

**REPORT OF THE COMMITTEE TO STUDY
THE EDUCATION OF HANDICAPPED CHILDREN
IN FACILITIES OF
THE DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION
AND THE
VIRGINIA SCHOOL AT HAMPTON
AND
THE VIRGINIA SCHOOL FOR THE DEAF AND THE BLIND AT STAUNTON**

**REPORTED TO
THE GOVERNOR
AND
GENERAL ASSEMBLY OF VIRGINIA**



SENATE DOCUMENT NO. 6

**COMMONWEALTH OF VIRGINIA
Department of Purchases and Supply
Richmond
1976**

Report of the Committee to Study
The Education of Handicapped Children
in Facilities of
The Department of Mental Health and Mental Retardation
and the
Virginia School at Hampton
and
The Virginia School for the Deaf and the Blind at Staunton

Richmond, Virginia

October 30, 1975

TO: The Honorable Mills E. Godwin, Governor of Virginia
and

The General Assembly of Virginia

The General Assembly at its Regular Session of 1975
enacted Senate Joint Resolution No. 156 directing the Depart-
ment of Education and the Department of Mental Health and

Mental Retardation to study the matter of providing appropriate training and education to children in certain state institutions.

The Committee, having completed its work, submits this report:

A persistent problem of the Department of Mental Health and Mental Retardation and the Department of Education has been their inability to provide appropriate education for youngsters who are in state hospitals, state training schools and state training centers. To a lesser degree, the education of the children at the Virginia School at Hampton and the Virginia School for the Deaf and the Blind at Staunton also has been a problem. The passage of Public Law 93-380, which requires educational services for all handicapped children regardless of degree of disability, place of residence, or agency of concern, has brought these problems and their need for resolution into sharp focus. However, Virginia has already taken specific and significant steps to alleviate the problems. Section 22-10.4 of the Code of Virginia enacted by the 1972 Session of the General Assembly mandates education programs for all handicapped children between the ages of 2 and 21 years regardless of the place of

domicile. House Bill 1818 requires that the cost of the education of such children be jointly shared by the local school divisions and the State Board of Education. These actions, among others, by the Virginia General Assembly precipitated Senate Joint Resolution 156.

Senate Joint Resolution 156 of the 1975 General Assembly directed the Department of Mental Health and Mental Retardation and the Department of Education to study the problem of providing appropriate education for handicapped children and also to consider the relationship between the Department of Education and the Virginia School at Hampton and The Virginia School for the Deaf and Blind at Staunton. It was noted in the Resolution that "providing . . . education to handicapped children residing in state . . ." facilities "is a particularly complex and difficult one." Senate Joint Resolution 156 embraces the following:

- (1) The training and education needs of those mentally retarded, physically handicapped, emotionally disturbed, learning disabled, speech impaired, hearing impaired, visually impaired, or multiple handicapped children residing in state hospitals, state training schools or training centers for the mentally retarded.
- (2) The programs of training and education best suited to meet the needs of such handicapped children to assist in their development in a manner commensurate with their abilities.

- (3) The appropriate method of providing training and education programs for such children to expedite their development and facilitate their return to their homes and local communities.
- (4) The appropriate method of providing funds necessary to maintain training and education programs for such children and the manner in which such costs should be apportioned between the Commonwealth and its various political subdivisions.

It was required that the study be conducted by the Department of Mental Health and Mental Retardation and the Department of Education under the direction of the Acting Secretary of Education with representatives from the Virginia Association for Retarded Citizens, the Virginia Association for Children with Learning Disabilities, the Virginia Municipal League, and the Virginia Association of Counties.

Howard L. Sparks, Associate Vice President, Virginia Commonwealth University, was appointed by the Committee to assist the Acting Secretary of Education in the conduct of the study. Members selected to serve on the Committee from the State Department of Education were: William H. Cochran, Acting Superintendent of Public Instruction; James T. Micklem, Director of Special Education; F. Brent Sandidge, Assistant Superintendent for Administration and Finance; and Lucile T. Anderson, Supervisor of Institutional and Related Services. Members selected to serve on the Committee from the Department of Mental Health and Mental

Retardation were: William S. Allerton, Commissioner; Paul R. Ahr, Assistant Commissioner for Program Development and Evaluation; Dan Payne, Assistant Commissioner for Mental Retardation; and Robert Shackelford, Administrative Services Supervisor. Others serving on the Committee were: Anne Fleming, President of the Virginia Association for Children with Learning Disabilities; Martha Aycock, President of the Virginia Association for Retarded Citizens; The Honorable Jessie M. Rattley, representing the Virginia Municipal League; and The Honorable Alvin Y. Bandy, representing the Virginia Association of Counties. Staff assistance was provided by Mary Cunningham and consultation was obtained from Thomas F. Hancock, Jr. and Walter H. Ryland, Assistant Attorneys General, and Robert Lockridge and Herbert Hunt, Budget Analysts.

