# WEST VIRGINIA LEGISLATURE REGULAR SESSION, 1985

## ENROLLED

Com. Sub. for HOUSE BILL No. 1092

(By MT Del. Divers & Del. Stanholts)

Passed April 13, 1985
In Effect July 1, 1985
Passage

#### **ENROLLED**

#### **COMMITTEE SUBSTITUTE**

**FOR** 

### H. B. 1092

(By Delegate Givens and Delegate Shanholtz)

[Passed April 13, 1985; in effect July 1, 1985.]

AN ACT to amend article twenty, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section one-a, relating to requiring special education programs for preschool severely handicapped children between the ages of three and five to the extent legislative appropriation is made therefor; requiring each county to develop a plan in accordance with state standards; providing a schedule for the establishment and maintenance of such program; defining the term "severely handicapped children"; requiring adoption of rules and regulations by the state board of education to advance this program; and permitting county boards of education to exceed the provisions of this section.

Be it enacted by the Legislature of West Virginia:

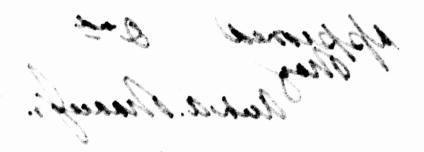
That article twenty, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section one-a, to read as follows:

#### ARTICLE 20. EDUCATION OF EXCEPTIONAL CHILDREN.

- §18-20-1a. Preschool programs for severely handicapped children; rules and regulations.
  - 1 (a) During the school year beginning on the first day of

- 2 July, one thousand nine hundred eighty-five, each county
- 3 board of education shall develop a coordinated service delivery
- 4 plan in accordance with standards for preschool programs for
- 5 severely handicapped children to be developed by the state
- board of education and begin services where plans are already
- 7 developed;
- 8 (b) Only in any year in which funds are made available by 9 legislative appropriation, and only to the extent of such
- 10 funding, each county board of education shall establish and
- 11 maintain a special educational program, including, but not
- 12 limited to, special classes and home-teaching and visiting-13
- teacher services for all severely handicapped children between
- 14 the ages of three and five according to the following schedule:
- 15 (1) By the school year beginning on the first day of July, 16 one thousand nine hundred eighty-six, and thereafter, for 17 severely handicapped children who are age four before the first 18 day of September, one thousand nine hundred eighty-six;
- 19 (2) By the school year beginning on the first day of July, 20 one thousand nine hundred eighty-seven, and thereafter, for 21 severely handicapped children who are age three before the 22 first day of September, one thousand nine hundred eighty-
- 23 seven:
- 24 As used in this section, the term "severely handicapped
- children" means those children who fall in any one of the 25
- 26 following categories as defined or to be defined in the state 27
- board of education standards for the education of exceptional 28 children: Severe behavioral disorders, severely speech and
- 29 language impaired, deaf-blind, hearing impaired, autistic,
- 30 physically handicapped, profoundly mentally retarded,
- 31 trainable mentally retarded or visually impaired.
- 32 Before the first day of August, one thousand nine hundred
- 33 eighty-five, the state board of education shall adopt rules and
- 34 regulations to advance and accomplish this program and to
- 35 assure that an appropriate educational program is available to
- 36 all such children in the state, including children in mental
- 37 health facilities, residential institutions and private schools.
- 38 This section does not prevent county boards of education
- 39 from providing special education programs, including, but not
- 40 limited to, special schools, classes, regular class programs and

- 41 home-teaching or visiting-teacher services for severely
- 42 handicapped preschool children prior to such times as are
- 43 required by this section. In addition, county boards of
- 44 education may provide these services to preschool exceptional
- 45 children in disability categories other than those listed above.



#### 4 [Enr. Com. Sub. for H. B. 1092

foregoing bill is correctly enrolled.
Chairman Senate Committee
Hoyd Fullen Chairman House Committee
Originating in the House.
Takes effect July 1, 1985.
Sold C. Will Clerk of the Senate
Soneld & Young
President of the Senate
Joseph Holling Speaker of the House of Delegates
The within this the
day of
GCU GOVERNOR

The Joint Committee on Enrolled Bills hereby certifies that the

PRESENTED TO THE GOVERNOR

Date 4/19/85

Time 6:52p.m.