

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 1146
SENATE BILL 226

1 AN ACT TO PROVIDE FOR INSTRUCTIONS FOR EDUCABLE MENTALLY
2 HANDICAPPED CHILDREN.

3
4 The General Assembly of North Carolina do enact:
5

6 **Section 1.** There shall be organized and administered by the Superintendent of
7 Public Instruction and the State Board of Education under the general supervision of the State
8 Superintendent of Public Instruction a program of training for the educable mentally
9 handicapped children residing within the State. Such program shall be a continuing program to
10 begin at the beginning of the school year 1961-62. The State Superintendent of Public
11 Instruction, subject to approval of the State Board of Education, shall formulate reasonable
12 rules prescribing the program and the procedures for its operation and maintenance and shall
13 prescribe reasonable rules for determining a child's eligibility for participation in the program
14 on the basis of adequate individual psychological, sociological, and medical evaluations and
15 other related factors. In order to assure maximum participation by the local school
16 administrative units, full information on the rules and regulations and other pertinent
17 information shall be forwarded to the local school units in time for them to meet the
18 requirements to qualify for participation in the program.

19 **Sec. 2.** County and city boards of education are hereby authorized to establish
20 training programs for training the educable mentally retarded children in each administrative
21 unit. Boards of education in more than one administrative unit may by written agreement
22 recorded in their minutes jointly operate such a program. When directed by the board of
23 education in the administrative unit, it shall be the duty of the superintendent of public
24 instruction in that unit to conduct a survey of the children residing in said unit for the purpose
25 of determining those who are educable mentally handicapped children. The superintendent
26 shall then make a full report to the board as to his findings and shall thereafter report to the
27 board, from time to time, any other such educable mentally handicapped children within the
28 administrative unit when they shall come to his attention.

29 **Sec. 3.** In addition to such other funds as may be available for this purpose, county
30 or city boards of education establishing such programs are authorized to expend therefor any
31 State or local funds apportioned to them under the provisions of this Act. County and city
32 boards may also receive gifts to be used for such programs and may expend them for such
33 purposes. County and city boards of education are authorized to include in their capital outlay
34 and current expense budget funds to facilitate the establishment, maintenance, and operation of
35 training programs pursuant to this Act and the tax levying authorities are authorized to allow
36 said budgetary items and to levy proper taxes therefor.

37 **Sec. 4.** When the county or city board of education in any administrative unit or
38 units shall approve the establishment of a training program for educable mentally handicapped
39 children in said unit or units, it may thereupon request from the State Board of Education
40 allotment of teachers for the program and such other allotments as may be applicable to the
41 program. When the program for training the educable mentally handicapped children in a unit
42 or a combination of units meets the reasonable rules and regulations prescribed in accordance
43 with Section 1 hereof, the State Board of Education may provide teachers and other applicable

1 allotments for such a program from the appropriation made to the Nine Months School Fund,
2 notwithstanding any limitations express or implied on the amount for teachers and other
3 allotments for this program in the Appropriations Act. Whenever a request is disapproved
4 either for failure to qualify under the rules and regulations established under the authority of
5 Section 1 or because of lack of funds, the reason for such disapproval shall be given in writing
6 by the State Superintendent of Public Instruction to the State Board of Education and to the
7 superintendent of the unit or units which make the request and to the Advisory Budget
8 Comsion. The Director of the Budget, upon request from the State Board of Education, is
9 authorized to make transfers to the Nine Months School Fund of any State funds which the
10 State Board of Education may find available in any budget administered by the State Board of
11 Education for the purpose of providing funds required for the program or programs which have
12 been disapproved for lack of funds.

13 **Sec. 5.** From the appropriations to the Nine Months School Fund and such other
14 appropriations as may be available, the State Board of Education may allocate and transfer to
15 the State Department of Public Instruction for the biennium 1961-1963 an amount which the
16 Board deems adequate to provide personnel to administer and supervise the program
17 established under the provisions of this Act in addition to the personnel presently in the
18 Department of Public Instruction charged with the administration of education for handicapped
19 persons.

20 **Sec. 6.** In making allotments to the administrative units for this program, the State
21 Board of Education is authorized to determine the allotment of teachers and other applicable
22 allotments which are deemed adequate to support the training program in each unit or
23 combination of units and, even though such allotments exceed the allotments which would be
24 required for a program for normal children, may make allocations on that basis. The State
25 Board of Education is authorized, in its discretion, to provide a separate salary schedule for
26 teachers serving this program.

27 **Sec. 7.** All laws and clauses of laws in conflict with this Act are hereby repealed.

28 **Sec. 8.** This Act shall become effective July 1, 1961.

29 In the General Assembly read three times and ratified, this the 22nd day of June,
30 1961.