

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 749
SENATE BILL 134

1 AN ACT TO AMEND THE LAWS RELATING TO THE EDUCATION OF DEAF AND
2 BLIND CHILDREN IN STATE INSTITUTIONS.

3
4 The General Assembly of North Carolina do enact:

5
6 **Section 1.** G.S. Sec. 115-172 through Sec. 115-175 is hereby rewritten to read as
7 follows:

8 **"Sec. 115-172. Deaf children and blind children to attend school; age limits: minimum**
9 **attendance.** Every deaf child and every blind child between the ages of six and eighteen years
10 of sound mind in North Carolina who shall be qualified for admission into a State school for
11 the deaf or the blind shall attend a school that has an approved program for the deaf or the
12 blind, or in the case of a blind child, such child may attend a public school, for a term of not
13 less than nine months each year. Parents, guardians, or custodians of every such blind or deaf
14 child between the ages of six and eighteen years shall send, or cause to be sent, such child to
15 some school for the instruction of the blind or deaf or public school as herein provided. As to
16 any deaf child, or any blind child not attending a public school as herein provided, the
17 Superintendent of any school for the blind or deaf may exempt any such child from attendance
18 at any session or during any year, and may discharge from his custody any such blind or deaf
19 child whenever such discharge seems necessary or proper. Such discharge or exemption shall
20 be reviewed by the Board of Directors upon petition by the parent, guardian, or other interested
21 person or the child who has been exempted or discharged; provided, however, that such Board
22 shall not be required to review such discharge or exemption more than once during each
23 calendar year. Whenever a blind or deaf child shall reach the age of eighteen years and is still
24 unable to become self-supporting because of his defects, such child shall continue in said
25 school until he reaches the age of twenty-one, unless he becomes capable of self-support at an
26 earlier date.

27 **"Sec. 115-173. Parents, etc., failing to enroll deaf child in school guilty of misdemeanor;**
28 **provisos.** The parents, guardians, or custodians of any deaf child or children between the ages
29 of six and eighteen years failing to enroll such deaf child or children in some school for
30 instruction as provided herein, shall be guilty of a misdemeanor, and upon conviction shall be
31 fined or imprisoned, at the discretion of the court. Provided, that this Section shall not apply to
32 or be enforced against the parent, guardian, or custodian of any deaf child until such time as the
33 Superintendent of any school for the instruction of the deaf shall in his discretion serve written
34 notice on such parent, guardian, or custodian, directing that such child be sent to the institution,
35 advising such parents, guardians, or custodians of the legal requirements of this Section and
36 provided, further, that the willful failure of such parent, guardian, or custodian shall constitute a
37 continuing offense and shall not be barred by the statute of limitations.

38 **"Sec. 115-174. Parents, etc., failing to send blind child to school guilty of misdemeanor;**
39 **provisos.** The parents, guardians, or custodians of any blind child or children between the ages
40 of six and eighteen years failing to send such child or children to some school for the
41 instruction of the blind or public school shall be guilty of a misdemeanor, and upon conviction
42 shall be fined or imprisoned, at the discretion of the court. This Section shall not be enforced
43 against the parents, guardians, or custodians of any blind child until such time as the

Superintendent of some school for the instruction of the blind shall in his discretion serve written notice on such parents, guardians, or custodians directing that such child be sent to the said school or to a public school, advising such parents, guardians, or custodians of the legal requirements of this Section and provided, further, that the willful failure of such parents, guardians, or custodians shall constitute a continuing offense and shall not be barred by the statute of limitations. The authorities of The Governor Morehead School shall not be compelled to retain in their custody or under their instruction any incorrigible person or persons of confirmed immoral habits.

"Sec. 115-175. School Superintendent to report blind and deaf children. It shall be the duty of the county and city school superintendents to report the names and addresses of parents, guardians, or custodians of any deaf or blind children residing within their respective school administrative units to the Superintendent of the institution provided for each. Such report also shall be made to the Department of Public Instruction."

Sec. 2. Article 40 of Chapter 115 of the General Statutes, to be designated "Article 40. Governor Morehead School", is hereby amended to read as follows:

"Article 40.

"Governor Morehead School

"Sec. 115-321. Incorporation, name and management. The institution for the education of the blind, located in the city of Raleigh, shall be a corporation under the name and style of The Governor Morehead School, and shall be under the management of a Board of Directors and Superintendent.

"Sec. 115-322. Directors; appointment; terms; vacancies. There shall be eleven directors of The Governor Morehead School at Raleigh, to be appointed by the Governor. The terms of the directors shall be six years from their appointment and until their successors are appointed and qualified except that:

- (a) All directors previously appointed and presently serving shall continue to serve until the expiration of their respective terms.
- (b) As the terms of the present Board expire, their successors shall be selected so that the terms of four directors shall expire two years from the date of appointment; the terms of four directors shall expire four years from the date of appointment; and the terms of three directors shall expire six years from the date of appointment.
- (c) Thereafter, all terms shall be six years, beginning with the date of appointment for succeeding terms.
- (d) The Governor shall transmit to the Senate during each session of the General Assembly the names of his appointees for confirmation. The Governor shall have the power to remove any member of the Board of Directors whenever in his opinion it is to the best interest of the State to remove such person, and the Governor shall not be required to give any reason for such removal. The Governor shall fill all vacancies. All appointees by the Governor filling any vacancies shall be for the duration of the unexpired term of the office vacated.