This report is a result of several months of Committee meetings and extensive study which included consultation. Following three full Committee sessions, a five-member Steering Committee was appointed. The Steering Committee met several times in order to specify the issues in Senate Joint Resolution 156 in order to appoint Subcommittees of the whole committee to explore each of these areas in depth. The Subcommittees met individually and drafted written reports which

were also presented orally to the full Committee. These reports were then organized into the first draft of the final document. This document was reviewed and redrafted several times by the Steering Committee before the final report was submitted for full Committee review and approval.

To give direction to the study of providing appropriate training education programs in state institutions, etc., the Committee adopted the following definitions:

Schooling - an organized effort around specified curricular objectives provided by certified teachers under standards, rules and regulations promulgated by the State Board of Education. This includes the concept of training when it is conducted by certified teachers and is a part of an organized school effort.

Education - a composite of all life experiences which includes the more formal aspect of schooling but is not synonymous with schooling and/or training.

This is an attempt, at least for the purposes of the study, to differentiate schooling from education in order to fix responsibility of the Department of Education in keeping with its legislative and constitutional authority and responsibility.

The Committee was in agreement that education programs for handicapped children in facilities operated by the Department of Mental Health and Mental Retardation are substantially lacking. Statistical data were provided by the Department of Mental Health and Mental Retardation and the Department of Education which verified

that a large number of handicapped children, particularly those who are severely and profoundly handicapped, are not currently receiving appropriate educational services. Historically, the State Department of Education has not been required to aid in the employment of teachers, and the Department of Mental Health and Mental Retardation has lacked funding to provide appropriate schooling programs. Further, responsibility for developing standards for education programs for children in residence in Department of Mental Health and Mental Retardation facilities was not definitively placed until the 1974 General Assembly action which amended the Code of Virginia (Section 22-9.1:04) and assigned the responsibility clearly to the State Board of Education.

As noted earlier, severely and multiple handicapped children constitute a substantial population in the state hospitals, training schools, training centers, and similar facilities. Yet, curriculum guidelines for these populations are presently unavailable from the Department of Education. The Committee recommends that the Department of Education develop and adopt curriculum guidelines for the severely handicapped, multiple handicapped, and very young handicapped populations, which could then be used in insitutional and other settings to provide appropriately

for the training and schooling needs of those individuals. This task should be given high priority by the Department of Education in order to have the guidelines available for the school year 1976-77.

A number of agencies, particularly the local Associations for Retarded Citizens and the local Associations for Children with Learning Disabilities, have had experience in developing programs for young and severely and multiple handicapped youngsters. The Committee recommends that the Department of Education involve representatives of these organizations, as well as the Department of Mental Health and Mental Retardation, in developing their curriculum guidelines. The Committee further recommends that the significant body of literature which is available in other states and through national organizations be used in the development of the Virginia guidelines.

It is axiomatic in the field of special education that the most suitable programs of training and education are those which provide the least restrictive alternatives for the youngsters--that is, education is the most normal setting possible. While it is not a part of Senate Joint Resolution 156, it should be general practice wherever feasible for the state hospitals, training schools and training centers to coordinate their education efforts with the local school divisions in their regions.

The curriculum for handicapped children, regardless of degree of disability, should be predicated on the "concept of normalization"--that is, education and training programs should be directed toward increasing the level of functioning of the individual in all areas of human behavior to the most nearly normal level possible. This should permeate all school efforts, particularly the areas of language development, academic mastery, motor development, emotional development, social adjustment and occupational and vocational competency. Therefore, the Committee recommends that the programs of training and education for children in Department of Mental Health and Mental Retardation facilities follow the curriculum guidelines put forth by the Department of Education and which embrace the "concept of normalization."

Because of the highly specialized training and educational needs of the populations in the state hospitals, training schools and training centers and the relative newness of these programs, the Committee considered it inappropriate to arbitrarily alter existing personnel standards and ratios as established by the Board of Education for these programs. Therefore, it is expected that the specific needs, at least for now, can be met using the personnel standards and ratios currently adopted by the Board of Education for special education programs in state hospitals, training schools and training centers. Consequently, the Committee

recommends that school programs in Department of Mental Health and Mental Retardation facilities employ the present standards and ratios adopted by the State Board of Education for special education in state facilities. Annual review is a current requirement of the State Board of Education and eventual change in both the types of personnel and the student/teacher ratios required to meet the needs of this population will undoubtedly occur because of the extreme handicapping conditions of many of the youngsters.

