

**NEEDS OF THE HANDICAPPED**

**REPORT OF THE**

**VIRGINIA ADVISORY LEGISLATIVE COUNCIL**

**TO**

**THE GOVERNOR**

**AND**

**THE GENERAL ASSEMBLY OF VIRGINIA**



**Senate Document 4**

COMMONWEALTH OF VIRGINIA  
Department of Purchases and Supply  
Richmond  
1972



## MEMBERS OF COUNCIL

---

ROBERT C. FITZGERALD, *Chairman*  
ARTHUR H. RICHARDSON, *Vice-Chairman*  
M. CALDWELL BUTLER  
RUSSELL M. CARNEAL  
C. W. CLEATON  
HENRY E. HOWELL, JR.  
EDWARD E. LANE  
LEWIS A. McMURRAN, JR.  
WILLARD J. MOODY  
GARNETT S. MOORE  
SAM E. POPE  
JAMES M. THOMSON  
JAMES C. TURK  
EDWARD E. WILLEY

## STAFF

JOHN B. BOATWRIGHT, JR.  
WILDMAN S. KINCHELOE, JR.  
JOHN A. BANKS, JR.      LAURENS SARTORIS  
ROBERT B. COUSINS, JR.      SALLY T. WARTHEN  
KATHERINE L. GOOLSBY      G. WILLIAM WHITE, JR.  
ARTHUR H. HORWITZ      ROGER C. WILEY  
L. WILLIS ROBERTSON, JR.



**NEEDS OF THE HANDICAPPED**  
**REPORT OF THE**  
**VIRGINIA ADVISORY LEGISLATIVE COUNCIL**

Richmond, Virginia  
October 20, 1971

TO: HONORABLE LINWOOD HOLTON, *Governor of Virginia*  
and

THE GENERAL ASSEMBLY OF VIRGINIA

*I. INTRODUCTION*

The Virginia Advisory Legislative Council's Study of the Needs of the Handicapped was established as a result of Senate Joint Resolution No. 36 which was adopted by the 1970 Session of the Virginia General Assembly.

SENATE JOINT RESOLUTION NO. 36

Directing the Virginia Advisory Legislative Council to study matters related to the needs of all handicapped children and adults in Virginia.

Whereas, progress has been made in providing suitable education and training for Virginia's handicapped children and adults; and

Whereas, it is known that there are many handicapped children and adults residing within the Commonwealth who do not receive or have not received suitable education and training through existing programs and facilities; and

Whereas, many parents and guardians of handicapped children find it a heavy financial burden and a personal sacrifice to provide the necessary training through private institutions; and

Whereas, each child is entitled to receive a free and appropriate education and training program; and

Whereas, insufficient information is available regarding the full extent of training program needs and the cost of providing this instruction; and

Whereas, the magnitude of the number and needs of all handicapped children is so great that it appears highly desirable to submit this subject to the Virginia Advisory Legislative Council for study in depth; now, therefore, be it

Resolved by the Senate, the House of Delegates concurring, That the Virginia Advisory Legislative Council is directed to study the needs of handicapped children and adults.

The Council is directed to conduct a thorough study and review of matters related to the suitable education and training for handicapped children and adults, and to initiate such surveys and experiments as may be found advisable for the implementation of the Council's assignment.

All agencies of the State and local governments shall cooperate with the Council in its study.

The Council shall conclude the study and make its report to the

Governor and the General Assembly not later than November one, nineteen hundred seventy-one.

Senator Henry E. Howell, Jr., of Norfolk, a member of the Council, was appointed Chairman of a Committee to conduct the initial study. Other members selected to serve on that Committee were Senator George S. Aldhizer, II, of Broadway, Mr. Walter Bartkin of Springfield, Senator Adelard L. Brault of Fairfax, Delegate John N. Dalton of Radford, Mr. Arthur S. Guille of Norfolk, Delegate Robert R. Gwathmey, III of Hanover, Senator William B. Hopkins of Roanoke, Mrs. A. B. Jackson of Norfolk, Mr. Alexander Kyrus of Norfolk, Mr. Louis Michaux of Richmond, Mrs. Bernice Munsey of Arlington, Mrs. Ruth Page of Arlington, Mr. Karl Schmeidler of Alexandria, Mr. R. Sams Smith of Fairfax, Miss Mary Switzer of Alexandria, and Mr. A. Darden Towe of Charlottesville.

Mr. George B. Anderson of Danville was elected Vice-Chairman.

The Virginia Advisory Legislative Council and the Division of Statutory Research and Drafting made staff and facilities available to carry out this study; they assigned the necessary employees to assist the members and the study group at all times.

The Committee invited professionals from throughout the Commonwealth to serve as advisors, to design the study and to assist in gathering information. It divided itself into three Subcommittees, each dealing with a major classification of services—health, education, and rehabilitation. Public hearings, well attended by associations and individual citizens, were conducted in Richmond, Norfolk and Arlington.

Senate Joint Resolution No. 36 hints at the enormity and complexity of the needs of all of the handicapped. This report contains first general, then specific, needs which the Study has revealed, as well as some ultimate goals. As money is available, it is recommended that all such needs and goals be met. But, recognizing that sufficient resources will not be available during the next biennium to accomplish all that is needed, specific priorities are recommended for that period. The Report concludes with legislative proposals which, if enacted, will accomplish such initial steps toward fulfilling the requirements of Virginia's handicapped citizens.

