

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1997**

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HOUSE BILL 1477\*

Committee Substitute Favorable 7/1/98

Committee Substitute #2 Favorable 7/23/98

Senate Education/Higher Education Committee Substitute Adopted 8/24/98

Short Title: ABC's Plan for DHHS Schools.

(Public)

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Sponsors:

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Referred to:

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May 25, 1998

A BILL TO BE ENTITLED

1 AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE LEGISLATIVE  
2 COMMISSION ON PUBLIC SCHOOLS TO MAKE CHANGES IN LAWS,  
3 POLICIES, AND ADMINISTRATION TO IMPROVE THE QUALITY OF  
4 EDUCATION AND SAFETY IN THE STATE RESIDENTIAL SCHOOLS, TO  
5 IMPLEMENT THE ABC'S PROGRAM IN THE RESIDENTIAL SCHOOLS, TO  
6 AUTHORIZE STUDIES OF ISSUES OF CONCERN TO BLIND AND DEAF  
7 STUDENTS, TO REQUIRE AN AUDIT OF THE DIVISION OF SERVICES FOR  
8 THE DEAF AND HARD OF HEARING, AND TO REQUIRE THE  
9 DEVELOPMENT OF A THREE-YEAR PLAN TO ADDRESS THE CAPITAL  
10 NEEDS OF THE GOVERNOR MOREHEAD SCHOOL AND THE THREE STATE  
11 SCHOOLS FOR THE DEAF.  
12

13 The General Assembly of North Carolina enacts:

14 Section 1. The Secretary of Health and Human Services shall make changes in  
15 the structure and functions of the State residential schools with a view to improving  
16 student performance, increasing flexibility and control, and promoting economy and  
17 efficiency. The Secretary shall begin with the Governor Morehead School and the three

1 schools for the deaf. The Secretary may, in his discretion, make changes in the structure  
2 and functions of the other residential schools. In carrying out the changes, the Secretary  
3 shall consider ways to reorder priorities and place greater emphasis on the basics -  
4 reading, communication skills, and mathematics - in the areas of staff development, the  
5 State testing program, program accreditation, the use of instructional funds, the  
6 instructional program, and other components of the education program offered at the  
7 residential schools. The Secretary also shall consider the impact the changes will have on  
8 the mission of the State's residential schools and the mission of the Department of Health  
9 and Human Services as it pertains to the residential schools.

10 The Secretary shall make a preliminary report to the Legislative Commission  
11 on Public Schools and to the cochairs of the Appropriations Subcommittee on Health and  
12 Human Services of the Senate and the House of Representatives by November 1, 1998,  
13 and a final report by November 1, 1999, on the results of these changes. The reports shall  
14 include any proposed legislation necessary to implement the additional changes.

15 Section 2. Effective March 1, 1998, the Secretary of Health and Human  
16 Services also shall make changes in the administrative organization of the Department of  
17 Health and Human Services and of the Governor Morehead School and the three schools  
18 for the deaf with a view to (i) improving student academic performance in the residential  
19 schools, (ii) promoting economy and efficiency in government in the interest of  
20 producing cost savings that can be used to redirect funds to the residential schools for  
21 teaching, textbooks, school supplies, technology, equipment, and staff development, and  
22 (iii) increasing school-based decision making and parental involvement. The Secretary  
23 may, in his discretion, extend this section to additional residential programs. The  
24 Secretary shall make necessary changes in the mission of the residential schools and of  
25 the Department of Health and Human Services as it pertains to the residential schools.  
26 The Secretary shall develop a plan for reducing, eliminating, and/or reorganizing the  
27 Department of Health and Human Services and each residential school. A reorganization  
28 may include the assignment or reassignment of the Department's duties and functions  
29 among divisions and other units, division heads, officers, and employees.

30 The proposed reduction, elimination, and/or reorganization of the Department  
31 shall have a goal of resulting in a decrease of at least fifty percent (50%) in the number of  
32 employee positions currently assigned to the Division of Services for the Blind and the  
33 Division of Services for the Deaf and Hard of Hearing for the purpose of providing  
34 assistance to, management of, or education programs in the residential schools, and a  
35 redirection to the instructional programs in the residential schools by January 1, 1999, of  
36 at least fifty percent (50%) in the Department's budget that currently is maintained by the  
37 Department to administer the residential schools and their programs. The proposed  
38 reduction, elimination, and/or reorganization of the residential schools shall have a goal  
39 of resulting in a decrease of at least fifty percent (50%) in the number of employee  
40 positions currently filled by administrators or supervisors.

