

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023**

**SESSION LAW 2023-10
HOUSE BILL 11**

AN ACT TO PROVIDE THAT THE EASTERN NORTH CAROLINA SCHOOL FOR THE DEAF, THE NORTH CAROLINA SCHOOL FOR THE DEAF, AND THE GOVERNOR MOREHEAD SCHOOL FOR THE BLIND ARE GOVERNED BY BOARDS OF TRUSTEES AND TO PROVIDE FOR THE DUTIES OF THE BOARDS AND ADMISSION PROCESS FOR SCHOOLS FOR THE DEAF AND BLIND.

Whereas, the State Constitution guarantees the right to the privilege of education for all North Carolinians; and

Whereas, the State Constitution creates special obligations and authority for the legislative branch to ensure the State's affirmative duty to provide public education is executed; and

Whereas, the State Constitution charges the legislative branch with providing for a system of free public schools with equal opportunities for all students, including students who are deaf and blind; and

Whereas, the State Constitution requires the State Board of Education, subject to laws enacted by the General Assembly, to supervise and administer the free public school system; and

Whereas, the General Assembly provided for the establishment of the Governor Morehead School for the Blind, first opened in Raleigh in 1845, the North Carolina School for the Deaf, first opened in Morganton in 1894, and the Eastern North Carolina School for the Deaf, first opened in 1964; and

Whereas, the General Assembly finds that a change in governance would allow more responsiveness to the needs of students accepted and enrolled in the educational programs offered by the schools for the deaf and blind; and

Whereas, the creation and appointment by the General Assembly of boards of trustees with similar powers and duties to local boards of education, under supervision of the State Board of Education, would be a more effective model to ensure opportunities for access to the privilege of education for those students; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Article 9C of Chapter 115C of the General Statutes reads as rewritten:
"Article 9C.

~~"Schools for Students with Visual and Hearing Impairments. Deaf and Blind Students.~~

§ 115C-150.10. Definitions.

The following definitions apply in this Article:

- (1) Educational program. – The placement, services, and individualized instruction provided to a student to address the student's educational strengths, weaknesses, and objectives as part of the day program of a school for the deaf or the school for the blind.
- (2) IEP. – An individualized education program, as defined in G.S. 115C-106.3.
- (3) Parent. – A student's parent or legal guardian.
- (4) School. – Any of the following schools:



- a. The Governor Morehead School for the Blind, serving students who are blind or visually impaired.
 - b. The Eastern North Carolina School for the Deaf, serving students who are deaf or hard of hearing.
 - c. The North Carolina School for the Deaf, serving students who are deaf or hard of hearing.
- (5) School director. – The executive officer of a school for the deaf or the school for the blind.
 - (6) School for the blind. – A school for students who are blind or visually impaired located at the Governor Morehead School for the Blind.
 - (7) School for the deaf. – A school serving students who are deaf or hard of hearing located at either the Eastern North Carolina School for the Deaf or the North Carolina School for the Deaf.
 - (8) Schools for the deaf and blind. – All of the following schools:
 - a. The Governor Morehead School for the Blind, serving students who are blind or visually impaired.
 - b. The Eastern North Carolina School for the Deaf, serving students who are deaf or hard of hearing.
 - c. The North Carolina School for the Deaf, serving students who are deaf or hard of hearing.

"§ 115C-150.11. State Board of Education as governing agency. General supervision over schools for the deaf and blind.

(a) State Board of Education Supervision. – The State Board of Education shall be the sole governing agency for the Governor Morehead School for the Blind, the Eastern North Carolina School for the Deaf, and the North Carolina School for the Deaf. The Superintendent of Public Instruction through the Department of Public Instruction shall be responsible for the administration, including appointment of staff, and oversight of a school governed by this Article. have general supervision over the schools for the deaf and blind in accordance with G.S. 115C-12 and shall establish approximately equivalent service areas for each school for the deaf that cover the entire State. In establishing the service area for each school for the deaf, the State Board shall consider both the geographic proximity to the school for the deaf and the population of the service area. The State Board shall evaluate the effectiveness of the schools for the deaf and blind and shall, through the application of the accountability system developed under G.S. 115C-83.15 and G.S. 115C-105.35, measure the educational performance and growth of students placed in each school. If appropriate, the Board may modify this system to adapt to the specific characteristics of these schools. The boards of trustees for the schools for the deaf and blind shall be subject to rules adopted by the State Board of Education in accordance with Chapter 150B of the General Statutes.

(b) Independent Operation. – Except as otherwise provided for in this Article, the schools for the deaf and blind shall be housed administratively within the Department of Public Instruction for purposes of distribution of State funds, but each school for the deaf and blind shall operate independently with a board of trustees as the governing body. The Department of Public Instruction shall include employees of the schools for the deaf and blind in coverage for professional liability policies purchased by the Department for its employees and shall facilitate the purchase of other insurance policies for those schools. In all other matters, the Department of Public Instruction shall provide services, support, and assistance to schools for the deaf and blind in the same manner and degree as for a local school administrative unit.

"§ 115C-150.12. Applicability of Chapter.

Except as otherwise provided, the requirements of this Chapter shall apply to the schools governed by this Article.

"§ 115C-150.12A. Board of trustees for schools for the deaf and blind.

