

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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HOUSE BILL 1137

Short Title: Deaf Schools Changes.

(Public)

Sponsors: Representatives Arnold; and Fitch.

Referred to: Rules, Calendar, and Operations of the House.

April 12, 2001

A BILL TO BE ENTITLED

1
2 AN ACT TO MAKE CHANGES TO THE OPERATION AND STRUCTURE OF THE
3 SCHOOLS FOR THE DEAF, TO REQUIRE FURTHER STUDY INTO THE
4 ORGANIZATION OF THE SCHOOLS FOR THE DEAF, AND TO
5 APPROPRIATE FUNDS FOR THESE PURPOSES.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** The Department of Health and Human Services shall close the
8 Central North Carolina School for the Deaf at Greensboro prior to the beginning of the
9 2001-2002 school year. The Department shall immediately begin to formulate
10 transition plans for the students who are currently enrolled at the Central North Carolina
11 School for the Deaf at Greensboro. In formulating transition plans, the Department
12 shall first consider whether the student should be integrated into the local school
13 administrative unit where he or she is eligible to attend or whether the most appropriate
14 placement for the child is in a residential setting. No new students shall be enrolled in
15 the Central North Carolina School for the Deaf at Greensboro. Funds allocated to the
16 Central North Carolina School for the Deaf at Greensboro for operations after the 2000-
17 2001 school year shall be reallocated to the remaining schools for the deaf and shall be
18 used only for instructional purposes.

19 **SECTION 2.** The Joint Legislative Education Oversight Committee shall
20 study the organization of the schools for the deaf. The Committee shall hire an outside
21 consultant to assist in this study. The consultant shall consult with the directors of the
22 schools for the deaf and other interested parties in completing this study. The directors
23 of the schools for the deaf may submit their own plans either to the consultant or
24 directly to the Committee. The Committee shall make a final report prior to the
25 beginning of the 2002 Regular Session of the 2001 General Assembly. Funds for this
26 study shall be provided by the Department of Health and Human Services. Specific
27 issues to be addressed by the Committee include:

- 1 (1) The overall mission of the schools for the deaf, including whether each
2 of the individual schools should have a specialized focus within the
3 overall mission.
- 4 (2) An overall reorganization plan for the remaining schools for the deaf.
5 Specifically, this study shall address issues related to the governance
6 and administration of the schools for the deaf, such as the following:
 - 7 a. Whether the schools for the deaf should remain under the
8 authority of the Department of Health and Human Services.
 - 9 b. Whether authority for the schools for the deaf should be
10 transferred to the Department of Public Instruction.
 - 11 c. Whether the individual schools for the deaf should be treated in
12 a manner similar to local school administrative units or charter
13 schools.
- 14 (3) A reevaluation of the staffing needs of the remaining schools for the
15 deaf based upon the closing of the Central North Carolina School for
16 the Deaf at Greensboro, the overall and specific missions of the
17 remaining schools, and any reorganization plans. This reevaluation
18 shall include a plan to reclassify positions at the remaining schools and
19 to hire new personnel based upon the results of any reclassification.
- 20 (4) The best use of savings realized through the closing of the Central
21 North Carolina School for the Deaf at Greensboro. Specifically, the
22 Committee shall consider whether savings resulting from the closing
23 of the Central North Carolina School for the Deaf at Greensboro
24 should be redirected to the remaining schools for the deaf or used to
25 help transition students into mainstream educational settings, or both.
- 26 (5) Whether the Department should revise the manner in which funds are
27 allocated to the remaining schools. Specifically, the Committee shall
28 consider whether the funds should be allocated according to funding
29 allotments similar to those used for public schools.
- 30 (6) The logistics and costs involved with transitioning the remaining
31 schools for the deaf to an extended school calendar of at least 200
32 instructional days.
- 33 (7) The need for formal direct links between the schools for the deaf and
34 the Department of Public Instruction so that administrators at the
35 schools for the deaf may directly request and receive assistance from
36 the Department of Public Instruction.
- 37 (8) The extent to which independent living facilities are maintained by the
38 schools for the deaf and the need for new facilities, the extent to which
39 these facilities are utilized by students, and the feasibility of allowing
40 recent graduates of the schools to reside in portions of these facilities
41 that are not being utilized by current students.

