

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

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SENATE BILL 90  
Education/Higher Education Committee Substitute Adopted 3/15/23  
Third Edition Engrossed 3/28/23  
House Committee Substitute Favorable 6/11/24  
House Committee Substitute #2 Favorable 6/12/24  
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Short Title: Schools for the Deaf and Blind Transition.

(Public)

Sponsors:

Referred to:

February 13, 2023

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE ADDITIONAL CHANGES TO FACILITATE THE TRANSITION OF  
3 THE SCHOOLS FOR THE DEAF AND BLIND TO GOVERNANCE BY BOARDS OF  
4 TRUSTEES.

5 The General Assembly of North Carolina enacts:

6  
7 **CLARIFY INDEPENDENCE OF SCHOOLS**

8 **SECTION 1.(a)** G.S. 115C-150.11 reads as rewritten:

9 "**§ 115C-150.11. ~~General supervision over~~ Establishment of the schools for the deaf and**  
10 **blind.**

11 (a) Establishment. – The following are created as separate State agencies governed  
12 respectively by boards of trustees:

13 (1) The Governor Morehead School for the Blind of the Department of Public  
14 Instruction, for the function, purpose, and duty of serving students who are  
15 blind or visually impaired from birth to age 22. The Governor Morehead  
16 School for the Blind shall include the Governor Morehead Preschool.

17 (2) The Eastern North Carolina School for the Deaf of the Department of Public  
18 Instruction, for the function, purpose, and duty of serving students who are  
19 deaf or hard of hearing.

20 (3) The North Carolina School for the Deaf of the Department of Public  
21 Instruction, for the function, purpose, and duty of serving students who are  
22 deaf or hard of hearing.

23 (a1) State Board of Education Supervision. – The State Board of Education shall have  
24 general supervision over the schools for the deaf and blind in accordance with G.S. 115C-12 and  
25 shall establish approximately equivalent service areas for each school for the deaf that cover the  
26 entire State. In establishing the service area for each school for the deaf, the State Board shall  
27 consider both the geographic proximity to the school for the deaf and the population of the service  
28 area. The State Board shall evaluate the effectiveness of the schools for the deaf and blind and  
29 shall, through the application of the accountability system developed under G.S. 115C-83.15 and  
30 G.S. 115C-105.35, measure the educational performance and growth of students placed in each  
31 school. If appropriate, the Board may modify this system to adapt to the specific characteristics  
32 of these schools. The boards of trustees for the schools for the deaf and blind shall be subject to



1 rules adopted by the State Board of Education in accordance with Chapter 150B of the General  
2 Statutes. Statutes for public school units.

3 (b) Independent Operation.—~~Except as otherwise provided for in this Article, the schools~~  
4 ~~for the deaf and blind shall be housed administratively within the Department of Public~~  
5 ~~Instruction for purposes of distribution of State funds, but each school for the deaf and blind shall~~  
6 ~~operate independently with a board of trustees as the governing body.~~ Department of Public  
7 Instruction Support. — The Department of Public Instruction shall include ~~employees of the~~  
8 schools for the deaf and blind and employees of those schools in coverage for professional  
9 ~~liability~~ liability, worker's compensation, property, and liability policies purchased by the  
10 Department for ~~the Department or its employees~~ employees, and shall enter into a memorandum  
11 of understanding with the schools to facilitate the purchase of other insurance policies for those  
12 schools. In all other matters, the Department of Public Instruction shall provide services, support,  
13 and assistance to schools for the deaf and blind in the same manner and degree as for a local  
14 school administrative unit.

15 (c) Administrative Support. — The Department of Administration shall provide support  
16 to each school in matters related to finance, human resources, and procurement, including for  
17 information technology. Each school shall enter into a memorandum of understanding with the  
18 Department of Administration with regard to this support. No civil liability shall attach to the  
19 Department of Administration, or to any of its employees, individually or collectively, for any  
20 acts or omissions of a school.