Representatives of the Departments of Health, Mental Hygiene and Hospitals, Education, and Vocational Rehabilitation worked closely throughout the Study with members of this Committee. It is earnestly hoped that, in addition to the enactment of specific legislative proposals presented herein, the budget requests of these Departments relating to the welfare of the handicapped be given careful consideration as funds are available.

## II. MAJOR OBJECTIVES

It has long been recognized that programs and services for handicapped children and adults are not only inadequate in terms of the number of persons served but are poorly conceived in many cases and are not based on findings from sound research studies. Despite the considerable progress that has been made in the care of handicapped persons, it is not possible to point to a single community in Virginia which offers a well-rounded program designed to meet all of the needs of persons with varied handicapping conditions. Neither can any community deal quantitatively with the service load. A variety of services are being performed by both public and private sectors of our society, but what results, because of a lack of unified policy and adequate funding, is a variety of programs ranging from poor to excellent, with all but a few being less than good.

There is an imperative need in Virginia for a clearly enunciated operating policy concerning all of its handicapped citizens regardless of age and handicapping condition. The lack of a comprehensive, coordinated approach to this growing problem has meant that many individual cases have been shuttled about between various State agencies and private institutions, none of which serves the broad range of complex individual problems presented by the full spectrum of handicapping conditions.

Additionally, there is widespread public as well as official misunderstanding of the gravity of the situation, its total magnitude, and the urgent need to address the total problem in an effective, objective, meaningful way. The simple, undeniable fact is that while some progress has been made—much of it piecemeal—the total problem has been sidestepped in large measure. Countless Virginia citizens have been, each year, denied the opportunity to achieve their maximum potential or to become independent, self-sufficient, productive citizens.

The need is clear. A well-rounded program must provide for every handicapped person from the mildly to the severely and the multiple handicapped (including the blind, deaf, cerebral palsied, mentally retarded, autistic, aphasic, etc., and excluding no one). It must provide services for those living at home as well as those requiring residential care. It must provide for the young and the adult as well. Initial steps must be taken if Virginia is to begin gradually to meet the needs of its increasing number of handicapped citizens.

Major long-range objectives seen by participants in this Study are:

1. Prevention, detection and treatment of all handicapping conditions.
2. High quality, appropriate education for all children in all parts of the Commonwealth.
3. Full utilization of abilities and talents of handicapped persons, through programs of employment which permit them to be assets rather than burdens.
4. Medical services for all handicapped persons regardless of ability to pay.

### III. SPECIFIC NEEDS AS SEEN AT THIS TIME AND GOALS TO STRIVE FOR AS FUNDS PERMIT

1. *Increased number of clinics and staff providing maternal and child health care for the purpose of preventing, detecting and treating handicapping and potentially handicapping conditions.*

Premature birth is associated with a greater incidence of mental retardation, cerebral palsy and other health problems. Good prenatal care and nutrition are essential in the prevention of prematurity. About 20 local health departments do not yet have clinics to provide maternity and post-maternity care.

Detection of disabilities early in life reduces the need for special services. Health, particularly poor health, has a profound effect on learning in preschool and early school years. Studies by the U. S. Department of Health, Education and Welfare show that approximately 20-30% of chronic handicapping conditions at all ages could have been prevented or corrected by comprehensive health care during the first 5 years of life, and that approximately 60% could be prevented if health care were extended to age 15.

Curative treatment given late in the course of a disease is extensive and expensive—even disregarding the cost to society of the loss of a potentially productive citizen and the human suffering and despair. Virginia may never have enough professionals trained to a high degree of specialization and sophistication to deal with all advanced handicaps unless efforts are intensified at the other end of the spectrum—health promotion, preventive medicine, early detection and correction.

2. *Expansion of Medicaid to include all handicapped individuals whose family incomes are at or below Medicaid level, regardless of welfare category relationship.*

As indicated above, comprehensive medical care is the most effective means of preventing handicapping conditions and reducing their effects. The only practical way to provide these services for all of those who cannot afford to pay for them is through the Medicaid program. This economized limited State resources three ways:

- (i) the larger portion of the direct costs for this program is provided by federal funds,
- (ii) additional financial support is provided for the operation of State and locally-operated health facilities, and
- (iii) in the long run, disability subsistence payments will be greatly reduced.

3. *Improved and expanded liaison between health and education services.*

Health services should be provided by health authorities and educational services by educators. However, close interdisciplinary teamwork should be applied whenever indicated—which is nearly always the case with a handicapped child. Each department needs personnel and financial support to do the job. Today, though neither the Health nor the Education Department is able to meet the needs of all handicapped children in the Commonwealth, examination has revealed the existence of many instances of duplication of effort and fragmentation of resulting services.

Placement of an educational consultant in each of the State's Consultation and Evaluation Clinics would provide better coordination of services and would benefit both the child and his family.

4. *Mandate by the Commonwealth of Virginia for a public policy implementing the establishment and continuance of a complete and comprehensive program of appropriate public education, regular and special, for all children.*

The quality of education, especially special education, varies within the Commonwealth. Seventeen of the 131 school divisions in Virginia conduct no special education programs, and none provides all the special educational services which are needed.

The cost of special education and related services for all handicapped children whose parents, or guardians, are bona fide residents of this Commonwealth, whether the needs of the child are best met in public, nonpublic, or institutional educational facilities, should be provided for by adequate appropriation of funds. In planning for adequate financing of these comprehensive programs both the short and the long-term requirements should be considered. Using the estimate that one-third of Virginia's handicapped are now being educated in the public schools, the current appropriation could be tripled to give a rough estimate of the cost of educational services for all of the



handicapped. Actually, this amount would likely be much higher since services for those not now served would be more costly.

