



*Eastern North Carolina School for the Deaf
Wilson, North Carolina*

Dr. Michele Handley
School Director

Eastern North Carolina School for the Deaf Board of Trustees Report to the North Carolina General Assembly Regarding Session Law 2023-10 (House Bill 11)

Report 1 December 15, 2023

ENCSD Board of Trustees

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Mission

To provide an accessible, inclusive, and safe environment that supports and inspires every student to engage in cultivating and fulfilling their own academic and personal ambitions to achieve excellence.

Overview of Transition Planning

Pursuant to Session Law 2023-10 (House Bill 11), the state's schools for the deaf and blind will be governed by separate, independent Boards of Trustees, effective July 1, 2024. In preparation, the Eastern North Carolina School for the Deaf Board of Trustees is charged with responding to the December 15, 2023, transition report provided by the Department of Public Instruction (DPI).

Per HB 11 section 7(b), each Board of the schools shall provide interim reports to the Joint Legislative Education Oversight Committee by December 15, 2023, March 15, 2024, and July 1, 2024, on the plans and progress in transitioning to assumption of administration of the schools, with the support of and consultation with staff of the school for that Board. The DPI shall provide information as requested to each Board. 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.

This report represents the recommendations of the Eastern North Carolina School for the Deaf Board of Trustees and will satisfy the requirements for the December 15, 2023, interim report.

The topics and requests herein represent the base operational needs of the school (which will sustain future growth) and are needed in place prior to July 1, 2024.

The ENCSD School Director has participated in meetings with the Interim Director for the Office of Residential Schools and Alternative Learning, the North Carolina School for the Deaf School Director, and the Governor Morehead School for the Blind School Director to discuss transition topics and receive updates regarding meetings between DPI personnel. She has participated in one meeting with Human Resources (10/30/23) and one meeting with IT (4/25/23) regarding transition needs.

The DPI requested the three schools fund a temporary position for DPI to hire a Project Manager to assist with addressing transition areas. Dr. Chip Buckwell started in this position on November 13, 2023.

Topics for action prior to July 1, 2024, to ensure uninterrupted operations:

1. Final steps for dissolution of the Education Services for the Deaf and the Blind:
 - Uniform Education Reporting System- ECATS, PowerSchool, NC Ed Cloud, NCEES
 - Finalization of new email addresses
 - Comprehensive Continuous Improvement Plan tool (CCIP)
 - Licensure system

2. Delineation of actual duties performed by DPI staff that will be transferred with requisite program access and training:
 - IT-
 - security protocols
 - purchasing process
 - administrator of programs (Office 365, NCID, etc.)
 - Business-
 - OSBM communication and reporting requirements
 - OSC communication and reporting requirements
 - Delegations and permissions for: NC Financial Systems, Department of Administration, NC Accounting System, IBM Congos, Bank of America Works, IBIS
 - state bidding portal
 - fixed assets tracking
 - expansion budget requests
 - Human Resources-
 - delegations and permissions for: Fiori, Cornerstone (NEOGOV, NCVIP), NEOGOV, Organizational Management, BOBJ reporting, People Admin, Benefits Focus
 - new organization unit in state systems
 - OSHR communication and reporting requirements
 - OSC communication and reporting requirements
 - health plan affiliation (DPI group number)
 - new payroll system if classified personnel transition to GS 115C
3. Costs associated with and enrollment in:
 - unemployment insurance (Corporate Cost Control)
 - worker's compensation (Sedgwick)
 - supplemental insurance plan options
4. Are we Council of state or Cabinet for adhering to Executive Orders?
5. Process for establishing new positions and/or requesting them from the General Assembly.

Board of Trustee Training

The ENCSD Board will be attending CORE Board training offered by the North Carolina School Boards Association on December 14-15, 2023, as required by G.S. 1385A-14.

Admission Criteria

The State Board of Education adopted admissions criteria on August 7, 2023 (ESDB-030) in accordance with HB 11 changes to 115C-150.13A. The DPI final legal review of associated procedures developed by the ENCSD occurred on November 13, 2023, and the finalized application was released on November 17, 2023.