"Sec. 115-323. Chairman, executive committee, and other officials: election, terms, and salaries. The Board of Directors shall organize by electing one of its members chairman, and in addition shall elect two additional members of the Board who shall serve with the chairman as the Executive Committee. The terms of office in each case shall be for two years. The Board shall elect a Superintendent who shall be ex officio secretary of the Board, and whose term of office shall be for three years; and such officers, agents and teachers as shall be deemed necessary. The compensation for officers, other than the Superintendent, agents and teachers shall be fixed by the State Personnel Department upon the recommendation of the Superintendent.

1 **"Sec. 115-324. Meetings of the Board and compensation of the members.** The Board shall
2 meet at stated times and also at such other times as it may deem necessary. The members of the
3 Board shall be paid traveling expenses incurred in the discharge of their official duties, and
4 they shall also be paid the same per diem for attending meetings of the Board as is provided for
5 Boards of other State institutions.

6 **"Sec. 115-325. Admission of pupils; how admission obtained.** The Board of Directors shall,
7 on application, receive in the institution for the purpose of education all blind children who are
8 residents of this State, not of confirmed immoral character, nor unsound in mind, nor
9 incapacitated by physical infirmity for useful instruction, who are between the ages of six and
10 eighteen years. Provided, that pupils who are not within the age limits above set forth may be
11 admitted to said institution in cases in which the Board of Directors finds that the admission of
12 such pupils will be beneficial to them and in cases in which there is sufficient space available
13 for their admission in said institution. Provided, further, that the Board of Directors is
14 authorized to make expenditures, out of any scholarship funds or other funds already available
15 or appropriated, of sums of money for the use of out-of-State facilities for any student who,
16 because of peculiar conditions or disability, cannot be properly educated at the School in
17 Raleigh. Until schools for the deaf at Wilson and Morganton are complete and ready to receive
18 deaf students, such deaf students who normally would attend The Governor Morehead School,
19 shall be received and educated therein.

20 **"Sec. 115-326. Admission of curable blind.** It shall be the duty of the Directors of The
21 Governor Morehead School to admit into such institution from time to time, provided space is
22 available, such of the blind of the State as they may deem to be curable.

23 **"Sec. 115-327. Admission of pupils from other states.** The Board may, on such terms as it
24 deems proper and upon the receipt of tuition and necessary expenses as prescribed by the
25 Board, admit as pupils persons of like infirmity from any other state but such power shall not
26 be exercised to the exclusion of any child of this State, and the person so admitted shall not
27 acquire the condition of a resident of the State by virtue of such pupilage.

28 **"Sec. 115-328. Board may confer diplomas.** The Board may, upon the recommendation of
29 the Superintendent and faculty, confer such diplomas or marks of achievement upon its
30 graduates as it may deem appropriate to encourage merit.

31 **"Sec. 115-329. Election of officers.** The Board of Directors shall elect the Superintendent of
32 the School for a term of three years. The term of the present Superintendent shall continue until
33 July 1, 1969, and thereafter until his successor shall be elected and qualified. The
34 Superintendent shall be a man of good moral character, and shall have such experience and
35 training as in the opinion of the Board of Directors shall qualify such person for this position.
36 He shall have charge of the institution, and he shall do and perform such duties and exercise
37 such supervision as is incumbent upon such officer.

38 **"Sec. 115-330. State Treasurer is ex officio treasurer of institution.** The State Treasurer
39 shall be ex officio treasurer of the institution. He shall report to the Board at such times as they
40 may call on him, showing the amount received on account of the institution, amount paid out,
41 and amount on hand.

42 **"Sec. 115-331. Reports of Board to Governor.** The Board shall make a written, informal,
43 annual report to the Governor and shall furnish any information which the Governor shall
44 desire from time to time.

45 **"Sec. 115-332. Removal of officers.** The Board shall have power to remove any officer,
46 employee, or teacher for gross immorality, willful neglect of duty, or any good and sufficient
47 cause; but in any such case notice in writing of the charges shall be served on the accused. The
48 Superintendent with the approval of the Board shall fill all vacancies which may occur from
49 any cause.

1 "Sec. 115-333. **Employees.** The Superintendent, subject to the control of the Board, shall have
2 power to employ all employees and recommend their compensation to the State Personnel
3 Department for approval, and to discharge them at pleasure.

4 "Sec. 115-334. **When clothing, etc., for pupils paid for by county.** Where it shall appear to
5 the satisfaction of the Director of Public Welfare and the Chairman of the Board of County
6 Commissioners of any county in this State that the parents of any blind child, residing in such
7 county, are then unable to provide such child with clothing and/or traveling expenses to and
8 from The Governor Morehead School, or where such child has no living parent, or any estate of
9 its own, or any person, or persons, upon which it is legally dependent who are able to provide
10 expenses for such transportation and clothing, then upon the demand of the institution which
11 such child attends or has been accepted for attendance, said demand being made through the
12 State Auditor, the Board of County Commissioners of the county in which such child resides
13 shall issue or cause to be issued its warrant payable to the State Auditor, same to be credited to
14 the proper institution, for the payment of an amount sufficient to clothe and pay traveling
15 expenses of said child.

16 **Sec. 3.** All laws and clauses of laws in conflict with this Act are hereby repealed.

17 **Sec. 4.** This Act shall be in full force and effect from and after its ratification.

18 In the General Assembly read three times and ratified, this the 9th day of June,
19 1969.