



# HOUSE BILL 11: Schools for the Deaf and Blind.

2023-2024 General Assembly

<b>Committee:</b>	<b>Date:</b>	December 1, 2023
<b>Introduced by:</b>	<b>Prepared by:</b>	Kara McCraw Staff Attorney
<b>Analysis of:</b>	S.L. 2023-10	

**OVERVIEW:** S.L. 2023-10, as amended by Section 2 of S.L. 2023-106, does the following:

- Creates a board of trustees for each of the schools for the deaf and blind and provides for governance of those schools by the new boards, effective July 1, 2024.
- Establishes an admissions process for the schools for the deaf and blind.
- Creates a transition process for the schools to governance by the new boards of trustees beginning in 2024-2025.

*Except as otherwise provided, the act became effective April 3, 2023.*

**PRIOR LAW:** Article 9C of Chapter 115C of the General Statutes established 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), was responsible for administration of the Schools, including staff appointments and oversight. The SBE adopted rules for governance of the Schools, including admissions criteria.

**BILL ANALYSIS:** S.L. 2023-10, as amended by Section 2 of S.L. 2023-106, establishes a separate governance structure for the Schools.

New Governance Model (effective July 1, 2024):

- The Schools will be generally supervised by the SBE. The SBE will designate the service area of the State for each school for the deaf.
- The Schools will be administratively housed within DPI, but will each operate independently under a board of trustees. DPI will facilitate the purchase of insurance policies for the Schools, and include the School employees in DPI's professional liability policy. DPI will otherwise provide assistance to the Schools in the same manner as other local school administrative units.
- The boards of trustees of each School (board) will have five members, with two members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives, two members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate, and one member appointed by the SBE. Members will 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, will also serve as ex officio non-voting members. The board will have the authority to collaborate and enter into joint contracts with other boards, and will receive a per diem of \$50.00.
- The board will appoint the director for the School, who will have the duties of a school superintendent and other duties assigned by the board. The director will also recommend other

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

- The board will employ the staff for the School, consistent with law governing school personnel. The employees will be State employees, but those hired after July 1, 2024, will be exempt from most provisions of the State Human Resources Act. Employees will be paid according to the State salary schedule and will be eligible for bonuses for teachers. The board will establish the duties for all personnel, including teachers.
- The board will develop eligibility criteria for admission to the School and an application process meeting certain statutory criteria. The application process will allow application by a parent or by recommendation from a public school unit. The School can also temporarily admit students for additional evaluations. Once a student is enrolled, the School will be responsible for providing a free appropriate public education. A student that ceases to meet eligibility criteria can 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 will be available to parents for determinations on eligibility.
- Once admitted, in-state students will be eligible for free tuition, room, and board. The Schools can also accept out-of-state and foreign exchange students with board approval, but the students will be required to pay the full cost of attendance.
- Each board will adopt rules for the School, but will be exempt from the Administrative Procedures Act rulemaking requirements. The board's powers and duties will be similar to those of a local board of education and will include:
  - Providing a sound basic education, including compliance with the standard course of study and state testing requirements.
  - Exercising judicial functions. The board will 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 is 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.
  - Limiting use of pesticides, arsenic-treated wood, and exposure to diesel exhaust fumes.
  - Authorizing establishment of a nonprofit corporation.

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- Providing programs for students who are deaf or blind under the age of five and their parents.

2023-2024 School Year: DPI will continue its current duties for the schools for the deaf and blind until June 30, 2024. DPI will continue to provide support as the board transitions into its new role through October 1, 2024. For the 2023-2024 school year, the SBE can create admissions criteria, using the same statutory criteria as the boards of trustees will use, while the schools remain under DPI oversight. The criteria must be established by August 4, 2023, and will be exempt from the rulemaking process.

## Transition Plan:

- DPI will consult with personnel from the Schools and the new trustees in developing a transition plan for the 2024-2025 school year, and must report to the SBE and the Joint Legislative Education Oversight Committee (JLEOC) 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.
- Following board appointments within 60 days of the act becoming law, the director of each School must convene the first meeting of each board within 105 days of the act becoming law. The boards must consult with personnel from the Schools in reporting on progressing and planning for the 2024-2025 school year. The boards are required to report to the JLEOC by December 15, 2023, March 15, 2024, and July 1, 2024, on responses to DPI's transition plan and any legislative recommendations necessary for the transition, including personnel issues and administration structure.
- New boards are required to assume the existing employment contracts for the schools that existed as of July 1, 2024, and the current administration of each school will remain employed, subject to dismissal for cause until June 30, 2025. The SBE will waive superintendent licensure requirements for those individuals during that period. Employees of a school employed on June 30, 2024, will remain subject to the State Human Resources Act for as long as the employee remained employed at that school.

**EFFECTIVE DATE:** The new governance model will become effective July 1, 2024. The remainder of the act became effective April 3, 2023.