21 (d) Immunity. — In addition to all other immunities provided to them by applicable State  
22 law, a school, its board of trustees, and the school's members, employees, and agents shall be  
23 entitled to the specific immunities provided for this Chapter applying to the State Board of  
24 Education, Superintendent of Public Instruction, a local board of education, a local school  
25 administrative unit, and their members and employees. Immunity established by this subsection  
26 shall be deemed to be waived to the extent of indemnification under Article 31A and Article 31B  
27 of Chapter 143 of the General Statutes and to the extent sovereign immunity is waived under the  
28 State Tort Claims Act, as set forth in Article 31 of Chapter 143 of the General Statutes.

29 (e) Funding. — In addition to appropriations directed solely to the schools for the deaf and  
30 blind, the schools shall be eligible to (i) receive the benefit of any regional or statewide systems  
31 of support provided by the Department of Public Instruction to all public school units and (ii)  
32 apply for any grants available to all public school units. The schools for the deaf and blind shall  
33 not be eligible to receive funding allotments for local school administrative units unless otherwise  
34 directed by the General Assembly."

35 **SECTION 1.(b)** G.S. 115C-150.16 reads as rewritten:

36 "**§ 115C-150.16. Applicability of Chapter.**

37 Except as otherwise provided in this Article and Article 7B of this Chapter, the requirements  
38 of this Chapter shall not apply to the schools for the deaf and blind. Schools for the deaf and  
39 blind shall ~~be considered a State agency, as defined in G.S. 143C-1-1, and shall comply with all~~  
40 requirements for State agencies in State law unless otherwise specified in this Article. Schools  
41 for the deaf and blind shall not be considered local school administrative units."

42 **SECTION 1.(c)** G.S. 115C-150.11(a), (b), and (c) apply beginning July 1, 2025.

## 43 44 **CLARIFY QUORUM REQUIREMENTS AND QUALIFICATIONS OF BOARD** 45 **MEMBERS**

46 **SECTION 2.(a)** G.S. 115C-150.12A(b) reads as rewritten:

47 "(b) Qualifications. — No employee of the school may be a member of the board of trustees  
48 of that school. A board member that becomes an employee of that school shall be deemed to  
49 resign from his or her membership on the board of trustees. Appointing entities are strongly  
50 encouraged to fill the appointments to each board of trustees with persons with expertise or  
51 experience in the areas of education for those who are deaf or hard of hearing or who are blind

1 or visually impaired, administration and governance, finance and budgeting, or who otherwise  
2 have demonstrated concern for quality of education for those who are deaf or hard of hearing or  
3 who are blind or visually impaired."

4 **SECTION 2.(b)** G.S. 115C-150.12A(f) reads as rewritten:

5 "(f) Meetings. – A board of trustees shall meet at least four times a year and also at such  
6 other times as it may deem necessary. A majority of the voting members of the board shall  
7 constitute a quorum for the transaction of business. All meetings shall be subject to Article 33C  
8 of Chapter 143 of the General Statutes. The members shall receive per diem compensation and  
9 necessary travel and subsistence expenses while engaged in the discharge of their official duties,  
10 in accordance with the provisions of G.S. 138-5."

## 11 12 **CLARIFY AUTHORITY OF SCHOOL LEADERS**

13 **SECTION 3.(a)** G.S. 115C-150.10(5) is repealed.

14 **SECTION 3.(b)** G.S. 115C-150.10 is amended by adding a new subdivision to read:

15 "(10) Superintendent. – The chief administrator of a school for the deaf or the school  
16 for the blind."

17 **SECTION 3.(c)** G.S. 115C-150.12B reads as rewritten:

18 "**§ 115C-150.12B. Employees of schools for the deaf and blind.**

19 (a) ~~Director-Superintendent.~~ – Each board of trustees of a school shall appoint a ~~director~~  
20 superintendent for that ~~school, who school who meets the requirements of G.S. 115C-271 for~~  
21 employment. The superintendent shall act as secretary to the board of trustees in accordance with  
22 G.S. 115C-150.12A and shall manage day to day operations of the school G.S. 115C-150.12A.  
23 All acts of the boards of trustees, not in conflict with State law, shall be binding on the  
24 superintendent, and the superintendent shall carry out all rules and regulations of the board and  
25 other duties as prescribed by the board of trustees. For purposes of application to other statutes  
26 in this Chapter, the ~~director-superintendent~~ shall be the equivalent of a superintendent of schools  
27 a local school administrative unit and shall fulfill the duties of a superintendent as provided in  
28 Article 18 of this Chapter.

