

1 weaknesses, and objectives as part of the day program of a school for the deaf
 2 or the school for the blind.

3 (2) IEP. – An individualized education program, as defined in G.S. 115C-106.3.

4 (3) Parent. – A student's parent or legal guardian.

5 (4) School. – Any of the following schools:

6 a. The Governor Morehead School for the Blind, serving students who
 7 are blind or visually impaired.

8 b. The Eastern North Carolina School for the Deaf, serving students who
 9 are deaf or hard of hearing.

10 c. The North Carolina School for the Deaf, serving students who are deaf
 11 or hard of hearing.

12 (5) School director. – The executive officer of a school for the deaf or the school
 13 for the blind.

14 (6) School for the blind. – A school for students who are blind or visually
 15 impaired located at the Governor Morehead School for the Blind.

16 (7) School for the deaf. – A school serving students who are deaf or hard of
 17 hearing located at either the Eastern North Carolina School for the Deaf or the
 18 North Carolina School for the Deaf.

19 (8) Schools for the deaf and blind. – All of the following schools:

20 a. The Governor Morehead School for the Blind, serving students who
 21 are blind or visually impaired.

22 b. The Eastern North Carolina School for the Deaf, serving students who
 23 are deaf or hard of hearing.

24 c. The North Carolina School for the Deaf, serving students who are deaf
 25 or hard of hearing.

26 **"§ 115C-150.11. State Board of Education as governing agency. General supervision over**
 27 **schools for the deaf and blind.**

28 (a) State Board of Education Supervision. – The State Board of Education shall be the
 29 sole governing agency for the Governor Morehead School for the Blind, the Eastern North
 30 Carolina School for the Deaf, and the North Carolina School for the Deaf. The Superintendent
 31 of Public Instruction through the Department of Public Instruction shall be responsible for the
 32 administration, including appointment of staff, and oversight of a school governed by this
 33 Article. have general supervision over the schools for the deaf and blind in accordance with
 34 G.S. 115C-12 and shall establish approximately equivalent service areas for each school for the
 35 deaf that cover the entire State. In establishing the service area for each school for the deaf, the
 36 State Board shall consider both the geographic proximity to the school for the deaf and the
 37 population of the service area. The State Board shall evaluate the effectiveness of the schools for
 38 the deaf and blind and shall, through the application of the accountability system developed under
 39 G.S. 115C-83.15 and G.S. 115C-105.35, measure the educational performance and growth of
 40 students placed in each school. If appropriate, the Board may modify this system to adapt to the
 41 specific characteristics of these schools. The boards of trustees for the schools for the deaf and
 42 blind shall be subject to rules adopted by the State Board of Education in accordance with Chapter
 43 150B of the General Statutes.

44 (b) Independent Operation. – Except as otherwise provided for in this Article, the schools
 45 for the deaf and blind shall be housed administratively within the Department of Public
 46 Instruction for purposes of distribution of State funds, but each school for the deaf and blind shall
 47 operate independently with a board of trustees as the governing body. The Department of Public
 48 Instruction shall include employees of the schools for the deaf and blind in coverage for
 49 professional liability policies purchased by the Department for its employees and shall facilitate
 50 the purchase of other insurance policies for those schools. In all other matters, the Department of

1 Public Instruction shall provide services, support, and assistance to schools for the deaf and blind
2 in the same manner and degree as for a local school administrative unit.

3 ~~"§ 115C-150.12. **Applicability of Chapter.**~~

4 ~~Except as otherwise provided, the requirements of this Chapter shall apply to the schools~~
5 ~~governed by this Article.~~

6 **"§ 115C-150.12A. Board of trustees for schools for the deaf and blind.**

7 (a) Membership. – Each school shall be governed by a separate board of trustees.

8 (1) There shall be five voting members for each board of trustees to be appointed
9 as follows:

10 a. Two members appointed by the General Assembly upon the
11 recommendation of the Speaker of the House of Representatives.

12 b. Two members appointed by the General Assembly upon the
13 recommendation of the President Pro Tempore of the Senate.

14 c. One member appointed by the State Board of Education.

15 (2) Each board of trustees shall have two additional nonvoting members as
16 follows:

17 a. The president or the president's designee of the alumni association for
18 each school shall serve ex officio on the board of trustees for that
19 school.

20 b. For the schools for the deaf, one member for each board of trustees
21 appointed by the Secretary of the Department of Health and Human
22 Services following consultation with the Division of Services for the
23 Deaf and Hard of Hearing.

24 c. For the school for the blind, a member appointed by the Secretary of
25 the Department of Health and Human Services following consultation
26 with the Division of Services for the Blind.

27 (b) Qualifications. – Appointing entities are strongly encouraged to fill the appointments
28 to each board of trustees with persons with expertise or experience in the areas of education for
29 those who are deaf or hard of hearing or who are blind or visually impaired, administration and
30 governance, finance and budgeting, or who otherwise have demonstrated concern for quality of
31 education for those who are deaf or hard of hearing or who are blind or visually impaired.

32 (c) Terms of Members. – Members shall be appointed for four-year terms. Terms shall
33 commence July 1. Members shall serve until their successors are appointed and qualified. All
34 vacancies shall be filled by the appointing authority for the vacating member for the remainder
35 of the unexpired term. Vacancies of members appointed by the General Assembly shall be filled
36 as provided in G.S. 120-122.

37 (d) Declarations of Vacancies. – Whenever an appointed member of a board of trustees
38 shall fail to be present at three successive regular meetings of the board, for any reason other than
39 ill health or service in the interest of the State or nation, his or her place as a member of the board
40 shall be deemed vacant.

41 (e) Chair; Vice-Chair. – A board of trustees shall elect one of its members as chair and
42 one of its members as vice-chair, each for a two-year term, at the first meeting occurring after
43 July 1 in odd-numbered years.

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

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

1 (h) Code of Ethics. – A board of trustees shall adopt a resolution or policy containing a
2 code of ethics, as required by G.S. 160A-86.

