



HOUSE BILL 11: Schools for the Deaf and Blind.

2023-2024 General Assembly

Committee:	House State Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	February 23, 2023
Introduced by:	Reps. Blackwell, Fontenot, Paré, Wheatley	Prepared by:	Brad Krehely
Analysis of:	Second Edition		Committee Co-Counsel

OVERVIEW: *HB 11 would do the following:*

- *Create a board of trustees for each of the schools for the deaf and blind and provide for governance of those schools by the new boards.*
- *Establish an admissions process for the schools for the deaf and blind.*
- *Create a transition process for the schools to governance by the new boards of trustees beginning in 2024-2025.*

CURRENT LAW: Article 9C of Chapter 115C of the General Statutes establishes the State Board of Education (SBE) as the governing agency for the Governor Morehead School for the Blind, Eastern North Carolina School for the Deaf, and North Carolina School for the Deaf (Schools). The Superintendent of Public Instruction, through the Department of Public Instruction (DPI), is responsible for administration of the Schools, including staff appointments and oversight. The SBE adopts rules for governance of the Schools, including admissions criteria.

BILL ANALYSIS: HB 11 would establish a separate governance structure for the Schools as follows:

Sections 1 through 3

- The Schools would be generally supervised by the SBE, who would designate the service area of the State for each school for the deaf.
- The Schools would be administratively housed within DPI, but would each operate independently under a board of trustees. DPI would continue to facilitate the purchase of insurance policies for the Schools, and include the School employees in DPI's professional liability policy. DPI would otherwise provide assistance to the Schools in the same manner as other local school administrative units.
- The boards of trustees (board) would have 5 members, with 2 members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives, 2 members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate, and 1 member appointed by the State Board of Education. Members would serve four-year staggered terms of office. The president of the respective alumni associations and a member appointed by the Secretary of the Department of Health and Human Services (DHHS), after consultation with the relevant DHHS division, would also serve as ex officio non-voting members. The board would have the authority to collaborate and enter into joint contracts with other boards. The board members would receive a per diem of \$50.00.
- The board would appoint the director for the School, who would have the duties of a school superintendent and other duties assigned by the board. The director would also recommend other school personnel to the

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board, and supervise the administrative staff, including the principal, director of human resources, and director of business and finance.

- The board would employ the staff for the School, consistent with the General Statutes governing school personnel. The employees would be State employees, but those hired after July 1, 2024, would be exempt from most provisions of the State Human Resources Act. Employees would be paid according to the State salary schedule and would be eligible for bonuses for teachers. The board would establish the duties for all personnel, including teachers.
- The board would develop eligibility criteria for admission to the School and an application process meeting certain statutory criteria. The application process would allow application by a parent or by recommendation from a public school unit. The School could also temporarily admit students for additional evaluations. Once enrolled, the School would be responsible for providing a free appropriate public education. A student that ceased to meet eligibility criteria could be disenrolled and returned to the local school administrative unit or charter school in which the student was originally enrolled. Mediation and due process hearings would be available to parents for determinations on eligibility.
- Once admitted, in-state students would be eligible for free tuition, room, and board. The Schools could also accept out-of-state and foreign exchange students with board approval, but the students would be required to pay the full cost of attendance.
- Each board would adopt rules for the School, but would be exempt from the Administrative Procedures Act rulemaking requirements. The board's powers and duties would be similar to those of a local board of education and would include:
 - Providing a sound basic education, including compliance with the standard course of study and state testing requirements.
 - Exercising judicial functions. The board would be authorized to employ private counsel for this purpose.
 - Establishing the school's academic program.
 - Providing school report cards using the evaluation process for alternative schools. Notification to parents if the school receives a D or F grade would be delayed until 2027-2028.
 - Establishing standards for student performance and conducting and requiring student attendance in accordance with compulsory attendance laws.
 - Complying with the reporting requirements of the Uniform Education Reporting System.
 - Complying with requirements for the education of children with disabilities.
 - Establishing rules for extracurricular activities, and for fees, charges, and solicitations.
 - Authorizing the acceptance of federal and private funds.
 - Authorizing conduct of educational research approved by DPI and the SBE.
 - Establishing anti-nepotism policies.
 - Requiring the same health and safety standards be met as in local school administrative units.
 - Requiring drivers education and driving eligibility certificates be provided.
 - Authorizing the board to select and procure instructional materials.
 - Requiring various policies be adopted on matters such as bullying, religious activity, flag displays and the Pledge of Allegiance.
 - Requiring adoption of a mental health and child sexual abuse and sex trafficking training program.
 - Authorizing purchase of group accident and health insurance for students.
 - Encouraging access for youth groups.
 - Requiring certain notifications, including reports to law enforcement, parental notification of those reports, and seclusion and restraint reports.

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- Limiting use of pesticides, arsenic-treated wood, and exposure to diesel exhaust fumes.
- Authorizing establishment of a nonprofit corporation.
- Providing programs for students who are deaf or blind under the age of 5 and their parents.
- Except as otherwise provided in the act, the Schools would not be subject to other requirements in Chapter 115C.
- The requirements for local superintendents to request consent of parents of children who are deaf or blind to provide contact information to the Schools would be recodified and expanded to include providing information from the School in the service area to parents with the original request for consent.

Sections 4 through 8

- HB 11 would also do the following:
 - Allow the SBE to create admissions criteria, using the same statutory criteria as the boards of trustees would use, for the 2023-2024 school year while the school remains under DPI oversight. The criteria would be established no later than August 4, 2023, and would be exempt from the rulemaking process.
 - For the 2023-2024 school year, DPI would continue its current duties for the schools for the deaf and blind until June 30, 2024. DPI would continue to provide support as the board transitions into its new role through October 1, 2024.
 - Within 60 days of the bill becoming law, the General Assembly and State Board of Education would be required to appoint the members to the boards of trustees in a manner that would create staggered terms. The director of each School would convene the first meeting of each board within 105 days of the bill becoming law.
 - DPI would consult with personnel from the Schools and the new trustees in developing a transition plan for the 2024-2025 school year. DPI would be required to report to the State Board of Education and the Joint Legislative Education Oversight Committee by May 15, 2023, December 15, 2023, and March 15, 2024, on the transition plan and any legislative recommendations necessary for the transition, including cost estimates, personnel issues, and administration structure.
 - The boards would consult with personnel from the Schools in reporting on progressing and planning for the 2024-2025 school year. The boards would be required to report to the Joint Legislative Education Oversight Committee by December 15, 2023, March 15, 2024, and July 1, 2024, on responses to the DPI transition plan and any legislative recommendations necessary for the transition, including personnel issues and administration structure.
 - The new boards would be required to assume the existing employment contracts for the schools that existed as of July 1, 2024.
 - The current administration of each school would remain employed, subject to dismissal for cause until June 30, 2025. The State Board of Education would waive superintendent licensure requirements for those individuals during that period.
 - Employees of a school employed on June 30, 2024, would remain subject to the State Human Resources Act for as long as the employee remained employed at that school.

EFFECTIVE DATE: Sections 1 through 3 of the bill would become effective July 1, 2024. The remainder of the bill would become effective when it becomes law.

*Kara McCraw, Staff Attorney for the Legislative Analysis Division, contributed substantially to this summary.