- (a) Membership. – Each school shall be governed by a separate board of trustees.
- (1) There shall be five voting members for each board of trustees to be appointed as follows:
- a. Two members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives.
 - b. Two members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate.
 - c. One member appointed by the State Board of Education.
- (2) Each board of trustees shall have two additional nonvoting members as follows:
- a. The president or the president's designee of the alumni association for each school shall serve ex officio on the board of trustees for that school.
 - b. For the schools for the deaf, one member for each board of trustees appointed by the Secretary of the Department of Health and Human Services following consultation with the Division of Services for the Deaf and Hard of Hearing.
 - c. For the school for the blind, a member appointed by the Secretary of the Department of Health and Human Services following consultation with the Division of Services for the Blind.
- (b) Qualifications. – Appointing entities are strongly encouraged to fill the appointments to each board of trustees with persons with expertise or experience in the areas of education for those who are deaf or hard of hearing or who are blind or visually impaired, administration and governance, finance and budgeting, or who otherwise have demonstrated concern for quality of education for those who are deaf or hard of hearing or who are blind or visually impaired.
- (c) Terms of Members. – Members shall be appointed for four-year terms. Terms shall commence July 1. Members shall serve until their successors are appointed and qualified. All vacancies shall be filled by the appointing authority for the vacating member for the remainder of the unexpired term. Vacancies of members appointed by the General Assembly shall be filled as provided in G.S. 120-122.
- (d) Declarations of Vacancies. – Whenever an appointed member of a board of trustees shall fail to be present at three successive regular meetings of the board, for any reason other than ill health or service in the interest of the State or nation, his or her place as a member of the board shall be deemed vacant.
- (e) Chair; Vice-Chair. – A board of trustees shall elect one of its members as chair and one of its members as vice-chair, each for a two-year term, at the first meeting occurring after July 1 in odd-numbered years.
- (f) Meetings. – A board of trustees shall meet at least four times a year and also at such other times as it may deem necessary. A majority of the board shall constitute a quorum for the transaction of business. All meetings shall be subject to Article 33C of Chapter 143 of the General Statutes. The members shall receive per diem compensation and necessary travel and subsistence expenses while engaged in the discharge of their official duties, in accordance with the provisions of G.S. 138-5.
- (g) Procedures. – A board of trustees shall determine its own rules of procedure and may delegate to committees that it creates any powers it deems appropriate.
- (h) Code of Ethics. – A board of trustees shall adopt a resolution or policy containing a code of ethics, as required by G.S. 160A-86.
- (i) Training. – All members of a board of trustees shall receive a minimum of 12 clock hours of training every two years. The 12 clock hours of training may be earned at any time during the two-year period and may include the ethics education required by G.S. 138A-14. The training shall include, but not be limited to, public school law, including special education law,

school finance, and duties and responsibilities of the board. The training may be provided by the School of Government at the University of North Carolina at Chapel Hill or other qualified sources at the choice of the board of trustees.

(j) Cooperation with Other Boards. – Each board of trustees may collaborate with other boards of trustees of schools for the deaf or schools for the blind or with local boards of education in development of rules, curriculum, or other matters. Each local board of trustees may also enter memorandums of understanding or joint contracts with any other board of trustees of a school for the deaf or school for the blind or with local boards of education to engage in joint undertakings or purchases.

"§ 115C-150.12B. Employees of schools for the deaf and blind.

(a) Director. – Each board of trustees of a school shall appoint a director for that school, who shall act as secretary to the board of trustees in accordance with G.S. 115C-150.12A and shall manage day-to-day operations of the school and other duties as prescribed by the board of trustees. For purposes of application to other statutes in this Chapter, the director shall be the equivalent of a superintendent of schools and shall fulfill the duties of a superintendent as provided in Article 18 of this Chapter.

(b) Director Duties. – The director shall recommend school personnel to the board of trustees. The director shall supervise the administrative staff of the school, including the principal, director of human resources, and director of business and finance.

(c) Personnel Criteria. – The board of trustees shall employ and provide salary and benefits for a principal, teachers, and other employees in accordance with Article 19, Article 20, Article 21, Article 21A, Article 22, and Article 23 of this Chapter. An employee hired by the board of trustees shall be responsible for fulfilling the duties of that employee's position as required by those Articles. All employees of schools for the deaf and blind are employees of the State.

(d) Personnel Pay. – Schools for the deaf and blind personnel, including teachers, instructional support personnel, and other employees, shall be paid, at a minimum, in accordance with the appropriate State salary schedule for local school administrative unit personnel. Schools for the deaf and blind personnel shall be eligible for all bonuses paid to local school administrative unit personnel to the extent that the schools for the deaf and blind personnel meet all qualifications other than the employer.

(e) Human Resources. – The board of trustees is responsible for providing human resources and employment-related services for the school. The board of trustees may delegate some or all of this responsibility to the director for the school or to the director of human resources, in its discretion.

"§ 115C-150.12C. Powers and duties.

A board of trustees shall adopt rules necessary for the administration of the school to implement the requirements of this Article. Each board of trustees shall have the following powers and duties:

- (1) Sound basic education. – It shall be the duty of the board of trustees to provide admitted students with the opportunity to receive a sound basic education in grades kindergarten through 12, as directed by law, and to make all policy decisions with that objective in mind, including employment decisions, budget development, and other administrative actions. The board of trustees shall comply with the requirements of Part 1 of Article 8 and Article 10A of this Chapter.
- (2) Exercise judicial functions. – The board of trustees shall employ or contract with private counsel to provide advice and representation for the school. The board may institute all actions, suits, or proceedings against officers, persons, or corporations, or their sureties, for the recovery, preservation, and application of all money or property which may be due to or should be applied

to the support and maintenance of the school. In all actions brought in any court against a board of trustees, the order or action of the board shall be presumed to be correct, and the burden of proof shall be on the complaining party to show the contrary. G.S. 114-2.3 and G.S. 147-17 shall not apply to the schools for the deaf and blind. Upon the request of the board of trustees of a school, the Attorney General shall provide representation as required by G.S. 114-2.

