



**NORTH CAROLINA**  
State Board of Education  
Department of Public Instruction

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# **Report to the North Carolina General Assembly**

Interim Report #2 (Transition Planning for Residential Schools: Eastern, North Carolina School for the Deaf, Governor Morehead School for the Blind, and North Carolina School for the Deaf)

**SESSION LAW 2023-10 (HOUSE BILL 11)**

**Date Due: December 15, 2023**

DPI Chronological Schedule, 2023-2024

**Submitted by the North Carolina Department of Public Instruction**

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## NC DEPARTMENT OF PUBLIC INSTRUCTION

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## Overview

Pursuant to Session Law 2023-10 (House Bill 11), the state's schools for the deaf and blind will be governed by separate, independent boards of trustees, effective July 1, 2024. In preparation, the North Carolina Department of Public Instruction must develop a transition plan for the change in administration and submit interim reports to the State Board of Education and the Joint Legislative Education Oversight Committee by May 15, 2023, December 15, 2023, and March 15, 2024. This second report provides responses to the required questions.

## Planning Groups

The transition planning process is multi-faceted, and multiple people are working to:

1. Identify needs/challenges
2. Respond to questions
3. Solidify timelines
4. Develop and execute communication protocols
5. Prepare for the new governance structure.

In addition to the three school directors, the Interim Director for Agency Schools and Alternative Learning, and the Deputy State Superintendent for Educator and Student Advancement, representatives from the following units at the Department of Public Instruction have also been engaged:

- Communications
- Exceptional Children
- Financial and Business Services
- Human Resources
- Legal
- Legislative Affairs
- Technology
- Chief of Staff/Strategic Planning
- Support Services (School Nutrition and School Planning in particular)

A temporary, part-time (20 hours per week) project manager position has recently been established to provide some much-needed assistance. The project manager will meet weekly with the Interim Director of Agency Schools and Alternative Learning to identify, review/revise, and track transition progress as the transition plan continues to take shape. The school directors will meet with the project manager bi-weekly to provide input, problem-solve, and help ensure that key benchmarks are being met.

## Appointments to the Boards of Trustees

Section 6. (a) of S.L. 2023-1- requires the General Assembly and the State Board of Education (SBE) to make initial appointments to the boards of trustees no later than 60 days after House Bill 11 became law. Each advisory board was asked to recommend candidates to the SBE for consideration. The SBE made its appointments during its July and August 2023 meetings. All of the SBE's appointees were currently serving as members of their respective school's advisory council. Following is a comprehensive list of each school's board of trustees:

### **Eastern North Carolina School for the Deaf Board of Trustees**

- Mr. Kenneth Jones-Chair
- Mr. Gary Farmer-Vice Chair\*
- Dr. David Dolman
- Mr. Robert Boyette
- Dr. Patrick Miller

- Ms. Sharon Lott-Ex-Officio-Department of Health & Human Services Appointee
- Ms. Melissa Hargrove-Ex-Officio-Alumni Association Appointee

**Governor Morehead School Board of Trustees**

- Dr. Alan Chase-Chair
- Ms. Tiana Sims Beachler-Vice Chair
- Ms. Traci Wilkerson\*
- Mr. J. Locke Milholland, IV
- Dr. Sean Tikkun
- Mr. John Deluca-Ex-Officio-Department of Health & Human Services Appointee
- Dr. Ricky Scott- Ex-Officio-Alumni Association Appointee

**North Carolina School for the Deaf Board of Trustees**

- Ms. Sandra Turner-Chair
- Ms. Tammy Weiner-Vice Chair
- Dr. Candice Tate-Ex-Officio-Department of Health & Human Services Appointee
- Mr. Mickey White
- Mr. Wallace Saunders
- Mr. Jimmy Autrey\*
- Mr. Ray Castillo-Ex-Officio-Alumni Association Appointee

\*Appointed by the State Board of Education

**Board of Trustee Training**

The Department of Public Instruction has collaborated with the North Carolina School Boards Association (NCSBA) to obtain training and membership opportunities for each board of trustees. NCSBA is offering CORE Board training to all board of trustee members and the three school directors in early December 2023. This training will define roles and responsibilities of board members, open meeting requirements, public records requests, board member ethics, liability, and effective advocacy. NCDPI is exploring with NCSBA the possible options for organizational membership in July of 2024.

