

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1947



ENROLLED

HOUSE BILL No. 91

(By Mr. White)



PASSED February 27 1947

In Effect 90 days from Passage

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House Bill No. 91

(By MR. WHITE of Cabell)

[Passed February 27, 1947; in effect ninety days from passage.]

AN ACT to amend and reenact section nine, article eight, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as last amended, relating to compulsory school attendance.

Be it enacted by the Legislature of West Virginia:

That section nine, article eight, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as last amended, be amended and reenacted to read as follows:

Section 9. *Compulsory Education of Deaf and Blind;*
2 *Offenses; Penalties; Enumeration of Deaf and Blind.*—
3 Every parent, guardian or other person having control of
4 any mentally normal minor over six years of age, who
5 is defective in sight or hearing to the extent that he can-
6 not be benefitted by instruction in the public schools,
7 shall be required to send such minor to the West Vir-

8 ginia schools for the deaf and the blind at Romney. Such
9 minor shall continue to attend such schools for a term
10 of at least thirty-six weeks each year until he has com-
11 pleted the course of instruction prescribed for such
12 schools by the state board of education, or has been dis-
13 charged by the superintendent of said school: *Provided,*
14 *however,* That minors of the Negro race who come under
15 the requirements of this section shall be placed in the
16 West Virginia school for the colored deaf and blind.

17 Any such deaf or blind minor shall be exempt from
18 attendance at said schools for any of the following rea-
19 sons: (a) Instruction by a private tutor or in another
20 school approved by the state board of education for a
21 time equal to that required by the first paragraph of
22 this section; (b) physical incapacity for school work;
23 (c) any other reason deemed good and sufficient by the
24 superintendents of such schools, with the approval of
25 the state board of education.

26 Any parent, guardian or other person in charge of such
27 minor or minors who fails or refuses to comply with the
28 requirements of this section shall be guilty of a misde-

29 meanor, and, upon conviction thereof, shall be fined not
30 less than ten nor more than thirty dollars for each of-
31 fense. Failure for the period of one week within the
32 school year to send such minor to school shall consti-
33 tute an offense: *Provided*, That the time necessary for
34 such minor to travel from his home to the school shall
35 not be counted as time absent from school.

36 Any person who induces or attempts to induce such
37 blind or deaf minor to absent himself from school, or who
38 employs or harbors such minor unlawfully, while said
39 school is in session, shall be guilty of a misdemeanor,
40 and, upon conviction thereof, shall be fined not less than
41 twenty nor more than fifty dollars for each offense.

42 It shall be the duty of school attendance officers, pros-
43 ecuting attorneys, and any special attendance officers
44 appointed by said schools for the deaf and the blind to
45 enforce the provisions of this section.

46 It shall be the duty of the public school teachers of
47 each county to furnish to the county superintendent of
48 schools of their county the names of deaf or blind per-
49 sons in their subdistricts between the ages of six and

50 twenty-five years, together with information as to the
51 age, sex and race of each such deaf or blind person. The
52 county superintendent of schools shall certify the names
53 of all such white persons, with the names and addresses
54 of their parents or guardians, to the superintendent of
55 the West Virginia schools for the deaf and the blind, and
56 the names of all such persons of the Negro race, with
57 the names and addresses of their parents or guardians,
58 to the superintendent of the West Virginia school for the
59 colored deaf and blind.

60 It shall be the duty of the state superintendent of
61 schools to provide suitable blanks for the enumeration
62 of such deaf and blind persons to each county superin-
63 tendent for distribution among teachers and others re-
64 sponsible for taking the school enumeration. The enu-
65 meration of such deaf and blind persons shall be taken
66 at the time the regular school enumeration is taken, and
67 shall be reported to the superintendents of the schools
68 for the deaf and the blind at the time that the regular
69 school enumeration is reported to the state superintend-
70 ent of schools.

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

Frank L. McMan
Chairman Senate Committee

R. L. Matthews
Chairman House Committee

Originated in the House of Delegates

Takes effect *90 days from* passage.

Howard Meyer
Clerk of the Senate

J. H. Hipp
Clerk of the House of Delegates

Arnold M. Vickers
President of the Senate

John E. Amos
Speaker House of Delegates

The within *Approved* this the *4th* day of *March*, 1947.

Clarence Medders
Governor.



Filed in the Office of the Secretary of State
West Virginia **MAR 5 1947**
VIRGINIA SECRETARY OF STATE