29 (b) ~~Director-Superintendent Duties.~~ – The ~~director-superintendent~~ shall recommend  
30 school personnel to the board of trustees. The ~~director-superintendent~~ shall supervise the  
31 administrative staff of the school, including the principal, director of human resources, and  
32 director of business and finance.

33 ...

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

38 **SECTION 3.(d)** G.S. 115C-150.12C(14) reads as rewritten:

39 "(14) Conduct and duties of personnel. – The board of trustees, upon the  
40 recommendation of the ~~director-superintendent~~, shall have full power to make  
41 rules governing the conduct of teachers, principals, and supervisors; the kind  
42 of reports they shall make; and their duties in the care of school property. Prior  
43 to the beginning of each school year, the board of trustees shall identify all  
44 reports that are required for the school year and shall, to the maximum extent  
45 possible, eliminate any duplicate or obsolete reporting requirements and  
46 consolidate remaining reporting requirements. Prior to the beginning of each  
47 school year, the board of trustees shall also identify software protocols that  
48 could be used to minimize repetitious data entry and shall make them available  
49 to teachers and other employees."

50 **SECTION 3.(e)** G.S. 115C-150.13A(c)(2)a. reads as rewritten:

51 "a. A chair designated by the ~~director-superintendent~~ of the school."

1           **SECTION 3.(f)** G.S. 115C-150.13A(c)(4) reads as rewritten:

2           "(4) A final admissions determination made by the ~~director~~superintendent of the  
3           school or the ~~director~~superintendent of the school's designee."

4           **SECTION 3.(g)** G.S. 115C-150.13A(e) reads as rewritten:

5           "(e) Disenrollment. – A student's continued enrollment in an educational program  
6           assignment status shall be subject to reevaluation by the admissions committee when determined  
7           necessary by the school to assess if the student continues to meet eligibility criteria. The  
8           disenrollment assessment shall follow the same procedures as the admissions process, and a final  
9           determination shall be made by the ~~director~~superintendent or the ~~director's~~superintendent's  
10          designee."

11          **SECTION 3.(h)** G.S. 115C-150.15 reads as rewritten:

12          "**§ 115C-150.15. Reporting to schools on deaf and blind children.**

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

25          (b) Annual Report to Schools for the Deaf and Blind. – ~~Local superintendents~~  
26          Superintendents of local school administrative units shall report by November 30 each year the  
27          names and addresses of parents or custodians of any deaf or hard of hearing or blind or visually  
28          impaired children who have given written consent to the ~~directors~~superintendents of the schools  
29          for the deaf and blind. The report shall include whether the hearing and visual impairments range  
30          from partial to total disability, and if the child has multiple disabilities with the visual or hearing  
31          impairment not identified as the primary disability of the student. The report shall also be made  
32          to the Department of Public Instruction.

33          (c) Confidentiality of Records. – The ~~directors~~superintendents of the schools for the deaf  
34          and blind shall treat any information reported to the schools by a ~~local superintendent~~of a local  
35          school administrative unit under subsection (b) of this section as confidential, except that a  
36          ~~director~~superintendent of the schools for the deaf and blind or the ~~director's~~superintendent's  
37          designee may contact the parents or custodians of any hearing impaired or visually impaired  
38          children whose information was included in the report. The information shall not be considered  
39          a public record under G.S. 132-1.

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

49          **AUTHORITY TO PURCHASE LIABILITY INSURANCE**

50          **SECTION 4.(a)** G.S. 115C-150.12C(2) reads as rewritten:

"(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. Each school shall be regarded as a State agency for the purposes of the State Tort Claims Act and associated representation by the Office of the Attorney General with regards to litigation defense."

**SECTION 4.(b)** G.S. 115C-150.12C(27) reads as rewritten:

"(27) Group accident and health insurance for ~~students~~ students, other liability insurance. – A board of trustees may ~~purchase group~~ purchase:

a. Group accident, group health, or group accident and health insurance for students in accordance with G.S. 58-51-81.

b. Liability insurance as provided in G.S. 115C-42 and directors and officers insurance. G.S. 115C-42 shall apply to a school that purchases liability insurance consistent with that section."