- (3) Academic program. – The board of trustees shall adopt rules governing class size, the instructional calendar, the length of the instructional day, and the number of instructional days in each term. The board of trustees shall adopt a school calendar consisting of a minimum of 185 days or 1,025 hours of instruction covering at least nine calendar months.
- (4) School report cards. – A school shall ensure that the report card issued for it by the State Board of Education is provided to the public. The State Board shall evaluate the schools for the deaf and blind in the same manner as other alternative schools as provided in G.S. 115C-12(24). Beginning with the 2027-2028 school year, a school shall ensure that the measures for educational performance and growth for the current and previous four school years are prominently displayed on the school website.
- (5) Standards of performance and conduct. – The board of trustees shall establish policies and standards for academic performance, attendance, and conduct for students of the school. The policies of the board of trustees shall comply with Article 27 of this Chapter.
- (6) School attendance. – Every parent or other person in this State having charge or control of a child who is enrolled in schools for the deaf and blind who is less than 16 years of age shall cause such child to attend that school continuously for a period equal to the time that the school shall be in session. No person shall encourage, entice, or counsel any child to be unlawfully absent from the school. Any person who aids or abets a student's unlawful absence from the school shall, upon conviction, be guilty of a Class 1 misdemeanor. The principal shall be responsible for implementing such additional policies concerning compulsory attendance as shall be adopted by the board of trustees, including regulations concerning lawful and unlawful absences, permissible excuses for temporary absences, maintenance of attendance records, and attendance counseling.
- (7) Uniform Education Reporting System. – The board of trustees shall comply with the reporting requirements established by the State Board of Education in the Uniform Education Reporting System.
- (8) Education of children with disabilities. – The board of trustees shall require compliance with federal and State laws and policies relating to the education of children with disabilities for all students admitted to the school. An IEP shall be developed by the school for all newly admitted students granted an educational program assignment.
- (9) Extracurricular activities. – The board of trustees shall make all rules necessary for the conducting of extracurricular activities, including a program of athletics, where desired, without assuming liability therefor; provided, that all interscholastic athletic activities shall be conducted in accordance with rules and regulations prescribed by the State Board of Education.
- (10) Fees, charges, and solicitations. – The board of trustees shall adopt rules governing solicitations of, sales to, and fundraising activities conducted by the students and faculty members in the school, and no fees, charges, or costs shall

be collected from students and school personnel without approval of the board of trustees as recorded in the minutes of said board; provided, this subdivision shall not apply to such textbook fees as are determined and established by the State Board of Education. The board of trustees shall publish a schedule of approved fees, charges, and solicitations on the school's website by October 15 of each school year and, if the schedule is subsequently revised, within 30 days following the revision.

- (11) Federal or private funds. – The board of trustees shall have power and authority to accept, receive, and administer any funds or financial assistance given, granted, or provided under the provisions of the Elementary and Secondary Education Act of 1965 (Public Law 89-10, 89th Congress, H.R. 2362) and under the provisions of the Economic Opportunity Act of 1964 (Public Law 88-452, 88th Congress, S. 2642), or other federal acts or funds from foundations or private sources, and to comply with all conditions and requirements necessary for the receipt, acceptance, and use of said funds. In the administration of such funds, the board of trustees shall have authority to enter into contracts with and to cooperate with and to carry out projects with nonpublic elementary and secondary schools, community groups, and nonprofit corporations, and to enter into joint agreements for these purposes with other governing bodies of public school units. The board of trustees shall furnish such information as shall be requested by the State Board of Education, from time to time, relating to any programs related or conducted pursuant to this subdivision.
- (12) Educational research. – The board of trustees is authorized to sponsor or conduct educational research and special projects approved by the Department of Public Instruction and the State Board of Education that may improve the school. Such research or projects may be conducted during the summer months, and the board may use any available funds for such purposes.
- (13) Anti-nepotism policies. – The board of trustees shall adopt rules requiring that before any immediate family, as defined in G.S. 115C-12.2, of any board of trustees' member or administrator, including directors, supervisors, specialists, staff officers, or principals, shall be employed or engaged as an employee, independent contractor, or otherwise by the board of trustees in any capacity, such proposed employment or engagement shall be (i) disclosed to the board of trustees and (ii) approved by the board of trustees in a duly called open-session meeting. The burden of disclosure of such a conflict of interest shall be on the applicable board member or administrator.
- (14) Conduct and duties of personnel. – The board of trustees, upon the recommendation of the director, shall have full power to make rules governing the conduct of teachers, principals, and supervisors; the kind of reports they shall make; and their duties in the care of school property. Prior to the beginning of each school year, the board of trustees shall identify all reports that are required for the school year and shall, to the maximum extent possible, eliminate any duplicate or obsolete reporting requirements and consolidate remaining reporting requirements. Prior to the beginning of each school year, the board of trustees shall also identify software protocols that could be used to minimize repetitious data entry and shall make them available to teachers and other employees.
- (15) Health and safety. – The board of trustees shall require that the school meet the same health and safety standards required of a local school administrative

unit. The board shall comply with the requirements of Article 25A of this Chapter, including the following:

- a. The board shall ensure that the school provides parents with information about cervical cancer, cervical dysplasia, human papillomavirus, and the vaccines available to prevent these diseases. This information shall be provided at the beginning of the school year to parents of children entering grades five through 12. This information shall include the causes and symptoms of these diseases, how they are transmitted, how they may be prevented by vaccination, including the benefits and possible side effects of vaccination, and places parents may obtain additional information and vaccinations for their children.
 - b. The board shall adopt policies to ensure that students in grades nine through 12 receive information annually on the manner in which a parent may lawfully abandon a newborn baby with a responsible person, in accordance with G.S. 7B-500.
- (16) School-based mental health. – The board of trustees shall adopt a school-based mental health plan, including a mental health training program and suicide risk referral protocol, in accordance with G.S. 115C-376.5.
- (17) School safety. – The board of trustees shall comply with the requirements of Article 8C of this Chapter, including the following:
- a. School Risk Management Plan. – The board of trustees, in coordination with local law enforcement agencies, shall adopt a School Risk Management Plan (SRMP) relating to incidents of school violence. In constructing and maintaining these plans, the board of trustees shall utilize the School Risk and Response Management System established pursuant to G.S. 115C-105.49A. These plans are not considered a public record as the term "public record" is defined under G.S. 132-1 and shall not be subject to inspection and examination under G.S. 132-6.
 - b. Schematic diagrams and school crisis kits. – The board of trustees shall provide schematic diagrams and keys to the main entrance of school facilities to local law enforcement agencies, in addition to implementing the provisions in G.S. 115C-105.52.
 - c. School safety exercises. – At least once a year, a school shall hold a full school-wide lockdown exercise with local law enforcement and emergency management agencies that are part of the school's SRMP.
 - d. Safety information provided to the Department of Public Safety, Division of Emergency Management. – The board of trustees shall provide the following: (i) schematic diagrams, including digital schematic diagrams, and (ii) emergency response information requested by the Division for the SRMP. The schematic diagrams and emergency response information are not considered public records as the term "public record" is defined under G.S. 132-1 and shall not be subject to inspection and examination under G.S. 132-6.
 - e. Anonymous tip line. – A school shall develop and operate an anonymous tip line in accordance with G.S. 115C-105.51.
- (18) Reporting school violence. – A board of trustees shall report all acts of school violence to the State Board of Education in accordance with G.S. 115C-12(21).