The Committee recommends that funding for the education of handicapped children enrolled in school programs operated by the Department of Mental Health and Mental Retardation be carried in that agency budget. The administrative structure for the operation of school programs within the Department of Mental Health and Mental Retardation system should assume the character of a local school division. This will create a reporting procedure which will enable reimbursement to the Department of Mental Health and Mental Retardation by the Department of Education for the expenditure of funds to provide school programs for handicapped children in state hospitals, training schools and training centers. Such reimbursements are to be made according to the regulations of the Board of Education for disbursement of state basic and special education funds. An additional amount equal to the local share of the required Standards of Quality per pupil expenditure will also be

reimbursed for both school age and pre-school age children.

This amount will be deducted from each local school division's share of the Basic School Aid Fund. The Committee also recommends that the Department of Mental Health and Mental Retardation budget reflect the statewide average local supplement per pupil for handicapped children in the public schools, using the immediately preceding year as the reference year, in order to fulfill the requirements of House Bill 1818 which states that:

The State Department of Mental Health and Mental Retardation shall be entitled to receive from the Board of Education and the school division where the parents or guardian of such child resides for the support of the education of such child, the same amount as is provided for the education and special education, if applicable, of a child in the public schools of such school division. (See Appendix A)

It should be noted that the costs of providing educational services are not included in those costs used by the Department of Mental Health and Mental Retardation in determining the fee collected from families of children residing in its facilities.

Consideration was given to the possibility of an administrative relationship between each of the hospitals, training schools or training centers and the local school divisions from which their youngsters are drawn in order to finance school programs. However, it was determined that the problems in administering such a program would probably far outweigh the apparent lack of local

school division participation on an actual cost basis. The members of the Committee believe that there are other social forces at work which make it incumbent upon local school divisions to develop local services as opposed to using Department of Mental Health and Mental Retardation facilities as alternatives to local programs.

The Department of Mental Health and Mental Retardation must develop an identifiable "school administration" in the central office and in each facility under its jurisdiction operating a school program. This structure will be analagous to local school superintendents and the principals of their individual schools.

Considerable thought was also given to fixing responsibility for the administration of school programs in Department of Mental Health and Mental Retardation facilities. The consensus was that there should be a single administrative head and, for obvious reasons, the establishment of a dual administration should be avoided. The Director of a Department of Mental Health and Mental Retardation facility would be the sole administrator; however, the "school principal" would be required to administer the school program in accordance with the guidelines, policies, and procedures promulgated by the State Board of Education.

A major concern of the Committee was the continuity of school programs for children as they move from their communities to Department of Mental Health and Mental Retardation facilities or the two

state schools for the deaf and the blind, and back into their own communities. This was considered to be a particularly critical question at this time as a result of the development of regional training centers and the expected mobility of students as a consequence. To avoid unnecessary time lags in both school services for the individual and flow of money, the Committee recommends that it be the responsibility of the State Superintendent of Public Instruction, the Commissioner of the Department of Mental Health and Mental Retardation and the two superintendents of the state schools for the deaf and the blind to develop administrative procedures. These procedures should insure continuity of schooling services and a timely flow of dollars for handicapped individuals to support such services.

House Bill 1818 requires that persons of school age in any state facility be included in the triennial census for the county or city that is the legal residence of the parents or guardian. However, the next triennial census will not occur until 1977. In order to obtain the data before the fall of 1976, the Committee recommends that the directors of the state hospitals, state training schools and state training centers conduct a census to determine, by legal residence, the number of children between the ages of 2 and 21 years domiciled in their facilities and to provide this information to the State Department of Education for its use

and distribution to local school superintendents. In order to assure that handicapped children between the ages of 2 and 5 years are included in future triennial censuses, the Committee recommends that Section 22-223 of the Code of Virginia be altered. The suggested amending legislation is attached as Appendix A.

Historically, there has been a relationship between the Virginia School at Hampton and the Virginia School for the Deaf and the Blind and the Department of Education as required by the Code of Virginia (Sections 23-181.5 and 23-181.10). In addition, Section 22.9-1:04 requires the Board of Education to establish standards and criteria for the total school programs as required for the Department of Mental Health and Mental Retardation and other state agencies having children in residence. Therefore, except for the funding, the areas addressed in Senate Joint Resolution 156 are being accommodated through existing administrative relationships and in compliance with the Code of Virginia.

While the present method of funding the two state schools for the deaf and the blind appears to be both practical and working, it should be noted that it is inconsistent with the intent of House Bill 1818. The areas of concern of this Committee pertaining to the state schools for the deaf and blind have been explored with the Honorable Eleanor P. Sheppard, Chairman of the House Education

Committee by the Acting Secretary of Education. Appendix B clarifies the areas which this Committee addressed in contrast to the work of Mrs. Sheppard's subcommittee.