Only two school jurisdictions budget for local tuition grants for those handicapped children whom they cannot accommodate in their public school classes. Where public schools do not yet provide appropriate education for all children, parents should be provided with tuition assistance so that they may obtain that education elsewhere. Current local practice of denying tuition grants or providing only what it would cost the jurisdiction to educate a normal child is not conducive to the development of new or expanded programs which, by definition, are more costly. (Exception: Arlington County in 1971-72 will provide substantially more than the cost of educating a normal child).

Special education can be administered regionally, when necessary, and should include at the secondary level a degree of vocational education sufficient for productive employment of the handicapped.

There are many handicapped children unknown to the Department of Education or other governmental agencies. Physicians are required to report deaf-blind children. The requirement of reporting by parents, physicians and other professionals of additional disabilities would aid in locating children needing special help. The School Census form which is distributed every three years should add at least the labels "autistic" and "aphasic" to the form. A category of handicap entitled "other" should also be added. Only when types and numbers of handicapped are known can appropriate services be implemented.

*5. Expansion of special education services to meet the needs of all handicapped children, and elevation thereof to Division status, to be called "Division of Pupil Services," within the State Department of Education.*

In order to do a more complete job, the new division should be a distinct entity with a direct line of communication and authority from the State Superintendent of Education. It should have adequate funds and a flexible position which will enable its personnel to exercise the coordination and leadership necessary if Virginia is to develop, establish, maintain and upgrade comprehensive State-wide programs of special education to serve the needs of its handicapped children. The State should assume partial payment of local special education supervisors for the purposes of assuring quality personnel and of relieving the locality of this expense.

The Division of Pupil Services should have a Research and Demonstration component with a staff member competent in curriculum design and research methodology. This would facilitate the testing of the curriculum and approaches to teaching, thereby eliminating much of the proliferation of practices which have not been field tested, nor in many cases, conceptualized in such a way that they are ready for mass replication. With the mass of new data being generated in special education, an R & D service could aid in planning, testing, evaluating and recommending for wide scale adoption to facilitate change in a positive direction.

*6. Education of all of Virginia's children to be the responsibility of the Department of Education.*

The State Board of Education should be given responsibility for establishing and supervising standards of quality for all educational programs in State-operated institutions, schools and hospitals which shall include State schools for the deaf and the blind and programs for the visually impaired. Such responsibility for education, in the hands of a single agency, would insure a uniform standard of quality throughout the Commonwealth in all of the institutions and facilities providing educational services.

*7. Handicapped persons—children and adults—should have, as a part of their total educational program, emphasis upon expanding vocational education.*

For children below the age of sixteen a program should be provided which is academically oriented. At the secondary level, the academic program would continue but a vastly expanded and improved program of vocational education should be implemented. One of the prime concerns of the majority of the handicapped is training for productive, remunerative employment. This is an educational function and not one of rehabilitation.

Certain handicapping conditions will limit the scope of education or training of some individuals, but many handicapped persons, even those with multiple handicaps, can be taught to perform skilled endeavors.

This, of course, does not mean that the only goal of vocational education must be to provide education for productive remunerative employment. Vocational education is also urgently needed for the more seriously handicapped, who are now being excluded and who can never be expected to function outside a sheltered workshop setting.

Training centers should be established throughout the State where those who can participate can do so easily and while residing at home. Such programs of vocational education would be conducted in conjunction with other academic programs. The establishment of a full-spectrum program of vocational education is a substantial task requiring imagination, facilities and a considerable outlay of capital expenditures, not to mention qualified instructors and modern, up-to-date equipment. It would not be possible to establish a total program all at once adequate to meet the needs of all those who require these services. Nevertheless, a beginning should be made. Facilities, equipment and instructors should be placed in operation as soon as possible.

*8. Initiation of programs to recruit, train, and retain a sufficient number of special education teachers and ancillary personnel such as psychologists, visiting teachers and speech, occupational and physical therapists.*

The most important key to the success of any educational program, aside from adequate funding, is the professional competence of its teaching staff and the enthusiasm and cooperation of the administrative and supervisory staff. Since these elements constitute the cornerstone of the specific programs, the need for good teacher training programs at all levels is mandatory.

Incentives should be offered for continuing in-service training with financial reimbursement by the locality or the State, not only for special education teachers but also regular teachers. Within the past few years, additional types of learning and educational disabilities have been isolated. But not always has the child with such disabilities been isolated in special setting. Teachers in the regular classrooms have been required not only to accommodate children with special needs in their regular classrooms, but also accurately to diagnose, and appropriately to deal with, the disability. Frequently, teacher-training courses contained no inkling that children in regular classrooms would learn in other than the usual way. At least one survey course in exceptionality should be required for all teacher-trainees and in-service teachers.

Early recruitment is essential to help meet the need for additional special educators. Increasing numbers of young people throughout Virginia are interested in working with the handicapped, and the State should assist them by providing an education for this service with a scholarship program available. Such scholarships should be awarded for study at State and community colleges, or for study outside of the State when specific programs are not available in Virginia.

In view of the current severe shortage of qualified special education teachers, some provision should be made to permit those who are otherwise qualified, but lack special educational requirements, to be engaged where appropriate as teacher's aids, until such time as the supply of fully qualified teachers is available for all vacancies. These persons should be encouraged to acquire the necessary qualification while continuing their services rather than be barred for lack of qualifying credits.

