WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1953

ENROLLED
SENATE BILL NO. 36
(By Mr. McKoon)

PASSED March 4 1953
In Effect Ninety days from Passage

MAR 7 1953
D. PITI O'BRIEN, SECRETARY OF STATE
ENROLLED

Senate Bill No. 36
(By Mr. McKown)

[Passed March 4, 1953; in effect ninety days from passage.]

AN ACT to amend chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, to be designated article twenty, relating to provisions for educating exceptional children, defining minimum standards, approving the qualifications of professional personnel, prescribing necessary rules, regulations and procedures, and administering such appropriations as the Legislature may make in support of such program.

Be it enacted by the Legislature of West Virginia:

That chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended
by adding thereto a new article, to be designated article twenty, to read as follows:

**Article 20. Education of Exceptional Children.**

Section 1. *Establishment and Maintenance of Special Schools and Classes for Exceptional Children.*—In accordance with the following provisions county boards of education throughout the state having five or more exceptional children of any of the types or classifications hereinafter named may establish and maintain special schools, classes, home-teaching, or visiting-teacher services in order to provide for educating exceptional children between the ages of three and twenty-one who are educable, but who differ from the average or normal in physical, mental, or emotional characteristics to the extent that they cannot be educated safely or profitably in the regular grades of the public schools, and for whom special educational provisions need to be made in order to educate them in accordance with their capacities, limitations and needs.

The general types and classifications of exceptional children for whom provision may be made under this act
without reference to the order named are: The blind, the
partially-seeing, the deaf and deafened, the hard-of-
hearing, the crippled, including the cardiopathic and
cerebral palsied, children with lowered vitality includ-
ing the tuberculosi and malnourished, the epileptic, the
defective in speech, the mentally retarded, the mentally
gifted, and the socially or emotionally maladjusted in-
cluding the delinquent.

Sec. 2. Providing Suitable Educational Facilities.—The
board of education of each county is empowered and is
responsible for providing suitable educational facilities,
special equipment, and such special services as may be
necessary. Special services include provisions and pro-
cedures for finding and enumerating exceptional children
of each type, diagnosis by appropriate specialists who will
certify the child's need and eligibility for special educa-
tion and make recommendations for such treatment and
prosthesis as may alleviate his disability, special teaching
by qualified and especially trained teachers, transporta-
tion, lunches, and remedial therapeutic services.

The selection and location of special class facilities,
provision of special equipment, and the qualifications of
teachers and therapists shall be in accordance with stand-
ards prescribed or approved by the state superintendent
of free schools. All teachers shall be appointed as are
other public school teachers, and all therapists shall
comply with standards prescribed and approved by the
West Virginia Medical licensing board.

Where there are less than five exceptional children of
any one type, or when such children cannot be grouped
together in special classes, or when for any reason any
child cannot be educated safely or profitably in a special
school or class, said county may provide for his education
by providing home teaching and/or visiting teacher
services.

Counties which do not provide and maintain special
schools, classes, home or visiting-teacher services for ex-
ceptional children resident of said county may provide for
educating their own resident exceptional children by con-
tracting with other counties which do maintain such
special educational facilities. The sending county may
contract and pay the receiving county the per capita cost
of instruction, special equipment, and special services not reimbursed to the receiving county from state appropriated monies, plus the costs of transportation and of living maintenance if the non-resident children must reside away from their home.

Sec. 3. County Reports.—Counties maintaining special schools, classes, home-teaching or visiting services and receiving or requesting reimbursement from state appropriated funds shall file with the state superintendent of free schools on forms supplied by his office, applications, annual reports and such other reports as he may require. Such reports shall include the names and ages of all children enrolled, a record of their school attendance, such diagnostic and disability date as may be necessary to insure their eligibility and educability, and evidence of educational progress. These reports must also include the listing of all special teachers and therapists together with their salaries and travel expenses incident to their work, all special equipment purchased together with the cost of same and an itemization of costs for all special services provided.
Sec. 4. Examination and Report.—Each child prior to being placed in a special class, home-teaching or visiting teacher program shall be examined by appropriate medical specialists and/or psychologists who shall report to the county superintendent of schools. The specialists' report shall carry recommendation for eligibility and placement in regular school or in the special education facility, indicate the nature and extent of disability, and advise with reference to treatment and prosthesis for alleviating the child's disability.

No educationally exceptional child shall be excused or excluded from attending school except with expressed written approval of the county superintendent of schools.

Sec. 5. Establishment of Division of Special Education.

The state superintendent of free schools shall have power to organize, promote and administer this program under his present organization and be responsible for:

1. Stimulating and assisting county boards of education in establishing, organizing, and maintaining special schools, classes, home-teaching, and visiting-teacher services.
2. Cooperating with all other public and private agencies engaged in relieving, caring for, curing, educating, and rehabilitating exceptional children, and in helping coordinate the services of such agencies.

3. Preparing the necessary rules, regulations, formula for distribution of available appropriated funds, reporting forms and procedures necessary to define minimum standards in providing suitable facilities for education of exceptional children, insuring the employment, certification and approval of qualified teachers and therapists subject to approval by the state board of education.

4. Receiving from county boards of education their applications, annual reports and claims for reimbursement from such monies as are appropriated by the Legislature, auditing such claims and preparing vouchers to reimburse said counties the amounts reimbursable to them.

5. Performing such other duties and assuming such other responsibilities in connection with this program as may be specified and delegated by the state superintendent of free schools.
6. Nothing herein contained shall be construed to prevent any county board of education from establishing and maintaining such special schools, classes, home teaching or visiting teaching services out of funds available from local revenue.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

Takes effect sixty days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 7th day of March, 1953.

Governor.