

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 913

Short Title: Training School/Special Ed.

(Public)

Sponsors: Senator Carter.

Referred to: Judiciary II.

May 13, 1991

A BILL TO BE ENTITLED

AN ACT TO INCLUDE JUVENILES COMMITTED TO TRAINING SCHOOL AS CHILDREN WITH SPECIAL NEEDS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-109 reads as rewritten:

"§ 115C-109. Definition of children with special needs.

The term 'children with special needs' includes, without limitation, all children from age five through age 20 who because of permanent or temporary mental, physical or emotional handicaps need special education, are unable to have all their needs met in a regular class without special education or related services, or are unable to be adequately educated in the public schools. It includes those who are mentally retarded, epileptic, learning disabled, cerebral palsied, seriously emotionally disturbed, orthopedically impaired, autistic, multiply handicapped, pregnant, hearing-impaired, speech-impaired, blind or visually impaired, other health impaired, and academically gifted. It also includes those who are adjudicated as delinquent juveniles as defined by G.S. 7A-517(12) and committed, pursuant to G.S. 7A-652, to the custody of the Division of Youth Services, Department of Human Resources, to be held in one of the Division's training schools, while they are in training school."

Sec. 2. G.S. 7A-652 is amended by adding a new subsection to read:

"(h) When the judge commits a juvenile to the Division of Youth Services to be held in one of the Division's training schools, the judge shall notify the Department of Public Instruction, Division of Exceptional Children's Services, of the commitment."

Sec. 3. G.S. 134A-1 reads as rewritten:

"§ 134A-1. Legislative intent and purpose.

1 The General Assembly hereby declares its intent and legislative policy to separate
2 the administration of training schools for committed delinquents from the adult
3 corrections system to avoid the stigma and punitive philosophy associated with penal
4 facilities for convicted adult offenders. It is further intended that institutional programs
5 for delinquents provide appropriate treatment and care according to the needs of the
6 children in care and that such programs be appropriately coordinated with other services
7 for children within the Department of Human Resources. It is further intended that, as
8 all delinquent juveniles committed to training school are considered 'children with
9 special needs' as defined in G.S. 115C-109, they are to receive a free appropriate
10 publicly supported education pursuant to Article 9 of Chapter 115C of the General
11 Statutes."

12 Sec. 4. G.S. 134A-8 reads as rewritten:

13 **"§ 134A-8. Powers and duties of Secretary of Human Resources.**

14 The Secretary shall have the following powers and duties:

- 15 (1) To give leadership to the implementation as appropriate of State policy
16 which requires that training schools be phased out as populations
17 diminish;
- 18 (2) To close a State training school when its operation is no longer
19 justified and to transfer State funds appropriated for the operation of
20 any training school which is closed to fund community-based
21 programs or to purchase care or services for pre-delinquents,
22 delinquents or status offenders in community-based or other
23 appropriate programs or to improve the efficiency of existing training
24 schools, provided such actions are approved by the Advisory Budget
25 Commission;
- 26 (3) To develop a sound admission or intake program to youth services
27 institutions, including the requirement of a careful evaluation of the
28 needs of each child prior to acceptance and placement;
- 29 (4) To assure quality programs in youth services institutions or youth
30 services programs which shall be designed to meet the needs of
31 children in care or receiving services;
- 32 (5) ~~To provide a quality educational program in each training school,~~
33 ~~including vocational education which is realistic in relation to~~
34 ~~available jobs, to administer this educational system; To provide~~
35 specially designed education pursuant to Article 9 of Chapter 115C of
36 the General Statutes to all juveniles in training schools, who are
37 considered 'children with special needs' as defined in G.S. 115C-109,
38 while they are committed to the training schools;
- 39 (6) To have all other powers of a secretary in relation to a division of
40 youth services or youth services institutions or youth services
41 programs as provided by the Executive Organization Act of 1973 as
42 amended and codified in Chapter 143B or as provided by any other
43 appropriate State law.

1 (7) To promulgate rules and regulations to implement the provisions of
2 this Chapter and the responsibilities of the Secretary and the
3 Department of Human Resources under Chapter 7A."

4 Sec. 5. There is appropriated from the General Fund to the Department of
5 Human Resources, Division of Youth Services, the sum of \$1,300,000 for the 1991-92
6 fiscal year and the sum of \$1,300,000 for the 1992-93 fiscal year to implement this act.
7 The Division shall allocate to the special education of each juvenile in training school,
8 in addition to the amount allocated for each juvenile's general education, an amount
9 equal to the additional funds provided to a local education agency by the State Board of
10 Education for each special education child for "handicap and related services."

11 Sec. 6. This act becomes effective July 1, 1991.