

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

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HOUSE BILL 878

Short Title: Schools for the Deaf/Administration. (Public)

Sponsors: Representatives Blackwell, Cooper-Suggs, and Rogers (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Education - K-12, if favorable, Rules, Calendar, and Operations of the House

May 5, 2021

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE EASTERN NORTH CAROLINA SCHOOL FOR THE DEAF AND THE NORTH CAROLINA SCHOOL FOR THE DEAF ARE GOVERNED BY BOARDS OF TRUSTEES AND FUNCTION SIMILARLY AS LOCAL SCHOOL ADMINISTRATIVE UNITS.

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.

**"§ 115C-150.11. State Board of Education as governing agency over the Governor Morehead School; general supervision over residential schools for students with hearing impairments.**

(a) 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.~~ Blind. 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.~~ the Governor Morehead School for the Blind.

(b) The State Board of Education shall have general supervision for the Eastern North Carolina School for the Deaf and the North Carolina School for the Deaf. Except as otherwise provided for in this Article, the Eastern North Carolina School for the Deaf and the North Carolina School for the Deaf shall be housed administratively within the Department of Public Instruction, but shall operate independently through a board of trustees as the governing body for each residential school established under G.S. 115C-150.11A. Each board of trustees shall appoint a director for the school, who shall act as secretary to the board of trustees in accordance with G.S. 115C-150.11A and shall manage school personnel, day-to-day operations of the school, and the school's operating budget at the direction of the board of trustees.

**"§ 115C-150.11A. Board of trustees for each residential school for students with hearing impairments.**

(a) Appointment. – The Eastern North Carolina School for the Deaf and the North Carolina School for the Deaf shall be governed by a board of trustees established for each residential school. There shall be five voting members for each board of trustees to be appointed as follows:

- (1) Two members appointed by the Speaker of the House of Representatives.
- (2) Two members appointed by the President Pro Tempore of the Senate.



1           (3) One member appointed by the Governor.

2           (b) Ex Officio, Nonvoting Members. – The President of the Eastern North Carolina  
3 School for the Deaf Alumni Association or the President's designee shall be a nonvoting, ex  
4 officio member of the Eastern North Carolina School for the Deaf Board of Trustees. The  
5 President of the North Carolina School for the Deaf Alumni Association or the President's  
6 designee shall be a nonvoting, ex officio member of the North Carolina School for the Deaf  
7 Board of Trustees.

8           (c) Terms of Members. – The initial terms of a board of trustees for one of the members  
9 appointed pursuant to subdivisions (1) and (2) of subsection (a) of this section and for the member  
10 appointed pursuant to subdivision (3) of subsection (a) of this section shall be for three-year  
11 terms. Upon the expiration of those initial terms and every six years thereafter, successors shall  
12 be appointed for six-year terms. All other members appointed pursuant to subsection (a) of this  
13 section shall be appointed for six-year terms. Terms shall commence July 1. Members shall serve  
14 until their successors are appointed and qualified. All vacancies shall be filled by the appointing  
15 authority for the vacating member for the remainder of the unexpired term.

16           (d) Chair; Director. – The director shall call the initial meeting of the board of trustees.  
17 The board of trustees shall elect one of its members as chair for a two-year term. The director  
18 appointed in accordance with G.S. 115C-150.11(b) shall be ex officio secretary of the board of  
19 trustees. The director shall recommend school personnel to the board of trustees to be employed  
20 by the board.

21           (e) Meetings. – A board of trustees shall meet at least four times a year and also at such  
22 other times as it may deem necessary. All meetings shall be subject to Article 33C of Chapter  
23 143 of the General Statutes. The members shall receive per diem compensation and necessary  
24 travel and subsistence expenses while engaged in the discharge of their official duties as is  
25 provided by law for members of State boards and commissions.

26           (f) Procedures. – A board of trustees shall determine its own rules of procedure and may  
27 delegate to committees that it creates any powers it deems appropriate.