9. *Administration and coordination of all federal funds specifically earmarked for the education of handicapped children by the division responsible for the State special education program.*

The Commonwealth should make full use of federal funds available for the education and training of the handicapped, especially in the areas of vocational education and rehabilitation. More of these monies should be distributed to localities and used as "seed money" to extend current programs or to develop pilot programs rather than to supplant existing programs.

10. *Coordination between several State agencies responsible for providing services to handicapped children and adults with clear delineation of the areas of responsibility of each agency to offset the current overlaps and gaps in services.*

Such coordination should be accompanied by the development of computerized information systems which will supply current, accurate and complete data about health, education, recreation, rehabilitation and occupation services and opportunities within the Commonwealth, such service to be available to citizens of Virginia as well as the State employees.

11. *Legislation requiring the licensing of private schools and other facilities providing special education services, using standards established by the State Department of Education.*

There will always be a need for private day and residential facilities in Virginia, and careful consideration should be made of inviting private facilities to open branches in Virginia. Currently, the major drawback to this form of care for the handicapped is the lack of appropriate requirements for licensing such facilities. This failing on the part of our State works a hardship on the children, the parents, the qualified operators of private schools, and on the State Department of Education.

Some facilities have begged for licensing standards; others have recently closed after standards disputes. There is obvious reluctance on the part of owners, and prospective owners, of private facilities to operate in the State of Virginia. Many Virginia parents have had to send their children far from home in order that their needs might be met.

It is understood that in cases of multiple-faceted facilities, multiple licensing might be required.

12. *Expansion of the field service program of the Department of Vocational Rehabilitation to the point that service is available to the 25,000 individuals who become disabled annually.*

Each of the present 110 vocational rehabilitation field counselors is responsible for serving the handicapped in a general population of 42,000. During a 12-month period, each field counselor can manage an active case load of approximately 210 persons—110 new cases placed in service during the period and 100 cases carried over from the previous year for a continuation of service. Each counselor will close approximately 100 to 110 of these active cases as rehabilitated during the year. It is believed that each counselor could accept

125 new cases annually if the population area assigned to a counselor were decreased and funds made available for serving this number.

Studies reveal that 25,000 individuals become disabled each year, with 150,000 other disabled persons in the backlog. Virginia should, as a minimum, make services available to the 25,000 who become disabled each year. This would require 200 field counselors (increase of 90) and would result in each counselor's serving the disabled in a general population of approximately 25,000 persons.

*A higher priority must be established for the more difficult rehabilitation cases.* Because of the heavy case loads, and the fact that vocational rehabilitation funds are based on the number of patients rehabilitated, priority often is given to the less difficult cases, the ones which can be quickly rehabilitated for employment. *This numbers game must stop.* Rehabilitation services must be provided for all who are in need, regardless of how difficult the case, physically, mentally or emotionally.

13. *Expansion of rehabilitation services available to patients in the State hospitals and institutions for the mentally retarded to the point that each patient can be evaluated for his vocational rehabilitation potential and served accordingly.*

Rehabilitation units with specialized staff and services are in operation at Central State Hospital, Eastern State Hospital, Western State Hospital and Southwestern State Hospital. On June 1, 1967, 557 cases were in active status, and during the fiscal year an additional 940 individuals were placed in active status, making a total of 1,497 individuals being actively served. During the year, 445 were successfully rehabilitated, with the rest remaining on the active case load of the counselors in the institutional setting or on the case load of the field counselors after discharge from the institution. During the current fiscal year, at least 1,800 individuals will be served. This number could be doubled immediately with additional funds.

A rehabilitation evaluation unit should be established at each institution for the mentally retarded since many of the patients in these institutions have vocational rehabilitation potential. With the proper services, they can be employed either in full-time competitive employment or in a sheltered workshop where they can earn a portion of their living requirements.

14. *Increasing appropriations to the Department of Vocational Rehabilitation to match federal funds for the following purposes:*

(a) *The placement of rehabilitation counselors on a full-time basis in local departments of public welfare to serve handicapped welfare recipients.*

Welfare recipients account for approximately 15 percent of the present active case load of the Department of Vocational Rehabilitation. It is felt that this service could be greatly expanded if rehabilitation counselors were specifically assigned on a full-time basis in the public welfare departments of each of the heavily populated cities and counties.

(b) *Operational costs at the Woodrow Wilson Rehabilitation Center.*

No direct appropriation of State funds is made to the Department for the operation of this Center. The Department must, therefore, use a portion of the State appropriation made for the field service program for the operation of the Center. This method of financing cannot be served through the field program.

(c) *Planning and construction of rehabilitation centers in Northern Virginia, Tidewater, Southwest Virginia and the Richmond area.*

The Governor's Study Commission on Vocational Rehabilitation has

recommended the establishment of rehabilitation centers in the first three mentioned areas and it is felt that one should also be established in the Richmond area to provide services near all areas of the State.

(d) *The establishment of workshops throughout the State for multiple or severely handicapped persons who cannot readily be placed in competitive jobs.*

There are many multiple and severely handicapped individuals in Virginia presently drawing assistance, who could and would accept employment, even if the pay were little more than their public assistance incomes, if the work were more accessible. However, suitable workshop facilities are seldom available. These needed facilities should be sufficient in number, and accessible enough so that handicapped persons throughout the State can utilize their programs.

#### IV. RECOMMENDATIONS

All levels of government—local, State and federal—must assume a proportionate share of the responsibility for providing services to the handicapped. There is an immediate need to expand efforts rapidly at all levels in this respect.