3 (i) Training. – All members of a board of trustees shall receive a minimum of 12 clock
4 hours of training every two years. The 12 clock hours of training may be earned at any time
5 during the two-year period and may include the ethics education required by G.S. 138A-14. The
6 training shall include, but not be limited to, public school law, including special education law,
7 school finance, and duties and responsibilities of the board. The training may be provided by the
8 School of Government at the University of North Carolina at Chapel Hill or other qualified
9 sources at the choice of the board of trustees.

10 **"§ 115C-150.12B. Employees of schools for the deaf and blind.**

11 (a) Director. – Each board of trustees of a school shall appoint a director for that school,
12 who shall act as secretary to the board of trustees in accordance with G.S. 115C-150.12A and
13 shall manage day-to-day operations of the school and other duties as prescribed by the board of
14 trustees. For purposes of application to other statutes in this Chapter, the director shall be the
15 equivalent of a superintendent of schools and shall fulfill the duties of a superintendent as
16 provided in Article 18 of this Chapter.

17 (b) Director Duties. – The director shall recommend school personnel to the board of
18 trustees. The director shall supervise the administrative staff of the school, including the
19 principal, director of human resources, and director of business and finance.

20 (c) Personnel Criteria. – The board of trustees shall employ and provide salary and
21 benefits for a principal, teachers, and other employees in accordance with Article 19, Article 20,
22 Article 21, Article 21A, Article 22, and Article 23 of this Chapter. An employee hired by the
23 board of trustees shall be responsible for fulfilling the duties of that employee's position as
24 required by those Articles. All employees of schools for the deaf and blind are employees of the
25 State.

26 (d) Personnel Pay. – Schools for the deaf and blind personnel, including teachers,
27 instructional support personnel, and other employees, shall be paid, at a minimum, in accordance
28 with the appropriate State salary schedule for local school administrative unit personnel. Schools
29 for the deaf and blind personnel shall be eligible for all bonuses paid to local school
30 administrative unit personnel to the extent that the schools for the deaf and blind personnel meet
31 all qualifications other than the employer.

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

36 **"§ 115C-150.12C. Powers and duties.**

37 A board of trustees shall adopt rules necessary for the administration of the school to
38 implement the requirements of this Article. Each board of trustees shall have the following
39 powers and duties:

40 (1) Sound basic education. – It shall be the duty of the board of trustees to provide
41 admitted students with the opportunity to receive a sound basic education in
42 grades kindergarten through 12, as directed by law, and to make all policy
43 decisions with that objective in mind, including employment decisions,
44 budget development, and other administrative actions. The board of trustees
45 shall comply with the requirements of Part 1 of Article 8 and Article 10A of
46 this Chapter.

47 (2) Exercise judicial functions. – The board of trustees shall employ or contract
48 with private counsel to provide advice and representation for the school. The
49 board may institute all actions, suits, or proceedings against officers, persons,
50 or corporations, or their sureties, for the recovery, preservation, and
51 application of all money or property which may be due to or should be applied

1 to the support and maintenance of the school. In all actions brought in any
2 court against a board of trustees, the order or action of the board shall be
3 presumed to be correct, and the burden of proof shall be on the complaining
4 party to show the contrary. G.S. 114-2.3 and G.S. 147-17 shall not apply to
5 the schools for the deaf and blind. Upon the request of the board of trustees of
6 a school, the Attorney General shall provide representation as required by
7 G.S. 114-2.

8 (3) Academic program. – The board of trustees shall adopt rules governing class
9 size, the instructional calendar, the length of the instructional day, and the
10 number of instructional days in each term. The board of trustees shall adopt a
11 school calendar consisting of a minimum of 185 days or 1,025 hours of
12 instruction covering at least nine calendar months.

13 (4) School report cards. – A school shall ensure that the report card issued for it
14 by the State Board of Education is provided to the public. Beginning with the
15 2027-2028 school year, a school shall ensure that the measures for educational
16 performance and growth for the current and previous four school years are
17 prominently displayed on the school website.

18 (5) Standards of performance and conduct. – The board of trustees shall establish
19 policies and standards for academic performance, attendance, and conduct for
20 students of the school. The policies of the board of trustees shall comply with
21 Article 27 of this Chapter.

22 (6) School attendance. – Every parent or other person in this State having charge
23 or control of a child who is enrolled in schools for the deaf and blind who is
24 less than 16 years of age shall cause such child to attend that school
25 continuously for a period equal to the time that the school shall be in session.
26 No person shall encourage, entice, or counsel any child to be unlawfully
27 absent from the school. Any person who aids or abets a student's unlawful
28 absence from the school shall, upon conviction, be guilty of a Class 1
29 misdemeanor. The principal shall be responsible for implementing such
30 additional policies concerning compulsory attendance as shall be adopted by
31 the board of trustees, including regulations concerning lawful and unlawful
32 absences, permissible excuses for temporary absences, maintenance of
33 attendance records, and attendance counseling.

34 (7) Uniform Education Reporting System. – The board of trustees shall comply
35 with the reporting requirements established by the State Board of Education
36 in the Uniform Education Reporting System.

37 (8) Education of children with disabilities. – The board of trustees shall require
38 compliance with federal and State laws and policies relating to the education
39 of children with disabilities for all students admitted to the school. An IEP
40 shall be developed by the school for all newly admitted students granted an
41 educational program assignment.

42 (9) Extracurricular activities. – The board of trustees shall make all rules
43 necessary for the conducting of extracurricular activities, including a program
44 of athletics, where desired, without assuming liability therefor; provided, that
45 all interscholastic athletic activities shall be conducted in accordance with
46 rules and regulations prescribed by the State Board of Education.

