WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1983

ENROLLED
Com. Sub. for
HOUSE BILL No. 1758

(By Mr. Spencer)

Passed March 10, 1983
In Effect Ninety Days From Passage
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 requiring county boards of education to establish and maintain special education programs for all exceptional children and including in that requirement all children who, due to injury or other reason, are homebound for a period of three weeks or more.

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 boards of education throughout the state shall establish and maintain for all exceptional children between five and twenty-three years of age special educational programs, including, but not limited to, special schools, classes, regular classroom
programs, home-teaching or visiting-teacher services for any type or classification as the state board of education shall approve. Provisions shall be made for educating exceptional children (including the handicapped and the gifted) who differ from the average or normal in physical, mental or emotional characteristics, or in communicative or intellectual deviation characteristics, or in both communicative and intellectual deviation characteristics, to the extent that they cannot be educated safely or profitably in the regular classes of the public schools or to the extent that they need special educational provisions within the regular classroom in order to educate them in accordance with their capacities, limitations and needs. In addition, county boards of education may establish and maintain other educational services for exceptional children as the state superintendent of schools may approve.

By the school year beginning on the first day of July, one thousand nine hundred seventy-four, county boards of education shall establish and maintain these special educational programs, including, but not limited to, special schools, classes, regular class programs, home-teaching and visiting-teacher services. After the first day of July, one thousand nine hundred eighty-three, the special education programs shall include home-teaching or visiting-teacher services for children who are homebound due to injury or who for any other reason as certified by a licensed physician are homebound for a period that has lasted or will last more than three weeks: Provided, That pupils receiving such homebound or visiting-teacher services shall not be included when computing adjusted enrollment as defined in section two, article nine-a, chapter eighteen of this code. The state board of education shall adopt rules and regulations to advance and accomplish this program and to assure that all exceptional children in the state, including children in mental health facilities, residential institutions and private schools, will receive an education in accordance with the mandates of state and federal laws.

Nothing in this section shall be construed to prevent county boards of education from providing special educational programs, including, but not limited to, special schools,
classes, regular class programs, home-teaching or visiting-
teacher services for such exceptional children who are three
years of age or older.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Chair of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 26
day of ........................................, 1983.

Governor