**Admissions Criteria**

Session Law 2023-10 authorized the North Carolina State Board of Education to adopt rules for admissions criteria and standards for each residential school in consultation with the School Directors and the Superintendent of Public Instruction, for the 2023-2024 school year only. In accordance with that authority, the following admissions eligibility criteria and procedures shall be in effect for the 2023-2024 school year: See appendices.

**The Department of Public Instruction is reporting the following information to support the transition process as outlined in House Bill 11 Section 7. (a):**

**1. An estimate of the costs for administrative services provided by DPI to the schools of the deaf and blind, on average, for the prior three school years and additional considerations:**

**Human Resources (HR):**

Multiple staff within the Department of Public Instruction’s Office of Human Resources (HR) provide oversight and support from the agency to the residential schools, averaging two to 15 hours a week (approximately 36,000 hours per year with hourly rates ranging from \$22.00 to \$65.00). The HR functions include but are not limited to: recruitment, classification, salary administration, benefits administration, time and leave administration, employee relations, policy management, performance management, policy administration, etc. Each residential school currently has a Human Resources

Manager and a Human Resources Technician except the Governor Morehead School for the Blind (which only has an HR Manager due to historical decisions made by the previous school-level administration).

Given each school's employee headcount, it is recommended that the current structure remain in place with the following changes: (1) re-classify the current manager-level positions to HR Directors and (2) allow one or two Human Resource Technicians per campus (\*Note: As indicated above, the Governor Morehead School for the Blind does not currently have an HR technician). Such should adequately allow for the segregation of duties. The current cost for an Agency HR Director I is approximately \$148,4000 with salary/benefits, and the current cost for an HR Technician II is approximately \$44,166 with salary/benefits based on OSHR salary scales.

### **School Planning:**

School planning professional architects and engineers provide capital project management for the residential schools. There are currently 25 active capital projects on these campuses, in various stages of development from pre-design through construction close-out. Construction, repair, and renovation projects at state-owned facilities are managed by Capital Project Coordinators (CPCs) according to requirements of NC General Statutes, NC Administrative Codes, DOA/State Construction, DOI/State Fire Marshal, and the NC Building Codes.

In addition to these current active projects, we are entering the annual funding request cycle for future projects. Priority needs have been identified at each campus and cost estimates are being developed for State Construction review and approval. The School Planning team will continue to engage with OSBM to present and review these requests in the next several weeks.

We estimate that qualified professional architecture and engineering firms would charge \$225.00 to \$250.00 per hour for these services. The School Planning team estimates that this work involves about 1,200 hours per year for each campus, which would equate to between \$270,000 and \$300,000 annually per campus.

### **Facilities Management:**

From a facilities operations and security management perspective, much of the work is done by each school independently. These include coordination of security, facility access, employee identification, general maintenance, and storage.

Coordination of the residential schools' assigned DOA motor fleet vehicles averages no more than 3 hours per month (36 hours annually) to include achieving reporting requirements, liaising with Motor Fleet Management on behalf of the schools, and paying associated invoices from Motor Fleet Management for lease and fuel. At an hourly staff rate of approximately \$40-50 per hour, the total would be less than \$2,000 annually.

Currently, the three residential schools have 11 vehicles assigned from DPI's vehicle fleet allocation. The vehicles may be leased from Motor Fleet Management at DPI to continue vehicle utilization.

### **Technology (IT):**

The Department of Public Instruction (DPI) is currently paying for an Office 365 subscription for each residential school staff member. This has not been consistently charged back to schools, but the residential schools will be responsible for the cost of these licenses (\$6/employee/month). The total cost across the three schools is \$34,149.45. Staff must also pay for NCIDs at \$4/mo. – this charge is charged back but will need to be separated by billing.

DPI provides support for Office 365 and cybersecurity for residential schools. While their needs are minimal, they will increase once the school is responsible for their own systems management, and

security vetting/training. We estimate 1 specialist FTE per school is needed (\$125,000 salary/benefits \* 3 = \$375,000).

DPI provides all contract management, security vetting, and legal review services for contracted services for the schools. There has been no indication that the residential schools will not continue to be subject to DIT procurement rules and procedures. Legal support will be needed per school to negotiate these contracts, and vet security.