47 (10) Fees, charges, and solicitations. – The board of trustees shall adopt rules
48 governing solicitations of, sales to, and fundraising activities conducted by the
49 students and faculty members in the school, and no fees, charges, or costs shall
50 be collected from students and school personnel without approval of the board
51 of trustees as recorded in the minutes of said board; provided, this subdivision

1 shall not apply to such textbook fees as are determined and established by the
2 State Board of Education. The board of trustees shall publish a schedule of
3 approved fees, charges, and solicitations on the school's website by October
4 15 of each school year and, if the schedule is subsequently revised, within 30
5 days following the revision.

6 (11) Federal or private funds. – The board of trustees shall have power and
7 authority to accept, receive, and administer any funds or financial assistance
8 given, granted, or provided under the provisions of the Elementary and
9 Secondary Education Act of 1965 (Public Law 89-10, 89th Congress, H.R.
10 2362) and under the provisions of the Economic Opportunity Act of 1964
11 (Public Law 88-452, 88th Congress, S. 2642), or other federal acts or funds
12 from foundations or private sources, and to comply with all conditions and
13 requirements necessary for the receipt, acceptance, and use of said funds. In
14 the administration of such funds, the board of trustees shall have authority to
15 enter into contracts with and to cooperate with and to carry out projects with
16 nonpublic elementary and secondary schools, community groups, and
17 nonprofit corporations, and to enter into joint agreements for these purposes
18 with other governing bodies of public school units. The board of trustees shall
19 furnish such information as shall be requested by the State Board of
20 Education, from time to time, relating to any programs related or conducted
21 pursuant to this subdivision.

22 (12) Educational research. – The board of trustees is authorized to sponsor or
23 conduct educational research and special projects approved by the Department
24 of Public Instruction and the State Board of Education that may improve the
25 school. Such research or projects may be conducted during the summer
26 months, and the board may use any available funds for such purposes.

27 (13) Anti-nepotism policies. – The board of trustees shall adopt rules requiring that
28 before any immediate family, as defined in G.S. 115C-12.2, of any board of
29 trustees' member or administrator, including directors, supervisors,
30 specialists, staff officers, or principals, shall be employed or engaged as an
31 employee, independent contractor, or otherwise by the board of trustees in any
32 capacity, such proposed employment or engagement shall be (i) disclosed to
33 the board of trustees and (ii) approved by the board of trustees in a duly called
34 open-session meeting. The burden of disclosure of such a conflict of interest
35 shall be on the applicable board member or administrator.

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

47 (15) Health and safety. – The board of trustees shall require that the school meet
48 the same health and safety standards required of a local school administrative
49 unit. The board shall comply with the requirements of Article 25A of this
50 Chapter, including the following:

- 1 a. The board shall ensure that the school provides parents with
2 information about cervical cancer, cervical dysplasia, human
3 papillomavirus, and the vaccines available to prevent these diseases.
4 This information shall be provided at the beginning of the school year
5 to parents of children entering grades five through 12. This
6 information shall include the causes and symptoms of these diseases,
7 how they are transmitted, how they may be prevented by vaccination,
8 including the benefits and possible side effects of vaccination, and
9 places parents may obtain additional information and vaccinations for
10 their children.
- 11 b. The board shall adopt policies to ensure that students in grades nine
12 through 12 receive information annually on the manner in which a
13 parent may lawfully abandon a newborn baby with a responsible
14 person, in accordance with G.S. 7B-500.
- 15 (16) School-based mental health. – The board of trustees shall adopt a school-based
16 mental health plan, including a mental health training program and suicide
17 risk referral protocol, in accordance with G.S. 115C-376.5.
- 18 (17) School safety. – The board of trustees shall comply with the requirements of
19 Article 8C of this Chapter, including the following:
- 20 a. School Risk Management Plan. – The board of trustees, in
21 coordination with local law enforcement agencies, shall adopt a
22 School Risk Management Plan (SRMP) relating to incidents of school
23 violence. In constructing and maintaining these plans, the board of
24 trustees shall utilize the School Risk and Response Management
25 System established pursuant to G.S. 115C-105.49A. These plans are
26 not considered a public record as the term "public record" is defined
27 under G.S. 132-1 and shall not be subject to inspection and
28 examination under G.S. 132-6.
- 29 b. Schematic diagrams and school crisis kits. – The board of trustees shall
30 provide schematic diagrams and keys to the main entrance of school
31 facilities to local law enforcement agencies, in addition to
32 implementing the provisions in G.S. 115C-105.52.
- 33 c. School safety exercises. – At least once a year, a school shall hold a
34 full school-wide lockdown exercise with local law enforcement and
35 emergency management agencies that are part of the school's SRMP.
- 36 d. Safety information provided to the Department of Public Safety,
37 Division of Emergency Management. – The board of trustees shall
38 provide the following: (i) schematic diagrams, including digital
39 schematic diagrams, and (ii) emergency response information
40 requested by the Division for the SRMP. The schematic diagrams and
41 emergency response information are not considered public records as
42 the term "public record" is defined under G.S. 132-1 and shall not be
43 subject to inspection and examination under G.S. 132-6.
- 44 e. Anonymous tip line. – A school shall develop and operate an
45 anonymous tip line in accordance with G.S. 115C-105.51.
- 46 (18) Reporting school violence. – A board of trustees shall report all acts of school
47 violence to the State Board of Education in accordance with
48 G.S. 115C-12(21).
- 49 (19) Driving eligibility certificates and drivers education. – The board of trustees
50 shall apply the rules and policies established by the State Board of Education