## APPEALS OF ADMISSIONS ELIGIBILITY TO BOARDS OF TRUSTEES

**SECTION 5.(a)** G.S. 115C-150.13A(f) reads as rewritten:

"(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~~ education upon enrollment. 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."

**SECTION 5.(b)** G.S. 115C-150.13A(h) reads as rewritten:

"(h) ~~Due Process Hearing~~ Eligibility Appeal. – A parent may seek an ~~impartial due process hearing appeal to the board of trustees~~ 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 superintendent. Parents may not seek an impartial due process hearing regarding any eligibility determination."

**SECTION 5.(c)** G.S. 150B-1(e) is amended by adding a new subdivision to read:

"(29) The Governor Morehead School for the Blind, Eastern North Carolina School for the Deaf, and the North Carolina School for the Deaf, with respect to eligibility determinations under G.S. 115C-150.13A."

## TRANSITION SUPPORT

**SECTION 6.(a)** Section 5 of S.L. 2023-10 is repealed.

1           **SECTION 6.(b)** For the 2024-2025 school year, the Department of Public  
2 Instruction shall administratively house the Governor Morehead School for the Blind, Eastern  
3 North Carolina School for the Deaf, and North Carolina School for the Deaf (Schools). The  
4 Department of Public Instruction shall include the Schools and employees of the schools in  
5 coverage for professional liability, worker's compensation, property, and liability policies  
6 purchased by the Department of Public Instruction for the Department and its employees, and  
7 shall enter into a memorandum of understanding with the Schools to facilitate the purchase of  
8 other insurance policies for those Schools. The Department of Public Instruction and the Schools  
9 shall enter into a memorandum of understanding with regards to the administrative support. At a  
10 minimum, the Department of Public Instruction shall provide administrative support in matters  
11 related to finance, human resources, and procurement, including for information technology and  
12 capital.

13           **SECTION 6.(c)** No civil liability shall attach to the State Board of Education, the  
14 Department of Public Instruction, the Superintendent of Public Instruction, or to any of their  
15 members or employees, individually or collectively, for any acts or omissions of the Governor  
16 Morehead School for the Blind, Eastern North Carolina School for the Deaf, and North Carolina  
17 School for the Deaf, the boards of trustees of those schools, or their members and employees.

18           **SECTION 6.(d)** The Department of Administration, in coordination with the  
19 Schools, the Department of Public Instruction, and the Department of Information Technology,  
20 shall study the costs and positions needed for support of the Schools and shall report this  
21 information and any recommended legislation to the Fiscal Research Division and the Joint  
22 Legislative Education Oversight Committee no later than March 1, 2025.

23           **SECTION 6.(e)** The Office of the State Controller and Office of State Budget and  
24 Management shall ensure that the Schools are established as State agencies prior to July 1, 2025.

25           **SECTION 6.(f)** The Department of Public Instruction, the Office of the State  
26 Controller, the Office of State Budget and Management, and the Department of Administration  
27 shall each designate an individual to serve as a liaison for the Schools to assist with technical and  
28 administrative questions during the 2024-2025 school year.

29           **SECTION 6.(g)** The North Carolina Collaboratory, in consultation with each of the  
30 Schools, the Department of Public Instruction, and the Department of Administration, shall study  
31 each School's administrative structure, operations, and policies, including the cost and positions  
32 needed for the support of the Schools and how to optimize operation of that School to maximize  
33 the educational outcomes for the School's students and ensure the School's success and  
34 independence. The Collaboratory shall report its findings, recommendations for each School, and  
35 any recommended legislation to the Fiscal Research Division and the Joint Legislative Education  
36 Oversight Committee no later than March 1, 2025.

### 37 38 **TYPE I-LIKE TRANSFER**

39           **SECTION 7.** Effective July 1, 2024, the powers, duties, and functions, records,  
40 personnel, contracts, property, unexpended balances of appropriations, allocations or other funds,  
41 including the functions of budgeting and purchasing, are transferred from the Department of  
42 Public Instruction and State Board of Education to the Governor Morehead School for the Blind  
43 and Governor Morehead Preschool, Eastern North Carolina School for the Deaf, and North  
44 Carolina School for the Deaf, respectively. The respective boards of trustees of the Governor  
45 Morehead School for the Blind, Eastern North Carolina School for the Deaf, and North Carolina  
46 School for the Deaf shall exercise all prescribed statutory powers, including the management  
47 functions of planning, organizing, staffing, directing, coordinating, reporting, and budgeting.

