

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Committee Substitute

for

House Bill 2850

By Delegate Ellington

[Originating in the Committee on Education; January 25, 2023]

1 A BILL to amend and reenact §18-20-1c of the Code of West Virginia, 1931, as amended, relating
2 to students with exceptional needs; clarifying entitlements for the general education
3 teacher who has students with exceptionalities in their classroom.

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~~ general education classroom teacher is entitled to the following when
2 placing a student with ~~exceptional needs~~ identified exceptionalities limited to autism, blindness,
3 hearing impairment, emotional disturbances, intellectual disabilities, orthopedic impairment,
4 emotionally disturbed into an integrated classroom when the student's individualized education
5 program requires an adjustment in either the curriculum, instruction, or service to be provided by
6 the ~~regular~~ general education classroom teacher:

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

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

19 cases the teacher shall receive a copy of the individualized education program for the special
20 education student prior to or at the time of the placement of the student into the ~~regular~~ general
21 education classroom. Any teacher disagreeing with the individualized education program
22 committee's recommendation shall file a written explanation outlining his or her disagreement or
23 recommendation;

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

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

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

37 (6) A classroom assistant teacher pursuant to §18A-5-8 of this code to provide more
38 individualized direct services for the student's academic support.

39 (b) ~~Except~~ In addition to the teachers already required to participate in the development of
40 a student's individualized education program and sign it as provided in subdivision (2) of this
41 section, all other teachers in whose class or program a student with exceptional needs as provided
42 in subsection (a) of this section is enrolled shall:

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

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

48 This requirement includes, but is not limited to, teachers of music, musical education, art,
49 driver education, health, foreign language, and other instruction offered.

NOTE: The purpose of this bill is to clarify general education teachers' entitlements for the general education classroom that provide academic support for students identified as having an exceptionality whose least restrictive environment remains the general education classroom.

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