

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2013

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HOUSE BILL 840

Short Title: Division of Deaf Education. (Public)

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

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Education.

April 11, 2013

A BILL TO BE ENTITLED

AN ACT TO STATUTORILY ESTABLISH THE DIVISION OF DEAF EDUCATION WITHIN THE DEPARTMENT OF PUBLIC INSTRUCTION; TO PROVIDE FOR THE GOVERNANCE OF CERTAIN RESIDENTIAL SCHOOLS FORMERLY GOVERNED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES; TO REPEAL UNNECESSARY STATUTES, AND MAKE CONFORMING CHANGES TO THE GENERAL STATUTES.

The General Assembly of North Carolina enacts:

SECTION 1. Article 5 of Chapter 143A of the General Statutes is amended by adding a new section to read:

"§ 143A-48.2. Division of Deaf Education.

(a) There is established within the Department of Public Instruction the Division of Deaf Education, which shall be organized and staffed in accordance with applicable laws and regulations and within the limits of authorized appropriations. The Director of the Division shall establish the administration for the Division at the residential schools for the deaf and hearing-impaired, and the Director shall also act as the program administrator for one of the schools.

(b) The Division of Deaf Education shall have the powers and duties conferred on it by Part 1D of Article 9 of Chapter 115C of the General Statutes and any other powers vested by law."

SECTION 2. Part 30 of Article 3 of Chapter 143B of the General Statutes is repealed.

SECTION 3. Article 9 of Chapter 115C of the General Statutes is amended by adding new Parts to read:

"Part 1H. Residential Schools for Deaf and Hearing-Impaired Students.

"§ 115C-112.2. Establishment; operations.

(a) There are established and there shall be maintained the following schools for students who are deaf and hearing-impaired: the Eastern North Carolina School for the Deaf at Wilson (K-12) and the North Carolina School for the Deaf at Morganton (K-12). The Division of Deaf Education, established under G.S. 143A-48.2, shall be responsible for the governance of the schools.

(b) The Division of Deaf Education shall provide oversight for the Early Intervention Program for Children Who Are Deaf or Hard of Hearing within the Department of Public Instruction.



"§ 115C-112.3. Students admitted; education.

(a) The Division of Deaf Education may consider for admission all children who are deaf, hearing-impaired, or deaf/multidisabled into the schools for the deaf and hearing-impaired who meet the following criteria and in accordance with federal and State law and rules adopted by the State Board of Education:

(1) The student has been referred by the student's local education agency and an admission is deemed appropriate by the student's Individualized Education Program (IEP) team.

(2) The student is a resident of this State, except as provided in subsection (b) of this section.

(3) The student is at least three years of age but not older than 21 years of age.

(b) Nonresident children who are deaf, hearing-impaired, or deaf/multidisabled may be admitted to the schools for the deaf and hearing-impaired in accordance with rules adopted by the State Board of Education if the admission does not prevent the attendance of any student who is deaf, hearing-impaired, or deaf/multidisabled who is a resident of the State. Only children who are residents of North Carolina are entitled to free tuition and room and board.

(c) The Division of Deaf Education shall provide unique instructional programs to meet the needs of all students admitted to the schools for the deaf and hearing-impaired. The Division shall encourage the State to provide classrooms with modern auditory training equipment, audiovisual media equipment, and any other special equipment to provide the best educational conditions for children who are deaf, hearing-impaired, and deaf/multidisabled.

(d) The Division of Deaf Education shall do at least all of the following:

(1) Maintain a collaborative relationship with institutions of higher education to provide teacher training opportunities.

(2) Provide for a comprehensive vocational and technical training program as directed in the transition component of a student's IEP.

(3) Adopt policies and offer training opportunities to ensure that personnel who provide direct services to children who are deaf or hearing-impaired become proficient in sign language within two years of their initial date of employment or within two years of the effective date of this act, whichever occurs later.

(4) Collaborate on a mutually agreed basis with local education agencies, including charter schools, whether as a consultant or otherwise, in the provision of highly qualified services by (i) assessing the needs of students who are deaf and hearing impaired and (ii) meeting the student's identified needs, to include, without limitation, providing highly qualified personnel from the Division to provide services or professional development to staff or students who are deaf and hearing-impaired, either at the residential schools, at the local education agency site, a charter school, or other agreed to location.

"Part II. Residential School for the Visually Impaired.

"§ 115C-112.4. Establishment; operation.

