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Date 3-26-83

# 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



**ENROLLED**  
**COMMITTEE SUBSTITUTE**  
**FOR**

**H. B. 1758**

(By MRS. SPENCER)

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[Passed March 10, 1983; 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 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  
2 boards of education throughout the state shall establish and  
3 maintain for all exceptional children between five and twenty-  
4 three years of age special educational programs, including,  
5 but not limited to, special schools, classes, regular classroom

6 programs, home-teaching or visiting-teacher services for any  
7 type or classification as the state board of education shall  
8 approve. Provisions shall be made for educating excep-  
9 tional children (including the handicapped and the gifted)  
10 who differ from the average or normal in physical, mental or  
11 emotional characteristics, or in communicative or intellectual  
12 deviation characteristics, or in both communicative and in-  
13 tellectual deviation characteristics, to the extent that they  
14 cannot be educated safely or profitably in the regular classes  
15 of the public schools or to the extent that they need special  
16 educational provisions within the regular classroom in order  
17 to educate them in accordance with their capacities, limitations  
18 and needs. In addition, county boards of education may  
19 establish and maintain other educational services for excep-  
20 tional children as the state superintendent of schools may  
21 approve.

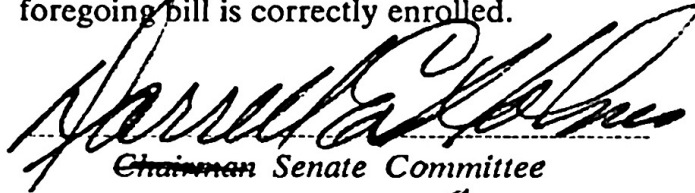
22 By the school year beginning on the first day of July,  
23 one thousand nine hundred seventy-four, county boards  
24 of education shall establish and maintain these special  
25 educational programs, including, but not limited to, special  
26 schools, classes, regular class programs, home-teaching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

42 Nothing in this section shall be construed to prevent  
43 county boards of education from providing special educa-  
44 tional programs, including, but not limited to, special schools,

45 classes, regular class programs, home-teaching or visiting-  
46 teacher services for such exceptional children who are three  
47 years of age or older.

Enr. Com. Sub. for H. B. 1758] 4

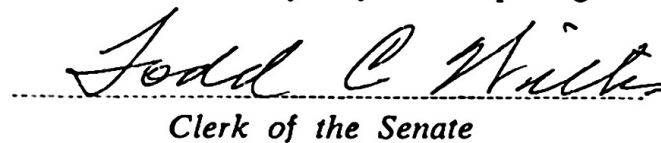
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

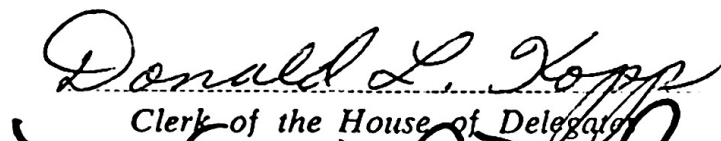
  
Chairman Senate Committee

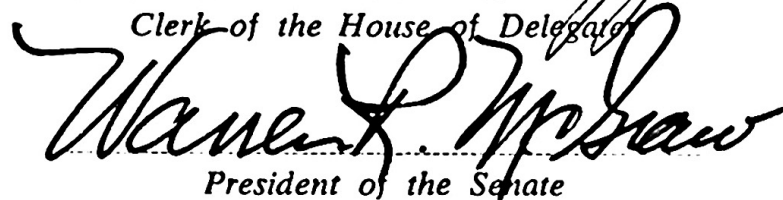
  
Chairman House Committee

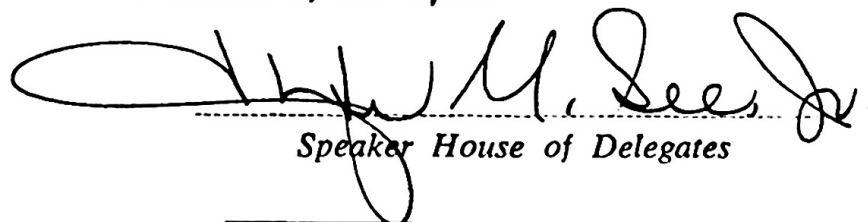
Originating in the House.

Takes effect ninety days from passage.

  
Clerk 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

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