- (19) Driving eligibility certificates and drivers education. – The board of trustees shall apply the rules and policies established by the State Board of Education for issuance of driving eligibility certificates. The board of trustees shall provide drivers education in accordance with Article 14 of this Chapter.
- (20) Instructional materials. – The board of trustees shall have the authority to select, procure, and use textbooks not adopted by the State Board of Education as provided in G.S. 115C-98(b1). The board shall have sole authority to select and procure supplementary instructional materials, whether or not the materials contain commercial advertising, pursuant to the provisions of G.S. 115C-98(b).
- (21) Policy against bullying. – The board of trustees shall adopt a policy against bullying or harassing behavior, including cyber-bullying, in accordance with Article 29C of this Chapter, and shall at the beginning of each school year provide the policy to staff, students, and parents as defined in G.S. 115C-390.1(b)(8).
- (22) Religious activity and moment of silence. – The board of trustees shall comply with the requirements of Article 29D of this Chapter. To afford students and teachers a moment of quiet reflection at the beginning of each day in the public schools, to create a boundary between school time and nonschool time, and to set a tone of decorum in the classroom that will be conducive to discipline and learning, the board of trustees may adopt a policy to authorize the observance of a moment of silence at the commencement of the first class of each day in all grades in the public schools. Such a policy shall provide that the teacher in charge of the room in which each class is held may announce that a period of silence not to exceed one minute in duration shall be observed and that during that period silence shall be maintained and no one may engage in any other activities. Such period of silence shall be totally and completely unstructured and free of guidance or influence of any kind from any sources.
- (23) Display of the United States and North Carolina flags and recitation of the Pledge of Allegiance. – The board of trustees shall adopt policies to (i) require the display of the United States and North Carolina flags in each classroom, when available, (ii) require that recitation of the Pledge of Allegiance be scheduled on a daily basis, and (iii) provide age-appropriate instruction on the meaning and historical origins of the flag and the Pledge of Allegiance. These policies shall not compel any person to stand, salute the flag, or recite the Pledge of Allegiance. If flags are donated or are otherwise available, flags shall be displayed in each classroom.
- (24) Child sexual abuse and sex trafficking training program. – The board of trustees shall adopt and implement a child sexual abuse and sex trafficking training program in accordance with G.S. 115C-375.20.
- (25) Science safety requirements. – A board of trustees shall:
- a. Certify annually to the State Board of Education that the school's science laboratories for high school and middle school students are equipped with appropriate personal protective equipment for students and teachers.
 - b. Ensure that the school complies with all State Board of Education policies related to science laboratory safety.
- (26) Graduation projects. – A board of trustees shall not require a high school graduation project as a condition of graduation unless the board provides a method of reimbursement of up to seventy-five dollars (\$75.00) for expenses

- related to the high school graduation project for any student identified as an economically disadvantaged student.
- (27) Group accident and health insurance for students. – A board of trustees may purchase group accident, group health, or group accident and health insurance for students in accordance with G.S. 58-51-81.
- (28) Access for youth groups. – Schools for the deaf and blind are encouraged to facilitate access for students to participate in activities provided by any youth group listed in Title 36 of the United States Code as a patriotic society, such as the Boy Scouts of America, and its affiliated North Carolina groups and councils, and the Girl Scouts of the United States of America, and its affiliated North Carolina groups and councils. Student participation in any activities offered by these organizations shall not interfere with instructional time during the school day for the purposes of encouraging civic education.
- (29) Parental notification of certain acts reported to law enforcement. – A board of trustees shall adopt a rule on the notification to parents of any students alleged to be victims of any act that is required to be reported to law enforcement and the superintendent under G.S. 115C-288(g).
- (30) Seclusion and restraint report. – A board of trustees shall maintain a record of incidents reported under G.S. 115C-391.1(j)(4) and shall provide this information annually to the State Board of Education.
- (31) Use of pesticides. – A board of trustees shall adopt rules that address the use of pesticides in schools. These policies shall:
- a. Require the principal or the principal's designee to annually notify the students' parents as well as school staff of the schedule of pesticide use on school property and their right to request notification. Such notification shall be made, to the extent possible, at least 72 hours in advance of nonscheduled pesticide use on school property. The notification requirements under this subdivision do not apply to the application of the following types of pesticide products: antimicrobial cleansers, disinfectants, self-contained baits and crack-and-crevice treatments, and any pesticide products classified by the United States Environmental Protection Agency as belonging to the U.S.E.P.A. Toxicity Class IV, "relatively nontoxic" (no signal word required on the product's label).
- b. Require the use of Integrated Pest Management. As used in this sub-subdivision, "Integrated Pest Management" or "IPM" means the comprehensive approach to pest management that combines biological, physical, chemical, and cultural tactics as well as effective, economic, environmentally sound, and socially acceptable methods to prevent and solve pest problems that emphasizes pest prevention and provides a decision-making process for determining if, when, and where pest suppression is needed and what control tactics and methods are appropriate.
- (32) Arsenic-treated wood. – A board of trustees shall prohibit the purchase or acceptance of chromated copper arsenate-treated wood for future use on school grounds. A board of trustees shall seal existing arsenic-treated wood in playground equipment or establish a time line for removing existing arsenic-treated wood on playgrounds, according to the guidelines established under G.S. 115C-12(34).
- (33) Exposure to diesel exhaust fumes. – A board of trustees shall adopt rules to reduce students' exposure to diesel emissions.

- (34) Nonprofit corporations. – A board of trustees may establish, control, and operate a nonprofit corporation that is created under Chapter 55A of the General Statutes and is a tax-exempt organization under the Internal Revenue Code to further their authorized purposes. A nonprofit corporation established as provided in this subdivision shall not have regulatory or enforcement powers and shall not engage in partisan political activity or policy advocacy. A board of trustees that establishes a nonprofit corporation shall make a report annually to the Joint Legislative Education Oversight Committee.
- (35) Preschool programs. – The board of trustees may, within funds available, provide programs, education, and training for children under the age of 5 who are (i) blind or visually impaired or (ii) deaf or hard of hearing, and for the parents of those children.
- (36) Rulemaking. – The board of trustees shall be exempt from Article 2A of Chapter 150B of the General Statutes.

