

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **House Bill 4860**

By Delegates E. Pritt, Ellington, Toney, Campbell,  
Willis, Dittman, Stephens, Foggin, DeVault, and Ross

[Introduced January 17, 2024; Referred to the  
Committee on Education]

1 A BILL to amend and reenact §18-20-1c of the Code of West Virginia, 1931, as amended, relating  
 2 to education of exceptional children in an integrated classroom; and providing that the  
 3 general education teacher is not responsible for accommodation logs.

*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 the  
 12 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 prior  
 18 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 meeting  
26 shall include all persons involved in a student's individualized education program and shall be held  
27 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, or  
37 read and sign a copy of the student's individualized education program plan acknowledging that  
38 he or she has read and understands it; and

39 (2) Make accommodations and modifications for the student, if needed or identified, to help  
40 the student succeed in the class or program: *Provided*, That the general education teacher shall  
41 not be responsible for accommodation logs. All accommodations of the students shall be  
42 discussed before placement and it is the responsibility of the special education instructor to  
43 monitor progress.

44 This requirement includes, but is not limited to, teachers of music, musical education, art,

45 driver education and other instruction offered.

NOTE: The purpose of this bill is to provide that the general education teacher in an integrated classroom for education of exceptional children not responsible for accommodation logs.

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