Reporting elements as required by House Bill 11(7)(b)

1. Response to any assessments, issues, or recommendations submitted by the Department of Public Instruction (DPI) in reports submitted as provide in subsection (a) of this section. [Costs of Administrative Services]

Human Resources

The ENCSD supports the recommendation of the DPI that no new positions are required to assume the duties currently performed by the DPI on behalf of the ENCSD; rather, the two current Human Resources positions require reclassification up with details as follows:

Current Classification	Current Salary	Reclassification	New Salary	Amount needed
Human Resources Consultant II	73,285	Agency HR Director I	112,527	39,242
Human Resources Technician II	52,430	Human Resources Technician III	57,673	5,243

School Planning

The DPI Capital Project Coordinator currently assigned to the ENCSD spends approximately 75% of his time on ENCSD projects funded through OSBM. This work includes writing scopes of work, overseeing the bidding process, interviewing and selecting vendors for design and construction, weekly construction meetings, being the main point of contact between vendors and the school, monitoring and overseeing work, communicating with State Construction and securing approvals, inspecting work, scheduling state inspections, and managing the budget which includes paying vendor invoice applications. These functions are submitted and processed through a special program called Interscope. Over the last five years, the ENCSD has systematically utilized lapsed salary funding to complete additional capital, renovation, and repair projects on campus. This work often requires the assistance of the DPI Capital Project Coordinator as it involves design, State Construction approval, and adherence to the State bidding process. The following position is needed to transition these duties to the ENCSD:

Current Classification	Current Salary	Reclassification/New position	New Salary	Amount needed
-----	-----	Engineer III	115,283	115,283

The ENCSD currently has six OSBM funded capital projects in various stages of completion for a total of \$8,267,000. This does not include repair and renovation projects funded by the ENCSD.

OSBM Funded Capital Projects 2018-2022	
In Design	5,266,000
Campus-wide repairs and renovation Campus draining improvements Vestal Hall roof replacement Williamson Gym HVAC	5,266,000
In progress	2,055,000
Alford Hall HVAC upgrades	905,000 (\$415,000 ESSR funds)
Mayfield Hall HVAC upgrades	695,000 (\$85,000 ESSR funds)
Campus-wide lighting upgrades	455,000
In closeout	946,000
Massey Hall window replacement	581,000

Partial roof replacement	
Campus security- perimeter	365,000
Complete	2,472,000
Windows replacement McAdams Hall	486,000
Vestal Hall	357,000
New bus garage	250,000
Woodard Hall bathroom renovation	295,000
Campus security- messaging and door access	632,000
Fire alarm system upgrades Massey Activity Center, Woodard Hall	296,000
Vestal Hall, Mayfield Hall	356,000
New funding requests December 2023	6,203,000
Campuswide lighting replacement- Phase II	432,000
Windows replacement Alford Hall	1,554,000
Mayfield Hall	
Woodard Hall	
Massey Activity Center roof replacement	886,000
HVAC upgrades Independent Living Center	2,095,000
Massey Activity Center	
Woodard Hall	
Campus-wide life safety- signage and keying	1,236,000
TOTAL	15,996,000

Facilities Management

The ENCSD agrees with the DPI assessment that the only area of need is the issuance of State fleet vehicles directly to the ENCSD. No additional costs are anticipated.

School Safety

School safety is of utmost importance. Out of necessity, current safety provisions are carried out by the School Director and the Maintenance/Construction Supervisor for all matters related to safety for three employee shifts and all operational areas, including emergency response plans, safety system testing, and staff training. Emergency School Risk Management Plan and participation in the School Risk Management System is required under HB 11. Efficiency and effectiveness dictate a dedicated position.

Current Classification	Current Salary	Reclassification/New position	New Salary	Amount needed
-----	-----	Safety Officer I	61,308	61,308

Child Nutrition

The ENCSD Food Service Director will assume reporting and purchasing duties currently performed by the Food Service Director at the Governor Morehead School for the Blind on behalf of all three schools. As the only administrator for child nutrition, these additional duties support an increase in salary.

Current Classification	Current Salary	Reclassification/New position	New Salary	Amount needed
Food Services Director I	57,990		67,592	9,602

Technology (IT)

The ENCSD agrees that one, full-time, new position is needed to assume the security and system administration tasks currently performed by the DPI on the ENCSD's behalf. Reclassification of the current position that leads this department to IT Director is required. Additionally, the ENCSD has been unable to recruit a User Support Analyst for a vacant position due to the salary available. Funds are requested to increase this recruitment range.

Current Classification	Current Salary	Reclassification/New position	New Salary	Amount needed
User Support Analyst	69,518	IT Director I	116,358	46,840
User Support Analyst	61,000	-----	76,284	15,284
-----	-----	IT Security and Compliance Manager	93,193	93,193

Business and Finance

The ENCSD disagrees with the DPI recommendation that positions for the business functions of the schools be shared. House Bill 11 specifically establishes the schools to be independent to address many of the challenges and obstacles that are caused by this type of structure. To continue it would be to work against solutions the new legislations is providing.

