

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

ENROLLED

House Bill 4860

BY DELEGATES E. PRITT, ELLINGTON, TONEY, CAMPBELL,
WILLIS, DITTMAN, STEPHENS, FOGGIN, DEVAULT, AND
Ross

[Passed March 4, 2024; in effect ninety days from
passage.]

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

2024 MAR 27 A 10:04

FILED

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1 AN ACT to amend and reenact §18-20-1c of the Code of West Virginia, 1931, as amended,
2 relating to education of exceptional children in an integrated classroom; and providing that
3 the general education teacher shall utilize the supplementary services documentation
4 sheet on days when accommodations were made.

Be it enacted by the Legislature of West Virginia:

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

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

13 (2) A signed copy of the individualized education program for the special education student
14 prior to the placement of the student into the regular classroom. The receiving and referring
15 teachers shall participate in the development of that student's individualized education program
16 and shall also sign the individualized education program as developed. In all cases the teacher
17 shall receive a copy of the individualized education program for the special education student

18 prior to or at the time of the placement of the student into the regular classroom. Any teacher
19 disagreeing with the individualized education program committee's recommendation shall file a
20 written explanation outlining his or her disagreement or recommendation;

21 (3) Participation by referring teachers in all eligibility committees and participation by
22 referring and receiving teachers in all individualized education program committees which involve
23 possible placement of an exceptional student in an integrated classroom;

24 (4) Opportunity to reconvene the committee responsible for the individualized education
25 program of the student with special needs assigned to the regular classroom teacher. The
26 meeting shall include all persons involved in a student's individualized education program and
27 shall be held within 21 days of the time the request is made; and

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

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

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

39 (2) Make accommodations and modifications for the student, if needed or identified, to
40 help the student succeed in the class or program: *Provided*, That the general education teacher
41 shall not be responsible for daily accommodation logs. The general education teacher shall only
42 be responsible for acknowledging, at the end of each grading period, that each accommodation
43 as required by the IEP has been met. All accommodations of the students shall be discussed

44 before placement and it is the responsibility of the special education instructor to monitor
45 progress: *Provided further*, That parents and guardians may request daily accommodation logs.

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

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

Steve Harris
.....
Clerk of the House of Delegates

Joe Mann
.....
Clerk of the Senate

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Originated in the House of Delegates.

In effect ninety days from passage.

Ben Hunter
.....
Speaker of the House of Delegates

GPB
.....
President of the Senate

The within is *approved* this the *27th*
Day of *March*, 2024.

James Justice
.....
Governor

PRESENTED TO THE GOVERNOR

MAR 21 2024

Time 10:42am