- 1 for issuance of driving eligibility certificates. The board of trustees shall
2 provide drivers education in accordance with Article 14 of this Chapter.
- 3 (20) Instructional materials. – The board of trustees shall have the authority to
4 select, procure, and use textbooks not adopted by the State Board of Education
5 as provided in G.S. 115C-98(b1). The board shall have sole authority to select
6 and procure supplementary instructional materials, whether or not the
7 materials contain commercial advertising, pursuant to the provisions of
8 G.S. 115C-98(b).
- 9 (21) Policy against bullying. – The board of trustees shall adopt a policy against
10 bullying or harassing behavior, including cyber-bullying, in accordance with
11 Article 29C of this Chapter, and shall at the beginning of each school year
12 provide the policy to staff, students, and parents as defined in
13 G.S. 115C-390.1(b)(8).
- 14 (22) Religious activity and moment of silence. – The board of trustees shall comply
15 with the requirements of Article 29D of this Chapter. To afford students and
16 teachers a moment of quiet reflection at the beginning of each day in the public
17 schools, to create a boundary between school time and nonschool time, and to
18 set a tone of decorum in the classroom that will be conducive to discipline and
19 learning, the board of trustees may adopt a policy to authorize the observance
20 of a moment of silence at the commencement of the first class of each day in
21 all grades in the public schools. Such a policy shall provide that the teacher in
22 charge of the room in which each class is held may announce that a period of
23 silence not to exceed one minute in duration shall be observed and that during
24 that period silence shall be maintained and no one may engage in any other
25 activities. Such period of silence shall be totally and completely unstructured
26 and free of guidance or influence of any kind from any sources.
- 27 (23) Display of the United States and North Carolina flags and recitation of the
28 Pledge of Allegiance. – The board of trustees shall adopt policies to (i) require
29 the display of the United States and North Carolina flags in each classroom,
30 when available, (ii) require that recitation of the Pledge of Allegiance be
31 scheduled on a daily basis, and (iii) provide age-appropriate instruction on the
32 meaning and historical origins of the flag and the Pledge of Allegiance. These
33 policies shall not compel any person to stand, salute the flag, or recite the
34 Pledge of Allegiance. If flags are donated or are otherwise available, flags
35 shall be displayed in each classroom.
- 36 (24) Child sexual abuse and sex trafficking training program. – The board of
37 trustees shall adopt and implement a child sexual abuse and sex trafficking
38 training program in accordance with G.S. 115C-375.20.
- 39 (25) Science safety requirements. – A board of trustees shall:
- 40 a. Certify annually to the State Board of Education that the school's
41 science laboratories for high school and middle school students are
42 equipped with appropriate personal protective equipment for students
43 and teachers.
- 44 b. Ensure that the school complies with all State Board of Education
45 policies related to science laboratory safety.
- 46 (26) Graduation projects. – A board of trustees shall not require a high school
47 graduation project as a condition of graduation unless the board provides a
48 method of reimbursement of up to seventy-five dollars (\$75.00) for expenses
49 related to the high school graduation project for any student identified as an
50 economically disadvantaged student.

- 1 (27) Group accident and health insurance for students. – A board of trustees may
2 purchase group accident, group health, or group accident and health insurance
3 for students in accordance with G.S. 58-51-81.
- 4 (28) Access for youth groups. – Schools for the deaf and blind are encouraged to
5 facilitate access for students to participate in activities provided by any youth
6 group listed in Title 36 of the United States Code as a patriotic society, such
7 as the Boy Scouts of America, and its affiliated North Carolina groups and
8 councils, and the Girl Scouts of the United States of America, and its affiliated
9 North Carolina groups and councils. Student participation in any activities
10 offered by these organizations shall not interfere with instructional time
11 during the school day for the purposes of encouraging civic education.
- 12 (29) Parental notification of certain acts reported to law enforcement. – A board of
13 trustees shall adopt a rule on the notification to parents of any students alleged
14 to be victims of any act that is required to be reported to law enforcement and
15 the superintendent under G.S. 115C-288(g).
- 16 (30) Seclusion and restraint report. – A board of trustees shall maintain a record of
17 incidents reported under G.S. 115C-391.1(j)(4) and shall provide this
18 information annually to the State Board of Education.
- 19 (31) Use of pesticides. – A board of trustees shall adopt rules that address the use
20 of pesticides in schools. These policies shall:
- 21 a. Require the principal or the principal's designee to annually notify the
22 students' parents as well as school staff of the schedule of pesticide use
23 on school property and their right to request notification. Such
24 notification shall be made, to the extent possible, at least 72 hours in
25 advance of nonscheduled pesticide use on school property. The
26 notification requirements under this subdivision do not apply to the
27 application of the following types of pesticide products: antimicrobial
28 cleansers, disinfectants, self-contained baits and crack-and-crevice
29 treatments, and any pesticide products classified by the United States
30 Environmental Protection Agency as belonging to the U.S.E.P.A.
31 Toxicity Class IV, "relatively nontoxic" (no signal word required on
32 the product's label).
- 33 b. Require the use of Integrated Pest Management. As used in this
34 sub-subdivision, "Integrated Pest Management" or "IPM" means the
35 comprehensive approach to pest management that combines
36 biological, physical, chemical, and cultural tactics as well as effective,
37 economic, environmentally sound, and socially acceptable methods to
38 prevent and solve pest problems that emphasizes pest prevention and
39 provides a decision-making process for determining if, when, and
40 where pest suppression is needed and what control tactics and methods
41 are appropriate.
- 42 (32) Arsenic-treated wood. – A board of trustees shall prohibit the purchase or
43 acceptance of chromated copper arsenate-treated wood for future use on
44 school grounds. A board of trustees shall seal existing arsenic-treated wood in
45 playground equipment or establish a time line for removing existing
46 arsenic-treated wood on playgrounds, according to the guidelines established
47 under G.S. 115C-12(34).
- 48 (33) Exposure to diesel exhaust fumes. – A board of trustees shall adopt rules to
49 reduce students' exposure to diesel emissions.
- 50 (34) Nonprofit corporations. – A board of trustees may establish, control, and
51 operate a nonprofit corporation that is created under Chapter 55A of the

1 General Statutes and is a tax-exempt organization under the Internal Revenue
 2 Code to further their authorized purposes. A nonprofit corporation established
 3 as provided in this subdivision shall not have regulatory or enforcement
 4 powers and shall not engage in partisan political activity or policy advocacy.
 5 A board of trustees that establishes a nonprofit corporation shall make a report
 6 annually to the Joint Legislative Education Oversight Committee.

