

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H

1

HOUSE BILL 866

Short Title: Transition Residential Schools to DPI. (Public)

Sponsors: Representatives Insko and Glazier (Primary Sponsors).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Health and Human Services, if favorable, Appropriations.

April 18, 2011

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THE STATE BOARD OF EDUCATION WITH THE AUTHORITY TO ASSUME GOVERNANCE AND OPERATION OF THE EASTERN NORTH CAROLINA SCHOOL FOR THE DEAF, THE NORTH CAROLINA SCHOOL FOR THE DEAF, AND THE GOVERNOR MOREHEAD SCHOOL FOR THE BLIND, TO PROVIDE FUNDING FOR OVERSIGHT OF THESE SCHOOLS, TO REPEAL UNNECESSARY STATUTES RELATED TO OVERSIGHT OF THE RESIDENTIAL SCHOOLS BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND TO PROVIDE FUNDS TO THE DEPARTMENT OF PUBLIC INSTRUCTION FOR PROPER OVERSIGHT OF THE RESIDENTIAL SCHOOLS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Part 9A of Article 3 of Chapter 143B of the General Statutes is repealed.

SECTION 1.(b) Part 30 of Article 3 of Chapter 143B of the General Statutes is repealed.

SECTION 2. Chapter 115C of the General Statutes is amended by adding a new Article to read:

"Article 9C.

"Residential Schools for Visually Impaired and Hearing Impaired Students.

"§ 115C-150.11. State Board of Education as governing agency.

(a) The State Board of Education shall be the sole governing agency for administration and oversight of the Governor Morehead School for the Blind, the Eastern North Carolina School for the Deaf, and the North Carolina School for the Deaf (hereinafter the "residential schools").

(b) The State Board of Education shall have the power to accept public and private funds for the benefit of the residential schools and to delegate to a private nonprofit foundation the appropriate administration of such funds for the benefit of the schools; provided that this provision shall not apply to duly appropriated monies designated for the operation of the residential schools.

"§ 115C-150.13. Rule making.

(a) The State Board of Education shall adopt, at a minimum, the following rules necessary for the carrying out of all duties and responsibilities of this Article with the input and recommendation of the Executive Director of Residential Schools:

(1) Codes of conduct and appeals provisions for students.

(2) Policies and procedures for academic performance and academic discipline.



* H 8 6 6 - V - 1 *

1 (3) Rules setting reasonable fees and charges for extracurricular activities,
2 transportation for extracurricular activities, and athletics.

3 In adopting these rules, the State Board shall be exempt from the provisions of Chapter
4 150B of the General Statutes. However, the State Board shall give notice of the adoption of the
5 rules 30 days in advance of their adoption and shall provide an opportunity for comment by
6 interested parties."

7 **"§ 115C-150.15. Student Rights Advisory Committees.**

8 (a) Establishment, membership. – The State Board of Education shall enact a policy
9 requiring that each of the residential schools establish a Student Rights Advisory Committee.
10 The membership of the committee at each residential school shall be subject to the approval of
11 the State Board and shall include parents, present or former students, individuals with sensory
12 disabilities, and other representatives of the sensory disability community served by the
13 particular residential school. No member of the committee shall be a current employee of the
14 Office of the Attorney General, the Department of Public Instruction, or the residential school.
15 The Committees shall be considered public bodies as defined in G.S. 143-318.10.

16 (b) Duties. – The Committee established by this Part shall, at a minimum, have the
17 following duties:

18 (1) To monitor, review, and evaluate programs and procedures related to student
19 rights, safety, security, and quality of life.

20 (2) To review data and make recommendations regarding cases of alleged
21 abuse, neglect, exploitation, or student rights violations arising from actions
22 or policies of the school or its staff.

23 Nothing in this subsection is intended to impede the State Board's authority to investigate or
24 make decisions."

25 **SECTION 3.** G.S. 126-5(c1) reads as rewritten:

26 "(c1) Except as to the provisions of Articles 6 and 7 of this Chapter, the provisions of this
27 Chapter shall not apply to:

28 ...

29 (30) The Executive Director of Residential Schools established in Article 9C of
30 Chapter 115C of the General Statutes."

31 **SECTION 4.** Unless inconsistent with the provisions of Article 9C of Chapter
32 115C of the General Statutes, as enacted by Section 2 of this act, the rules adopted pursuant to
33 former Parts 9A and 30 of Article 3 of Chapter 143B of the General Statutes governing the
34 Governor Morehead School, the North Carolina School for the Deaf, and the Eastern North
35 Carolina School for the Deaf shall remain in effect until superseded by rules adopted under
36 Article 9C of Chapter 115C of the General Statutes, as enacted by Section 2 of this act.

37 **SECTION 5.** Notwithstanding G.S. 143C-6-4, the State Board of Education may
38 reorganize, if necessary, staffing of the residential schools to meet needed functions.

39 **SECTION 6.(a)** Notwithstanding Section 10.21A of S.L. 2010-31, the Department
40 of Health and Human Services shall continue to be responsible for the maintenance and repair
41 of all buildings, grounds, and facilities of the Governor Morehead School and for providing
42 utilities for the Governor Morehead School, provided that the Department of Health and
43 Human Services may enter into a memorandum of understanding with the State Board of
44 Education for the State Board to assume any of those responsibilities.

45 **SECTION 6.(b)** Notwithstanding Section 10.21A of S.L. 2010-31, the Department
46 of Health and Human Services shall continue to be responsible for information technology
47 support for Eastern North Carolina School for the Deaf, the North Carolina School for the Deaf
48 and the Governor Morehead School, provided the Department of Health and Human Services
49 may enter into a memorandum of understanding with the State Board of Education for the State
50 Board to assume any of those responsibilities.

1 **SECTION 7.** There is appropriated from the General Fund to the Department of
2 Public Instruction the following:

3 (1) The sum of two hundred fifty-five thousand seven hundred and eight dollars
4 (\$255,708) for restoration of principal positions at each residential school.

5 (2) The sum of two hundred twenty-five thousand one hundred forty-eight
6 dollars (\$225,148) for two Program Administrators and one Administrative
7 Assistant position. The Program Administrators shall be located on the
8 campus of one of the residential schools and shall report to the Executive
9 Director for Residential Schools. The Program Administrators will support
10 the Executive Director in functions including, but not limited to, business,
11 grant writing, policy development, licensure, and other functions that impact
12 the operations of the residential schools. Unless specified by the Executive
13 Director for Residential Schools, the Program Administrators will have no
14 day-to-day role in the management of the schools.

15 **SECTION 8.** Section 7 of this act becomes effective July 1, 2011. The remainder
16 of this act is effective when it becomes law.