

**WEST VIRGINIA LEGISLATURE**

**REGULAR SESSION, 1953**

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**ENROLLED**

**SENATE BILL NO. 36**

(By Mr. McKoon)

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PASSED March 4 1953

In Effect Twenty days from Passage

FILED In the Office of the Secretary of State  
of West Virginia **MAR 7 1953**

**D. PITT O'BRIEN,**  
SECRETARY OF STATE

**ENROLLED**

**Senate Bill No. 36**

(By MR. McKOWN)

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

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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

19 without reference to the order named are: The blind, the  
20 partially-seeing, the deaf and deafened, the hard-of-  
21 hearing, the crippled, including the cardiopathic and  
22 cerebral palsied, children with lowered vitality includ-  
23 ing the tuberculosi and malnourished, the epileptic, the  
24 defective in speech, the mentally retarded, the mentally  
25 gifted, and the socially or emotionally maladjusted in-  
26 cluding the delinquent.

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

14 provision of special equipment, and the qualifications of  
15 teachers and therapists shall be in accordance with stand-  
16 ards prescribed or approved by the state superintendent  
17 of free schools. All teachers shall be appointed as are  
18 other public school teachers, and all therapists shall  
19 comply with standards prescribed and approved by the  
20 West Virginia Medical licensing board.

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

28 Counties which do not provide and maintain special  
29 schools, classes, home or visiting-teacher services for ex-  
30 ceptional children resident of said county may provide for  
31 educating their own resident exceptional children by con-  
32 tracting with other counties which do maintain such  
33 special educational facilities. The sending county may  
34 contract and pay the receiving county the per capita cost

35 of instruction, special equipment, and special services not  
36 reimbursed to the receiving county from state appropri-  
37 ated monies, plus the costs of transportation and of living  
38 maintenance if the non-resident children must reside  
39 away from their home.

Sec. 3. *County Reports.*—Counties maintaining special  
2 schools, classes, home-teaching or visiting services and  
3 receiving or requesting reimbursement from state appro-  
4 priated funds shall file with the state superintendent of  
5 free schools on forms supplied by his office, applications,  
6 annual reports and such other reports as he may require.  
7 Such reports shall include the names and ages of all  
8 children enrolled, a record of their school attendance,  
9 such diagnostic and disability data as may be necessary  
10 to insure their eligibility and educability, and evidence of  
11 educational progress. These reports must also include the  
12 listing of all special teachers and therapists together with  
13 their salaries and travel expenses incident to their work,  
14 all special equipment purchased together with the cost  
15 of same and an itemization of costs for all special services  
16 provided.

Sec. 4. *Examination and Report.*—Each child prior to  
2 being placed in a special class, home-teaching or visiting  
3 teacher program shall be examined by appropriate medical  
4 specialists and/or psychologists who shall report to the  
5 county superintendent of schools. The specialists' report  
6 shall carry recommendation for eligibility and placement  
7 in regular school or in the special education facility, in-  
8 dicate the nature and extent of disability, and advise  
9 with reference to treatment and prosthesis for alleviat-  
10 ing the child's disability.

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

Sec. 5. *Establishment of Division of Special Education.*

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

5 1. Stimulating and assisting county boards of education  
6 in establishing, organizing, and maintaining special  
7 schools, classes, home-teaching, and visiting-teacher ser-  
8 vices.

9     2. Cooperating with all other public and private agen-  
10   cies engaged in relieving, caring for, curing, educating,  
11   and rehabilitating exceptional children, and in helping  
12   coordinate the services of such agencies.

13    3. Preparing the necessary rules, regulations, formula  
14   for distribution of available appropriated funds, reporting  
15   forms and procedures necessary to define minimum stan-  
16   dards in providing suitable facilities for education of  
17   exceptional children, insuring the employment, certifica-  
18   tion and approval of qualified teachers and therapists  
19   subject to approval by the state board of education.

20    4. Receiving from county boards of education their  
21   applications, annual reports and claims for reimburse-  
22   ment from such monies as are appropriated by the Legis-  
23   lature, auditing such claims and preparing vouchers to  
24   reimburse said counties the amounts reimbursable to  
25   them.

26    5. Performing such other duties and assuming such  
27   other responsibilities in connection with this program as  
28   may be specified and delegated by the state superintend-  
29   ent of free schools.

30 6. Nothing herein contained shall be construed to pre-  
31 vent any county board of education from establishing  
32 and maintaining such special schools, classes, home teach-  
33 ing or visiting teaching services out of funds available  
34 from local revenue.

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

*A. M. Kuley*  
Chairman Senate Committee

*A. A. Reubler*  
Chairman House Committee

Originated in the Senate.

Takes effect *thirty days from* passage.

*Howard Meyer*  
Clerk of the Senate

*J. R. Cliff*  
Clerk of the House of Delegates

*Ralph J. Brown*  
President of the Senate

*[Signature]*  
Speaker House of Delegates

The within *approved* this the *7th*

day of *March*, 1953.

*William C. Maland*  
Governor.