Last November, the federal government enacted into law the Developmental Disabilities Act of 1970. The primary purpose of this law is to assist the states in developing and implementing a comprehensive and continuing plan for providing services to persons with developmental disabilities, such as mental retardation, cerebral palsy and epilepsy. It authorizes appropriations of \$60 million for FY 1971 and \$105 million for FY 1972 to aid State Plans. However, only \$11.2 million was actually appropriated for FY 1971 and \$21.6 million for FY 1972.

These are very parsimonious amounts, especially when one considers the amount which have been authorized and appropriated for the same periods to assist the states and localities to fight crime through the Omnibus Crime and Safe Streets Act—FY 1971: \$650 million authorized, \$480 million appropriated; FY 1972: \$1,150 million authorized, \$698.4 million appropriated. In spite of the critical importance of controlling and reducing crime, it seems that the federal government has established a very low priority on its efforts to provide assistance to handicapped citizens. Much more must be done in this area by the federal government, and Virginia State agencies must continue to make effective efforts to obtain all of its proportionate share of federal funds and to expand them wisely.

In making the following recommendations for immediate action, it is realized that this action will, in some cases, impose additional financial hardships on local governments which are already heavily burdened with money problems. Because they are instrumentalities of the Commonwealth, it is the State's responsibility to work with these localities in finding adequate and complete relief for all such financial problems.

With the realization that all of the problems discussed earlier in this Report cannot be corrected at once because of limited resources, it is felt that the following actions are the minimum that must be done forthwith if services to the Commonwealth's handicapped individuals are to be upgraded in any significant degree.

1. *That the State Board of Education be required to prepare and place in operation a program of special education for handicapped children.*

The present § 22-9.1 of the Code of Virginia authorizes the State Board of Education to do this and it is actually done. Therefore, this will not entail a radical change in what is presently done. However, it is felt that by changing

this permissive legislation to mandatory legislation, more emphasis will be placed on special education, not only at the State level, but at the local level where such emphasis is especially needed. This increased emphasis at the State level should also show a need to establish a separate division within the State Department of Education for special education and to expand their activities in providing guidance for the expansion of special education programs within the various school divisions.

Special education programs as referred to in this recommendation mean programs which will meet the total specific educational needs of handicapped children, to include physical education and vocational education.

*2. That tuition grants be awarded for the education of all handicapped children when such education cannot be provided by local school districts.*

At the present time, the Code of Virginia provides for tuition grants only for the education of hearing-impaired children. This provision should be expanded to apply to all handicapped children.

It is also recommended that the maximum amount of each annual grant for education in residential facilities be increased from \$3,000 to \$5,000. This study revealed that there are many parents of handicapped children in Virginia who are paying between \$10,000 and \$14,000 each year for their child's education; the average cost for such residential education is about \$6,500 per year.

It is hoped that this legislation will greatly induce the rapid expansion of special education classes in local school districts. This method of meeting the need in the home community, of course, is the most desirable means. Not only is this best for the handicapped child and his parents, but it is far more economical for both the State and the locality.

*3. That scholarships be provided to public school teachers for participation in special education programs.*

The quickest means of meeting the critical shortage of special education teachers seems to be through the training and education of regular teachers in the public schools. Although there is a serious shortage of special education teachers, there are sufficient numbers of regular teachers. Those who have demonstrated their ability and aptitude in education would insure greater success and would require much less training and education than others to meet the required level of competency.

*4. That legislation be enacted to authorize the Department of Health to report to the Department of Education or to local school divisions the identity of and pertinent information about children with health problems or handicapping conditions, and to encourage physicians to report information of handicapped persons to governmental agencies.*

The identity of many handicapped children comes to the attention of the Department of Health through the local boards of health and local health officers. This information, if reported to the school authorities, could be beneficial in planning for specific educational needs.

Physicians should also be encouraged to report the identity of, and information about, handicapped individuals so as to aid in the planning and conduct of service programs.

*5. That legislation be enacted to require that every child receive a preschool physical examination.*

The record of such examination would be maintained in the child's health record folder at his school and would be available to personnel from the State

Department of Health and local departments of health. This would provide worthwhile information to both school and health authorities. This action should stimulate needed coordination between such officials on student health matters.

6. *That legislation be enacted to require that school buildings be constructed so as to provide ingress, egress and use by physically handicapped individuals.*

The "architectural barrier" law, which was enacted in 1970, excludes school buildings from its provisions. This law authorizes the State Division of Engineering and Buildings and political subdivisions to prescribe standards for the design, construction and alteration of buildings, except public school buildings, constructed with public funds. The proposed amendment would require them to prescribe such standards for all such buildings.

This amendment also requires local governments to prescribe standards for public school buildings after consultation with the State Department of Education.

7. *That a great need exists to make a complete and detailed investigation of all programs and needs relating to the handicapped and to devise a major revision of such programs in order to provide comprehensive detection, evaluation, care and training of all handicapped individuals.*

Because of the limited resources available to the Virginia Advisory Legislative Council and its study committees, it is realized that the present study has been able to do little more than to ferret out the major problems within the present system and to recommend but a few cures for the many ills, considering the present limited revenues of the Commonwealth. To accomplish an adequate and in-depth study, sufficient funds must be provided to employ professional health planners and a supporting staff.

It is hereby recommended that the Governor direct the appropriate agencies of the administration to determine the proper framework and resources needed to conduct such a comprehensive study and to report these findings to the Governor and the General Assembly prior to the 1973 Session.