The Committee has diligently attempted to make a careful analysis of the lack of educational programs and services in Virginia and to develop realistic recommendations for remedying the deficiencies and bringing the Commonwealth into compliance with both state and federal regulations pertaining to meeting the educational needs of institutionalized handicapped persons.

SUMMARY OF RECOMMENDATIONS

The Committee recommends that the Department of Education develop and adopt curriculum guidelines for the severely handicapped, multiple handicapped, and very young handicapped populations and have these guidelines available for the School Year 1976-77. The Committee also recommends that agencies, such as local associations for retarded citizens, as well as the Department of Mental Health and Mental Retardation, be involved in developing these guidelines. Further, the Committee recommends that the significant body of literature which is available in other states and through national organizations be used in the development of the Virginia guidelines.

The Committee recommends that the programs of training and education for children in Department of Mental Health and Mental Retardation facilities follow the curriculum guidelines put forth by the Department of Education and which embrace the "concept of normalization."

The Committee recommends that school programs in Department of Mental Health and Mental Retardation facilities employ the present personnel standards and ratios adopted by the State Board of Education for Special Education in State facilities.

The Committee recommends that funding for the education of handicapped children enrolled in school programs operated by the Department of Mental Health and Mental Retardation be carried in that agency budget with reimbursement by the State Department of Education. Such reimbursements are to be made according to the regulations of the Board of Education for disbursement of state basic and special education funds. An additional amount equal to the local share of the required standards of quality per pupil expenditure will also be reimbursed for both school age and pre-school age children. This amount will be deducted from each local school division's share of the basic school aid fund. The Department of Mental Health and Mental Retardation budget should reflect

the statewide average local supplement per pupil for handicapped children in the public schools, using the immediately preceding year as a reference year, in order to fulfill the requirements of House Bill 1818. The administrative structure of the school programs in Department of Mental Health and Mental Retardation facilities would assume the character of a local school division thereby creating a reporting procedure which will enable reimbursement to the Department of Mental Health and Mental Retardation by the Department of Education for the expenditure of funds to provide school programs for handicapped children. This would also provide assurance that the school programs would be administered in accordance with the guidelines, policies and procedures promulgated by the State Board of Education.

The Committee recommends that it be the responsibility of the State Superintendent of Public Instruction, the Commissioner of the Department of Mental Health and Mental Retardation, and the two Superintendents of the State Schools for the Deaf and the Blind to develop administrative procedures which will insure continuity of schooling services and a timely flow of dollars for handicapped individuals as they move from local communities to State facilities and back into their communities.

The Committee recommends that before the fall of 1976 the directors of state hospitals, state training schools and state training centers conduct a census to determine, by legal residence, the number of children between the ages of 2 and 21 years domiciled in their facilities and to provide this information to the State Department of Education for its use and distribution to local school superintendents.

The Committee recommends that Section 22-223 of the Code of Virginia be altered to include persons who have reached their second birthday by December 31 of the school year and have not reached their twenty-first birthday by January 1 of the school year and who are within the population of any state hospital, training school, training center, the Virginia School at Hampton, or the Virginia School for the Deaf and Blind and who would have been entitled to participate in Special Education programs in their home localities. The suggested legislation is attached as Appendix A.

Respectfully Submitted,

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Director

CHAPTER 568

An Act to amend and reenact §§ 22-223 and 37.1-96, as amended, of the Code of Virginia, relating to triennial census of school population; residence of patients in hospitals and of school age children in State hospitals.

[H 1818]

Approved MAR 22 1975

Be it enacted by the General Assembly of Virginia:

1. That §§ 22-223 and 37.1-96, as amended, of the Code of Virginia are amended and reenacted as follows:

§ 22-223. Triennial census of school population.—At a time to be designated by the Superintendent of Public Instruction, prior to September first, nineteen hundred seventy-four, a census of all persons having reached their sixth birthday on or before October thirty-first of the school year 1974-1975, and who have not reached twenty years of age, as of November first of the school year 1974-1975, and thereafter every three years a census of all persons having reached their sixth birthday on or before December thirty-first of the school year and who have not reached twenty years of age as of January first of the school year, residing within each county or city, shall be taken on forms furnished by the Superintendent of Public Instruction. Persons of school age domiciled in orphanages or eleemosynary institutions and school age dependents living on any federal military or naval reservation or other federal property, shall be included in the census for the county or city within which the institution or federal military or naval reservation or other federal property is located. Persons of school age confined in mental institutions, State or federal industrial schools or prisons, *persons of school age confined in State hospitals, State training schools or State training centers for the mentally retarded whom the Department of Mental Health and Mental Retardation determines could benefit from a program of education or training, and persons of school age attending the Virginia School for the Deaf and Blind or the Virginia School at Hampton* shall be included in the census for the county or city that is the legal residence of the parents or guardians of such ~~child-person or children~~ persons; *provided that if the legal residence of the parents or guardians of such person is not ascertainable, such parents or guardians shall be deemed to be legal residents of the county or city from which such person was admitted or committed.*

