

No. 1092 ✓

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1985

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SECRETARY OF STATE

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Com. Sub. for  
HOUSE BILL No. 1092

(By ~~Mr.~~ Del. Givens + Del. Shankholtz)



Passed ..... April 13, ..... 1985

In Effect ..... July 1, 1985 ..... Passage



**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR

**H. B. 1092**

(By DELEGATE GIVENS and DELEGATE SHANHOLTZ)

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

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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  
6 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  
25 children" means those children who fall in any one of the  
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.

*Handwritten signature and text, likely a name and title, written in cursive script.*

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

*Nasir E. Khan*  
Chairman Senate Committee

*Floyd Fuller*  
Chairman House Committee

Originating in the House.

Takes effect July 1, 1985.

*Todd C. Miller*  
Clerk of the Senate

*Donald S. Kopp*  
Clerk of the House of Delegates

*Don Tonkink*  
President of the Senate

*Joseph Allright*  
Speaker of the House of Delegates

The within *approved* this the *2<sup>nd</sup>*  
*day* of \_\_\_\_\_, 1985.

*Arthur A. Brautigam, Jr.*  
Governor



PRESENTED TO THE

GOVERNOR

Date 4/19/85

Time 6:52 p.m.