8. *That legislation be enacted to authorize the State Board of Education to license schools for the handicapped.*

The State Board would make rules and regulations for the management and conduct of all such schools and on and after January 31, 1973 those schools would have to obtain a license and meet minimum requirements.

## CONCLUSION

We desire to thank the members of the Committee for the time and effort given by them in carefully and thoroughly studying this crucial problem. We also express our appreciation to the many individuals, officials and organizations who afforded the Committee the benefit of their experience, research and suggestions.

Bills and resolutions to carry out the recommendations made herein are attached.

Respectfully submitted,

ROBERT C. FITZGERALD, *Chairman*

ARTHUR H. RICHARDSON, *Vice-Chairman*

M. CALDWELL BUTLER

RUSSELL M. CARNEAL

C. W. CLEATON

HENRY E. HOWELL, JR.

EDWARD E. LANE

LEWIS A. McMURRAN, JR.

WILLARD J. MOODY

GARNETT S. MOORE

SAM E. POPE

JAMES M. THOMSON

JAMES C. TURK

EDWARD E. WILLEY



## A BILL

*To amend and reenact §§ 22-9.1 and 22-9.1:4, as amended, of the Code of Virginia relating to requirements of the State Board of Education to operate a program of special education for handicapped children; reimbursement of parents for education of such children in private schools; reimbursement of local school boards from State funds.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 22-9.1 and 22-9.1:4, as amended, of the Code of Virginia be amended and reenacted, as follows:

§ 22-9.1. Special education for physically handicapped, emotionally disturbed and mentally retarded individuals. — The State Board of Education ~~is authorized to~~ shall prepare and place in operation a program of special education designed to educate and train physically handicapped (with the exception of visually impaired), emotionally disturbed and mentally retarded individuals ~~without regard to whether they are of school age children between the ages of two and twenty-one years and may prepare and place in operation such program for such individuals of other ages.~~ In development of such program, the State Board of Education shall assist and cooperate with ~~legal~~ local school boards in the several school divisions. The State Board of Education ~~is authorized to~~ shall adopt such rules and regulations as may be necessary to secure adequate special school services for handicapped individuals.

§ 22-9.1:4. Same; reimbursement of parents for education of children in private schools; reimbursement of local boards from State funds.—In any county, city or town, if the town be a separate school district approved for operation, which does not provide special classes or special instruction for the education of ~~hearing impaired handicapped~~ children as defined in § 22-9.1 and § 22-9.1:1, ~~and such instruction is not available to such children in the State schools for the deaf and the blind,~~ and the parents of such children pay for their attendance at a private nonsectarian school approved by the State Board of Education, the school board of such county, city or town operating as a separate town school district, shall reimburse the parent or guardian of such child or children for each school year three-fourths of the instructional cost in an amount not to exceed one thousand dollars when enrolled in a special non-residential school for ~~hearing impaired handicapped~~ children and three-fourths of the instructional cost in an amount not to exceed ~~three five~~ three thousand dollars when enrolled in a special residential school for ~~hearing impaired handicapped~~ children. Of the total reimbursement, the local school board shall be reimbursed sixty percent from State funds as are appropriated for this purpose; provided, however, the local school board is not required to provide such aid if matching State funds are not available; provided further that in the event State funds are not available as defined above, local school boards shall reimburse the parents for tuition costs of such children in an amount equal to the actual cost of operation per pupil in average daily attendance for the school year immediately preceding, and such school board shall be entitled to count such pupils in average daily attendance and receive reimbursement in the same manner as if the child were attending the public schools.

Where a county, city or town, if the town be a separate school district approved for operation, enters into an agreement with another school district or any combination thereof to pay tuition cost for the purpose of providing an educational program for ~~hearing impaired handicapped~~ children as defined in § 22-9.1 and § 22-9.1:1, the State Board of Education is authorized to reimburse a local school board sixty percent of the tuition cost in an amount not to exceed six hundred dollars per pupil.

The State Board of Education is further authorized to reimburse local school boards operating a preschool special education program for ~~hearing impaired~~ *handicapped* children, ages two through five, sixty percent of tuition cost but not to exceed six hundred dollars per pupil from State funds as are appropriated for this purpose.

A B I L L

*To amend the Code of Virginia by adding in Chapter 4 of Title 23 a section numbered 23-38.11 relating to scholarships for the education of special education teachers.*

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding in Chapter 4 of Title 23 a section numbered 23-38.11, as follows:

§ 23-38.11. There are hereby established scholarships to be awarded to teachers in the public schools for education in special education. These awards shall be made by the State Board of Education and the number of awards during any one year shall depend upon the amounts appropriated by the General Assembly from time to time for this purpose. The amount of each scholarship shall not exceed the total tuition costs for all courses relating to special education to be taken by the applicant during a single semester and each scholarship may be renewed as many times as necessary until the applicant has completed all courses necessary to qualify him as a teacher of special education according to standards established by the State Board of Education.

Applications for such scholarships shall be accompanied by a notice of acceptance from an accredited institution of higher education which conducts courses in special education. The application shall be forwarded to the State Board of Education through one of the local public school boards within the State for an endorsement thereon. Such endorsement shall state that the applicant is presently employed by such school board as a teacher, that he possesses the desirable qualities and qualifications of a special education teacher and that he has demonstrated a desire to serve as a teacher of special education in the public school system of the Commonwealth. Priorities will be given to those applicants who intend to study in State-supported colleges and universities within the Commonwealth.