§ 37.1-96. Residence of patients in hospitals and school age children in State hospitals generally.—For the purpose of social and welfare agency services and eligibility for services, each patient in a hospital shall be deemed a resident of the county, city or town of which he was a legal resident at the time of his removal to the hospital, and not of the county, city or town in which the hospital is located. ~~Provided, that the children of school age within the population of any State hospital shall be enumerated in the school census of the district and county in which the State hospital is located, as a part of the school population of the Commonwealth, and annually the State hospital shall be entitled to receive from the State Board of Education an appropriation for the support of such school, based on its population, such as is made to the Bon Air School for Girls, and like institutions. Provided, that each person of school age~~

within the population of any State hospital, State training school, State training center for the mentally retarded whom the Department of Mental Health and Mental Retardation determines could benefit from a program of education or training and each person of school age attending the Virginia School at Hampton or the Virginia School for the Deaf and Blind shall be included in the average daily membership for the school division of, and in the census taken as provided in § 22-223 for, the county, city or town where the parents or guardian of such person resided according to such census, and annually the State Department of Mental Health and Mental Retardation, the Virginia School at Hampton and the Virginia School for the Deaf and Blind shall be entitled to receive from the Board of Education and the school division where the parents or guardian of such person resided according to such census for the support of the education of such person, the same amount as is provided for the education and special education, if applicable, of a child in the public schools of such school division. If the residence of such person's parents or guardian is not ascertainable, such parents or guardian shall be deemed to reside in the county, city or town from which such person was admitted or committed.

2. That this act shall become effective on July one, nineteen hundred seventy-six.

.....
 President of the Senate

.....
 Speaker of the House of Delegates

Approved:

.....
 Governor

1 Governor D 10/14/75 KLG C 10/27/75 deb

2 A Bill to amend and reenact §§ 22-223, 22-228, 37.1-96, as
 3 amended, and 58-441.48 of the Code of Virginia,
 4 relating to the triennial census of school population
 5 and deaf and blind persons, residence of patients in
 6 hospitals for the purposes of certain services,
 7 residence of persons in certain facilities for the
 8 mentally ill and mentally retarded, funds for their
 9 education and training, disposition of State sales and
 10 use tax revenue and localities' share of such revenue.
 11

12

13 be it enacted by the General Assembly of Virginia:

14 1. That §§ 22-223, 22-228, 37.1-96, as amended, and
 15 58-441.48 of the Code of Virginia are amended and reenacted
 16 as follows:

17 § 22-223. Triennial census of school population.--At a
 18 time to be designated by the Superintendent of Public
 19 Instruction prior to September first, nineteen hundred
 20 ~~seventy--four, seven--a-census-of-all-persons-having~~
 21 ~~reached-their-sixth-birthday-on-or-before-October~~
 22 ~~thirty-first-of-the-school-year-1974-1975, and who have not~~
 23 ~~reached-twenty-years-of-age, as of november-first-of-the~~
 24 ~~school-year-1974-1975, and thereafter every three years, a~~
 25 census of (1) all persons having reached their sixth
 26 birthoay on or before December thirty-first of the school
 27 year and who have not reached twenty years of age as of
 28 January first of the school year, residing within each
 29 county or city, and (2) all handicapped children as defined
 30 in § 22-10.3, except deaf and blind persons included in the

