

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1971



ENROLLED

HOUSE BILL No. 869

(By Mr. Speaker, Mr. Boiesky and  
Mr. Lohr)



PASSED March 13, 1971

In Effect tenety days from Passage



869

FILED IN THE OFFICE  
JOHN D. ROEMER, IV  
SECRETARY OF STATE  
THIS DATE 4-2-71

**ENROLLED**

**House Bill No. 869**

(By MR. SPEAKER, MR. BOIARSKY, and MR. LOHR)

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[Passed March 13, 1971; in effect ninety days from passage.]

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AN ACT to amend and reenact section one, article twenty, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to establishment of special schools and teaching services for exceptional children.

*Be it enacted by the Legislature of West Virginia:*

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

**ARTICLE 20. EDUCATION OF EXCEPTIONAL CHILDREN.**

**§18-20-1. Establishment of special programs and teaching services for exceptional children.**

1 In accordance with the following provisions, county  
2 boards of education throughout the state having five or  
3 more exceptional children of any one of the types or

4 classifications hereinafter provided for shall establish  
5 and maintain special educational programs, including  
6 but not limited to special schools, classes, home-teaching  
7 or visiting-teacher services for such type or classification  
8 in order to provide for educating exceptional children  
9 who meet the public school age requirement but who  
10 differ from the average or normal in physical, mental  
11 or emotional characteristics, or in communicative or in-  
12 tellectual deviation characteristics, or in both communi-  
13 cative and intellectual deviation characteristics, to the  
14 extent that they cannot be educated safely or profitably  
15 in the regular grades of the public schools, and for  
16 whom special educational provisions need to be made  
17 in order to educate them in accordance with their ca-  
18 pacities, limitations and needs. In addition, county boards  
19 of education may establish and maintain other educa-  
20 tional services for such types of classifications as the  
21 state superintendent of free schools may approve.

22 The general types and classifications of exceptional  
23 children for whom provision may be made under this  
24 article are the following areas of exceptionality: Vis-

25 ually impaired, hearing impaired, physically or ortho-  
26 pedically handicapped, epileptic, mentally retarded,  
27 speech handicapped, multiple handicapped, autistic, in-  
28 tellectually gifted, socially or emotionally maladjusted  
29 including the delinquent, learning disabilities both phy-  
30 sical and psychological and any other areas of excep-  
31 tionality which are identified and approved by the state  
32 superintendent of free schools.

33 By the school year beginning on the first day of July,  
34 one thousand nine hundred seventy-four, county boards  
35 of education shall establish and maintain these special  
36 educational programs, including but not limited to spe-  
37 cial schools, classes, home-teaching and visiting-teacher  
38 services. The state superintendent of free schools shall  
39 adopt rules and regulations to advance and accomplish  
40 this program.

41 Nothing in this section shall be construed to prevent  
42 county boards of education from providing special edu-  
43 cational programs, including but not limited to special  
44 schools, classes, home-teaching or visiting-teacher ser-  
45 vices for exceptional children who are three years of  
46 age or older.

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

Russell H. Beall  
Chairman Senate Committee

Phyllis J. Rutledge  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard Myers  
Clerk of the Senate

C. A. Blankenship  
Clerk of the House of Delegates

C. Hans McTeer  
President of the Senate

Lewis N. McManus  
Speaker House of Delegates

The within approved this the 1st  
day of April, 1971.

Arch A. Moore Jr.  
Governor



PRESENTED TO THE  
GOVERNOR

Date 3/22/71

Time 12 noon

RECEIVED

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OFFICE OF  
SECRETARY OF STATE  
STATE OF WEST VIRGINIA