

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1974

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ENROLLED

HOUSE BILL No. 1271

(By Mr. Merritt & Mr. Hillspie)

— ● —

PASSED March 9 1974

In Effect July 1, 1974 Passage



FILED IN THE OFFICE
EDGAR T. BELKNAP III
SECRETARY OF STATE
THIS DATE 3-26-74

1271

ENROLLED

H. B. 1271

(By MRS. MERRITT and MRS. GILLISPIE)

[Passed March 9, 1974; in effect July 1, 1974.]

AN ACT to amend and reenact article twenty, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to education of exceptional children.

Be it enacted by the Legislature of West Virginia:

That 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 boards
2 of education throughout the state shall establish and maintain
3 for all exceptional children between five and twenty-three years
4 of age special educational programs, including but not limited to
5 special schools, classes, regular classroom programs, home-
6 teaching or visiting-teacher services for such type or classifica-
7 tion as the state board of education shall approve. Provisions
8 shall be made for educating such exceptional children (includ-
9 ing the handicapped and the gifted) who differ from the average
10 or normal in physical, mental or emotional characteristics, or in
11 communicative or intellectual deviation characteristics, or in
12 both communicative and intellectual deviation characteristics,
13 to the extent that they cannot be educated safely or profitably

14 in the regular classes of the public schools or to the extent
15 that they need special educational provisions within the
16 regular classroom in order to educate them in accordance
17 with their capacities, limitations and needs. In addition,
18 county boards of education may establish and maintain other
19 educational services for exceptional children as the state
20 superintendent of schools may approve.

21 By the school year beginning on the first day of July,
22 one thousand nine hundred seventy-four, county boards of
23 education shall establish and maintain these special educational
24 programs, including but not limited to special schools, classes,
25 regular class programs, home-teaching and visiting-teacher
26 services. The state board of education shall adopt rules and
27 regulations to advance and accomplish this program.

28 Nothing in this section shall be construed to prevent county
29 boards of education from providing special educational pro-
30 grams, including but not limited to special schools, classes,
31 regular class programs, home-teaching or visiting-teacher
32 services for such exceptional children who are three years of age
33 or older.

§18-20-2. Providing suitable educational facilities, equipment and services.

1 The board of education of each county is empowered and
2 is responsible for providing suitable educational facilities, spe-
3 cial equipment, and such special services as may be necessary.
4 Special services include provisions and procedures for finding
5 and enumerating exceptional children of each type, diagnosis
6 by appropriate specialists who will certify the child's need and
7 eligibility for special education and make recommendations for
8 such treatment and prosthesis as may alleviate his disability,
9 special teaching by qualified and especially trained teachers,
10 transportation, lunches, and remedial therapeutic services.
11 Qualifications of teachers and therapists shall be in accordance
12 with standards prescribed or approved by the state board of
13 education.

14 Counties may provide for educating their resident exception-
15 al children by contracting with other counties or other educa-
16 tional agencies which maintain such special education facili-

17 ties. Fiscal matters will follow policies approved by the state
18 board of education.

§18-20-3. County reports.

1 Counties maintaining special schools, classes, regular class
2 programs, home-teaching or visiting services and receiving or
3 requesting reimbursement from state appropriated funds shall
4 file with the state superintendent of schools on forms supplied
5 by his office, applications, annual reports and such other re-
6 ports as he may require.

§18-20-4. Examination and report by medical or other specialists...

1 Each child prior to enrolling in a special education program
2 shall be examined by an appropriate medical specialist, psy-
3 chologist, or educational specialist (reading specialist, speech
4 and language clinician, or other specialists as required by the
5 state board of education for specific areas of exceptionality)
6 who shall report to the county superintendent of schools. The
7 specialists' report shall carry recommendation for eligibility
8 and placement in regular school or in the special education
9 facility, indicate the nature and extent of disability, and advise
10 with reference to treatment and prosthesis for alleviating the
11 child's disability.

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

§18-20-5. Powers and duties of state superintendent.