1 census provided for in § 22-228, residing in each county and
2 city who have been identified as handicapped children and
3 who are between the ages of two and twenty-one, shall be
4 taken on forms furnished by the Superintendent of Public
5 Instruction. ~~Persons-of-school-age_Handicapped_children~~
6 ~~hereinabove_described_in_(2)_and_persons_hereinabove~~
7 ~~described_in_(1)_who_are~~ domiciled in orphanages or
8 eleemosynary institutions ~~and-school-age_of_who_are~~
9 dependents, living on any federal military or naval
10 reservation or other federal property, shall be included in
11 the census for the county or city within which the
12 institution or federal military or naval reservation or
13 other federal property is located. ~~Persons-of-school-age~~
14 ~~Handicapped_children_hereinabove_described_in_(2)_and~~
15 ~~persons_hereinabove_described_in_(1)_who_are~~ confined in
16 mental institutions, State or federal industrial schools or
17 prisons ~~persons-of-school-age_of_who_are~~ confined in State
18 hospitals, State training schools or State training centers
19 for the mentally retarded, each as defined in § 37.1-1,
20 ~~whom-the-department-of-Mental-Health-and-Mental-Retardation~~
21 ~~determines-could-benefit-from-a-program-of-education-or~~
22 ~~training-and-persons-of-school-age-attending-the-Virginia~~
23 ~~School-for-the-Deaf-and-Blind-or-the-Virginia-School-at~~
24 Hampton shall be included in the census for the county or
25 city that is the legal residence of the parents or guardians
26 of such person or persons; provided that if the legal
27 residence of the parents or guardians of such person is not
28 ascertainable, such parents or guardians shall be deemed to

1 be legal residents of the county or city from which such
2 person was admitted or committed. Pending the census to be
3 taken in nineteen hundred seventy-seven, the Department of
4 Mental Health and Mental Retardation shall determine the
5 legal residence of the parents or guardian of each person
6 between the ages of two and twenty-one confined in a state
7 hospital, State training school or State training center for
8 the mentally retarded, each as defined in § 37.1-1, or the
9 county or city from which such person was admitted or
10 committed if the legal residence of the person's parents or
11 guardian is not ascertainable and shall notify the
12 Superintendent of Public Instruction. Each such person
13 shall be included in the school population of the
14 appropriate county or city for the purposes of § 58-441.4B
15 and in the average daily membership of the appropriate
16 school division.

17 § 22-228. Census of deaf and blind persons.--At the
18 time the census provided for by § 22-223 is taken, there
19 shall also be taken, by the same agents, a separate census
20 of the deaf and blind (as defined in § 63.1-166) persons
21 between the ages set out in such section of law and
22 twenty-one residing within the county or city, giving the
23 sex, age and residence of each, and a copy thereof shall be
24 returned to the division superintendent. A person between
25 the ages of two and twenty-one attending the Virginia School
26 for the Deaf and Blind or the Virginia School at Hampton
27 shall be included in the census for the county or city that
28 is the legal residence of the parents or guardian of such

1 ~~person.~~ For this service the agents shall receive the same
 2 compensation as that allowed for listing other children in §
 3 22-224, and out of the same fund. The division
 4 superintendent shall consolidate the reports of the agents
 5 and transmit the same to the superintendent of the schools
 6 for the deaf and blind, to the Virginia Commission for the
 7 Visually Handicapped, and to the Virginia Council for the
 8 Deaf.

9 § 37.1-96. Residence of patients in hospitals and
 10 school age children in State hospitals generally.--For the
 11 purpose of social and welfare agency services and
 12 eligibility for services, each patient in a hospital shall
 13 be deemed a resident of the county, city or town of which he
 14 was a legal resident at the time of his removal to the
 15 hospital, and not of the county, city or town in which the
 16 hospital is located. Provided, that each ~~person-of-school~~
 17 ~~age-between-the-ages-of-two-and-twenty-one~~ within the
 18 population of any State hospital, State training school,
 19 State training center for the mentally retarded whom the
 20 Department of Mental Health and Mental Retardation
 21 determines could benefit from a program of education or
 22 ~~training-and-each-person-of-school-age-attending-the~~
 23 ~~Virginia-school-at-Hampton-or-the-Virginia-school-for-the~~
 24 ~~Deaf-and-blind~~ shall be included in the average daily
 25 membership for the school division of ~~and the county,~~
 26 ~~city or town where such person is included~~ in the census
 27 taken as provided in § 22-223 ~~for the county, city or town~~
 28 ~~where the parents or guardian of such person resided~~

1 ~~according to such census~~ , and annually the State Department
 2 of Mental Health and Mental Retardation ~~of the Virginia~~
 3 ~~School at Hampton and the Virginia School for the Deaf and~~
 4 ~~Blind~~ shall be entitled to receive from the Board of
 5 Education and the school division where ~~the parents or~~
 6 ~~guardian of such person resided according to such census~~
 7 such person is included in the average daily membership, for
 8 the support of the education of such person, ~~the same amount~~
 9 ~~as is provided for the education a sum equal to the~~
 10 Statewide basic operation cost per pupil in average daily
 11 membership as established in the act appropriating the
 12 public revenues for the current biennium and an additional
 13 payment for special education, if applicable of a child in
 14 the public schools of such school division; if the
 15 residence of such person's parents or guardian is not
 16 ascertainable, such parents or guardian shall be deemed to
 17 reside in the county, city or town from which such person
 18 was admitted or committed . The share of the school division
 19 shall be an amount equal to the required local expenditure
 20 per pupil . The entire amount shall be paid by the Board of
 21 Education and the Board shall then deduct the share of the
 22 school division from the amount payable by the Board of
 23 Education from the basic school aid fund to such school
 24 division .