7 (35) Preschool programs. – The board of trustees may, within funds available,
 8 provide programs, education, and training for children under the age of 5 who
 9 are (i) blind or visually impaired or (ii) deaf or hard of hearing, and for the
 10 parents of those children.

11 (36) Rulemaking. – The board of trustees shall be exempt from Article 2A of
 12 Chapter 150B of the General Statutes.

13 ~~"§ 115C-150.13. Rule making.~~

14 (a) ~~The State Board of Education shall adopt rules necessary for the Department of Public~~
 15 ~~Instruction to implement this Article, including, at a minimum, rules to address eligibility for~~
 16 ~~admission criteria. In determining rules for admission criteria, the State Board of Education shall~~
 17 ~~take into account the following factors:~~

- 18 (1) ~~State and federal laws.~~
 19 (2) ~~Optimal academic and communicative outcomes for the child.~~
 20 (3) ~~Parental input and choice.~~
 21 (4) ~~Recommendations in a child's Individualized Education Program (IEP).~~

22 (b) ~~Rules shall be adopted in accordance with Chapter 150B of the General Statutes.~~

23 "§ 115C-150.13A. Admissions.

24 (a) Rules. – Schools for the deaf and blind shall admit students in accordance with
 25 eligibility criteria, standards, and procedures established through rules by the board of trustees in
 26 accordance with the requirements of this Article.

27 (b) Eligibility Criteria. – Eligibility criteria shall include consideration of the following:

- 28 (1) Evidence of hearing loss for schools for the deaf or vision loss for the school
 29 for the blind.
 30 (2) State and federal laws.
 31 (3) Optimal academic and communicative outcomes for the student.
 32 (4) Parental input and choice.
 33 (5) Student's possession of minimum daily living skills and level of functioning
 34 necessary to participate in the educational program.

35 (c) Procedures. – Admission procedures shall include the following:

- 36 (1) An application process that may be directly made by a parent to the school or
 37 upon recommendation of a local school administrative unit or charter school.
 38 If a student has not been evaluated by the local school administrative unit or
 39 charter school and determined to be a child with a disability, the procedure for
 40 the school and local school administrative unit or charter school to enter into
 41 an agreement to determine if the student is a child with a disability.
 42 (2) An admissions committee to make recommendations on an admissions status
 43 that includes, but is not limited to, the following members:
 44 a. A chair designated by the director of the school.
 45 b. The applicant's parent.
 46 c. Any professionals necessary to interpret the evaluation results.
 47 d. If the applicant is currently enrolled in a local school administrative
 48 unit or charter school, a written invitation shall be extended to a
 49 representative from that local school administrative unit or charter
 50 school to attend and participate in the evaluation.

1 (3) An admissions evaluation that uses multiple sources of information in
2 determining eligibility, including assessments, teacher recommendations,
3 evidence of the applicant's physical and emotional health, indications of the
4 applicant's level of functioning, including adaptive behavior skills, and the
5 student's current or proposed individualized education plan.

6 (4) A final admissions determination made by the director of the school or the
7 director of the school's designee.

8 (d) Admission Status. – A student may be admitted in one of the following statuses:

9 (1) Temporary assignment. – An applicant admitted for no more than 90 school
10 days for the school staff to complete evaluations and gather additional
11 information for the admissions committee to make an eligibility
12 determination. A student admitted to a temporary assignment status is not
13 guaranteed admission to the educational program as a student who meets the
14 school's eligibility criteria.

15 (2) Educational program assignment. – An applicant determined to meet the
16 eligibility criteria and granted admission to the educational program.

17 (e) Disenrollment. – A student's continued enrollment in an educational program
18 assignment status shall be subject to reevaluation by the admissions committee when determined
19 necessary by the school to assess if the student continues to meet eligibility criteria. The
20 disenrollment assessment shall follow the same procedures as the admissions process, and a final
21 determination shall be made by the director or the director's designee.

22 (f) Free Appropriate Public Education. – The local school administrative unit or charter
23 school in which the student is enrolled shall have the initial responsibility of identifying and
24 evaluating the special education needs of the student and providing a special educational program
25 and related services in accordance with Article 9 of this Chapter. If a parent submits an
26 application to the school for enrollment of the parent's child in the school's educational program,
27 and if the child is determined to meet the eligibility criteria for admission to the school's
28 educational program, the school is responsible for the provision of a free appropriate public
29 education. However, a subsequent determination by the school that the student no longer meets
30 eligibility criteria immediately transfers the responsibility for the provision of a special
31 educational program and related services to ensure a free appropriate public education back to
32 the local school administrative unit or charter school in which the student was previously
33 enrolled.

34 (g) Mediation. – Prior to seeking a due process hearing as provided in Article 9 of this
35 Chapter, parents are encouraged to seek mediation under Article 9 of this Chapter in resolving
36 any dispute with regards to a student's eligibility determination or IEP.

37 (h) Due Process Hearing. – A parent may seek an impartial due process hearing following
38 a final determination on a student's eligibility by the director. If the parent pursues a due process
39 hearing to challenge the school's ineligibility determination, the student's "stay put" placement
40 shall not be the school but shall be the student's local school administrative unit or charter school.

41 **"§ 115C-150.14. Tuition and room and board. Tuition, room and board for resident**
42 **students.**

43 (a) ~~Only children~~ A student who are residents is a resident of North Carolina are is
44 entitled to free tuition and room and board at a school governed by this Article for the educational
45 programs provided by the schools for the deaf and blind.

46 (b) ~~A school governed by this Article may enroll a foreign exchange student and shall~~
47 ~~charge the student the full, unsubsidized per capita cost of providing education at the school for~~
48 ~~the period of the student's attendance. A school that seeks to enroll foreign exchange students~~
49 ~~under this section shall submit a plan prior to enrolling any of those students to the State Board~~
50 ~~of Education for approval, including the proposed costs to be charged to the students for~~
51 ~~attendance and information on compliance with federal law requirements. For the purposes of~~

1 this section, a foreign exchange student is a student who is domiciled in a foreign country and
2 has come to the United States on a valid, eligible student visa.