Currently, the residential schools purchase many services collaboratively. We recommend this practice be allowed to continue. Otherwise, separate contracts may result in increased prices and associated costs.

**School Business:**

The accounting and financial services for these schools are integrated into the Department of Public Instruction existing Financial and Business Services. The following functions are performed for these schools: purchasing, accounts payable, cash management, grant management and compliance, budget, fixed asset management, payroll accounting, and general ledger accounting.

Currently, these functions and the associated controls, compliance and oversight are assumed by the staff within DPI Financial and Business Services, Agency Financial Services. The specific time spent for the three residential schools is not tracked separately from time spent for other divisions within the agency, and estimates for current costs were made.

The costs associated with the school's financial administrative services for the deaf and blind are a portion of many different positions within the Office of Agency Financial Services of the Department of Public Instruction. These costs have been estimated based on the current Agency Financial Services payroll divided by the number of divisions administered. Estimated Salaries & Benefits for Agency Financial Services positions for financial administration of residential schools are \$201,250(2020-2021), \$209,160(2021-2022), \$217,260(2022-2023).

An estimate of the future costs for financial administrative services is estimated that each school would need a portion of four positions for adequate controls and resources for fiscal management to ensure the separation of duties. Although the schools are small, the breadth of financial tasks and responsibilities are still required. Multiple positions and levels will be necessary to maintain a degree of segregation of duties to meet all financial reporting and approval requirements, but in some cases, it may not require a full position for each responsibility for each school. The chart below illustrates the recommended positions:

Position Classification	Example of Duties	Grade	FTE by School	Total FTE	Cost
Accounting Manager I	Day to day transaction approval & management General ledger accounting Cash management Grants Accounting ACFR & Financial reporting Budget oversight Liaison with Office of State Budget and Management Liaison with Office of State Controller	NC18	0.3	1	\$99,600
Budget Analyst	Budget certification, revisions, development, and management	NC14	0.3	1	\$82,300

Accounting Tech II	Accounts payable, payroll accounting, grants reporting	NC06	1	3	\$205,100
Procurement Specialist	Purchasing, contracts and fixed assets	NC12	0.3	1	\$74,900
<b>TOTAL</b>			2	6	\$461,900

**Legal:**

As previously reported in the initial report, *“The residential schools currently receive legal advisement on a variety of matters, including but not limited to, policy and statute analysis and threatened litigation, special education law (e.g., Individuals with Disabilities Education Act), mediation/dispute resolution/due process/litigation, review/drafting/approval of contracts, policies, letters, agreements, and other legal documents and employment issues (e.g., non-renewal of certified/115c employees).”*

The legal issues, especially special education matters, are complex and time-consuming. In addition to the time spent on the areas listed above, there are times when an attorney is needed for IEP and personnel meetings because student/parent/guardian or employee attorneys are involved.

A full-time person would be rounded off to about 2,000 hours of work annually (all three schools combined). Experienced law firms would charge around \$225-\$250 per hour for work by partners, \$200-225 per hour for work by associates, and about \$100 per hour by paralegals. Most of the work would need to be done by attorneys. The State Board of Education/Department of Public Instruction’s legal team calculated the work to be about 900 hours per year for partner work, 900 hours per year for associate work and 200 hours for paralegal work. Working with that information and rounding it off, we would estimate the total legal cost to be between \$400,000 and \$450,000 per year.

**2. An assessment of the employment rights, salaries, and benefits for current employees of the schools of the deaf and blind under the State Human Resources Act and State salary schedules as compared to those rights, salaries, and benefits of local school administrative unit employees under Chapter 115C of the General Statutes and identification of any areas where the transition may provide lesser protections, salaries, or benefits not addressed by this act.**

**Salary Overview:**

The salary scales for 126 and 115C classified/non-licensed employees are congruent in terms of minimum and maximum ranges. However, there would need to be adequate funding provided to allow for the required experience steps in the classified salary schedule.

**Legal Issues for Consideration**

**Licensed Employees:**

Teachers, guidance counselors, media specialists, assistant principals, principals, and other licensed educators who are employees of the schools for the deaf and blind are currently employed pursuant to the provisions of Chapter 115C of the North Carolina General Statutes. Chapter 115C is the Chapter that applies to employees of the local school administrative units. The transition of the schools for the deaf and blind from being under the direct supervision of the State Board of Education to being under the direct supervision of a separate Board of Trustees will not impact the employment rights of these licensed employees.

