting students with special needs, including  
3           those students with individualized education programs, to  
4           participate in graduation ceremonies with their peers. In  
5           order for a special-needs student to participate in the  
6           ceremonies, his or her parent or legal guardian must submit  
7           a written request to do so. The school board shall also permit  
8           special-needs students who continue with special education  
9           services after graduation to participate in those graduation  
10          ceremonies.

11          (b) County boards of education may not terminate, deny  
12          or declare a special-needs student ineligible for  
13          post-graduation special needs services due to his or her  
14          participation in the graduation ceremonies.

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(NOTE: The purpose of this bill is to require county boards of education to allow students with special needs to participate in graduation ceremonies with their peers. The bill prohibits county boards from denying special needs services to a student due to participating in the graduation ceremonies.

This section is new; therefore, strike-throughs and underscoring have been omitted.)