

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 868

Short Title: Resid. School Changes. (Public)

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

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

Referred to: Education.

April 15, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO REPEAL UNNECESSARY STATUTES, MAKE CONFORMING CHANGES
3 TO THE GENERAL STATUTES, AND CLARIFY OPERATION AND OVERSIGHT OF
4 CERTAIN RESIDENTIAL SCHOOLS FORMERLY GOVERNED BY THE
5 DEPARTMENT OF HEALTH AND HUMAN SERVICES.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Part 30 of Article 3 of Chapter 143B of the General Statutes is
8 repealed.

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

11 "Article 9C.

12 "Residential Schools for Visually Impaired and Hearing Impaired Students.

13 "**§ 115C-150.11. State Board of Education as governing agency.**

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

18 "**§ 115C-150.12. Rule making.**

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

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

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

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

26 In adopting these rules, the State Board shall be exempt from the provisions of Chapter
27 150B of the General Statutes. However, the State Board shall give notice of the adoption of the
28 rules 30 days in advance of their adoption and shall provide an opportunity for comment by
29 interested parties."

30 **SECTION 3.** G.S. 143B-146.1(b) reads as rewritten:

31 "(b) The following definitions apply in this Part:

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

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



- 1 (3) Instructional personnel. – Assistant principals, teachers, instructional
2 personnel, instructional support personnel, and teacher assistants employed
3 in a residential school.
- 4 (4) Participating school. – A residential ~~school~~school, except as otherwise
5 provided in Article 9C of Chapter 115C, that is required to participate in the
6 ABC's Program.
- 7 (5) Residential school personnel. – The individuals included in
8 G.S. 143B-146.16(a)(2).
- 9 (6) Schools. – The residential schools under the control of the Secretary.
- 10 (7) Secretary. – The Secretary of Health and Human Services.
- 11 (8) State Board. – The State Board of Education.
- 12 (9) ~~Superintendent. – The Superintendent of the Office of Education Services of~~
13 ~~the Department of Health and Human Services."~~

14 **SECTION 4.** G.S. 143B-146.2(a) reads as rewritten:

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

22 **SECTION 5.** G.S. 143B-146.8(f) reads as rewritten:

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

25 **SECTION 6.** G.S. 143B-146.15 reads as rewritten:

26 **"§ 143B-146.15. Duty to report certain acts to law enforcement.**

27 When the principal has personal knowledge or actual notice from residential school
28 personnel or other reliable source that an act has occurred on school property involving assault
29 resulting in serious personal injury, sexual assault, sexual offense, rape, kidnapping, indecent
30 liberties with a minor, assault involving the use of a weapon, possession of a firearm in
31 violation of the law, possession of a weapon in violation of the law, or possession of a
32 controlled substance in violation of the law, the principal shall immediately report the act to the
33 appropriate local law enforcement agency. Failure to report under this section is a Class 3
34 misdemeanor. For purposes of this section, "school property" shall include any building, bus,
35 campus, grounds, recreational area, or athletic field, in the charge of the principal or while the
36 student is under the supervision of school personnel. It is the intent of the General Assembly
37 that the principal notify the Secretary ~~or the Superintendent~~ of any report made to law
38 enforcement under this section."

39 **SECTION 7.** G.S. 143B-146.21 reads as rewritten:

40 **"§ 143B-146.21. Policies, reports, and other miscellaneous provisions.**

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

47 (b) ~~The Secretary of Health and Human Services shall adopt policies and offer training~~
48 ~~opportunities to ensure that personnel who provide direct services to children in the State~~
49 ~~schools for the deaf become proficient in sign language within two years of their initial date of~~
50 ~~employment or within two years of the effective date of this act, whichever occurs later. This~~

1 ~~subsection shall not apply to preschool personnel in any oral, auditory, or cued speech~~
2 ~~preschool.~~

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

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

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

20 **SECTION 8.** Unless inconsistent with the provisions of Article 9C of Chapter
21 115C of the General Statutes, as enacted by Section 2 of this act, the rules adopted pursuant to
22 former Part 30 of Article 3 or any other statutory provisions of Chapter 143B of the General
23 Statutes, prior to amendment by this act, governing the Governor Morehead School, the North
24 Carolina School for the Deaf, and the Eastern North Carolina School for the Deaf shall remain
25 in effect until superseded by rules adopted under Article 9C of Chapter 115C of the General
26 Statutes, as enacted by Section 2 of this act.

27 **SECTION 9.** Notwithstanding G.S. 143C-6-4, the State Board of Education may
28 reorganize, if necessary, staffing of the residential schools to meet needed functions.

29 **SECTION 10.(a)** Notwithstanding Section 10.21A of S.L. 2010-31 and
30 G.S. 115C-150.11, as enacted by this act, the Department of Health and Human Services shall
31 continue to be responsible for the maintenance and repair of all buildings, grounds, and
32 facilities of the Governor Morehead School and for providing utilities for the Governor
33 Morehead School, provided that the Department of Health and Human Services may enter into
34 a memorandum of understanding with the State Board of Education for the State Board to
35 assume any of those responsibilities.

36 **SECTION 10.(b)** Notwithstanding Section 10.21A of S.L. 2010-31 and
37 G.S. 115C-150.11, as enacted by this act, the Department of Health and Human Services shall
38 continue to be responsible for information technology support for Eastern North Carolina
39 School for the Deaf, the North Carolina School for the Deaf, and the Governor Morehead
40 School, provided the Department of Health and Human Services may enter into a memorandum
41 of understanding with the State Board of Education for the State Board to assume any of those
42 responsibilities.

43 **SECTION 11.** This act is effective when it becomes law.