3 (e) ~~Notwithstanding subsection (b) of this section, foreign exchange students who have~~
4 ~~obtained the status of nonimmigrants pursuant to the Immigration and Nationality Act, 8 U.S.C.~~
5 ~~§ 1101(a)(15)(F) may only be enrolled in a school governed by this Article in grades nine through~~
6 ~~12 for a maximum of 12 months at the school. A student who is a resident of North Carolina~~
7 ~~whose parent elects for the student to board at the school in order to access the educational~~
8 ~~program is entitled to free room and board.~~

9 **"§ 115C-150.14A. Nonresident students.**

10 (a) For the purposes of this section, the following definitions shall apply:

11 (1) Foreign exchange student. – A student who is domiciled in a foreign country
12 and has come to the United States on a valid, eligible student visa.

13 (2) Nonresident student. – An out-of-state student or foreign exchange student.

14 (3) Out-of-state student. – A student who is domiciled in a state other than North
15 Carolina.

16 (b) Schools for the deaf and blind may enroll nonresident students in the educational
17 program who otherwise meet admissions criteria established for all students. A school shall
18 charge the full, unsubsidized per capita cost of providing education at the school for the period
19 of the nonresident student's attendance, including the cost of tuition, and the cost of room and
20 board for any student whose parent elects for the student to board at the school in order to access
21 the educational program.

22 (c) Schools for the deaf and blind that seek to enroll nonresident students under this
23 section shall submit a plan prior to enrolling any of those students to the board of trustees for
24 approval, including the proposed costs to be charged to the nonresident students for tuition and
25 room and board and information on compliance with federal law requirements.

26 **"§ 115C-150.15. Reporting to residential schools on deaf and blind children.**

27 (a) Request for Consent. – Local superintendents shall require that the following request
28 for written consent, along with any informational materials provided by the school for
29 the blind or the school for the deaf in the service area in which the local school administrative
30 unit is located, be presented to parents, guardians, parents or custodians of any hearing impaired
31 or visually impaired children children who are deaf or hard of hearing or are blind or visually
32 impaired no later than October 1 of each school year: "North Carolina provides three public
33 residential schools serving visually and hearing impaired students: the Governor Morehead
34 School for the Blind, the Eastern North Carolina School for the Deaf, and the North Carolina
35 School for the Deaf. Do you consent to the release of your contact information and information
36 regarding your child and his or her impairment to these schools so that you can receive more
37 information on services offered by those campuses?" North Carolina provides two public schools
38 for the deaf serving students who are deaf or hard of hearing: the Eastern North Carolina School
39 for the Deaf and the North Carolina School for the Deaf. North Carolina also has a public school
40 for the blind serving students who are blind or visually impaired: the Governor Morehead School
41 for the Blind. Do you consent to the release of your contact information and information
42 regarding your child and his or her hearing or vision status to these schools so that you can receive
43 more information on services offered by those campuses?"

44 (b) Annual Report to Residential Schools. – Schools for the Deaf and Blind. – Local
45 superintendents shall report by November 30 each year the names and addresses of parents,
46 guardians, parents or custodians of any hearing impaired deaf or hard of hearing or blind or
47 visually impaired children who have given written consent to the directors of 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. schools for the deaf and blind. The report shall include the type of
50 disability of each child, including whether the hearing and visual impairments range from partial
51 to total disability, and if the child has multiple disabilities with the visual or hearing impairment

1 not identified as the primary disability of the student. The report shall also be made to the
2 Department of Public Instruction.

3 (c) Confidentiality of Records. – The directors of the ~~Governor Morehead School for the~~
4 ~~Blind, the Eastern North Carolina School for the Deaf, and the North Carolina School for the~~
5 ~~Deaf~~ schools for the deaf and blind shall treat any information reported to the schools by a local
6 superintendent under subsection (b) of this section as confidential, except that a director or the
7 director's designee may contact the ~~parents, guardians, parents~~ or custodians of any hearing
8 impaired or visually impaired children whose information was included in the report. The
9 information shall not be considered a public record under G.S. 132-1.

10 (d) Transfer of Information. – Upon the written request of a parent or custodian of a
11 student who has applied to a school for the deaf or school for the blind, the local superintendent
12 or, if there is no superintendent, the staff member with the highest decision-making authority
13 shall share with the director of the school a copy of all current evaluation data and a copy of the
14 current or proposed individualized education plan for any child enrolled in that public school unit
15 who is identified as a child with a disability who is deaf, hard of hearing, blind, or visually
16 impaired.

17 "**§ 115C-150.16. Applicability of Chapter.**

18 Except as otherwise provided in this Article, the requirements of this Chapter shall not apply
19 to the schools for the deaf and blind. Schools for the deaf and blind shall be considered a State
20 agency, as defined in G.S. 143C-1-1, and shall comply with all requirements for State agencies
21 unless otherwise specified in this Article. Schools for the deaf and blind shall not be considered
22 local school administrative units."

23 **SECTION 2.(a)** G.S. 115C-5 reads as rewritten:

24 "**§ 115C-5. Definitions.**

25 As used in this Chapter unless the context requires otherwise:

26 ...

27 (3a) The governing body of a public school unit is the following:

- 28 a. For a local school administrative unit, the local board of education.
- 29 b. For a charter school, the nonprofit corporation board of directors.
- 30 c. For a regional school, the regional school board of directors.
- 31 d. For a school operated under Article 9C of this Chapter, the ~~State Board~~
32 ~~of Education~~ board of trustees.
- 33 e. For a school operated under Article 29A of Chapter 116 of the General
34 Statutes, the chancellor of the constituent institution.

35 ...