**Policymaking/Managerial Exempt Employees:**

Those school employees for the deaf and blind classified under Chapter 126 of the North Carolina General Statutes as policymaking exempt employees are currently at will. Higher

policymaking/managerial level employees, such as superintendents, assistant superintendents, and directors and supervisors in the instructional line would be entitled to employment contracts under Chapter 115C, which may be greater than the protections they currently enjoy. The rights of other policymaking/managerial exempt employees not entitled to employment contracts would remain the same; they would be employees at will.

### **Classified Employees:**

Those employees whose positions do not require licensure and who are not policy-making/managerial exempt employees under Chapter 126, such as teacher assistants, cafeteria workers, custodial workers, bus drivers, and dormitory monitors, currently enjoy job protections significantly greater than they would enjoy under Chapter 115C. Non-exempt Chapter 126 employees serve a short probationary period of one year and then become entitled to significant job protections that prohibit them from being dismissed except for cause and only after several warnings and opportunities for improvement as well as opportunities for meetings and internal hearings. Note that under the provisions of Session Law 2023-10, classified employees who are employees of the schools for the deaf and blind who are employed on or before June 30, 2024, will retain their status and protections under Chapter 126 until their employment ends, so no legal rights will be removed from those employees.

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

Each school's administrative structure is configured to meet the individual needs of the school. It is recommended that the current administrative structure for each school be maintained.

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

- Dr. Michele Handley – School Director
- Vacant – School Principal
- Vacant – Nurse Supervisor I
- Vacant – Business Officer II, Business Manager
- LaRee Langley – Administrative Specialist II, Executive Assistant to the Director
- Debra Pierce – Administrative Specialist II, Transportation Coordinator
- Vacant – Residential Life Director, Director of Student Life
- Briana Brandon – Sign Language Interpreting Specialist, Communication Access Coordinator
- Hugh Lancaster – User Support Analyst, Information Technology Director
- Vacant – User Support Analyst
- Hang Zhang – User Support Tech I, Education Technology Specialist
- Donna Jones – Housekeeping Supervisor I, Environmental Services Director
- Patricia Hart – Food Service Director I, Child Nutrition Director
- David Anderson – Digital Communications and Graphics Specialist

#### **Governor Morehead School for the Blind**

- Melvin Diggs – School Director
- Matthew Mescall – School Principal
- Patricia Turner – Nurse Supervisor I, Student Health Services Manager
- Greg Owens – Business Officer I, Business and Finance Director
- Michelle Cross – Administrative Specialist II, Executive Assistant to the Director
- Laura Wooten – Administrative Specialist, Special Assistant to the Director
- Shonny Williams – Social Worker, Social Worker & Enrollment Coordinator
- Stephanie Ray – Agency HR Consultant II, HR Manager
- Sara McManus – Education Program Consultant, Digital Learning Director



- Vacant – Residential Life Director, Student Life Director

### **North Carolina School for the Deaf**

- Mark Patrick - School Director
- Steven Watts - Maintenance/Construction Supervisor II Director of Facilities
- Sharon Shirley Bailey - Residential Life Director, Director of Student Life
- Vacant - School Principal
- Rachel Skipper - Sign Language Interpreting Specialist, Director of Interpreting
- Aaron Dennie - User Support Analyst, Director of Information Technology
- Katelyn Boltz - Nurse Supervisor I, Director of Student Health Services
- Hannah Digh - Business Officer I, Director of Business and Finance
- Tonya McCann - Administrative Specialist II, Executive Assistant to the School Director
- Vanessa Barahona - Administrative Specialist I, Administrative Assistant to School Director
- Dr. Thea Wilson - School Audiologist, School Audiologist and Director of Admissions
- Edmond Price - Safety Officer I, Director of Safety and Health Services