"§ 115C-150.13. Rule making.

(a) ~~The State Board of Education shall adopt rules necessary for the Department of Public Instruction to implement this Article, including, at a minimum, rules to address eligibility for admission criteria. In determining rules for admission criteria, the State Board of Education shall take into account the following factors:~~

- ~~(1) State and federal laws.~~
- ~~(2) Optimal academic and communicative outcomes for the child.~~
- ~~(3) Parental input and choice.~~
- ~~(4) Recommendations in a child's Individualized Education Program (IEP).~~

~~(b) Rules shall be adopted in accordance with Chapter 150B of the General Statutes.~~

"§ 115C-150.13A. Admissions.

(a) Rules. – Schools for the deaf and blind shall admit students in accordance with eligibility criteria, standards, and procedures established through rules by the board of trustees in accordance with the requirements of this Article.

(b) Eligibility Criteria. – Eligibility criteria shall include consideration of the following:

- (1) For a school for the deaf, evidence of hearing loss and that the student's primary educational needs are related to the student's hearing loss and require the specialized support and programs offered by that school.
- (2) For the school for the blind, evidence of vision loss and that the student's primary educational needs are related to the student's vision loss and require the specialized support and programs offered by the school for the blind.
- (3) State and federal laws.
- (4) Optimal academic and communicative outcomes for the student.
- (5) Parental input and choice.
- (6) Student's possession of the level of functioning necessary to participate in the educational program, including an assessment that the student does not pose a risk of harm to self or others, can function within the school environment in a healthy and safe manner, and does not pose a risk of substantial disruption to the learning environment at the school.

(c) Procedures. – Admission procedures shall include the following:

- (1) An application process that may be directly made by a parent to the school or upon recommendation of a local school administrative unit or charter school. If a student has not been evaluated by the local school administrative unit or charter school and determined to be a child with a disability, the procedure for the school and local school administrative unit or charter school to enter into an agreement to determine if the student is a child with a disability.

- (2) An admissions committee to make recommendations on an admissions status that includes, but is not limited to, the following members:
- a. A chair designated by the director of the school.
 - b. The applicant's parent.
 - c. Any professionals necessary to interpret the evaluation results.
 - d. If the applicant is currently enrolled in a local school administrative unit or charter school, a written invitation shall be extended to a representative from that local school administrative unit or charter school to attend and participate in the evaluation.
- (3) An admissions evaluation that uses multiple sources of information in determining eligibility, including assessments, teacher recommendations, evidence of the applicant's physical and emotional health, indications of the applicant's level of functioning, including adaptive behavior skills, and the student's current or proposed individualized education plan.
- (4) A final admissions determination made by the director of the school or the director of the school's designee.
- (d) Admission Status. – A student may be admitted in one of the following statuses:
- (1) Temporary assignment. – An applicant admitted for no more than 90 school days for the school staff to complete evaluations and gather additional information for the admissions committee to make an eligibility determination. A student admitted to a temporary assignment status is not guaranteed admission to the educational program as a student who meets the school's eligibility criteria.
 - (2) Educational program assignment. – An applicant determined to meet the eligibility criteria and granted admission to the educational program.
- (e) Disenrollment. – A student's continued enrollment in an educational program assignment status shall be subject to reevaluation by the admissions committee when determined necessary by the school to assess if the student continues to meet eligibility criteria. The disenrollment assessment shall follow the same procedures as the admissions process, and a final determination shall be made by the director or the director's designee.
- (f) Free Appropriate Public Education. – The local school administrative unit or charter school in which the student is enrolled shall have the initial responsibility of identifying and evaluating the special education needs of the student and providing a special educational program and related services in accordance with Article 9 of this Chapter. If a parent submits an application to the school for enrollment of the parent's child in the school's educational program, and if the child is determined to meet the eligibility criteria for admission to the school's educational program, the school is responsible for the provision of a free appropriate public education. However, a subsequent determination by the school that the student no longer meets eligibility criteria immediately transfers the responsibility for the provision of a special educational program and related services to ensure a free appropriate public education back to the local school administrative unit or charter school in which the student was previously enrolled.
- (g) Mediation. – Prior to seeking a due process hearing as provided in Article 9 of this Chapter, parents are encouraged to seek mediation under Article 9 of this Chapter in resolving any dispute with regards to a student's eligibility determination or IEP.
- (h) Due Process Hearing. – A parent may seek an impartial due process hearing following a final determination on a student's eligibility by the director. If the parent pursues a due process hearing to challenge the school's ineligibility determination, the student's "stay put" placement shall not be the school but shall be the student's local school administrative unit or charter school.
- § 115C-150.14. Tuition and room and board. Tuition, room and board for resident students.**

(a) ~~Only children~~ A student who are residents is a resident of North Carolina are is entitled to free tuition and room and board at a school governed by this Article for the educational programs provided by the schools for the deaf and blind.

(b) ~~A school governed by this Article may enroll a foreign exchange student and shall charge the student the full, unsubsidized per capita cost of providing education at the school for the period of the student's attendance. A school that seeks to enroll foreign exchange students under this section shall submit a plan prior to enrolling any of those students to the State Board of Education for approval, including the proposed costs to be charged to the students for attendance and information on compliance with federal law requirements. For the purposes of this section, a foreign exchange student is a student who is domiciled in a foreign country and has come to the United States on a valid, eligible student visa.~~

(c) ~~Notwithstanding subsection (b) of this section, foreign exchange students who have obtained the status of nonimmigrants pursuant to the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(F) may only be enrolled in a school governed by this Article in grades nine through 12 for a maximum of 12 months at the school.~~ A student who is a resident of North Carolina whose parent elects for the student to board at the school in order to access the educational program is entitled to free room and board.

"§ 115C-150.14A. Nonresident students.