There is established and there shall be maintained the following school for the visually impaired: The Governor Morehead School for the Blind. The Department of Public Instruction, Division of Curriculum and Public Instruction, shall be responsible for the governance of The Governor Morehead School for the Blind.

"§ 115C-112.5. Students admitted; education.

(a) The Division of Exceptional Children may consider for admission all children who are visually impaired or visually impaired/multidisabled into the school for the visually impaired who meet the following criteria and in accordance with federal and State laws and rules adopted by the State Board of Education:

1 (1) The student has been referred by the student's local education agency, and an
2 admission is deemed appropriate by the student's Individualized Education
3 Program (IEP) team.

4 (2) The student is a resident of this State, except as provided in subsection (b) of
5 this section.

6 (3) The student is at least five years of age but not older than 21 years of age.

7 (b) Nonresident children who are visually impaired or visually impaired/multidisabled
8 may be admitted to the school for the visually impaired in accordance with rules adopted by the
9 State Board of Education if the admission does not prevent the attendance of any student who is
10 visually impaired or visually impaired/multidisabled who is a resident of the State. Only
11 children who are residents of North Carolina are entitled to free tuition and room and board.

12 (c) The Division of Exceptional Children shall provide unique instructional programs to
13 meet the needs of all students admitted to the school for the visually impaired. The Division
14 shall encourage the State to provide classrooms with modern visual training equipment,
15 audiovisual media equipment, and any other special equipment to provide the best educational
16 conditions for children who are visually impaired or visually impaired/multidisabled.

17 (d) The Division of Exceptional Children shall do at least all of the following:

18 (1) Maintain a collaborative relationship with institutions of higher education to
19 provide teacher training opportunities.

20 (2) Provide for a comprehensive vocational and technical training program as
21 directed in the transition component of a student's IEP."

22 **SECTION 4.** G.S. 143B-146.1(b) reads as rewritten:

23 (b) The following definitions apply in this Part:

24 (1) ABC's Program or Program. – The School-Based Management and
25 Accountability Program developed by the State Board.

26 (2) Department. – The Department of Health and Human Services.

27 (3) Instructional personnel. – Assistant principals, teachers, instructional
28 personnel, instructional support personnel, and teacher assistants employed
29 in a residential school.

30 (4) Participating school. – A residential school, except as otherwise
31 provided in Parts 1H and 1I of Article 9 of Chapter 115C, that is required to
32 participate in the ABC's Program.

33 (5) Residential school personnel. – The individuals included in
34 G.S. 143B-146.16(a)(2).

35 (6) Schools. – The residential schools under the control of the Secretary.

36 (7) Secretary. – The Secretary of Health and Human Services.

37 (8) State Board. – The State Board of Education.

38 (9) ~~Superintendent. – The Superintendent of the Office of Education Services of~~
39 ~~the Department of Health and Human Services."~~

40 **SECTION 5.** G.S. 143B-146.2(a) reads as rewritten:

41 (a) ~~The Governor Morehead School and the schools for the deaf shall participate in the~~
42 ~~ABC's Program.~~ The Secretary, in consultation with the General Assembly and the State Board,
43 may designate ~~other~~ residential schools that must participate in the ABC's Program. The
44 primary goal of the ABC's Program is to improve student performance. The Program is based
45 upon an accountability, recognition, assistance, and intervention process in order to hold each
46 participating school, its principal, and the instructional personnel accountable for improved
47 student performance in that school."

48 **SECTION 6.** G.S. 143B-146.8(f) reads as rewritten:

49 (f) Evaluation of Principals. – Each year the Secretary ~~or the Superintendent~~ shall
50 evaluate the principals."

51 **SECTION 7.** G.S. 143B-146.15 reads as rewritten:

1 **"§ 143B-146.15. Duty to report certain acts to law enforcement.**

2 When the principal has personal knowledge or actual notice from residential school
3 personnel or other reliable source that an act has occurred on school property involving assault
4 resulting in serious personal injury, sexual assault, sexual offense, rape, kidnapping, indecent
5 liberties with a minor, assault involving the use of a weapon, possession of a firearm in
6 violation of the law, possession of a weapon in violation of the law, or possession of a
7 controlled substance in violation of the law, the principal shall immediately report the act to the
8 appropriate local law enforcement agency. Failure to report under this section is a Class 3
9 misdemeanor. For purposes of this section, "school property" shall include any building, bus,
10 campus, grounds, recreational area, or athletic field, in the charge of the principal or while the
11 student is under the supervision of school personnel. It is the intent of the General Assembly
12 that the principal notify the Secretary ~~or the Superintendent~~ of any report made to law
13 enforcement under this section."