1 (9) A review of other states' policies and procedures regarding the
2 education of deaf and hard-of-hearing students.

3 **SECTION 3.(a)** G.S. 143B-146.21 reads as rewritten:

4 **"§ 143B-146.21. Policies, reports, and other miscellaneous provisions.**

5 (a) The Secretary of Health and Human Services shall consult with the State
6 Board of Education in its implementation of this act as it pertains to improving the
7 educational programs at the residential schools. The Secretary also shall fully inform
8 and consult with the chairs of the Appropriations Subcommittees on Education and
9 Health and Human Services of the Senate and the House of Representatives on a regular
10 basis as the Secretary carries out his duties under this act.

11 (b) The Secretary of Health and Human Services shall adopt policies and offer
12 training opportunities to ensure that personnel who provide direct services to children in
13 the ~~three~~-State schools for the deaf become proficient in sign language within two years
14 of their initial date of ~~employment or within two years of the effective date of this act,~~
15 ~~whichever occurs later.~~employment. The director of each school for the deaf may
16 require residential school personnel who are not proficient in sign language to receive a
17 specific amount of instruction each month in sign language. This subsection shall not
18 apply to preschool personnel in any oral, auditory, or cued speech preschool.

19 (c) The Department of Public Instruction, the Board of Governors of The
20 University of North Carolina, and the State Board of Community Colleges shall
21 annually offer and communicate the availability of professional development
22 opportunities, including those to improve sign language skills, to the personnel assigned
23 to the State's residential schools, particularly the Governor Morehead School and the
24 ~~three~~-schools for the deaf.

25 (d) The Secretary of Health and Human Services shall adopt policies to ensure
26 that students of the residential schools are given priority to residing in the independent
27 living facilities on each school's campus."

28 **SECTION 3.(b)** Pursuant to G.S. 143B-146.21(c), Wilson Technical
29 Community College and Western Piedmont Community College shall annually offer
30 courses in sign language.

31 **SECTION 4.** The Department of Health and Human Services shall develop
32 a dress code for the schools for the deaf. All students at the schools for the deaf are
33 required to follow the dress code developed by the Department. At the request of any
34 student, the Department shall provide that student with five complete sets of clothing
35 and one coat that conform to the dress code. The Department is responsible for
36 laundering this clothing provided to students. It is the intent of this section to ensure
37 that all students at the schools for the deaf have clothes that are clean, in good condition,
38 and appropriate for school.

39 **SECTION 5.** G.S. 143B-216.40 reads as rewritten:

40 **"§ 143B-216.40. Establishment; operations.**

41 (a) There are established, and there shall be maintained, the following schools for
42 the deaf: the Eastern North Carolina School for the Deaf at Wilson (~~K-12~~); the ~~Central~~

1 ~~North Carolina School for the Deaf at Greensboro (K-8),(K-12)~~ and the North Carolina
2 School for the Deaf at Morganton (K-12). The Department of Health and Human
3 Services shall be responsible for the operation and maintenance of the schools.

4 (b) The Board of Directors of the North Carolina Schools for the Deaf shall
5 advise the Department and shall adopt rules and regulations concerning the schools as
6 provided in G.S. 115C-124 and 143B-173.

7 (c) The primary purpose of the schools for the deaf is to educate students who are
8 deaf for whom an individualized educational program team has determined that a
9 residential setting is the least restrictive environment in which these students can receive
10 an appropriate education. A student who is deaf may attend day classes offered by one
11 of the schools for the deaf without residing at that school only when an individualized
12 educational placement team determines that (i) the student's disability requires special
13 education and related services, (ii) the local school administrative unit cannot provide
14 an appropriate education for this student, and (iii) the day class in the residential school
15 is the least restrictive environment in which the student can receive an appropriate
16 education."

17 **SECTION 6.** G.S. 143B-146.3 reads as rewritten:

18 "**§ 143B-146.3. Annual performance ~~goals~~; report.**

19 (a) The ABC's Program shall (i) focus on student performance in the basics of
20 reading, mathematics, and communications skills in elementary and middle schools, (ii)
21 focus on student performance in courses required for graduation and on other measures
22 required by the State Board in the high schools, and (iii) hold participating schools
23 accountable for the educational growth of their students. To those ends, the State Board
24 shall design and implement an accountability system that sets annual performance
25 standards for each participating school in order to measure the growth in performance of
26 the students in each individual school. The Department shall publish the annual
27 performance standards for the schools for the deaf and shall provide a copy of the
28 annual performance standards to the parent or legal guardian of each student at the
29 schools for the deaf.