Before any scholarship is awarded under the provisions of this section, the applicant must sign a written contract under which he agrees to pursue the course of instruction until he has completed all of the educational requirements for special education teacher and that promptly thereafter he will begin and continuously serve as a special education teacher in the public school system of the Commonwealth for a period of years equal to the number of years which he has been a beneficiary of such scholarship.

A B I L L

*To amend the Code of Virginia by adding sections numbered 32-11.1 and 54-276.11 to authorize the Department of Health and licensed physicians to report information about individuals with handicapping conditions for certain purposes.*

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding sections numbered 32-11.1 and 54-276.11, as follows:

§ 32-11.1. Notwithstanding § 32-353.26 of this Title or any other law of Virginia to the contrary, the Department shall report to the Department of Education or to any local school division within the State the identity of, and pertinent information about, children with health problems or handicapping conditions which might affect the child's career in school and his need for special education.

§ 54-276.11. Nothing in this chapter or any other law of Virginia shall be construed to prohibit any duly licensed physician from communicating the identity of any person who has a physical or mental handicapping condition to appropriate agencies of the Commonwealth or any of its political subdivisions and other information regarding such person or condition which may be helpful to the agency in the planning or conduct of services for handicapped persons.

#### A B I L L

*To amend the Code of Virginia by adding in Chapter 12 of Title 22 a section numbered 22-220.1 to require that every child receive a preschool physical examination.*

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding in Chapter 12 of Title 22 a section numbered 22-220.1, as follows:

§ 22-220.1. Before any child is admitted to any kindergarten or to any elementary school or its equivalent, an American Academy of Pediatrics Standard Pediatric Examination Form must be presented to such school on his behalf. Such form must have been completed by a licensed physician and must indicate that the child has received such physical examination no earlier than twelve months prior to the date he first enters an elementary school or its equivalent in this State.

Such physical examination form shall be placed in the child's health record folder at the school, and shall be made available for review by any employee or official of the State Department of Health or any local health department at the request of such employee or official.

The health departments of all of the counties and cities of the Commonwealth shall conduct such physical examination for medically indigent patients without charge to such patient or his parents or guardians upon request, and may provide such examinations to others on such uniform basis as such departments may establish.

The provisions of this section shall not apply to any child who is admitted to a public school prior to July one, nineteen hundred seventy-two.

#### A B I L L

*To amend and reenact §§ 2.1-109.01, 2.1-109.03 and 2.1-109.04 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.1-109.04:1, the new and amended sections relating to standards for the construction or alteration of public buildings to insure access to, and use by, handicapped persons.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1-109.01, 2.1-109.03 and 2.1-109.04 of the Code of Virginia be amended and reenacted and that the Code of Virginia be amended by adding a section numbered 2.1-109.04:1, as follows:

2.1-109.01. "Building" defined.—For the purposes of this article the term "building" shall mean any building or facility, ~~not including public school buildings~~, used by the public which is constructed in whole or in part or altered by the use of State, county or municipal funds, or the funds of any political subdivision of this State.

§ 2.1-109.03. Authority of Division to prescribe standards.—The Division of Engineering and Buildings ~~is authorized to~~ shall prescribe such standards for the design, construction, and alteration of buildings constructed in whole or in part or altered by the use of State funds other than school funds as may be necessary to insure that physically handicapped persons will have ready access to, and use of, such buildings.

§ 2.1-109.04. Authority of local governing bodies to prescribe standards. — The governing body of a county, municipality or other political subdivision, in consultation with the Division of Engineering and Buildings ~~is authorized to~~ shall prescribe such standards for the design, construction and alteration of buildings, not including public school facilities, constructed in whole or in part or altered by the use of the funds of such county, municipality or other political subdivision as may be necessary to insure that physically handicapped persons will have ready access to, and use of, such buildings.

*§ 2.1-109.04:1. The governing body of a county, municipality or other political subdivision, in consultation with the Department of Education, shall prescribe such standards for the design, construction, and major alteration of public school buildings constructed in whole or in part or altered by the use of the funds of such county, municipality or other political subdivision as may be necessary to insure that physically handicapped persons will have ready access to, and use of, such buildings.*

#### A B I L L

*To amend and reenact §§ 22-330.17, 22-330.18, as amended, 22-330.19, 22-330.21 and 22-330.33 of the Code of Virginia relating to the authority of the State Board of Education to license certain privately owned and operated trade, business and correspondence schools in the State so as to require that schools for handicapped persons be licensed; permits for solicitors of such schools.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 22-330.17, 22-330.18 as amended, 22-330.19, 22-330.21 and 22-330.33 of the Code of Virginia be amended and reenacted, as follows:

§ 22-330.17. **Definitions.**—As used in this chapter unless the context clearly requires otherwise, the following terms shall have meanings ascribed to them as follows:

(1) "*Trade or technical school*".—A privately owned and operated school, educational institution or educational organization maintained or conducting classes for the purpose of offering instruction for a consideration, profit or tuition, to prepare an individual to pursue any occupation for profit in any skilled trade, electronics, data processing or industry, or to give occupational training, or to give training in public or other service occupations, or to give vocational training designed to prepare an individual for, or to upgrade an individual in, technical occupations and technical phases of other occupations.

(2) "*Business school*".—A privately owned and operated school, educational institution or educational organization, no matter how titled, maintained or

conducting classes for the purpose of offering instruction for a consideration, profit or tuition to prepare individuals to pursue any occupation for profit in business administration, bookkeeping, accounting, data processing, stenography, clerical, secretarial, receptionist or other office occupations.

