



2023-2024 General Assembly

# SENATE BILL 382: Disaster Relief-3/Budget/Various Law Changes, Secs. 3J.1 - 3J.9: Modifications to the Schools for the Deaf and Blind

**Committee:**  
**Introduced by:**  
**Analysis of:** Secs. 3J.1 - 3J.9 of S.L. 2024-57

**Date:** January 2, 2025  
**Prepared by:** Brian Gwyn  
Staff Attorney

**OVERVIEW:** Sections 3J.1 – 3J.9 of S.L. 2024-57 make additional changes to support the transition of the Schools for the Deaf and Blind (Schools) to being independent State agencies.

**Clarify Independence of Schools – Clarifies that each of the Schools is an independent State agency and requires the Department of Administration (DOA) to provide support to the Schools for certain administrative matters, including finance, human resources, and procurement, through a memorandum of understanding, beginning July 1, 2025. The Department of Public Instruction (DPI) must include the Schools in the same insurance coverage purchased for DPI and its employees. The Schools are granted the same immunities provided to other educational entities such as the State Board of Education (SBE) and local boards of education, but these immunities are waived to the extent the Schools are indemnified by insurance or covered by the State Tort Claims Act. The Schools are also eligible to receive regional or statewide systems of support from DPI and can apply for grants available to public school units, but are not eligible to receive local school administrative unit funding allotments. DPI must not remit any funds to the Pay Plan Reserve before distributing funds to the Schools for automatic step increases authorized by law.**

**Clarify Quorum Requirements and Qualifications of Board Members of the Schools – Prohibits employees of the Schools from serving on the board of trustees and clarifies that only voting members count towards establishment of a quorum.**

**Clarify Authority of School Leaders for Schools for the Deaf and Blind – Changes the nomenclature of the chief administrator from "director" to "superintendent" and establish that the superintendent must meet the same qualifications as superintendents of local boards of education. Also clarifies that the superintendent is subject to all lawful actions of the board of trustees and must carry out the board's rules and regulations. This section becomes effective July 1, 2025.**

**Authority for Schools for the Deaf and Blind to Purchase Liability Insurance – Identifies the Schools as State agencies for coverage under the State Tort Claims Act and authorizes representation by the Attorney General's Office for litigation. This section also authorizes the Schools to purchase directors and officers insurance and liability insurance.**

**Appeals of Admissions Eligibility to Schools for the Deaf and Blind Boards of Trustees – Clarifies that the obligation of the Schools to provide a free appropriate public education to students begins upon a student's enrollment. This section also allows a parent to appeal a superintendent's admission decision to the board of trustees but does not allow due process hearings on enrollment decisions.**

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*Transition Support and Type I-Like Transfer for Schools for the Deaf and Blind – Directs DPI to administratively house the Schools for the 2024-2025 school year. DPI, the SBE, and the Superintendent of Public Instruction have immunity for civil liability in carrying out these functions. Beginning July 1, 2024, the powers, duties, and functions of the Schools transfer from DPI to the Schools.*

*During the 2024-2025 school year, the following are required:*

- *The schools must report to the Joint Legislative Education Oversight Committee (JLEOC) by January 15, 2025, on the implementation of statutory requirements.*
- *DOA must study the costs and positions needed to support the Schools and report to the Fiscal Research Division and JLEOC by May 1, 2025.*
- *The Office of State Budget and Management (OSBM) and the Office of the State Controller (OSC) must establish the Schools as State agencies before July 1, 2025.*
- *OSBM, OSC, DOA, and DPI must provide a liaison to the Schools during this transition period to assist with questions.*
- *The North Carolina Collaboratory must study the administrative structure, operations, and policies of the Schools and how to optimize operation to ensure success for each School and its students. The Collaboratory must report its findings to the Fiscal Research Division and Joint Legislative Education Oversight Committee by May 1, 2025.*

*Governor Morehead School Facilities – Reallocates 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. This section also requires GMS and DHHS to enter into memorandums of understanding for shared use of those facilities.*

*Schools for the Deaf and Blind Technical Corrections – Makes conforming changes to statutes related to cyberbullying and digital learning dashboards to reflect updated terminology used to refer to the Schools.*

*The changes clarifying the independence of the schools, clarifying quorum requirements, and purchasing liability insurance became effective July 1, 2024. The changes related to the superintendent of the Schools becomes effective July 1, 2025. The remainder of the changes became effective December 11, 2024. This bill was vetoed by the Governor on November 26, 2024, and that veto was overridden by the General Assembly on December 11, 2024.*