(a) For the purposes of this section, the following definitions shall apply:

- (1) Foreign exchange student. – A student who is domiciled in a foreign country and has come to the United States on a valid, eligible student visa.
- (2) Nonresident student. – An out-of-state student or foreign exchange student.
- (3) Out-of-state student. – A student who is domiciled in a state other than North Carolina.

(b) Schools for the deaf and blind may enroll nonresident students in the educational program who otherwise meet admissions criteria established for all students. A school shall charge the full, unsubsidized per capita cost of providing education at the school for the period of the nonresident student's attendance, including the cost of tuition, and the cost of room and board for any student whose parent elects for the student to board at the school in order to access the educational program.

(c) Schools for the deaf and blind that seek to enroll nonresident students under this section shall submit a plan prior to enrolling any of those students to the board of trustees for approval, including the proposed costs to be charged to the nonresident students for tuition and room and board and information on compliance with federal law requirements.

"§ 115C-150.15. Reporting to residential schools on deaf and blind children.

(a) Request for Consent. – Local superintendents shall require that the following request for written ~~consent~~ consent, along with any informational materials provided by the school for the blind or the school for the deaf in the service area in which the local school administrative unit is located, be presented to ~~parents, guardians, parents~~ or custodians of any ~~hearing impaired or visually impaired children~~ children who are deaf or hard of hearing or are blind or visually impaired no later than October 1 of each school year: "North Carolina provides three public residential schools serving visually and hearing impaired students: the Governor Morehead School for the Blind, the Eastern North Carolina School for the Deaf, and the North Carolina School for the Deaf. Do you consent to the release of your contact information and information regarding your child and his or her impairment to these schools so that you can receive more information on services offered by those campuses?" North Carolina provides two public schools for the deaf serving students who are deaf or hard of hearing: the Eastern North Carolina School for the Deaf and the North Carolina School for the Deaf. North Carolina also has a public school for the blind serving students who are blind or visually impaired: the Governor Morehead School for the Blind. Do you consent to the release of your contact information and information

regarding your child and his or her hearing or vision status to these schools so that you can receive more information on services offered by those campuses?"

(b) ~~Annual Report to Residential Schools. Schools for the Deaf and Blind.~~ – Local superintendents shall report by November 30 each year the names and addresses of ~~parents, guardians, parents~~ or custodians of any ~~hearing impaired deaf or hard of hearing or blind~~ or visually impaired children who have given written consent to the directors of the ~~Governor Morehead School for the Blind, the Eastern North Carolina School for the Deaf, and the North Carolina School for the Deaf.~~ schools for the deaf and blind. The report shall include ~~the type of disability of each child, including~~ whether the hearing and visual impairments range from partial to total disability, and if the child has multiple disabilities with the visual or hearing impairment not identified as the primary disability of the student. The report shall also be made to the Department of Public Instruction.

(c) Confidentiality of Records. – The directors of the ~~Governor Morehead School for the Blind, the Eastern North Carolina School for the Deaf, and the North Carolina School for the Deaf~~ schools for the deaf and blind shall treat any information reported to the schools by a local superintendent under subsection (b) of this section as confidential, except that a director or the director's designee may contact the ~~parents, guardians, parents~~ or custodians of any hearing impaired or visually impaired children whose information was included in the report. The information shall not be considered a public record under G.S. 132-1.

(d) Transfer of Information. – Upon the written request of a parent or custodian of a student who has applied to a school for the deaf or school for the blind, the local superintendent or, if there is no superintendent, the staff member with the highest decision-making authority shall share with the director of the school a copy of all current evaluation data and a copy of the current or proposed individualized education plan for any child enrolled in that public school unit who is identified as a child with a disability who is deaf, hard of hearing, blind, or visually impaired.

"§ 115C-150.16. Applicability of Chapter.

Except as otherwise provided in this Article, the requirements of this Chapter shall not apply to the schools for the deaf and blind. Schools for the deaf and blind shall be considered a State agency, as defined in G.S. 143C-1-1, and shall comply with all requirements for State agencies unless otherwise specified in this Article. Schools for the deaf and blind shall not be considered local school administrative units."

SECTION 2.(a) G.S. 115C-5 reads as rewritten:

"§ 115C-5. Definitions.

As used in this Chapter unless the context requires otherwise:

...

(3a) The governing body of a public school unit is the following:

- a. For a local school administrative unit, the local board of education.
- b. For a charter school, the nonprofit corporation board of directors.
- c. For a regional school, the regional school board of directors.
- d. For a school operated under Article 9C of this Chapter, the ~~State Board of Education.~~ board of trustees.
- e. For a school operated under Article 29A of Chapter 116 of the General Statutes, the chancellor of the constituent institution.

...

(7a) Public school unit. – Any of the following:

- a. A local school administrative unit.
- b. A charter school.
- c. A regional school.
- d. A school providing elementary or secondary instruction operated by ~~one of the following:~~

- ~~1. The State Board of Education, including schools operated under Article 9C of this Chapter.~~
- ~~2. The University of North Carolina under Article 29A of Chapter 116 of the General Statutes.~~
- e. Schools for the deaf and blind operated under Article 9C of this Chapter.

...."

SECTION 2.(b) G.S. 115C-105.51(g) reads as rewritten:

"(g) For the purposes of this section, a "public secondary school" is any of the following types of public school serving grades six or higher:

- (1) A school under the control of a local school administrative unit.
- (2) A school ~~under the control of the State Board of Education, including schools for the deaf or blind~~ operated under Article 9C of this Chapter.
- (3) A school under the control of The University of North Carolina.
- (4) A charter school.
- (5) A regional school."

SECTION 2.(c) G.S. 126-5(c1) reads as rewritten:

"(c1) Except as to the provisions of Articles 6 and 7 of this Chapter, the provisions of this Chapter shall not apply to:

...

(8a) Employees of a regional school established pursuant to Part 10 of Article 16 of Chapter 115C of the General Statutes.

(8b) Employees of a school for the deaf or blind governed by Article 9C of Chapter 115C of the General Statutes hired on or after July 1, 2024.

...."