1 The state superintendent of schools shall have power to or-
2 ganize, promote and administer this program under his present
3 organization and be responsible for:

4 (1) Stimulating and assisting county boards of education in
5 establishing, organizing and maintaining special schools, class-
6 es, regular class programs, home-teaching and visiting-teacher
7 services.

8 (2) Cooperating with all other public and private agencies
9 engaged in relieving, caring for, curing, educating and rehabili-
10 tating exceptional children, and in helping coordinate the ser-
11 vices of such agencies.

12 (3) Preparing the necessary rules, regulations, formula for
13 distribution of available appropriated funds, reporting forms
14 and procedures necessary to define minimum standards in pro-
15 viding suitable facilities for education of exceptional children,
16 insuring the employment, certification and approval of quali-
17 fied teachers and therapists subject to approval by the state
18 board of education.

19 (4) Receiving from county boards of education their appli-
20 cations, annual reports, and claims for reimbursement from
21 such moneys as are appropriated by the legislature, auditing
22 such claims and preparing vouchers to reimburse said counties
23 the amounts reimbursable to them.

24 (5) Performing such other duties and assuming such other
25 responsibilities in connection with this program as may be
26 needed.

27 (6) Nothing herein contained shall be construed to prevent
28 any county board of education from establishing and main-
29 taining special schools, classes, regular class programs, home-
30 teaching or visting-teaching services out of funds available
31 from local revenue.

**§18-20-6. Advisory council for the education of exceptional chil-
dren.**

1 There shall be an advisory council for the education of
2 exceptional children which shall advise and consult with
3 the state board of education on matters pertinent thereto.
4 The advisory council shall be composed of nine members
5 appointed by the state superintendent of free schools, four
6 of which shall be parents of exceptional children utilizing
7 the services of the special educational programs established
8 hereunder. Officers and employees of the state shall not be
9 eligible for appointment to the advisory council. Members shall
10 be appointed for terms of three years. The members of the
11 advisory council shall be citizens and residents of this state,
12 who by reason of their training, education or experience are
13 qualified to carry out the functions of the advisory council
14 under this article.

15 The first term of office for the members shall begin the

16 thirtieth day of June, one thousand nine hundred seventy-
17 four.

18 At its first meeting, to be held the second Wednesday in
19 July, one thousand nine hundred seventy-four, the advisory
20 council shall elect a chairman from among its members, who
21 shall preside over its meetings until the second Wednesday in
22 July of the next year. Thereafter, the advisory council shall
23 elect a chairman on the second Wednesday in July of each year.

24 All members shall be eligible for reappointment. A member
25 shall, unless sooner removed, continue to serve until his term
26 expires and his successor has been appointed and has qualified.
27 A vacancy caused by the death, resignation or removal of a
28 member prior to the expiration of his term shall be filled only
29 for the remainder of such term.

30 For the purpose of carrying out its functions under this
31 article, five members of the advisory council shall constitute
32 a quorum. The advisory council shall meet at least four times
33 each year at a building in the state capitol complex and at a
34 time designated by the chairman. Additional meetings may be
35 held when called by the chairman or when requested by five
36 members of the advisory council.

37 Members of the council shall not receive any compensation
38 for their services on the council, but shall be reimbursed any
39 actual expenses incurred by them in carrying out their duties
40 from funds appropriated to the department of education.

41 The council shall:

42 (a) Consult with the state board of education concerning
43 any rules and regulations formulated by such board in imple-
44 menting this article;

45 (b) Consider and advise the state board and superintendent
46 concerning any problems presented to the council;

47 (c) Hold public meetings at such times and places as the
48 advisory council deems appropriate;

49 (d) Periodically review the state plan for special programs
50 and make any recommendations it may have concerning
51 changes it may deem proper.

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

H. Darrel Darby
Chairman Senate Committee

Clarence C. Chustar Jr.
Chairman House Committee

Originated in the House.

Takes effect July 1, 1974.

Harward W. Larson
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

H. T. Brotherton Jr.
President of the Senate

Leona T. McNamee
Speaker House of Delegates

The within approved this the 25th
March, 1974.
day of _____

Arthur A. Shaare Jr.
Governor

PRESENTED TO THE
GOVERNOR

date 3/21/74

me 10:30 a.m.