To maintain segregation of duties and ensure all business processes are appropriately staffed, the following is requested:

Current Classification	Current Salary	Reclassification/New position	New Salary	Amount needed
Business Officer II	76,118	Business Director	104,676	28,558
Administrative Specialist II	55,297	Procurement Specialist II	61,308	6,011
-----	-----	Budget Analyst II	74,520	74,520

Legal

The ENCSD requires a higher level of legal services than have been historically provided. In addition to contract review, contract management, and security vetting, the ENCSD requires legal support for policy development and interpretation; statutory interpretation, implementation, and compliance; Board representation; employment matters; and, most significantly, special education matters. Special education is a complex area of legal practice and requires expertise for effective representation. In addition to formal filings and representation in IEP meetings, sound advice on a regular basis is critical to avoid legal mistakes that may result in formal actions. In accordance with this and with 115C-150.12C(2) (HB 11 page 4), the ENCSD requests either a new position or additional funding:

Current Classification	Current Salary	Reclassification/New position	New Salary	Amount needed
-----	-----	Attorney III	116,708	116,708

OR

Contractual Services	250,000
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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.

Currently, ENCSD employees who are licensed are employed pursuant to GS 115C and non-licensed employees are employed pursuant to GS 126. Local school administrative units employ staff for all positions following GS 115C. House Bill 11 protects and preserves all employment rights and statuses for all current employees who are under GS 126, including the School Director, as long as continuous employment is maintained. Section 115C-12B(c)- Personnel Criteria (HB 11 age 4) and Section 2.(c) GS 126-5(cl)(8)(b) (HB page 14) indicate new non-licensed employees will be governed by GS 115C. Due to the recent alignment of the GS 115C salary schedules for non-licensed positions with that of the State Compensation Scales, salary ranges are equitable. The ENCSD has not been provided expert feedback regarding the legal differences between the two categories; the table below describes key similarities and differences between the two options as they are currently understood.

GS 126	GS 115C
Separation, demotion for cause only. Grievance rights.	At-will employees. Appeal to Board.
Considered "State employees" for initiatives and benefits such as leave bonuses, Personal Observance Day leave, etc.	Not included in state employee initiatives and benefits.
Eligible for salary and compensation actions for state employees.	Eligible for salary and compensation actions for local school administrative unit employees.

3. An assessment of the most effective administrative structure for the schools for the deaf and blind.

Changes to the administrative structure of the ENCSD would be premature at this time. Updates in working titles, organizational structure, and distribution of duties will be completed after all position requests herein have been addressed to ensure that reporting structures are correct, and duties are properly segregated and distributed.

4. Any other issues identified as part of the transition process and any legislative recommendations necessary to effectuate the transition.

The ENCSD agrees with continuing to use the state systems for budget, finance, and personnel that are listed on page 8 of the DPI's report and on page 3 of this report.

Funding is needed to bring recruitment ranges up to be competitive within the job market for critical positions.

Critical recruitment requested amount
67,244

The ENCSD's operational budget has not increased in at least the past 10 years and inflation for goods and services has caused the ENCSD to rely on lapsed salary funds for covering basic operational costs, crucial updates in equipment and supplies for students, and needs for facility maintenance of 9 buildings and 70 acres. The underfunding resulted in severely degraded facilities and inadequate student supplies. The ENCSD is requesting additional positions and funding to meet identified needs as follows:

Fund	Certified	Current cost needs	Rationale	Increase requested
General operating	500,194	1,400,194	<ul style="list-style-type: none"> • Security services, resource officer • Personnel and service contracts • Insurances • Supplies and equipment • Equipment leasing, data services, phone service 	900,000
Utilities	415,088	565,088	<ul style="list-style-type: none"> • Consistent shortfall • Inflationary increases • Campus is dependent upon neighboring DHHS facility for steam and chilled water 	150,000
Maintenance	124,812	304,812	<ul style="list-style-type: none"> • Consistent shortfall • 70 acres, 9 buildings • Facilities and grounds • Student transportation (buses) 	180,000
Technology	23,729	353,729	<ul style="list-style-type: none"> • Consistent shortfall • Independent infrastructure and separation from 	330,000

			DPI (i.e., Office 365 subscriptions, NCIDs, backup for all data and servers, etc.) • Regular equipment updates per life cycle	
Residential Life Program	910	10,910	• Supplies and other equipment • expanded core curriculum	10,000
Academic Services	40,055	140,055	• contractual services • educational supplies and equipment	100,000

