



SENATE BILL 90: Schools for the Deaf and Blind Transition.

2023-2024 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	June 12, 2024
Introduced by:	Sens. Lazzara, Galey, Sawyer	Prepared by:	Kara McCraw
Analysis of:	Fourth Edition		Staff Attorney

OVERVIEW: *SB 90 (4th Ed.) would make the following changes related to the schools for the deaf and blind (Schools):*

- *Clarify that the Schools are independent State agencies and establish certain immunities for those Schools. Additional administrative requirements are established for certain State agencies related to the Schools.*
- *Clarify quorum and membership requirements for the Schools' boards of trustees.*
- *Change nomenclature for the chief administrator of the Schools' and clarify that role.*
- *Authorize purchase of liability insurance for the Schools.*
- *Clarify the appeals process for admissions to the Schools.*
- *Change reporting timelines and make other technical corrections in statute to reflect changes in terminology for the Schools.*
- *Express intent to establish funding for certain administrative costs related to the Schools.*

CURRENT LAW: The Governor Morehead School for the Blind, Eastern North Carolina School for the Deaf, and North Carolina School for the Deaf (Schools) are schools that provide educational services to students who are deaf and blind. S.L. 2023-10 requires that, beginning July 1, 2024, the Schools will each be governed by an appointed board of trustees. Each board of trustees is made up of five voting and two nonvoting members and is responsible for exercising powers and duties similar to those of a local board of education. The Schools will employ a director as a chief executive officer.

The Schools will be schools of choice operating on an admissions basis, and each board will establish an admissions process subject to certain statutory requirements. Students served by the Schools will be students with disabilities entitled to a free and appropriate public education under State and federal law. The director will make admissions decisions. A parent will be able to seek a due process hearing following the decision, but the student will be required to stay in their current school during the pendency of the hearing.

The boards of trustees of the Schools were required in the the transition process to submit several reports in 2023-2024. The final report is due to the General Assembly July 1, 2024.

The State Tort Claims Act waives the State's sovereign immunity and allows claims to be brought against the State for damages caused when persons acting on behalf of the State are negligent.

BILL ANALYSIS: SB 90 would do the following:

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Section 1: Clarify that each of the Schools is an independent State agency, and require the Department of Administration to provide support to the Schools for certain administrative matters, including finance, human resources, capital, and information technology, through a memorandum of understanding. Section 1 would also provide the Schools the same immunities provided other educational entities such as the State Board of Education (SBE) and local boards of education. These immunities would be waived to the extent the Schools are indemnified by insurance or under the State Tort Claims Act.

Section 2: Prohibit employees of the school from serving on the board of trustees and clarify that only voting members count towards establishment of a quorum.

Section 3: Change the nomenclature of the chief administrator from "director" to "superintendent" and establish that the superintendent would meet the same qualifications as superintendents of local boards of education. Section 3 would also clarify that the superintendent would be subject to all lawful actions of the board of trustees and would carry out the board's rules and regulations.

Section 4: Establish the Schools as a State agency for coverage under the State Tort Claims Act and authorize representation by the Attorney General's Office for litigation. Section 4 would also authorize the Schools to purchase directors and officers insurance and liability insurance.

Section 5. Clarify that the obligation of the Schools to provide a free appropriate public education to students begins upon a student's enrollment. Section 5 would also allow a parent to appeal a superintendent's admission decision to the board of trustees, but would not allow due process hearings on enrollment decisions.

Sections 6 and 7. Direct the Department of Public Instruction (DPI) to administratively house the Schools until certification is completed by the Office of State Budget and Management (OSBM) and the Schools are established as a State agency. DPI, the SBE, and the Superintendent of Public Instruction would have immunity for civil liability in carrying out these functions. Once established as a State agency, the powers, duties, and functions of the Schools would transfer from DPI to the Schools, and the Department of Administration (DOA) would begin providing administrative services. OSBM, DOA, and the Office of the State Controller would provide a liaison to the schools during this transition period.

Section 8. Require the boards of trustees to submit their final transition report September 1, 2024.

Section 9. Reallocate certain properties to the Governor Morehead School for the Blind (GMS) that were previously reallocated to the Department of Health and Human Services (DHHS) by DPI. Section 9 would also authorize GMS and DHHS to enter into memorandums of understanding for shared use of those facilities.

Section 10. Make conforming changes to statutes related to cyberbullying and digital learning dashboards to reflect updated terminology used to refer to the Schools.

Section 11. Express the General Assembly's intent to provide funding to the Schools and DOA to cover administrative, legal, insurance, and information technology costs. Provide that until a budget is enacted, the Schools would pay DOA for administrative services out of existing funds, and DOA would return those funds once funds are appropriated to DOA for these costs.

EFFECTIVE DATE: Sections 1-5 would become effective July 1, 2024, and the remainder of the bill would become effective when it becomes law.