### **4. Any Other Identified Issues or Legislative Recommendations Necessary to Effectuate the Transition:**

- Allow continued use of the current HR operating systems. These are governed by the Office of State Human Resources (OSHR) and Office of State Controller (OSC), to carry out all Human Resources (Personnel and Position) actions. These systems will be covered under state contract through OSHR and OSC.
  - Recruitment: Recommend utilizing NEOGOV, the electronic Applicant Tracking System (ATS), currently used by Human Resource Recruitment teams to streamline the recruitment processes in a centralized platform.
  - Payroll/Time/Leave: Recommend utilizing Fiori the Human Resources-Payroll Integrated System (HRIS). Employees currently use this system (ESS) to enter time, check leave balances, view pay statements, view benefits. Every employee GS126 and 115c both have access to Fiori.
  - Personnel Actions (PA): Human Resources teams utilize Fiori to create PA actions (i.e., new hire, salary adjustments, separations, etc.).
  - Organizational Management Actions (OM): Human Resources teams utilize Fiori to create OM actions (i.e., position transfer, creations, reclassifications, etc.).
  - Reporting-BOBJ: Human Resources teams utilize Fiori to run reports (i.e., vacancy, equity reports, etc.).
  - Classification and Compensation: Recommend utilizing PeopleAdmin system to maintain position descriptions.
  - Onboarding: Recommend E-Verify system for I-9 processing, Recommend Clearinghouse for Education Verification.
  - Benefits Program: Recommend Benefits Focus system for State Health Plan, Recommend Sedgwick - Workers Compensation, Recommend NCFLEX - Supplemental Benefits.
  - Unemployment Insurance (UI): Recommend Corporate Cost Control (Hamlet) system to manage UI claims.
  - Training and Learning Management: Recommend Cornerstone system to manage Trainings and Performance Management via LMS -NCVIP.
  - Temporary Staffing: Recommend OSHR's Temporary Solutions for Temporary Employment.
- Allow continued use of state financial operating systems. This will facilitate the schools' ability to meet all of the state-required financial processes and procedures.
  - North Carolina Financial Systems (NCFS) – General ledger, Cash Management, AP invoice & payment processing, Employee Reimbursements, Reporting.
  - Department of Administration (DOA) E-procurement system – interfaces into NCFS.
  - North Carolina Accounting System (NCAS) – to obtain prior year information and reporting.

- IBM Cognos – financial statement preparation and submission.
  - Bank of America (BOA) Works – p-card transactions and reconciliation.
- While individual positions for each school would be preferred, partial positions could be difficult to staff and manage. If that's not a possibility, it may be worthwhile to consider creating a unified central office to support the three schools.
- Unlike charter schools, lab schools, and local education agencies (LEA), residential schools do not currently receive any local appropriations from the counties in which the students reside. In fiscal year 2023, local funds accounted for 22% of the LEAs' total expenditures, and this additional funding has budget flexibility that is not restricted by state and federal laws. The residential schools receive state and federal funding and are limited by state and federal spending guidelines. The addition of local funding would allow spending flexibility and support for each school based on individual needs.
- Ensure adequate funding is provided to maintain state salary scale increases and additional salary supplements.
- Explore options to provide segregation of positional duties to meet all auditing requirements of OSC, OSHR, and OSBM as part of the system of internal controls.
- Authorize funding for an advocacy position to assist the residential schools with identifying and submitting legislative requests.
- Explore the option for a MOU/MOA with three boards of trustees to remain one school food authority to allow Community Eligibility Provision (CEP) status to remain for the next three years. Currently, the residential schools participate in the federally assisted school breakfast, lunch, and after school snack programs. After-school meals (dinner) and snacks throughout the weekdays and on weekends, when students do not return home, are also to be considered in funding for the schools; currently, these meals are paid out of the schools' operating budgets. Continuing to operate as one school food authority would continue to provide free breakfast and lunch to all students at each of the three schools as long as the schools continue to qualify for the CEP.

<b>SFA Claim Reimbursement Totals</b>	
Current Claim Reimbursement Total	14,700.33
Previous Claim Reimbursement Total	0.00
<b>Net Claim Reimbursement Total</b>	<b>14,700.33</b>

[Hide Site Meal Details](#)

### Site Meal and Reimbursement Totals

#### Eastern NC School for the Deaf 202

Meal Type	Free	Reduced	Paid	Total Meals	Total Reimbursement
National School Lunch Program	632	0	0	632	2,749.20
School Breakfast Program Severe Need	578	0	0	578	1,577.94
<b>Total Site Reimbursement</b>					<b>4,327.14</b>

