

H. B. 2598

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[Introduced February 4, 2015; referred to the
Committee on Education.]

A BILL 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.

1 (a) Each county board shall provide suitable educational
2 facilities, special equipment and special services that are
3 necessary. Special services include provisions and procedures
4 for finding and enumerating exceptional children of each type,
5 diagnosis by appropriate specialists who will certify the child's
6 need and eligibility for special education and make
7 recommendations for treatment and prosthesis as may alleviate
8 the disability, special teaching by qualified and specially trained
9 teachers, transportation, lunches and remedial therapeutic
10 services. Qualifications of teachers and therapists shall be in
11 accordance with standards prescribed or approved by the state
12 board.

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

17 (c) The county board shall provide a four-clock-hour
18 program of training for any teacher aide employed to assist

19 teachers in providing services to exceptional children under this
20 article prior to the assignment. The program shall consist of
21 training in areas specifically related to the education of
22 exceptional children, pursuant to rules of the state board. The
23 training shall occur during normal working hours and an
24 opportunity to be trained shall be provided to a service person
25 prior to filling a vacancy in accordance with the provisions of
26 section eight-b, article four, chapter eighteen-a of this code.

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

31 (1) Providing services to children who have displayed
32 violent behavior or have demonstrated the potential for violent
33 behavior; and

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

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

41 (B) Reimburse any regularly employed or substitute
42 teacher's aide who elects to attend this training for one half of
43 the cost of the tuition.

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

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

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

57 (3) A sign support specialist may be assigned to a student
58 who is deaf or hard of hearing in lieu of an interpreter only if an
59 educational sign language interpreter I or II is unavailable, and
60 the sign support specialist is executing a professional
61 development plan while actively seeking certification as an
62 educational sign language interpreter I or II. After two years the
63 sign support specialist may remain in the assignment only if an
64 educational sign language interpreter I or II remains unavailable,
65 and with an approved waiver by the West Virginia Department
66 of Education. An employee in this situation is entitled to full
67 payment of the costs of certification acquisition or renewal
68 pursuant to the certification renewal provisions of section four,
69 article two, chapter eighteen-a of this code.

70 (f) Every teacher of a student for whom a school or county
71 board of education prepares a plan of accommodation pursuant
72 to Section 504 of the Rehabilitation Act of 1973, as amended, 29
73 U.S.C. §794, shall receive specific instruction from the school
74 regarding the contents and requirements of the plan and, if the
75 plan is prepared in writing, the teacher shall receive a copy of the

76 written plan and every update thereto and the teacher shall sign

77 an acknowledgment of receipt of each plan and update.

NOTE: The purpose of this bill is to ensure that teachers of students with disabilities receive complete information about the school's plan (known as a 504 plan) for accommodating the child's disabilities.

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