14 **SECTION 8.** G.S. 143B-146.21 reads as rewritten:

15 **"§ 143B-146.21. Policies, reports, and other miscellaneous provisions.**

16 (a) The Secretary of Health and Human Services shall consult with the State Board of
17 Education in its implementation of this act as it pertains to improving the educational programs
18 at the residential schools. The Secretary also shall fully inform and consult with the chairs of
19 the Appropriations Subcommittees on Education and Health and Human Services of the Senate
20 and the House of Representatives on a regular basis as the Secretary carries out his duties under
21 this act.

22 ~~(b) The Secretary of Health and Human Services shall adopt policies and offer training~~
23 ~~opportunities to ensure that personnel who provide direct services to children in the State~~
24 ~~schools for the deaf become proficient in sign language within two years of their initial date of~~
25 ~~employment or within two years of the effective date of this act, whichever occurs later. This~~
26 ~~subsection shall not apply to preschool personnel in any oral, auditory, or cued speech~~
27 ~~preschool.~~

28 (c) The Department of Public Instruction, the Board of Governors of The University of
29 North Carolina, and the State Board of Community Colleges shall offer and communicate the
30 availability of professional development ~~opportunities, including those to improve sign~~
31 ~~language skills, opportunities~~ to the personnel assigned to the State's residential schools,
32 ~~particularly the Governor Morehead School and the schools for the deaf schools.~~

33 (d) The Secretary of Health and Human Services shall adopt policies to ensure that
34 students of the residential schools are given priority to residing in the independent living
35 facilities on each school's campus.

36 (e) The Secretary of Health and Human Services, in consultation with the Office of
37 State Personnel, shall set the salary supplement paid to teachers, instructional support
38 personnel, and school-based administrators who are employed in the programs operated by the
39 Department of Health and Human Services and are licensed by the State Board of Education.
40 The salary supplement shall be at least five percent (5%), but not more than the percentage
41 supplement they would receive if they were employed in the local school administrative unit
42 where the job site is located. These salary supplements shall not be paid to central office staff.
43 Nothing in this subsection shall be construed to include "merit pay" under the term "salary
44 supplement".

45 **SECTION 9.** Unless inconsistent with the provisions of Parts 1H and 1I of Article
46 9 of Chapter 115C of the General Statutes, as enacted by Section 1 of this act, the rules adopted
47 pursuant to former Part 30 of Article 3 or any other statutory provisions of Chapter 143B of the
48 General Statutes governing The Governor Morehead School, the North Carolina School for the
49 Deaf, and the Eastern North Carolina School for the Deaf shall remain in effect until
50 superseded by rules adopted under Parts 1H and 1I of Article 9 of Chapter 115C of the General
51 Statutes, as enacted by Section 1 of this act.

1 **SECTION 10.(a)** Notwithstanding Section 10.21A of S.L. 2010-31 and
2 G.S. 115C-112.4, as enacted by this act, the Department of Health and Human Services shall
3 continue to be responsible for the maintenance and repair of all buildings, grounds, and
4 facilities of The Governor Morehead School and for providing utilities for the Governor
5 Morehead School, provided that the Department of Health and Human Services may enter into
6 a memorandum of understanding with the State Board of Education for the State Board to
7 assume any of those responsibilities.

8 **SECTION 10.(b)** Notwithstanding Section 10.21A of S.L. 2010-31,
9 G.S. 115C-112.2, and G.S. 115C-112.4, as enacted by this act, the Department of Health and
10 Human Services shall continue to be responsible for information technology support for
11 Eastern North Carolina School for the Deaf, the North Carolina School for the Deaf, and The
12 Governor Morehead School, provided the Department of Health and Human Services may
13 enter into a memorandum of understanding with the State Board of Education for the State
14 Board to assume any of those responsibilities.

15 **SECTION 11.(a)** Subsection (e) of Section 10.21A of S.L. 2010-31 is repealed.

16 **SECTION 11.(b)** The State Board of Education shall reorganize staffing of the
17 residential schools as follows:

- 18 (1) The position of the Executive Director of Residential Schools shall be
19 eliminated.
20 (2) A Director of one of the residential schools for the deaf and
21 hearing-impaired shall be appointed Director of the Division of Deaf
22 Education, as established by this act.

23 **SECTION 12.** This act is effective when it becomes law.