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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2014

HB 4384

ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 4384

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

Passed March 3, 2014

In effect ninety days from passage.

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H. B. 4384

(BY DELEGATES CAMPBELL, POLING, PERRY, TOMBLIN, YOUNG,
BARRETT, LAWRENCE, HARTMAN, L. PHILLIPS, FERRO AND HUNT)

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

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

Be it enacted by the Legislature of West Virginia:

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



ARTICLE 20. EDUCATION OF EXCEPTIONAL CHILDREN.

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

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

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

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

29 (3) Participation by referring teachers in all eligibility
30 committees and participation by referring and receiving teachers
31 in all individualized education program committees which
32 involve possible placement of an exceptional student in an
33 integrated classroom;

34 (4) Opportunity to reconvene the committee responsible for
35 the individualized education program of the student with special
36 needs assigned to the regular classroom teacher. The meeting
37 shall include all persons involved in a student's individualized
38 education program and shall be held within twenty-one days of
39 the time the request is made; and

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

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

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

56 (2) Make accommodations and modifications for the student,
57 if needed or identified, to help the student succeed in the class or
58 program.

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

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Danny Wells
Chairman, House Committee

[Signature]
Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

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Bryan R. Sawyer
Clerk of the House of Delegates

Joseph W. Minicucci
Clerk of the Senate

[Signature]
Speaker of the House of Delegates

[Signature]
President of the Senate

The within *is approved* this the *21st*
day of *March*, 2014.

Earl Ray Tomblin
Governor

PRESENTED TO THE GOVERNOR

MAR 17 2014

Time 3:25 pm