25 § 58-441.48. Disposition of State sales and use tax
 26 revenue; localities' share.--All State tax moneys collected
 27 by the Commissioner under the preceding sections of this
 28 chapter shall be paid into the general fund of the State

1 treasury.

2 (a) The Comptroller shall designate for all such State
3 sales and use tax revenue collected under the preceding
4 sections of this chapter a specific revenue code number, and
5 another specific revenue code number for the registration
6 fees collected under § 58-441.16.

7 ~~(b) For the taxable period beginning September one,~~
8 ~~nineteen hundred sixty six and ending June thirty nine~~
9 ~~hundred sixty eight, one half of the net revenue derived~~
10 ~~under the preceding sections of this chapter, and~~ For the
11 taxable period beginning July one, nineteen hundred
12 sixty eight ~~SEVENTY SIX~~, and continuing indefinitely, one
13 third of the net revenue derived under the preceding
14 sections of this chapter shall be distributed among the
15 counties and cities of this State in the manner hereafter in
16 this section provided.

17 (c) The localities' share of the net revenue
18 distributable under this section among the counties and
19 cities shall be apportioned by the Comptroller and
20 distributed among them by warrants of the Comptroller drawn
21 on the Treasurer of Virginia as soon as practicable after
22 the close of each month during which the net revenue was
23 received into the State treasury. ~~The first distribution~~
24 ~~shall be made in November, nineteen hundred sixty six or as~~
25 ~~soon thereafter as practicable, and shall cover the~~
26 ~~localities' share of such net revenue received into the~~
27 ~~State treasury during the month of September, nineteen~~
28 ~~hundred sixty six if any, and during the month of October,~~

1 ~~nineteen-hundred-sixty-six-and-thereafter~~. The distribution
 2 of the localities' share of such net revenue shall be
 3 computed with respect to the net revenue received into the
 4 State treasury during each month, and such distribution
 5 shall be made as soon as practicable after the close of each
 6 such month.

7 (d) The net revenue so distributable among the counties
 8 and cities shall be apportioned and distributed upon the
 9 ~~basis-of-the-school-age-population-of-the-respective~~
 10 ~~counties-and-cities,~~ as certified to the Comptroller by the
 11 Department of Education, ~~-that-is-to-say,-upon-the-basis~~ of
 12 the number of children ~~-between-the-ages-of-seven-and-twenty~~
 13 ~~years~~ in each county and city according to the most recent
 14 state-wide census of ~~-such_school_population-as-has-been,-or~~
 15 ~~may-be,-caused-to-be~~ taken by the Department of Education
 16 pursuant to §§ 22-223 and 22-228 of the Code of Virginia ,
 17 as adjusted in the manner hereinafter provided. EXCEPT AS
 18 provided in § 22-223 for persons confined in State
 19 hospitals, State training schools and State training centers
 20 for the mentally retarded, no special school population
 21 census, other than a state-wide census, shall be used as the
 22 basis of apportionment and distribution except that in any
 23 calendar year in which a state-wide census is not reported,
 24 the Department of Education shall adjust such school-age
 25 population figures by the same per centum of annual change
 26 in total population estimated for each locality by the
 27 Bureau of Population and Economic Research of the University
 28 of Virginia. The revenue so apportionable and distributable

1 is hereby appropriated to the several counties and cities
2 for maintenance, operation, capital outlays, debt and
3 interest payments, or other expenses incurred in the
4 operation of the free public schools, which shall be
5 considered as funds raised from local resources; provided,
6 however, that in any county wherein is situated any
7 incorporated town constituting a special school district and
8 operated as a separate school district under a town school
9 board of three members appointed by the town council, the
10 county treasurer shall pay into the town treasury for
11 maintenance, operation, capital outlays, debt and interest
12 payments, or other expenses incurred in the operation of the
13 free public schools, the proper proportionate amount
14 received by him in the ratio that the school-age population
15 of such town bears to the school-age population of the
16 entire county. If the school-age population of any city, or
17 town constituting a separate school district, is increased
18 by the annexation of territory since the last preceding
19 school-age population census, such increase shall, for the
20 purposes of this section, be added to the school-age
21 population of such city or town as shown by the last such
22 census and a proper reduction made in the school-age
23 population of the county or counties from which the annexed
24 territory was acquired.

25 (e) If errors are made in any distribution, or
26 adjustments are otherwise necessary, the errors shall be
27 corrected and adjustments made in the distribution for the
28 next quarter or for subsequent quarters.