36 (7a) Public school unit. – Any of the following:

- 37 a. A local school administrative unit.
- 38 b. A charter school.
- 39 c. A regional school.
- 40 d. A school providing elementary or secondary instruction operated by
41 ~~one of the following:~~
42 1. ~~The State Board of Education, including schools operated~~
43 ~~under Article 9C of this Chapter.~~
44 2. The University of North Carolina under Article 29A of Chapter
45 116 of the General Statutes.
- 46 e. Schools for the deaf and blind operated under Article 9C of this
47 Chapter.

48"

49 **SECTION 2.(b)** G.S. 115C-105.51(g) reads as rewritten:

50 "(g) For the purposes of this section, a "public secondary school" is any of the following
51 types of public school serving grades six or higher:

- 1 (1) A school under the control of a local school administrative unit.
- 2 (2) A school ~~under the control of the State Board of Education, including schools~~
- 3 ~~for the deaf or blind~~ operated under Article 9C of this Chapter.
- 4 (3) A school under the control of The University of North Carolina.
- 5 (4) A charter school.
- 6 (5) A regional school."

7 **SECTION 2.(c)** G.S. 126-5(c1) reads as rewritten:

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

10 ...
11 (8a) Employees of a regional school established pursuant to Part 10 of Article 16
12 of Chapter 115C of the General Statutes.

13 (8b) Employees of a school for the deaf or blind governed by Article 9C of Chapter
14 115C of the General Statutes.

15"

16 **SECTION 2.(d)** G.S. 138-5(a) reads as rewritten:

17 "(a) Except as provided in subsections (c) and (f) of this section, members of State boards,
18 commissions, committees and councils which operate from funds deposited with the State
19 Treasurer shall be compensated for their services at the following rates:

20 (1) Except as otherwise provided by this subdivision, compensation at the rate of
21 fifteen dollars (\$15.00) per diem for each day of service. Members of the
22 North Carolina Vocational Rehabilitation Council, the Statewide Independent
23 Living Council, and the Commission for the Blind who are unemployed or
24 who shall forfeit wages from other employment to attend Council or
25 Commission meetings or to perform related duties, may receive compensation
26 not to exceed fifty dollars (\$50.00) per diem for attending these meetings or
27 performing related duties, as authorized by sections 105 and 705 of the
28 Rehabilitation Act of 1973, P.L. 102-569, 42 U.S.C. § 701, et seq., as
29 amended. Members of the Board of Trustees of the Eastern North Carolina
30 School for the Deaf, the Board of Trustees of the North Carolina School for
31 the Deaf, and the Board of Trustees of the Governor Morehead School for the
32 Blind may receive compensation not to exceed fifty dollars (\$50.00) per diem
33 for attending trustee meetings or performing related duties.

34 (2) Reimbursement of subsistence expenses at the rates allowed to State officers
35 and employees by subdivision (3) of G.S. 138-6(a).

36 (3) Reimbursement of travel expenses at the rates allowed to State officers and
37 employees by subdivisions (1) and (2) of G.S. 138-6(a).

38 (4) For convention registration fees, the actual amount expended, as shown by
39 receipt."

40 **SECTION 2.(e)** G.S. 150B-1(d) is amended by adding a new subdivision to read:

41 "(33) The Eastern North Carolina School for the Deaf, the North Carolina School
42 for the Deaf, and the Governor Morehead School for the Blind."

43 **SECTION 2.(f)** Section 10 of S.L. 2013-247 is repealed.

44 **SECTION 3.** Section 8.15(b) of S.L. 2013-360 is repealed.

45 **SECTION 4.(a)** For the 2023-2024 school year only, the State Board of Education
46 shall adopt rules by August 4, 2023, for eligibility criteria, standards, and procedures for
47 admission to the schools for the deaf and blind in accordance with this section following
48 consultation with the Superintendent of Public Instruction and directors of the schools for the
49 deaf and blind. These rules shall be exempt from the requirements of Article 2A of Chapter 150B
50 of the General Statutes.

1 **SECTION 4.(b)** The adopted eligibility criteria shall include consideration of the
2 following:

- 3 (1) Evidence of hearing loss for schools for the deaf or vision loss for the school
4 for the blind.
- 5 (2) State and federal laws.
- 6 (3) Optimal academic and communicative outcomes for the student.
- 7 (4) Parental input and choice.
- 8 (5) Student's possession of minimum daily living skills and level of functioning
9 necessary to participate in the educational program.

10 **SECTION 4.(c)** The adopted admission procedures shall include the following:

- 11 (1) An application process that may be directly made by a parent or legal guardian
12 to the school or upon recommendation of a local school administrative unit or
13 charter school. If a student has not been evaluated by the local school
14 administrative unit or charter school and determined to be a child with a
15 disability, a process for the school and local school administrative unit or
16 charter school to enter into an agreement to determine if the student is a child
17 with a disability.
- 18 (2) An admissions committee to make recommendations on an admissions status
19 that includes, but is not limited to, the following members:
 - 20 a. A chair designated by the director of the school.
 - 21 b. The applicant's parent or legal guardian.
 - 22 c. Any professionals necessary to interpret the evaluation results.
 - 23 d. If the applicant is currently enrolled in a local school administrative
24 unit or charter school, a written invitation shall be extended to a
25 representative from that local school administrative unit or charter
26 school to attend and participate in the evaluation.
- 27 (3) An admissions evaluation that uses multiple sources of information in
28 determining eligibility, including assessments, teacher recommendations,
29 evidence of the applicant's physical and emotional health, indications of the
30 applicant's level of functioning, including adaptive behavior skills, and the
31 student's current or proposed individualized education plan.
- 32 (4) A final admissions determination made by the director of the school or the
33 director of the school's designee.

34 **SECTION 4.(d)** The standards for admission shall provide that a student may be
35 admitted in one of the following statuses:

- 36 (1) Temporary assignment. – An applicant admitted for no more than 90 school
37 days for the school staff to complete evaluations and gather additional
38 information for the admissions committee to make an eligibility
39 determination. A student admitted to a temporary assignment status is not
40 guaranteed admission to the educational program as a student who meets the
41 school's eligibility criteria.
- 42 (2) Educational program assignment. – An applicant determined to meet the
43 eligibility criteria and granted admission to the educational program.

