

Opinion No. 193.

**Normal School—State Normal School
—Teachers—Public Schools—Schools—
Board of Education—Education of
Exceptional Children.**

Held: Chapter 142, Laws of 1943, when construed in connection with Chapter 208, Laws of 1943, contemplates that a course of study and training with reference to the discovery and education of exceptional children is to be available to the students in the Normal School at Dillon.

March 28, 1944.

Mr. J. B. Convery, Administrator
State Department of Public Welfare
Helena, Montana

Dear Mr. Convery:

You have requested an opinion on the following question:

"Under the provisions of Chapter 142, Laws of 1943, does the department of the State Normal School at Dillon for exceptional children, created by this act, include the training of student teachers in the technique and methods of dealing with exceptional children?"

Chapter 142, *supra*, was an amendment of the existing statutes. Section 927 of said act, as amended, reads as follows:

"The object of said normal school shall be (1) the instruction and training of teachers for the public schools of the state of Montana, inclusive of all grades and departments and (2) for the reception, instruction, training and adjustment of exceptional children hereby defined as children who deviate from the normal as to intelligence, emotional stability, social reaction and adjustments." (Emphasis mine.)

It will be observed that by the amendment under object (1) was added the words "inclusive of all grades and departments," and the second object was added by the amendment in its entirety.

By Section 928 of Chapter 142, *supra*, as amended, among other things, it was provided:

"The state board of education shall establish, maintain and operate a department and school for exceptional children as defined herein and shall employ and assign thereto such staff of teachers and instructors, or such teachers and instructors especially trained in such fields, as may be required for the reception, treatment, training and education of exceptional children under the age of twenty-one (21) years. The state board of education shall prescribe, with the advice of the faculty of said college and other specialists available to it, a proper course of training, education

and social adjustments for such children."

At the same session of the legislature, Chapter 208, Laws of 1943 was enacted. Section 1 of this act provides:

"That within the meaning of this act an exceptional child is one requiring special facilities or instruction because of physical, mental, emotional or moral deviation from the average."

Section 2 of the same act provides as follows:

"The state superintendent of public instruction, with the approval of the state board of education, shall prepare courses of instruction in the discovery and education of the exceptional child."

Section 3 of the act provides for the selection and appointment of a supervisor for the education of exceptional children. Section 4 provides the duties of such supervisor and among other things, provides as follows:

"And for the purpose of properly educating and caring . . . for such children, the supervisor shall see that the courses of instruction mentioned in Section 2 be available for all teachers in training and in service."

It will be observed that both of these chapters relate to the same subject, namely, the education of exceptional children. Furthermore, they were enacted at the same session of the legislature.

It is a general rule of law that all acts relating to the same subject or having the same general purpose as the statute being construed, should be read in connection with such statute (State ex rel. *McHale v. Ayers*, 111 Mont. 1, 105 Pac. (2d) 686, and cases therein cited.) This rule is of greater force and effect where consideration is being given to two different acts of the same legislature.

By Section 927, Chapter 142, Laws of 1943, as amended, the purpose of the Normal School is to provide instruction and training of teachers of all grades and departments. By Section 928 of this act, as amended, a school is created and a department at Dillon for the education of exceptional children.

By Section 2 of Chapter 208, Laws of 1943, a course of instruction is to be prepared in the discovery and education of exceptional children, and by Section 4 of the same chapter this course of study is to be made available for all teachers in training and in service.

Certainly the students at the Normal School at Dillon are teachers in training, and since it is the object of the school to give instruction and training in all grades and departments, when we construe the two chapters together it becomes apparent that it was the intention of the legislature that a course of study in the training of teachers with reference to the education of exceptional children is to be available to the students in the Normal School at Dillon. Hence, the school for exceptional children established and conducted at Dillon should prove to be of assistance in the conduct of courses of training for teachers with reference to the discovery and education of exceptional children.

It is my opinion that Chapter 142, Laws of 1943, when construed in connection with Chapter 208, Laws of 1943, contemplates that a course of study and training with reference to the discovery and education of exceptional children is to be available to the students in the Normal School at Dillon.

Sincerely yours,
R. V. BOTTOMLY
Attorney General