SECTION 2.(d) G.S. 138-5(a) reads as rewritten:

"(a) Except as provided in subsections (c) and (f) of this section, members of State boards, commissions, committees and councils which operate from funds deposited with the State Treasurer shall be compensated for their services at the following rates:

- (1) Except as otherwise provided by this subdivision, compensation at the rate of fifteen dollars (\$15.00) per diem for each day of service. Members of the North Carolina Vocational Rehabilitation Council, the Statewide Independent Living Council, and the Commission for the Blind who are unemployed or who shall forfeit wages from other employment to attend Council or Commission meetings or to perform related duties, may receive compensation not to exceed fifty dollars (\$50.00) per diem for attending these meetings or performing related duties, as authorized by sections 105 and 705 of the Rehabilitation Act of 1973, P.L. 102-569, 42 U.S.C. § 701, et seq., as amended. Members of the Board of Trustees of the Eastern North Carolina School for the Deaf, the Board of Trustees of the North Carolina School for the Deaf, and the Board of Trustees of the Governor Morehead School for the Blind may receive compensation not to exceed fifty dollars (\$50.00) per diem for attending trustee meetings or performing related duties.
- (2) Reimbursement of subsistence expenses at the rates allowed to State officers and employees by subdivision (3) of G.S. 138-6(a).
- (3) Reimbursement of travel expenses at the rates allowed to State officers and employees by subdivisions (1) and (2) of G.S. 138-6(a).
- (4) For convention registration fees, the actual amount expended, as shown by receipt."

SECTION 2.(e) G.S. 150B-1(d) is amended by adding a new subdivision to read:

"(33) The Eastern North Carolina School for the Deaf, the North Carolina School for the Deaf, and the Governor Morehead School for the Blind."

SECTION 2.(f) Section 10 of S.L. 2013-247 is repealed.

SECTION 3. Section 8.15(b) of S.L. 2013-360 is repealed.

SECTION 4.(a) For the 2023-2024 school year only, the State Board of Education shall adopt rules by August 4, 2023, for eligibility criteria, standards, and procedures for admission to the schools for the deaf and blind in accordance with this section following consultation with the Superintendent of Public Instruction and directors of the schools for the deaf and blind. These rules shall be exempt from the requirements of Article 2A of Chapter 150B of the General Statutes.

SECTION 4.(b) The adopted eligibility criteria shall include consideration of the following:

- (b) Eligibility Criteria. – Eligibility criteria shall include consideration of the following:
- (1) For a school for the deaf, evidence of hearing loss and that the student's primary educational needs are related to the student's hearing loss and require the specialized support and programs offered by that school.
 - (2) For the school for the blind, evidence of vision loss and that the student's primary educational needs are related to the student's vision loss and require the specialized support and programs offered by the school for the blind.
 - (3) State and federal laws.
 - (4) Optimal academic and communicative outcomes for the student.
 - (5) Parental input and choice.
 - (6) Student's possession of the level of functioning necessary to participate in the educational program, including an assessment that the student does not pose a risk of harm to self or others, can function within the school environment in a healthy and safe manner, and does not pose a risk of substantial disruption to the learning environment at the school.

SECTION 4.(c) The adopted admission procedures shall include the following:

- (1) An application process that may be directly made by a parent or legal guardian to the school or upon recommendation of a local school administrative unit or charter school. If a student has not been evaluated by the local school administrative unit or charter school and determined to be a child with a disability, a process for the school and local school administrative unit or charter school to enter into an agreement to determine if the student is a child with a disability.
- (2) An admissions committee to make recommendations on an admissions status that includes, but is not limited to, the following members:
 - a. A chair designated by the director of the school.
 - b. The applicant's parent or legal guardian.
 - c. Any professionals necessary to interpret the evaluation results.
 - d. If the applicant is currently enrolled in a local school administrative unit or charter school, a written invitation shall be extended to a representative from that local school administrative unit or charter school to attend and participate in the evaluation.
- (3) An admissions evaluation that uses multiple sources of information in determining eligibility, including assessments, teacher recommendations, evidence of the applicant's physical and emotional health, indications of the applicant's level of functioning, including adaptive behavior skills, and the student's current or proposed individualized education plan.
- (4) A final admissions determination made by the director of the school or the director of the school's designee.

SECTION 4.(d) The standards for admission shall provide that a student may be admitted in one of the following statuses:

- (1) Temporary assignment. – An applicant admitted for no more than 90 school days for the school staff to complete evaluations and gather additional information for the admissions committee to make an eligibility determination. A student admitted to a temporary assignment status is not guaranteed admission to the educational program as a student who meets the school's eligibility criteria.
- (2) Educational program assignment. – An applicant determined to meet the eligibility criteria and granted admission to the educational program.

SECTION 4.(e) The standards for admission shall provide that a student's continued enrollment in an educational program assignment status shall be subject to reevaluation by the admissions committee when determined necessary by the school to assess if the student continues to meet eligibility criteria. The disenrollment assessment shall follow the same procedures as the admissions process, and a final determination shall be made by the director or the director's designee.

SECTION 4.(f) The standards for admission shall provide that the local school administrative unit or charter school in which the child is enrolled shall have the initial responsibility of identifying and evaluating the special education needs of the student and providing a special educational program and related services in accordance with Article 9 of this Chapter. If a parent submits an application to the school for enrollment of the parent's child in the school's educational program, and if the child is determined to meet the eligibility criteria for admission to the school's educational program, the school is responsible for the provision of a free appropriate public education. However, a subsequent determination by the school that the student no longer meets eligibility criteria immediately transfers the responsibility for the provision of a special educational program and related services to ensure a free appropriate public education back to the local school administrative unit or charter school in which the child was previously enrolled.

SECTION 4.(g) The standards for admission shall provide that, prior to seeking a due process hearing as provided in Article 9 of Chapter 115C of the General Statutes, parents be encouraged to seek mediation under Article 9 of Chapter 115C of the General Statutes in resolving any dispute with regards to a student's eligibility determination or individualized education plan. A parent may seek an impartial due process hearing following a final determination on a student's eligibility by the director. If the parent pursues a due process hearing to challenge the school's ineligibility determination, the student's "stay put" placement shall not be the school but shall be the local school administrative unit or charter school in which the child is enrolled.