28 **"§ 115C-150.11B. Board of trustees for the residential schools for students with hearing**  
29 **impairments; corporate powers.**

30           (a) The board of trustees of a residential school established pursuant to  
31 G.S. 115C-150.11A shall be known and distinguished by the name of "The \_\_\_\_\_ Board  
32 of Trustees" and shall continue as a body politic and corporate and by that name shall have  
33 perpetual succession and a common seal. It shall be able and capable in law to take, demand,  
34 receive, and possess all moneys, goods, and chattels that shall be given for the use of the  
35 residential school, and to apply to same according to the will of the donors, and by gift, purchase,  
36 or devise to receive, possess, enjoy, and retain forever any and all real and personal estate and  
37 funds, of whatsoever kind, nature, or quality the same may be, in special trust and confidence  
38 that the same, or the profits thereof, shall be applied to and for the use and purpose of establishing  
39 and endowing the residential school, and shall have power to receive donations from any source  
40 whatsoever, to be devoted exclusively to the purposes of the maintenance of the residential  
41 school, or according to the terms of the donation.

42           (b) A board of trustees shall be able and capable in law to bargain, sell, grant, alien, or  
43 dispose of and convey and assure to the purchasers any and all such real and personal estate and  
44 funds as it may lawfully acquire when the condition of the grant to it or the will of the devisor  
45 does not forbid it, and shall be able and capable in law to sue and be sued in all courts whatsoever,  
46 and shall have power to open and receive subscriptions, and in general may do all such things as  
47 are usually done by bodies corporate and politic, or such as may be necessary for the promotion  
48 of learning and virtue.

49 **"§ 115C-150.12. Applicability of Chapter.**

50           Except as otherwise provided, the requirements of this Chapter shall apply to the schools  
51 governed by this Article. For the purposes of federal law and the administration of State law,

1 each residential school with a board of trustees established pursuant to G.S. 115C-150.11A shall  
2 be considered a local school administrative unit.

3 **"§ 115C-150.13. ~~Rule making.~~ Rules and admission criteria for each residential school.**

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

8 (1) State and federal laws.

9 (2) Optimal academic and communicative outcomes for the child.

10 (3) Parental input and choice.

11 (4) Recommendations in a child's Individualized Education Program (IEP).

12 (b) Rules for the Governor Morehead School for the Blind shall be adopted in accordance  
13 with Chapter 150B of the General Statutes.

14 (c) Each board of trustees for the residential schools for students with hearing  
15 impairments shall adopt rules necessary for the administration of the residential school to  
16 implement the requirements of this Article, including, at a minimum, rules to address eligibility  
17 for admission criteria. In determining rules for admission criteria, the board of trustees shall take  
18 into account the following factors:

19 (1) State and federal laws.

20 (2) Optimal academic and communicative outcomes for the child.

21 (3) Parental input and choice.

22 (4) Recommendations in a child's Individualized Education Program (IEP).

23 (d) The board of trustees for the residential schools for students with hearing impairments  
24 shall be subject to rules adopted by the State Board of Education in accordance with Chapter  
25 150B of the General Statutes.

26 **"§ 115C-150.14. Tuition and room and board.**

27 (a) Only children who are residents of North Carolina are entitled to free tuition and room  
28 and board at a school governed by this Article.

29 (b) A school governed by this Article may enroll a foreign exchange student and shall  
30 charge the student the full, unsubsidized per capita cost of providing education at the school for  
31 the period of the student's attendance. A school that seeks to enroll foreign exchange students  
32 under this section shall submit a plan prior to enrolling any of those students to either the State  
33 Board of Education for the Governor Morehead School for the Blind or the board of trustees of  
34 a residential school for students with hearing impairments for approval, including the proposed  
35 costs to be charged to the students for attendance and information on compliance with federal  
36 law requirements. For the purposes of this section, a foreign exchange student is a student who  
37 is domiciled in a foreign country and has come to the United States on a valid, eligible student  
38 visa.

