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ENROLLED

H. B. 2598

(By Delegates Campbell, Perry, Cowles, Ambler, Cooper, Reynolds,
Rowan, Moye, Pasdon and Marcum)

[Passed March 14, 2015; in effect ninety days from passage.]

AN ACT to amend and reenact §18-20-2 of the Code of West Virginia, 1931, as amended, relating to school accommodations for exceptional children; and requiring that teachers receive instruction relating to the school's plan of accommodations for students with disabilities.

Be it enacted by the Legislature of West Virginia:

That §18-20-2 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 20. EDUCATION OF EXCEPTIONAL CHILDREN.

§18-20-2. Providing suitable educational facilities, equipment and services.

(a) Each county board shall provide suitable educational facilities, special equipment and special services that are necessary. Special services include provisions and procedures for finding and enumerating exceptional children of each type, diagnosis by appropriate specialists who will certify the child's need and eligibility for special education and make recommendations for treatment and prosthesis as may alleviate the disability, special teaching by qualified and specially trained teachers, transportation, lunches and remedial therapeutic services. Qualifications of teachers and

1 therapists shall be in accordance with standards prescribed or approved by the state board.

2 (b) A county board may provide for educating resident exceptional children by contracting
3 with other counties or other educational agencies which maintain special education facilities. Fiscal
4 matters shall follow policies approved by the state board.

5 (c) The county board shall provide a four-clock-hour program of training for any teacher aide
6 employed to assist teachers in providing services to exceptional children under this article prior to
7 the assignment. The program shall consist of training in areas specifically related to the education
8 of exceptional children, pursuant to rules of the state board. The training shall occur during normal
9 working hours and an opportunity to be trained shall be provided to a service person prior to filling
10 a vacancy in accordance with the provisions of section eight-b, article four, chapter eighteen-a of this
11 code.

12 (d) The county board annually shall make available during normal working hours to all
13 regularly employed teachers' aides twelve hours of training that satisfies the continuing education
14 requirements for the aides regarding:

15 (1) Providing services to children who have displayed violent behavior or have demonstrated
16 the potential for violent behavior; and

17 (2) Providing services to children diagnosed as autistic or with autism spectrum disorder.
18 This training shall be structured to permit the employee to qualify as an autism mentor after a
19 minimum of four years of training. The county board shall:

20 (A) Notify in writing all teachers' aides of the location, date and time when training will be
21 offered for qualification as an autism mentor; and

22 (B) Reimburse any regularly employed or substitute teacher's aide who elects to attend this

1 training for one half of the cost of the tuition.

2 (e) For any student whose individualized education plan (IEP) or education plan established
3 pursuant to Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. §794, requires the
4 services of a sign support specialist or an educational sign language interpreter I or II:

5 (1) Any educational sign language interpreter I or II assigned to assist that student is a related
6 service provider member of the education team who participates in IEP meetings and works with the
7 team to implement the IEP;

8 (2) A sign support specialist may be assigned to a student with an exceptionality other than
9 deaf or hard of hearing if it is determined that the student needs signs to support his or her expressive
10 communication; and

11 (3) A sign support specialist may be assigned to a student who is deaf or hard of hearing in
12 lieu of an interpreter only if an educational sign language interpreter I or II is unavailable, and the
13 sign support specialist is executing a professional development plan while actively seeking
14 certification as an educational sign language interpreter I or II. After two years the sign support
15 specialist may remain in the assignment only if an educational sign language interpreter I or II
16 remains unavailable, and with an approved waiver by the West Virginia Department of Education.
17 An employee in this situation is entitled to full payment of the costs of certification acquisition or
18 renewal pursuant to the certification renewal provisions of section four, article two, chapter eighteen-
19 a of this code.

20 (f) Every teacher of a student for whom a school or county board of education prepares a plan
21 of accommodation pursuant to Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C.
22 §794, shall receive specific instruction from the school regarding the contents and requirements of

- 1 the plan and, if the plan is prepared in writing, the teacher shall receive a copy of the written plan
- 2 and every update thereto and the teacher shall sign an acknowledgment of receipt of each plan and
- 3 update.