#### Governor Morehead School for the Blind 203

Meal Type	Free	Reduced	Paid	Total Meals	Total Reimbursement
National School Lunch Program	643	0	0	643	2,797.05
School Breakfast Program Severe Need	640	0	0	640	1,747.20
<b>Total Site Reimbursement</b>					<b>4,544.25</b>

#### NC School for the Deaf 204

Meal Type	Free	Reduced	Paid	Total Meals	Total Reimbursement
National School Lunch Program	949	0	0	949	4,128.15
School Breakfast Program Severe Need	623	0	0	623	1,700.79
<b>Total Site Reimbursement</b>					<b>5,828.94</b>

## **Appendix A: North Carolina School for the Deaf Admissions Criteria 2023-2024 (NCSD)**

All students admitted to or enrolled in NCSD shall, at minimum, present evidence that they meet the following admissions criteria:

1. The student possesses the minimum level of functioning necessary to participate in the educational programs offered by NCSD. Specifically, the student demonstrates reasonably independent living skills and self-care in light of the student's age and deafness or hearing impairment.
2. The student does not pose a risk of harm to self or others, does not pose a risk of substantial disruption to the learning environment at the school, and does not have medical or safety needs beyond the capacity of the school to reasonably accommodate.
3. The student presents with deafness or a hearing impairment, whether permanent or fluctuating, that adversely affects the student's educational performance.[2] In addition, the application must demonstrate that the student's primary educational needs are related to the student's deafness or hearing impairment and require the specialized support and programs offered by NCSD.

### **Admissions Procedures**

The admissions process for NCSD shall be as follows:

1. An application for admission may be made on behalf of a student by the student's parent or legal guardian or upon the recommendation of a local education agency or charter school (collectively, "public school unit" or "PSU"). If the student has not been evaluated by the student's current PSU to be a student with a disability, the Director or designee shall coordinate with the current PSU to determine if the student is a student with a disability.
2. The application for admission shall be reviewed by an admissions committee consisting of the following members:
  - a. A chair designated by the Director.
  - b. The applicant's parent or legal guardian.
  - c. Any professional whose expertise is necessary to interpret evaluation data regarding the student's educational needs or specific hearing impairment.
  - d. If the applicant is currently enrolled in a PSU, the chair shall extend an invitation to the PSU to appoint a representative.
3. When reviewing the application, the admissions committee shall consider multiple sources of information, as available, including at least the following:
  - a. Formal assessments of the student's specific educational needs or hearing impairment(s).
  - b. Recommendations of current and/or former teachers of the student.
  - c. Evidence of the student's physical and emotional health.
  - d. Indications of the student's level of functioning, including adaptive behavior skills.
  - e. The student's current or proposed individualized education plan ("IEP").
  - f. The admissions committee shall issue a recommendation on the application to the Director or the Director's designee, who shall make the final decision regarding admission.

### **Admission Status**

A student may be admitted in one of two ways:

1. Temporary Assignment – a student may receive a temporary assignment to NCSD for no more than 90 school days to allow school staff to monitor the student and gather additional information to

inform the admission committee's final decision. A student admitted on temporary assignment is not guaranteed admission to NCSD.

2. Educational Program Assignment – a student may be admitted if the admissions committee decides that the student meets the admissions criteria.

### **Disenrollment**

Once a student is admitted, the student's continued enrollment at NCSD shall be subject to review by the admissions committee when the school determines that it is necessary to assess the student's continued satisfaction with the admissions criteria. Any consideration of dis-enrolling a student shall follow the same procedures as initial admission, with a final decision regarding the student's continued enrollment resting with the Director or designee.

### **Free Appropriate Public Education**

The PSU in which the student is enrolled shall have the initial responsibility to evaluate and identify the special needs of the student and provide a special education program and related services in accordance with Chapter 115C, Article 9 of the North Carolina General Statutes. If a parent of a student applies to enroll the student at NCSD and the admissions committee determines that the student meets the admissions criteria, NCSD shall be responsible for providing a free appropriate public education.

If, however, the admissions committee subsequently determines that the student no longer meets the admissions criteria, the responsibility for the provision of a free appropriate public education shall immediately revert to the PSU in which the student was previously enrolled or, if the student was enrolled in a home school, to the local education agency to which the student would be assigned under G.S. 115C-366.