### 48 49 **REPORTING**

50           **SECTION 8.** Subsection (b) of Section 7 of S.L. 2023-10 reads as rewritten:

1 "SECTION 7.(b) Each board of trustees of the schools for the deaf and blind shall provide  
2 interim reports to the Joint Legislative Education Oversight Committee by December 15, 2023,  
3 and March 15, 2024, and a final report by ~~July 1, 2024, September 1, 2024,~~ on the plans and  
4 progress in transitioning to assumption of administration of the schools for the deaf and blind,  
5 with the support of and consultation with staff of the school for that board. The Department of  
6 Public Instruction shall provide information as requested to each board of trustees. The reports  
7 shall include the following:

8 ...."

## 10 GOVERNOR MOREHEAD SCHOOL FACILITIES

11 SECTION 9.(a) The Department of Administration shall reassign all assets in  
12 Complex 1-92-9 to the Governor Morehead School.

13 SECTION 9.(b) The Governor Morehead School and Department of Health and  
14 Human Services shall enter into a memorandum of understanding related to use of assets in  
15 Complex 1-92-9 for shared services.

## 17 TECHNICAL CORRECTIONS

18 SECTION 10.(a) G.S. 14-458.2(a) reads as rewritten:

19 "(a) The following definitions apply in this section:

20 (1) School employee. – The term means any of the following:

21 a. An employee of a ~~local board of education, a charter school authorized~~  
22 ~~under G.S. 115C 218.5, a regional school created under~~  
23 ~~G.S. 115C 238.62, a laboratory school created under G.S. 116 239.7,~~  
24 public school unit or a nonpublic school which has filed intent to  
25 operate under Part 1 or Part 2 of Article 39 of Chapter 115C of the  
26 General Statutes.

27 b. An independent contractor or an employee of ~~an independent~~  
28 ~~contractor of a local board of education, a charter school authorized~~  
29 ~~under G.S. 115C 218.5, a regional school created under~~  
30 ~~G.S. 115C 238.62, a laboratory school created under G.S. 116 239.7,~~  
31 a public school unit or a nonpublic school which has filed intent to  
32 operate under Part 1 or Part 2 of Article 39 of Chapter 115C of the  
33 General Statutes, if the independent contractor carries out duties  
34 customarily performed by employees of the school.

35 (2) Student. – A person who has been assigned to ~~a school by a local board of~~  
36 ~~education as provided in G.S. 115C 366~~ or has enrolled in a ~~charter school~~  
37 ~~authorized under G.S. 115C 218.5, a regional school created under~~  
38 ~~G.S. 115C 238.62, a laboratory school created under G.S. 116 239.7, public~~  
39 school unit or a nonpublic school which has filed intent to operate under Part  
40 1 or Part 2 of Article 39 of Chapter 115C of the General Statutes, or a person  
41 who has been suspended or expelled from any of those schools within the last  
42 year."

43 SECTION 10.(b) G.S. 115C-102.9(b) reads as rewritten:

44 "(b) Each public school unit shall annually submit all categories of information included  
45 in the digital learning dashboard no later than November 15. For subdivisions (2) and (3) of  
46 subsection (a) of this section, ~~residential~~ schools for the deaf and blind shall report on access and  
47 connectivity separately for the dormitories and the student's home."

## 49 FUNDING

50 SECTION 11. It is the intent of the General Assembly to appropriate funds on a  
51 recurring basis to provide for costs of the Department of Administration in providing

1 administrative support for the Governor Morehead School for the Blind, Eastern North Carolina  
2 School for the Deaf, and North Carolina School for the Deaf. It is also the intent of the General  
3 Assembly to appropriate funds on a recurring basis to provide for insurance, legal, and  
4 information technology expenses.

5

6 **EFFECTIVE DATE**

7 **SECTION 12.** Sections 1, 2, 4, and 5 of this act are effective July 1, 2024. Section  
8 3 of this act is effective July 1, 2025. The remainder of this act is effective when it becomes law.