30 (b) The Department shall annually issue a report on the performance of students
31 at the schools for the deaf. This report shall include a comparison of student
32 performance at the schools for the deaf and the performance of deaf students in other
33 educational settings."

34 **SECTION 7.(a)** G.S. 143B-146.2(a) reads as rewritten:

35 "(a) The Governor Morehead School and the ~~three~~ schools for the deaf shall
36 participate in the ABC's Program. The Secretary, in consultation with the General
37 Assembly and the State Board, may designate other residential schools that must
38 participate in the ABC's Program. The primary goal of the ABC's Program is to improve
39 student performance. The Program is based upon an accountability, recognition,
40 assistance, and intervention process in order to hold each participating school, its
41 superintendent, and the instructional personnel accountable for improved student
42 performance in that school."

1 **SECTION 7.(b)** G.S. 143B-146.22(a) reads as rewritten:

2 "(a) Notwithstanding any other provision of law, the Secretary of the Department
3 of Health and Human Services shall create a Division of Education Services to manage
4 the Governor Morehead School and the ~~three~~-residential schools for the deaf. The
5 Secretary may include in this new Division any or all of the schools and educational
6 programs currently managed by the Division of Mental Health, Developmental
7 Disabilities, and Substance Abuse Services."

8 **SECTION 7.(c)** G.S. 143B-216.32(a) reads as rewritten:

9 "**§ 143B-216.32. Council for the Deaf and the Hard of Hearing – membership;
10 quorum; compensation.**

11 (a) The Council for the Deaf and the Hard of Hearing shall consist of 23
12 members. Fifteen members shall be members appointed by the Governor. Three
13 members appointed by the Governor shall be persons who are deaf and three members
14 shall be persons who are hard of hearing. One appointment shall be an educator who
15 trains deaf education teachers and one appointment shall be an audiologist licensed
16 under Article 22 of Chapter 90 of the General Statutes. Three appointments shall be
17 parents of deaf or hard of hearing children including one parent of a student in a
18 residential school; one parent of a student in a preschool program; and one parent of a
19 student in a mainstream education program, with ~~each~~ at least one parent coming from a
20 ~~different~~ each region of the ~~three~~ North Carolina schools for the deaf regions. One
21 member appointed by the Governor shall be recommended by the President of the North
22 Carolina Association of the Deaf; one member shall be recommended by the President
23 of the North Carolina Pediatric Society; one member shall be recommended by the
24 President of the North Carolina Registry of Interpreters for the Deaf; and one member
25 shall be nominated by the Superintendent of Public Instruction. One member shall be
26 appointed from the House of Representatives by the Speaker of the House of
27 Representatives and one member shall be appointed from the Senate by the President
28 Pro Tempore of the Senate. The Secretary of Health and Human Services shall appoint
29 six members as follows: one from the Division of Vocational Rehabilitation, one from
30 the Division of Aging, one from the Division of Mental Health, Developmental
31 Disabilities, and Substance Abuse Services, one from the Division of Social Services,
32 one from a North Carolina Chapter of SHHH (Self Help for the Hard of Hearing), and
33 one from SPEAK (Statewide Parents' Education and Advocacy for Kids)."

34 **SECTION 8.** Any constituent institution of The University of North
35 Carolina that has an educational program that prepares individuals to provide teaching,
36 social work, or other related services specifically for the deaf shall use the residential
37 schools for developing, evaluating, and disseminating innovative curricula, instructional
38 techniques and strategies, and materials that can be used in various educational
39 environments serving students who are deaf or hard-of-hearing.

40 **SECTION 9.** There is appropriated from the General Fund the sum of one
41 million dollars (\$1,000,000) for the 2001-2002 fiscal year and the sum of one million

- 1 dollars (\$1,000,000) for the 2002-2003 fiscal year to the Department of Health and
2 Human Services to carry out the provisions of Section 4 of this act.
3 **SECTION 10.** This act is effective July 1, 2001.