### **Due Process Hearing and Mediation**

A parent may seek an impartial due process hearing, in accordance with Chapter 115C, Article 9 of the North Carolina General Statutes, following a final decision by the Director regarding an application for admission. If the parent pursues a due process hearing to challenge the school's admission decision, the student shall remain at the PSU at which the student is currently or was previously enrolled.

Prior to seeking a due process hearing under Article 9, parents are encouraged to pursue mediation under Article 9 to resolve any dispute regarding a determination of a student's eligibility for admission or the student's IEP.

All students admitted to or enrolled in GMS shall, at minimum, present evidence that they meet the following admissions criteria:

1. The student possesses the minimum level of functioning necessary to participate in the educational programs offered by GMS. Specifically, the student demonstrates reasonably independent living skills and self-care in light of the student's age and visual impairment.
2. The student does not pose a risk of harm to self or others, does not pose a risk of substantial disruption to the learning environment at the school, and does not have medical or safety needs beyond the capacity of the school to reasonably accommodate.
3. The student presents with blindness or a vision impairment that, even with correction, adversely affects the student's educational performance.[4] In addition, the application must demonstrate that the student's primary educational needs are related to the student's blindness or vision impairment and require the specialized support and programs offered by GMS.

## **Admissions Procedures**

The admissions process for GMS shall be as follows:

1. An application for admission may be made on behalf of a student by the student's parent or legal guardian or upon the recommendation of a local education agency or charter school (collectively, "public school unit" or "PSU"). If the student has not been evaluated by the student's current PSU to be a student with a disability, the Director or designee shall coordinate with the current PSU to determine if the student is a student with a disability.
2. The application for admission shall be reviewed by an admissions committee consisting of the following members:
  - a. A chair designated by the Director.
  - b. The applicant's parent or legal guardian.
  - c. Any professional whose expertise is necessary to interpret evaluation data regarding the student's educational needs or specific hearing impairment.
  - d. If the applicant is currently enrolled in a PSU, the chair shall extend an invitation to the PSU to appoint a representative.
3. When reviewing the application, the admissions committee shall consider multiple sources of information, as available, including at least the following:
  - a. Formal assessments of the student's specific educational needs or vision impairment(s).
  - b. Recommendations of current and/or former teachers of the student.
  - c. Evidence of the student's physical and emotional health.
  - d. Indications of the student's level of functioning, including adaptive behavior skills.
  - e. The student's current or proposed individualized education plan ("IEP").
4. The admissions committee shall issue a recommendation on the application to the Director or the Director's designee, who shall make the final decision regarding admission.

## **Admission Status**

A student may be admitted in one of two ways:

1. Temporary Assignment – a student may receive a temporary assignment to GMS for no more than 90 school days to allow school staff to monitor the student and gather additional information to inform the admission committee's final decision. A student admitted on temporary assignment is not guaranteed admission to GMS.
2. Educational Program Assignment – a student may be admitted if the admissions committee decides that the student meets the admissions criteria.

## **Disenrollment**

Once a student is admitted, the student's continued enrollment at GMS shall be subject to review by the admissions committee when the school determines that it is necessary to assess the student's continued satisfaction with the admissions criteria. Any consideration of dis-enrolling a student shall follow the same procedures as initial admission, with a final decision regarding the student's continued enrollment resting with the Director or designee.

### **Free Appropriate Public Education**

The PSU in which the student is enrolled shall have the initial responsibility to evaluate and identify the special needs of the student and provide a special education program and related services in accordance with Chapter 115C, Article 9 of the North Carolina General Statutes. If a parent of a student applies to enroll the student at GMS and the admissions committee determines that the student meets the admissions criteria, GMS shall be responsible for providing a free appropriate public education.

If, however, the admissions committee subsequently determines that the student no longer meets the admissions criteria, the responsibility for the provision of a free appropriate public education shall immediately revert to the PSU in which the student was previously enrolled or, if the student was enrolled in a home school, to the local education agency to which the student would be assigned under G.S. 115C-366.

