

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40401-MKa-170A

Short Title: Residential School Administration. (Public)

Sponsors: Representatives Blackwell and Farmer-Butterfield (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT THE RESIDENTIAL SCHOOLS FOR STUDENTS WITH
3 VISUAL AND HEARING IMPAIRMENTS ARE GOVERNED BY A BOARD OF
4 TRUSTEES AND FUNCTION SIMILARLY AS LOCAL SCHOOL ADMINISTRATIVE
5 UNITS.

6 The General Assembly of North Carolina enacts:

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

9 "Schools for Students with Visual and Hearing Impairments.

10 "**§ 115C-150.11. State Board of Education as governing agency-general supervision over**
11 **schools; governance of the schools.**

12 The State Board of Education shall ~~be the sole governing agency~~ have general supervision
13 and administration for the Governor Morehead School for the Blind, the Eastern North Carolina
14 School for the Deaf, and the North Carolina School for the Deaf. Except as otherwise provided
15 for in this Article, the Governor Morehead School for the Blind, the Eastern North Carolina
16 School for the Deaf, and the North Carolina School for the Deaf shall be housed administratively
17 within the Department of Public Instruction, but shall operate independently through a board of
18 trustees as the governing body for each school in accordance with this Article. Each board of
19 trustees shall appoint a director for the school, who shall act as secretary to the board of trustees
20 in accordance with G.S. 115C-150.11A and shall manage school personnel, day-to-day
21 operations of the school, and the school's operating budget at the direction of the board of trustees.
22 ~~The Superintendent of Public Instruction through the Department of Public Instruction shall be~~
23 ~~responsible for the administration, including appointment of staff, and oversight of a school~~
24 ~~governed by this Article.~~

25 "**§ 115C-150.11A. Board of trustees for each school.**

26 (a) Appointment. – The Governor Morehead School for the Blind, the Eastern North
27 Carolina School for the Deaf, and the North Carolina School for the Deaf shall be governed by a
28 board of trustees established for each school. There shall be 11 members for each board of
29 trustees to be appointed as follows:

- 30 (1) Four members appointed by the Speaker of the House of Representatives.
31 (2) Four members appointed by the President Pro Tempore of the Senate.
32 (3) Two members appointed by the Governor.
33 (4) One member appointed by the chair of the State Board of Education.

34 (b) Terms of Members. – The initial terms of a board of trustees for two of the members
35 appointed pursuant to subdivisions (1) and (2) of subsection (a) of this section and one of the
36 members appointed pursuant to subdivision (3) of subsection (a) of this section shall be for



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1 three-year terms. Upon the expiration of those initial terms and every six years thereafter,
2 successors shall be appointed for six-year terms. All other members appointed pursuant to
3 subsection (a) of this section shall be appointed for six year terms. Terms shall commence July
4 1. Members shall serve until their successors are appointed and qualified. All vacancies shall be
5 filled by the appointing authority for the vacating member for the remainder of the unexpired
6 term.

7 (c) Chair; Director. – The director shall call the initial meeting of the board of trustees.
8 The board of trustees shall elect one of its members as chair for a two-year term. The director
9 appointed in accordance with G.S. 115C-150.11 shall be ex officio secretary of the board of
10 trustees. The director shall recommend school personnel to the board of trustees to be employed
11 by the board.

12 (d) Meetings. – A board of trustees shall meet at least four times a year and also at such
13 other times as it may deem necessary. All meetings shall be subject to Article 33C of Chapter
14 143 of the General Statutes. The members shall receive per diem compensation and necessary
15 travel and subsistence expenses while engaged in the discharge of their official duties as is
16 provided by law for members of State boards and commissions.

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

19 **"§ 115C-150.11B. Board of trustees; corporate powers.**

20 (a) The board of trustees of a residential school governed by this Article shall be known
21 and distinguished by the name of "The _____ Board of Trustees" and shall continue as
22 a body politic and corporate and by that name shall have perpetual succession and a common
23 seal. It shall be able and capable in law to take, demand, receive, and possess all moneys, goods,
24 and chattels that shall be given for the use of the residential school, and to apply to same
25 according to the will of the donors, and by gift, purchase, or devise to receive, possess, enjoy,
26 and retain forever any and all real and personal estate and funds, of whatsoever kind, nature, or
27 quality the same may be, in special trust and confidence that the same, or the profits thereof, shall
28 be applied to and for the use and purpose of establishing and endowing the regional school, and
29 shall have power to receive donations from any source whatsoever, to be devoted exclusively to
30 the purposes of the maintenance of the residential school, or according to the terms of the
31 donation.