44 **SECTION 4.(e)** The standards for admission shall provide that a student's continued
45 enrollment in an educational program assignment status shall be subject to reevaluation by the
46 admissions committee when determined necessary by the school to assess if the student continues
47 to meet eligibility criteria. The disenrollment assessment shall follow the same procedures as the
48 admissions process, and a final determination shall be made by the director or the director's
49 designee.

50 **SECTION 4.(f)** The standards for admission shall provide that the local school
51 administrative unit or charter school in which the child is enrolled shall have the initial

1 responsibility of identifying and evaluating the special education needs of the student and
2 providing a special educational program and related services in accordance with Article 9 of this
3 Chapter. If a parent submits an application to the school for enrollment of the parent's child in
4 the school's educational program, and if the child is determined to meet the eligibility criteria for
5 admission to the school's educational program, the school is responsible for the provision of a
6 free appropriate public education. However, a subsequent determination by the school that the
7 student no longer meets eligibility criteria immediately transfers the responsibility for the
8 provision of a special educational program and related services to ensure a free appropriate public
9 education back to the local school administrative unit or charter school in which the child was
10 previously enrolled.

11 **SECTION 4.(g)** The standards for admission shall provide that, prior to seeking a
12 due process hearing as provided in Article 9 of Chapter 115C of the General Statutes, parents be
13 encouraged to seek mediation under Article 9 of Chapter 115C of the General Statutes in
14 resolving any dispute with regards to a student's eligibility determination or individualized
15 education plan. A parent may seek an impartial due process hearing following a final
16 determination on a student's eligibility by the director. If the parent pursues a due process hearing
17 to challenge the school's ineligibility determination, the student's "stay put" placement shall not
18 be the school but shall be the local school administrative unit or charter school in which the child
19 is enrolled.

20 **SECTION 5.** Notwithstanding Article 9C of Chapter 115C of the General Statutes,
21 as amended by this act, the Department of Public Instruction shall continue its administrative
22 duties and responsibilities for the North Carolina School for the Deaf, the Eastern North Carolina
23 School for the Deaf, and the Governor Morehead School for the Blind subject to Article 9C of
24 Chapter 115C of the General Statutes as of June 30, 2024, until the board of trustees for each
25 school has successfully transitioned into the administrative role required by this act, but in no
26 event later than October 1, 2024.

27 **SECTION 6.(a)** By November 1, 2023, the General Assembly and the State Board
28 of Education shall appoint the initial members of the boards of trustees for the North Carolina
29 School for the Deaf, the Eastern North Carolina School for the Deaf, and the Governor Morehead
30 School for the Blind to take office effective January 1, 2024. If the General Assembly has
31 adjourned to a date certain, which date is more than 20 days after the date of adjournment when
32 this act becomes law, the initial members of the boards appointed by the General Assembly shall
33 be made in the same manner as a vacancy appointment as provided in G.S. 120-122. Upon the
34 expiration of the initial terms appointed by November 1, 2023, all subsequent appointments by
35 all appointing entities shall be for a four-year term of office, as provided in G.S. 115C-150.12A,
36 as enacted by this act. Notwithstanding G.S. 115C-150.12A, as enacted by this act, terms of
37 initial appointments to each board made by November 1, 2023, shall be as follows:

- 38 (1) The General Assembly shall appoint one of the members recommended by the
39 Speaker of the House of Representatives and one of the members
40 recommended by the President Pro Tempore of the Senate to a two-year term
41 of office expiring June 30, 2026.
- 42 (2) The General Assembly shall appoint one of the members recommended by the
43 Speaker of the House of Representatives and one of the members
44 recommended by the President Pro Tempore of the Senate to a four-year term
45 of office expiring June 30, 2028.
- 46 (3) The State Board of Education shall appoint one member to a term expiring
47 June 30, 2026.
- 48 (4) The Secretary of the Department of Health and Human Services shall appoint
49 one nonvoting member to a term expiring June 30, 2028.

50 **SECTION 6.(b)** Notwithstanding G.S. 115C-150.12A, as enacted by this act,
51 following the appointment of a majority of members of the boards of trustees of each of the

1 schools for the deaf and blind, as provided in subsection (a) of this section, and no later than
2 January 15, 2024, the director of each school shall call an initial meeting of each board.

3 **SECTION 7.** The Department of Public Instruction shall, in collaboration with the
4 personnel and boards of trustees from the North Carolina School for the Deaf, the Eastern North
5 Carolina School for the Deaf, and the Governor Morehead School for the Blind, develop a
6 transition plan for the change in administration of the schools for the deaf and blind in accordance
7 with the requirements of this act to be effective July 1, 2024. The Department of Public
8 Instruction shall provide an initial report to the State Board of Education and the Joint Legislative
9 Education Oversight Committee by December 15, 2023, and a final report by March 15, 2024,
10 on the plans for transition in administration of the schools for the deaf and blind. The plans for
11 transition shall include the following:

- 12 (1) An estimate of the costs for administrative services provided by the
13 Department of Public Instruction to the schools for the deaf and blind, on
14 average, for the prior three school years.
- 15 (2) An assessment of the employment rights, salaries, and benefits for current
16 employees of the schools for the deaf and blind under the State Human
17 Resources Act and State salary schedules as compared to those rights, salaries,
18 and benefits of local school administrative unit employees under Chapter
19 115C of the General Statutes and identification of any areas where the
20 transition may provide lesser protections, salaries, or benefits.
- 21 (3) Any other issues identified as part of the transition process and any legislative
22 recommendations necessary to effectuate the transition.

23 **SECTION 8.** Sections 1 through 3 of this act become effective July 1, 2024. The
24 remainder of this act is effective when it becomes law.