### **Due Process Hearing and Mediation**

A parent may seek an impartial due process hearing, in accordance with Chapter 115C, Article 9 of the North Carolina General Statutes, following a final decision by the Director regarding an application for admission. If the parent pursues a due process hearing to challenge the school's admission decision, the student shall remain at the PSU at which the student is currently or was previously enrolled. Prior to seeking a due process hearing under Article 9, parents are encouraged to pursue mediation under Article 9 to resolve any dispute regarding a determination of a student's eligibility for admission or the student's IEP

## **Appendix C:**

### **Eastern North Carolina School for the Deaf Admissions Criteria 2023-2024 (ENCSD)**

All students admitted to or enrolled in ENCSD shall, at minimum, present evidence that they meet the following admissions criteria:

1. The student possesses the minimum level of functioning necessary to participate in the educational programs offered by ENCSD. Specifically, the student demonstrates reasonably independent living skills and self-care in light of the student's age and deafness or hearing impairment.
2. The student does not pose a risk of harm to self or others, does not pose a risk of substantial disruption to the learning environment at the school, and does not have medical or safety needs beyond the capacity of the school to reasonably accommodate.
3. The student presents with deafness or a hearing impairment, whether permanent or fluctuating, that adversely affects the student's educational performance.[6] In addition, the application must demonstrate that the student's primary educational needs are related to the student's deafness or hearing impairment and require the specialized support and programs offered by ENCSD.

## **Admissions Procedures**

The admissions process for ENCSD shall be as follows:

1. An application for admission may be made on behalf of a student by the student's parent or legal guardian or upon the recommendation of a local education agency or charter school (collectively, "public school unit" or "PSU"). If the student has not been evaluated by the student's current PSU to be a student with a disability, the Director or designee shall coordinate with the current PSU to determine if the student is a student with a disability.
2. The application for admission shall be reviewed by an admissions committee consisting of the following members:
  - a. A chair designated by the Director.
  - b. The applicant's parent or legal guardian.
  - c. Any professional whose expertise is necessary to interpret evaluation data regarding the student's educational needs or specific hearing impairment.
  - d. If the applicant is currently enrolled in a PSU, the chair shall extend an invitation to the PSU to appoint a representative.
3. When reviewing the application, the admissions committee shall consider multiple sources of information, as available, including at least the following:
  - a. Formal assessments of the student's specific educational needs or hearing impairment(s).
  - b. Recommendations of current and/or former teachers of the student.
  - c. Evidence of the student's physical and emotional health.
  - d. Indications of the student's level of functioning, including adaptive behavior skills.
  - e. The student's current or proposed individualized education plan ("IEP").
4. The admissions committee shall issue a recommendation on the application to the Director or the Director's designee, who shall make the final decision regarding admission.

## **Admission Status**

A student may be admitted in one of two ways:

1. Temporary Assignment – a student may receive a temporary assignment to ENCSD for no more than 90 school days to allow school staff to monitor the student and gather additional information to inform the admission committee's final decision. A student admitted on temporary assignment is not guaranteed admission to ENCSD.
2. Educational Program Assignment – a student may be admitted if the admissions committee decides that the student meets the admissions criteria.

## **Disenrollment**

Once a student is admitted, the student's continued enrollment at ENCSD shall be subject to review by the admissions committee when the school determines that it is necessary to assess the student's continued satisfaction with the admissions criteria. Any consideration of dis-enrolling a student shall



follow the same procedures as initial admission, with a final decision regarding the student's continued enrollment resting with the Director or designee.

### **Free Appropriate Public Education**

The PSU in which the student is enrolled shall have the initial responsibility to evaluate and identify the special needs of the student and provide a special education program and related services in accordance with Chapter 115C, Article 9 of the North Carolina General Statutes. If a parent of a student applies to enroll the student at ENCSD and the admissions committee determines that the student meets the admissions criteria, ENCSD shall be responsible for providing a free appropriate public education.

If, however, the admissions committee subsequently determines that the student no longer meets the admissions criteria, the responsibility for the provision of a free appropriate public education shall immediately revert to the PSU in which the student was previously enrolled or, if the student was enrolled in a home school, to the local education agency to which the student would be assigned under G.S. 115C-366.

### **Due Process Hearing and Mediation**

A parent may seek an impartial due process hearing, in accordance with Chapter 115C, Article 9 of the North Carolina General Statutes, following a final decision by the Director regarding an application for admission. If the parent pursues a due process hearing to challenge the school's admission decision, the student shall remain at the PSU at which the student is currently or was previously enrolled. Prior to seeking a due process hearing under Article 9, parents are encouraged to pursue mediation under Article 9 to resolve any dispute regarding a determination of a student's eligibility for admission or the student's IEP.