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

39 **"§ 115C-150.12. Applicability of Chapter.**

40 Except as otherwise provided, the requirements of this Chapter for schools and local school
41 administrative units shall apply to the schools governed by this Article. For the purposes of
42 federal law and the administration of State law, each residential school shall be considered a local
43 school administrative unit.

44 **"§ 115C-150.13. Rule-making-Rules and admission criteria.**

45 (a) ~~The State Board of Education~~ Each board of trustees shall adopt rules necessary for
46 ~~the Department of Public Instruction~~ the administration of the residential school to implement
47 the requirements of this Article, including, at a minimum, rules to address eligibility for
48 admission criteria. In determining rules for admission criteria, the ~~State Board of Education~~ board
49 of trustees shall take into account the following factors:

- 50 (1) State and federal laws.
- 51 (2) Optimal academic and communicative outcomes for the child.

1 (3) Parental input and choice.

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

3 (b) ~~Rules~~ The board of trustees shall be subject to rules adopted by the State Board of
4 Education in accordance with Chapter 150B of the General Statutes.

5 **"§ 115C-150.14. Tuition and room and board.**

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

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

16 (c) Notwithstanding subsection (b) of this section, foreign exchange students who have
17 obtained the status of nonimmigrants pursuant to the Immigration and Nationality Act, 8 U.S.C.
18 § 1101(a)(15)(F) may only be enrolled in a school governed by this Article in grades nine through
19 12 for a maximum of 12 months at the school.

20 **"§ 115C-150.15. Reporting to residential schools on deaf and blind children.**

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

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

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

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

46 **SECTION 3.** Section 10.21A(g) of S.L. 2010-31 is repealed.

47 **SECTION 4.** Section 7.25(c) of S.L. 2011-145 is repealed.

48 **SECTION 5.(a)** Section 8.15(b) of S.L. 2013-360 is repealed.

49 **SECTION 5.(b)** Notwithstanding G.S. 146-30 or any other provision of law,
50 beginning with the 2020-2021 fiscal year, the Department of Public Instruction shall retain all
51 proceeds generated from the rental of building space on the residential school campuses. The

1 Department of Public Instruction shall allocate all receipts generated from these leases to the
2 board of trustees in equal amounts to staff and operate each school. These receipts shall not be
3 used to support administrative functions within the Department of Public Instruction.

4 **SECTION 6.** Notwithstanding Article 9C of Chapter 115C of the General Statutes,
5 as amended by this act, the Department of Public Instruction may continue its administrative
6 duties and responsibilities for the residential schools subject to Article 9C of Chapter 115C of
7 the General Statutes as of June 30, 2020, until the board of trustees for each school has
8 successfully transitioned into the administrative role required by this act, but in no event later
9 than October 1, 2020.

10 **SECTION 7.** There is appropriated from the General Fund to the Department of
11 Public Instruction the sum of one million five hundred thousand dollars (\$1,500,000) in recurring
12 funds for the 2020-2021 fiscal year to be allocated to the residential schools for operating
13 expenses and personnel.

14 **SECTION 8.** By May 1, 2020, the President Pro Tempore of the Senate, the Speaker
15 of the House of Representatives, the Governor, and the chair of the State Board of Education
16 shall appoint the initial members of the boards of trustees for each residential school to take office
17 effective July 1, 2020, pursuant to G.S. 115C-150.11A.

18 **SECTION 9.** The Department of Public Instruction shall, in collaboration with the
19 personnel from the North Carolina School for the Deaf, the Eastern North Carolina School for
20 the Deaf, and the Governor Morehead School, develop a transition plan for the change in
21 administration of the residential schools for students with visual and hearing impairments in
22 accordance with the requirements of this act to be effective July 1, 2020. By December 15, 2019,
23 the Department of Public Instruction shall report to the Joint Legislative Education Oversight
24 Committee on the plan for transition in administration of the residential schools, including any
25 legislative recommendations necessary to effectuate the transition.

26 **SECTION 10.** Sections 1 through 7 of this act become effective July 1, 2020. The
27 remainder of this act is effective when it becomes law.