In considering basic operational needs of the school both currently and with the upcoming changes, the ENCSD is making the following additional personnel requests:

Requested Position	Working Title	Rationale	Requested Salary
Grounds Worker	Grounds Worker	• 70 acres of grass, wooded areas, ornamental beds, and sidewalks • exceeds work of the two current positions	40,734
EC Director	EC Director	• Every student is an EC student • Full program is governed by EC • EC currently coordinated by an educator • EC Director responsibilities are divided between School Director and Principal out of necessity	84,828
Administrative Specialist I	Registrar	• Duties currently divided between three positions out of necessity • Admission procedure administrative support to collect required documents	49,208

Technical Clarifications or Corrections

SL 2023-10, House Bill 11

Page 3, 115C-150.12A

- (b) Qualifications
 - Does a conflict of interest exist for current employees, or those recently employed by the school, to serve on the Board of Trustees?
- (f)- Meetings
 - If a Trustee is a current employee is service time on the Board considered work time or is use of leave required?
 - Are they to receive per diem?

Page 4, 115C-12B(c)

- (c)Personnel Criteria
 - Seems to be designating that new employees hired after July 1, 2024, shall be governed by GS 115C rather than GS 126.
 - Are GS 115C salaries provided by state appropriations? The ENCSD budget is fully funded by state appropriations and no local funds are received.
 - Further states that ENCSD employees ARE state employees. This implies and designates state related employment practices and fringe benefits.
 - What does it mean to be considered a “state employee” yet be governed by GS 115C? GS 115C employees in local school administrative units do not receive state related employment fringes. Current ENCSD employees under GS 115C (i.e., licensed employees) are being afforded state related fringe benefits that local school administrative unit employees do not receive (e.g., Personal Observance Day leave, Community Service Leave). Would Fiori have to be specially programmed for this?
 - For the purposes of executive orders and other state or federal employee programs (e.g., paid Parental Leave) for current GS 126 employees, is the ENCSD considered Council of State or Cabinet? If Council of State, who determines ENCSD’s participation and how will participation be funded?

Page 11, 115C-150.13A

- (f) Free appropriate Public Education
 - Provision of a FAPE should transfer to the ENCSD upon enrollment, not upon the decision of eligibility. Admissions Teams, which include the parent, should be afforded flexibility to delay enrollment for reasons such as to ensure earning credits for middle or high school courses in progress, to allow families to prepare for changes in transportation and/or participation in the boarding program, and for other reasons that the Team may agree upon for the benefit of the child.

Page 16, Section 4(f)

- Provision of a FAPE should transfer to the ENCSD upon enrollment, not upon the decision of eligibility. Admissions Teams, which include the parent, should be afforded flexibility to delay enrollment for reasons such as to ensure earning credits for middle or high school courses in progress, to allow families to prepare for changes in transportation and/or participation in the boarding program, and for other reasons that the Team may agree upon for the benefit of the child.

Page 16, Section 5

- Cutoff date for transition from the DPI to the Board shall be no later than October 1, 2024.
 - Given the need for additional positions, delineation of duties being assumed by the ENCSD, new positions needed, and training needed to fully transition that are outstanding, what is the plan to ensure the ENCSD operations are not interrupted in the event they are still not completed by October 1, 2024?

Summary of Funding Requests

Current Classification	Current Salary	Reclassification/New position	New Salary	Amount needed
Human Resources Consultant II	73,285	Agency HR Director I	112,527	39,242
Human Resources Technician II	52,430	Human Resources Technician III	57,673	5,243
Food Services Director I	57,990		67,592	9,602
User Support Analyst	69,518	IT Director I	116,358	46,840
User Support Analyst	61,000	-----	76,284	15,284
Business Officer II	76,118	Business Director	104,676	28,558
Administrative Specialist II	55,297	Procurement Specialist II	61,308	6,011
-----	-----	IT Security and Compliance Manager	93,193	93,193
-----	-----	Engineer III	115,283	115,283
-----	-----	Safety Officer I	61,308	61,308
-----	-----	Budget Analyst II	74,520	74,520
-----	-----	Attorney III*	116,708	116,708
-----	-----	Grounds Worker	40,734	40,734
-----	-----	EC Director	84,828	84,828
-----	-----	Administrative Specialist I	49,208	49,208
Total				652,526
*OR 250,000 contractual services				

Fund	Increase requested
Salaries (critical recruitment)	67,244
General operating	900,000
Utilities	150,000
Maintenance	180,000
Technology	330,000
Residential Life Program	10,000
Academic Services	100,000
Total	1,737,244