SECTION 5. Notwithstanding Article 9C of Chapter 115C of the General Statutes, as amended by this act, the Department of Public Instruction shall continue its administrative duties and responsibilities for the North Carolina School for the Deaf, the Eastern North Carolina School for the Deaf, and the Governor Morehead School for the Blind subject to Article 9C of Chapter 115C of the General Statutes as of June 30, 2024, until the board of trustees for each school has successfully transitioned into the administrative role required by this act, but in no event later than October 1, 2024.

SECTION 6.(a) No later than 60 days after the date that this act becomes law, the General Assembly and the State Board of Education shall appoint the initial members of the boards of trustees for the North Carolina School for the Deaf, the Eastern North Carolina School for the Deaf, and the Governor Morehead School for the Blind to take office 90 days after the date this act becomes law. If the General Assembly has adjourned to a date certain, which date is more than 20 days after the date of adjournment when this act becomes law, the initial members of the boards appointed by the General Assembly shall be made in the same manner as a vacancy

appointment as provided in G.S. 120-122. Upon the expiration of the initial terms appointed by November 1, 2023, all subsequent appointments by all appointing entities shall be for a four-year term of office, as provided in G.S. 115C-150.12A, as enacted by this act. Notwithstanding G.S. 115C-150.12A, as enacted by this act, terms of initial appointments to each board made by November 1, 2023, shall be as follows:

- (1) The General Assembly shall appoint one of the members recommended by the Speaker of the House of Representatives and one of the members recommended by the President Pro Tempore of the Senate to a two-year term of office expiring June 30, 2026.
- (2) The General Assembly shall appoint one of the members recommended by the Speaker of the House of Representatives and one of the members recommended by the President Pro Tempore of the Senate to a four-year term of office expiring June 30, 2028.
- (3) The State Board of Education shall appoint one member to a term expiring June 30, 2026.
- (4) The Secretary of the Department of Health and Human Services shall appoint one nonvoting member to a term expiring June 30, 2028.

SECTION 6.(b) Notwithstanding G.S. 115C-150.12A, as enacted by this act, following the appointment of a majority of members of the boards of trustees of each of the schools for the deaf and blind, as provided in subsection (a) of this section, and no later than 105 days after this act becomes law, the director of each school shall call an initial meeting of each board.

SECTION 7.(a) The Department of Public Instruction shall develop a transition plan for the change in administration of the schools for the deaf and blind in accordance with the requirements of this act to be effective July 1, 2024. The Department of Public Instruction shall consult with the personnel and boards of trustees from the North Carolina School for the Deaf, the Eastern North Carolina School for the Deaf, and the Governor Morehead School for the Blind in developing the transition plan, and shall make a copy of the interim and final transition reports available to each board of trustees at least two weeks prior to submission, if the board has taken office at that time. The Department of Public Instruction shall provide interim reports to the State Board of Education and the Joint Legislative Education Oversight Committee by May 15, 2023, and December 15, 2023, and a final report by March 15, 2024, on the plans for transition in administration of the schools for the deaf and blind. The plans for transition shall include the following:

- (1) An estimate of the costs for administrative services provided by the Department of Public Instruction to the schools for the deaf and blind, on average, for the prior three school years.
- (2) An assessment of the employment rights, salaries, and benefits for current employees of the schools for the deaf and blind under the State Human Resources Act and State salary schedules as compared to those rights, salaries, and benefits of local school administrative unit employees under Chapter 115C of the General Statutes and identification of any areas where the transition may provide lesser protections, salaries, or benefits not addressed by this act.
- (3) An assessment of the most effective administrative structure for the schools for the deaf and blind.
- (4) Any other issues identified as part of the transition process and any legislative recommendations necessary to effectuate the transition.

SECTION 7.(b) Each board of trustees of the schools for the deaf and blind shall provide interim reports to the Joint Legislative Education Oversight Committee by December 15, 2023, and March 15, 2024, and a final report by July 1, 2024, on the plans and progress in

transitioning to assumption of administration of the schools for the deaf and blind, with the support of and consultation with staff of the school for that board. The Department of Public Instruction shall provide information as requested to each board of trustees. The reports shall include the following:

- (1) Response to any assessments, issues, or recommendations submitted by the Department of Public Instruction in reports submitted as provided in subsection (a) of this section.
- (2) An assessment of employment rights, salaries, and benefits for current employees of the schools for the deaf and blind under the State Human Resources Act and State salary schedules as compared to those rights, salaries, and benefits of local school administrative unit employees under Chapter 115C of the General Statutes and identification of any areas where the transition may provide lesser protections, salaries, or benefits not addressed by this act.
- (3) An assessment of the most effective administrative structure for the schools for the deaf and blind.
- (4) Any other issues identified as part of the transition process and any legislative recommendations necessary to effectuate the transition.

SECTION 8.(a) Notwithstanding G.S. 115C-150.12B, as enacted by this act, the board of trustees of each school for the deaf and blind shall honor the terms of any employment contract for employees of those schools as it exists as of July 1, 2024.

SECTION 8.(b) Notwithstanding current employment classifications of administrators for the schools for the deaf and blind and G.S. 115C-150.12B, as enacted by this act, those employed as administrators of each school for the deaf and blind shall remain in employment, subject to dismissal for cause as provided in Article 8 of Chapter 126 of the General Statutes, until June 30, 2025. Notwithstanding Article 18 of Chapter 115C of the General Statutes, the State Board of Education shall waive superintendent licensure requirements for those employed as administrators of each school for the deaf and blind until June 30, 2025.

SECTION 8.(c) Notwithstanding G.S. 115C-150.12B, as enacted by this act, Chapter 126 of the General Statutes shall apply to any employee of the schools for the deaf and blind employed on June 30, 2024, for as long as that employee remains employed at that school.

SECTION 9. Sections 1 through 3 of this act become effective July 1, 2024. The remainder of this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 22nd day of March, 2023.

s/ Phil Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

This bill having been presented to the Governor for signature on the 23rd day of March, 2023 and the Governor having failed to approve it within the time prescribed by law, the same is hereby declared to have become a law.

This 3rd day of April, 2023,

s/ Amy Jo Johnson
Enrolling Clerk