1 (f) The term "net revenue," as used in this section,
2 means the gross revenue received into the general fund of
3 the State treasury under the preceding sections of this
4 chapter, less (1) refunds to taxpayers, and (2) registration
5 fees collected under § 58-441.16.

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A P P E N D I X B



COMMONWEALTH of VIRGINIA

Office of the Governor

Richmond 23219

ills E. Godwin, Jr.

June 13, 1975

The Honorable Eleanor P. Sheppard
Chairman, House Education Committee
1601 Princeton Road
Richmond, Virginia 23227

Dear Mrs. Sheppard:

Confirming our earlier oral understanding, the study authorized by Senate Joint Resolution 156 of the 1975 General Assembly will embrace the education of children resident in State institutions and training centers, including the School for the Deaf and Blind at Staunton and the Virginia State School at Hampton. Concurrently the subcommittee of the House Education Committee which you have appointed under House Resolution 31 will direct its attention to questions pertaining to transportation of students, geographical attendance areas and the various proposals relating to separate schools for the deaf and the blind.

This division of responsibilities between the two committees will avoid unnecessary duplication and I feel confident will meet the intent of the General Assembly.

Sincerely yours,

A handwritten signature in cursive script, reading "Carter O. Lowance".

Carter O. Lowance
Acting Secretary of Education

COL:tg
cc: Dr. Howard Sparks

ENGROSSED

1 SENATE JOINT RESOLUTION NO. 156
2 Senate Amendments in [] -February 6, 1975

3 *Directing the Department of Education and the Department of Mental Health and Mental*
4 *Retardation to study the matter of providing appropriate training and education to*
5 *children in certain State institutions.*

6 _____

7 Patrons—Messrs. Brault and Willey

8 _____

9 Referred to the Committee on Rules

10 _____

11 WHEREAS, it is the desire of the General Assembly to provide
12 appropriate training and education to all handicapped children in
13 the Commonwealth between the ages of two and twenty-one years;
14 and

15 WHEREAS, the problem of providing such education to
16 handicapped children residing in State hospitals, State training
17 schools or training centers for the mentally retarded is a particularly
18 complex and difficult one; and

19 WHEREAS, the General Assembly wishes to be informed of the
20 nature of the appropriate training and education programs which
21 should be maintained in such institutions and the expense which the
22 support of such programs will entail; now, therefore, be it

23 RESOLVED by the Senate, the House of Delegates concurring,
24 That the Department of Education and the Department of Mental
25 Health and Mental Retardation, under the direction of the Acting
26 Secretary of Education, are hereby directed to make a
27 comprehensive study of (i) the training and education needs of those
28 mentally retarded, physically handicapped, emotionally disturbed,
29 learning disabled, speech impaired, hearing impaired, visually
30 impaired, or multiple handicapped children residing in State
31 hospitals, State training schools or training centers for the mentally
32 retarded [; ~~exclusive of the Virginia School at Hampton and the~~
33 ~~Virginia School for the Deaf and Blind at Staunton~~] ; (ii) the
34 programs of training and education best suited to meet the needs of
35 such handicapped children to assist in their development in a
36 manner commensurate with their abilities; (iii) the appropriate
37 method of providing training and education programs for such

1 children to expedite their development and facilitate their return to
2 their homes and local communities; (iv) the appropriate method of
3 providing funds necessary to maintain training and education
4 programs for such children and the manner in which such costs
5 should be apportioned between the Commonwealth and its various
6 political subdivisions; and (v) any and all matters deemed by the
7 Departments and the Acting Secretary of Education to be relevant
8 to the formulation and financial support of such programs.

9 In their deliberation, the Departments shall consult with
10 representatives of the Virginia Association [~~of~~-for] Retarded [
11 ~~Persons~~ Citizens] , the Virginia Association for Children with
12 Learning Disabilities, [*Virginia Municipal League, the Virginia Association of*
13 *Counties,*] and any other associaion or group which desires to assist
14 the Departments in their study.

15 All agencies of the State and the governing bodies and agencies
16 of all political subdivisions of the State shall cooperate with and
17 assist the Departments in their study.

18 The Departments shall conclude their study and make their
19 report and recommendations to the Governor and the General
20 Assembly prior to the submission of the executive budget for the
21 1976-1978 biennium and in no event later than November one,
22 nineteen hundred seventy-five.

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Official Use by Clerks

31
32 **Agreed to By The Senate**

**Agreed to By
The House of Delegates**

33 with amendment
34 without

with amendment
without

35 Date:

Date:

36

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Clerk of the Senate

Clerk of the House of Delegates

37