39 (c) Notwithstanding subsection (b) of this section, foreign exchange students who have  
40 obtained the status of nonimmigrants pursuant to the Immigration and Nationality Act, 8 U.S.C.  
41 § 1101(a)(15)(F) may only be enrolled in a school governed by this Article in grades nine through  
42 12 for a maximum of 12 months at the school.

43 **"§ 115C-150.15. Reporting to residential schools on deaf and blind children.**

44 (a) Request for Consent. – Local superintendents shall require that the following request  
45 for written consent be presented to parents, guardians, or custodians of any hearing impaired or  
46 visually impaired children no later than October 1 of each school year: "North Carolina provides  
47 three public residential schools serving visually and hearing impaired students: the Governor  
48 Morehead School for the Blind, the Eastern North Carolina School for the Deaf, and the North  
49 Carolina School for the Deaf. Do you consent to the release of your contact information and  
50 information regarding your child and his or her impairment to these schools so that you can  
51 receive more information on services offered by those ~~campuses?~~campuses?"

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

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

17 **SECTION 2.** Section 10 of S.L. 2013-247 is repealed.

18 **SECTION 3.(a)** Section 8.15(b) of S.L. 2013-360 reads as rewritten:

19 "**SECTION 8.15.(b)** Notwithstanding G.S. 146-30 or any other provision of law, the  
20 Department of Public Instruction shall only retain ~~all~~ proceeds generated from the rental of  
21 building space on the residential school ~~campuses~~ campus of the Governor Morehead School for  
22 the Blind. The Department of Public Instruction shall use all receipts generated from ~~these the~~  
23 leases to staff and operate the ~~North Carolina School for the Deaf, the Eastern North Carolina~~  
24 ~~School for the Deaf, and the Governor Morehead School~~. These receipts shall not be used to  
25 support administrative functions within the Department."

26 **SECTION 3.(b)** Notwithstanding G.S. 146-30 or any other provision of law,  
27 beginning with the 2022-2023 fiscal year, the Department of Public Instruction shall retain all  
28 proceeds generated from the rental of building space on the residential school campuses of the  
29 North Carolina School for the Deaf and the Eastern North Carolina School for the Deaf to be  
30 used in accordance with this subsection. The Department of Public Instruction shall allocate all  
31 receipts generated from these leases to each board of trustees in the amount generated from the  
32 individual school to supplement funds to staff and operate that school. These receipts shall not  
33 be used to support administrative functions within the Department of Public Instruction.

34 **SECTION 4.** Notwithstanding Article 9C of Chapter 115C of the General Statutes,  
35 as amended by this act, the Department of Public Instruction may continue its administrative  
36 duties and responsibilities for the North Carolina School for the Deaf and the Eastern North  
37 Carolina School for the Deaf subject to Article 9C of Chapter 115C of the General Statutes as of  
38 June 30, 2022, until the board of trustees for each school has successfully transitioned into the  
39 administrative role required by this act, but in no event later than October 1, 2022.

40 **SECTION 5.** By May 1, 2022, the President Pro Tempore of the Senate, the Speaker  
41 of the House of Representatives, and the Governor shall appoint the initial members of the boards  
42 of trustees for the North Carolina School for the Deaf and the Eastern North Carolina School for  
43 the Deaf to take office effective July 1, 2022, pursuant to G.S. 115C-150.11A.

44 **SECTION 6.** The Department of Public Instruction shall, in collaboration with the  
45 personnel from the North Carolina School for the Deaf and the Eastern North Carolina School  
46 for the Deaf develop a transition plan for the change in administration of the residential schools  
47 for students with hearing impairments in accordance with the requirements of this act to be  
48 effective July 1, 2022. By December 15, 2021, the Department of Public Instruction shall report  
49 to the Joint Legislative Education Oversight Committee on the plan for transition in  
50 administration of the residential schools, including any legislative recommendations necessary  
51 to effectuate the transition.

1                   **SECTION 7.** Sections 1 through 4 of this act become effective July 1, 2022. The  
2 remainder of this act is effective when it becomes law.