

**H. B. 4384**

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

[Introduced January 31, 2014; referred to the  
Committee on Education.]

A BILL to amend and reenact §18-20-1c of the Code of West Virginia,  
1931, as amended, relating to education of exceptional  
children; and requiring teachers of students with exceptional  
needs to either be present at an individualized education  
program meeting or to read and sign a copy of the  
individualized education program plan indicating that they  
have read the plan.

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

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

19        (2) A signed copy of the individualized education program for  
20 the special education student prior to the placement of the student  
21 into the regular classroom. The receiving and referring teachers  
22 shall participate in the development of that student's  
23 individualized education program and shall also sign the  
24 individualized education program as developed. In all cases the

1 teacher shall receive a copy of the individualized education  
2 program for the special education student prior to or at the time  
3 of the placement of the student into the regular classroom. Any  
4 teacher disagreeing with the individualized education program  
5 committee's recommendation shall file a written explanation  
6 outlining his or her disagreement or recommendation;

7 (3) Participation by referring teachers in all eligibility  
8 committees and participation by referring and receiving teachers in  
9 all individualized education program committees which involve  
10 possible placement of an exceptional student in an integrated  
11 classroom;

12 (4) Opportunity to reconvene the committee responsible for the  
13 individualized education program of the student with special needs  
14 assigned to the regular classroom teacher. The meeting shall  
15 include all persons involved in a student's individualized  
16 education program and shall be held within twenty-one days of the  
17 time the request is made;

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

24 (b) Notwithstanding any provision of this section or other

1 provision of law to the contrary, all instructional teachers  
2 involved in teaching students with exceptional needs with  
3 individualized education programs are required:

4 (1) To be present at an individualized education program  
5 meeting; or

6 (2) Read and sign a copy of the individualized education  
7 program plan indicating that they have read the plan; and

8 (3) To make modifications for students, if needed or  
9 identified, to help the students succeed in a subject, after the  
10 instructional teacher has read an individualized education program  
11 or attended an individualized education program meeting.

12 This applies to, but is not limited to, teachers of music,  
13 musical education, art, driver's education courses and all other  
14 courses required by this code.

NOTE: The purpose of this bill is to require teachers of students with exceptional needs to either be present at an individualized education program meeting or to read and sign a copy of the individualized education program plan indicating that they have read the plan and to make modifications intended to help students in a particular subject.

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