

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 1166
HOUSE BILL 1139

1 AN ACT TO ESTABLISH IN THE PUBLIC SCHOOLS A PROGRAM FOR THE
2 EDUCATION OF HEARING-IMPAIRED CHILDREN, TO PROVIDE FUNDS FOR
3 THE OPERATION OF SUCH PROGRAM AND TO PROVIDE CERTAIN
4 STANDARDS FOR THE CONTINUING EDUCATION OF HEARING-IMPAIRED
5 CHILDREN.

6
7 The General Assembly of North Carolina do enact:

8
9 **Section 1.** Chapter 115 of the General Statutes is hereby amended by adding
10 immediately after the present Article 38 a new article to be designated as Article 38A and
11 reading as follows:

12 "Article 38A.

13 "Education for Hearing-Impaired Children in the Public Schools.

14 **"Sec. 115-315.1. Purpose of Act.** It is the purpose of this Act to provide, in the Public Schools
15 of North Carolina, a comprehensive program for hearing-impaired children of pre-school age
16 so that such pre-school children may be taught and instructed during the critical learning years,
17 and to provide likewise a comprehensive program in the public schools of this State for school
18 age children who, while not deaf, have some degree of hearing impairment which calls for and
19 lends itself to special instruction in the public schools implemented by trained teachers and
20 special equipment. It is further the purpose of this Act to provide a system for the identification
21 and professional evaluation of pre-school children who have impaired hearing.

22 It is deemed advantageous that hard-of-hearing children of school age be, as far as is
23 possible, educated in a normal public school environment in their home community and in the
24 presence of children not handicapped by hearing impairment rather than in the isolation of
25 special programs away from the home community and local environment. At the same time the
26 General Assembly recognizes the continuing and strong need for the State's residential schools
27 for the deaf and affirms continued support in such schools. It is not the purpose of this Act to
28 duplicate in any manner the function of the residential schools for the deaf."

29 **"Sec. 115-315.2. Definitions.** Unless the context of this Article otherwise requires:

30 "(1) The term 'deaf' shall mean those children in whom the sense of hearing is
31 non-functional for the ordinary purposes of life. The term is inclusive both
32 of congenitally deaf and adventitiously deaf.

33 "(2) The term 'hard-of-hearing' means those children in whom the sense of
34 hearing, although defective, is functional with or without the hearing aid.

35 "(3) The term 'hearing-impaired' is inclusive both of the deaf and the
36 hard-of-hearing and includes any child in whom there is some substantial
37 degree of hearing impairment which calls for special instruction or special
38 equipment in the learning processes."

39 **"Sec. 115-315.3. Organization of program; rules and regulations; eligibility for**
40 **instructional training; information to local school units.** There shall be organized and
41 administered by the State Superintendent of Public Instruction and the State Board of
42 Education, under the general supervision of the State Superintendent of Public Instruction, a
43 program for the education of hearing-impaired children residing within the State. Such program

1 shall be available to all pre-school hearing-impaired children between the ages of one and six
2 and shall be available for all hard-of-hearing children of school age. Such program shall be a
3 continuing program and shall commence during the school year 1969-70. The State
4 Superintendent of Public Instruction, subject to the approval of the State Board of Education,
5 shall formulate reasonable rules prescribing the program and procedures for its operation and
6 maintenance and shall prescribe reasonable rules for determining a child's eligibility for
7 participation on the basis of adequate individual audiology, medical evaluation and other
8 related factors. Provided, however, children who are of school age and who are, upon medical
9 evaluation, found to be deaf, may be instructed in the North Carolina Schools for the Deaf. In
10 order to assure maximum participation by local school administrative units, full information on
11 the rules and regulations and pertinent information shall be forwarded to the local school unit in
12 time for them to meet the requirements in qualifying for participation in the program.

13 "The State Superintendent of Public Instruction in prescribing the procedures for the
14 operation and maintenance of a program under this Article, shall distinguish between the
15 program for pre-school children, which program shall be available to all hearing-impaired
16 children of pre-school age, and the program for school age children."

17 **"Sec. 115-315.4. Authority of local school board to establish programs; joint operations;
18 duty of local superintendent.** County and city boards of education are hereby authorized to
19 establish programs for pre-school hearing-impaired children and hard-of-hearing school age
20 children in each administrative unit. Boards of education in more than one administrative unit
21 may by written agreement recorded in their minutes jointly operate such program. When
22 directed by the board of education in the administrative unit, it shall be the duty of the
23 superintendent of public instruction in that unit to conduct a survey of the pre-school aged
24 children residing in said unit for the purpose of determining the identity of the
25 hearing-impaired. The superintendent shall then make a full report to the board as to his
26 findings and shall thereafter report to the board, from time to time, any other such
27 hearing-impaired children within the administrative unit when they shall come to his attention.
28 All pre-school children included in the program shall first be afforded an otological and
29 audiological examination."

30 **"Sec. 115-315.5. Expenditure of State and local funds; gifts.** In addition to such other funds
31 as may be available for their purpose, county and city boards of education establishing
32 programs for the pre-school age hearing-impaired and school age hard-of-hearing under this
33 Article are authorized to expend therefor any State or local funds appropriated to them under
34 the provisions of this Article. County and city boards may also receive gifts to be used for such
35 programs and may expend them for such purposes. Any funds received by way of gift for use
36 of the hearing-impaired program, shall be faithfully accounted for the same as if such funds
37 were public funds. County and city boards of education are authorized to include in their capital
38 outlay and current expense budgets, funds to facilitate the establishment, maintenance and
39 operation of programs pursuant to this Article, and the tax levying authorities of the counties
40 and municipalities involved are authorized to levy proper taxes therefor."

41 **"Sec. 115-315.6. Request for teachers and other allotments from State Board; disapproval
42 of request; transfer of funds.** When the county or city board of education in any
43 administrative unit or units shall approve the establishment of an instruction program for pre-
44 school age hearing-impaired children and for the school age hard-of-hearing in said unit or
45 units, it may thereupon request from the State Board of Education an allotment of teachers for
46 the program and such other allotments as may be applicable to the program. When such
47 programs in a unit or a combination of units meets the rules and regulations prescribed in
48 accordance with the State Board of Education, the State Board may provide teachers and other
49 applicable allotments for such a program from the appropriation made to the Nine Months
50 School Fund. Whenever a request is disapproved either by failure to qualify under the rules and
51 regulations established under authority of G.S. 115-315.3 or because of lack of funds, the

1 reason for such disapproval shall be certified by the State Superintendent of Public Instruction
2 to the State Board of Education and to the superintendent of the unit or units making the
3 request."

4 **Sec. 2.** G.S. 115-78(b) is amended by adding after the present subsection (6) a new
5 subsection to be designated as subsection (7) and reading as follows:

6 "(7) Special program for hearing-impaired children at the pre-school age level
7 and for school age children who are hard-of-hearing, includes cost of
8 purchasing instructional apparatus and equipment, salaries for trained
9 instructors and teachers."

10 **Sec. 3.** G.S. 115-79(5) is amended by adding a new subdivision, to be designated as
11 subdivision d., to read as follows:

12 "d. hearing-impaired program."

13 **Sec. 4.** All laws and clauses of laws in conflict with this Act are hereby repealed.

14 **Sec. 5.** This Act shall become effective upon ratification.

15 In the General Assembly read three times and ratified, this the 30th day of June,
16 1969.