(3) *“Correspondence school”*.—A privately owned and operated school, educational institution or educational organization which for a consideration, profit, or tuition, provides by correspondence, instruction in any field or which teaches or instructs in any subject through the medium of correspondence between the pupil and the school by which the school transmits printed or typewritten matter to the pupil.

(3a) *“School for the Handicapped”*. — A privately owned and operated school, industrial institution or educational organization, no matter how titled, maintained or conducting classes for the purpose of offering instruction for a consideration, profit or tuition to deaf, blind, mentally retarded, visually, physically or emotionally handicapped or disturbed persons.

Any of the above defined schools shall be referred to in this chapter as “school” or “schools.”

(4) *“Superintendent”*.—Superintendent of Public Instruction.

(5) *“Agent”* or *“solicitor”*.—A person who is employed by any school defined in this section whether such school is located within or outside this State, to act as an agent, solicitor, procurer, broker or independent contractor to directly procure students or enrollees for any such school by solicitation in any form at any place in this State other than the office or principal location of such school.

(6) *“Board”*.—The State Board of Education.

(7) *“Owner”*.—Any individual, group of individuals, partnership, association, business trust, corporation, or other similar business entity.

§ 22-330.18. **Exemptions.**—This chapter shall not apply to any of the following:

(a) Any trade or technical, business or correspondence school for which there is a legally existing licensing board in this State which issues licenses or approval to either the school, the teachers, or both;

(b) Any trade or technical, business or correspondence school conducted by any person, firm, corporation, or other organization solely for training its own employees;

(c) Courses of instruction given by any fraternal organization, civic club, or benevolent order, for which courses no tuition or charge is made;

(d) Any established university, professional or liberal arts college accredited as such and permitted to award undergraduate or graduate degrees by the Virginia Council of Higher Education or similar agency of the State in which its campus is located, public high school, or private high school offering programs in secondary education similar to those offered by public high schools accredited by the State Department of Education, which has heretofore offered or which may hereafter offer one or more courses covered in this chapter, provided the tuition, fees and charges, if any, made by such university, college, high school or institution of higher education shall be collected by its regular officers in accordance with the rules and regulations prescribed by the board of trustees or governing body of such university, college, high school or institution of higher education;

(e) Tutorial instruction for five persons or less at one time given in a private

home or elsewhere as a supplement to regular classes of education for students enrolled in any public or private school;

~~(f) Schools for deaf, blind, mentally retarded, visually, physically or emotionally handicapped or disturbed persons;~~

(g) Schools in dance, art, song, musical instruments or fine arts which are conducted solely to increase or further artistic appreciation, talent or development;

(h) Schools offering exclusively religious instruction.

§ 22-330.19. On or before September one, nineteen hundred seventy, the Board shall make rules and regulations not inconsistent with law for the management and conduct of all schools, *except schools for the handicapped*, as defined in this chapter. *On or before September one, nineteen hundred seventy-two, the Board shall make rules and regulations not inconsistent with law for the management and conduct of schools for the handicapped as defined in this chapter.* Such rules and regulations shall have the force and effect of law until they are revised, amended or rescinded by the Board and any such revisions or amendments shall then have the force and effect of law.

Before the final adoption of the original rules and regulations and before the adoption of any amendments thereto, the Board shall hold a public hearing in Richmond after proper newspaper notice thereof has been given once a week for two consecutive weeks in a daily Richmond newspaper.

§ 22-330.21. After January thirty-one, nineteen hundred seventy-one, it shall be unlawful for any school, *except schools for the handicapped*, defined in this chapter to be operated in this State without having applied for and been issued a certificate of approval by the Board. *On and after January thirty-one, nineteen hundred seventy-three, it shall be unlawful for any school for the handicapped as defined in this chapter to be operated in this State without having applied for and been issued a certificate of approval by the Board.* Any school shall be qualified to receive a certificate of approval when it has complied with the standards, rules and regulations of the Board pertaining to this chapter, has paid the fee prescribed for such certificate, and, after an inspection of its facilities has been made by the State Department of Education and a report filed with the Board, such facilities have been approved by the Board. Any certificate issued hereunder is not transferable and must be prominently displayed on the premises of the school in a place open for inspection by any interested person during regular school hours.

§ 22-330.33. After January thirty-one, nineteen hundred seventy-one, every agent or solicitor representing any school, *except schools for the handicapped*, defined herein, *and after January thirty-one, nineteen hundred seventy-three, every agent or solicitor representing any school for the handicapped as defined herein*, whether the school is located in this State or outside the State, shall make application for a permit to the Board in writing upon forms prepared and furnished by it. Each application shall state the name of each school which the applicant will represent, shall be verified under oath by him, and shall be accompanied by the recommendation of three reputable persons in this State certifying that the applicant is truthful, honest and of good reputation and recommending that a permit as an agent or solicitor be granted to the applicant. The fee for an original permit as an agent shall be five dollars. A separate permit shall be obtained for each school represented by an agent who represents more than one school. No permit shall be required of an owner of a school or of any person soliciting students inside of and at the admission office of the school.

The Board, upon approval of an application for a permit, shall prepare and deliver to each agent a card which, among other things, shall contain the name and address and a picture of the agent, the name of the employing school and shall certify that the person whose name appears thereon is an authorized agent of the school or schools named thereon. The year for which a permit is issued shall be prominently displayed on the card.

Each agent or solicitor that continues as such shall annually on or before the thirty-first of January renew his permit and pay a renewal fee of one dollar. Every permit which has not been renewed on or before January thirty-first of each year shall expire.