41 The Secretary shall report to the Legislative Commission on Public Schools  
42 and to the cochairs of the Appropriations Subcommittee on Health and Human Services

1 of the Senate and the House of Representatives by December 15, 1998, on the reduction,  
2 elimination, and/or reorganization plan it develops.

3 Section 3. The Secretary of Health and Human Services shall consult with the  
4 State Board of Education in its implementation of this act as it pertains to improving the  
5 educational programs at the residential schools. The Secretary also shall fully inform and  
6 consult with the chairs of the Appropriations Subcommittees on Education and Health  
7 and Human Services of the Senate and the House of Representatives on a regular basis as  
8 the Secretary carries out his duties under this act.

9 Section 4. If funds are appropriated to the Department of Health and Human  
10 Services in the Current Operations and Capital Improvements Appropriations Act of  
11 1998 to implement this act, then of these funds the sum of three hundred thousand dollars  
12 (\$300,000) for the 1998-99 fiscal year shall be used to contract for outside consultants  
13 and assistance to assist the Secretary in carrying out his duties under this act. The Office  
14 of State Budget and Management, the State Auditor, and other appropriate State agencies  
15 also shall provide consultation as requested by the Secretary as needed to develop the  
16 plans set out in this act.

17 Section 5. Article 3 of Chapter 143B of the General Statutes is amended by  
18 adding the following new Part to read:

19 **“PART 3A. EDUCATION PROGRAMS IN RESIDENTIAL SCHOOLS.**

20 **”§ 143B-146.1. Mission of schools; definitions.**

21 (a) It is the intent of the General Assembly that the mission of the residential  
22 school community is to challenge with high expectations each child to learn, to achieve,  
23 and to fulfill his or her potential.

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

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

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

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

31 (4) Participating school. – A residential school that is required to participate  
32 in the ABC's Program.

33 (5) Residential school personnel. – The individuals included in G.S. 143B-  
34 146.16(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 individual designated by the Secretary to  
39 administer a residential school.

40 **”§ 143B-146.2. ABC's Program in residential schools.**

41 (a) The Governor Morehead School and the three schools for the deaf shall  
42 participate in the ABC's Program. The Secretary, in consultation with the General  
43 Assembly and the State Board, may designate other residential schools that must

1 participate in the ABC's Program. The primary goal of the ABC's Program is to improve  
2 student performance. The Program is based upon an accountability, recognition,  
3 assistance, and intervention process in order to hold each participating school, its  
4 superintendent, and the instructional personnel accountable for improved student  
5 performance in that school.

6 (b) In order to support the participating schools in the implementation of this  
7 Program, the State Board, in consultation with the Secretary, shall adopt guidelines,  
8 including guidelines to:

9 (1) Assist the Secretary and the participating schools in the development  
10 and implementation of the ABC's Program.

11 (2) Recognize the participating schools that meet or exceed their goals.

12 (3) Identify participating schools that are low-performing and assign  
13 assistance teams to those schools. The assistance teams should include  
14 individuals with expertise in residential schools, individuals with  
15 experience in the education of children with disabilities, and others the  
16 State Board, in consultation with the Secretary, considers appropriate.

17 (4) Enable assistance teams to make appropriate recommendations.

18 (c) The ABC's Program shall provide increased decision making and parental  
19 involvement at the school level with the goal of improving student performance.

20 (d) Consistent with improving student performance, the Secretary shall provide  
21 maximum flexibility to participating schools in the use of funds to enable those schools to  
22 accomplish their goals.

23 **"§ 143B-146.3. Annual performance goals.**

24 The ABC's Program shall (i) focus on student performance in the basics of reading,  
25 mathematics, and communications skills in elementary and middle schools, (ii) focus on  
26 student performance in courses required for graduation and on other measures required  
27 by the State Board in the high schools, and (iii) hold participating schools accountable for  
28 the educational growth of their students. To those ends, the State Board shall design and  
29 implement an accountability system that sets annual performance standards for each  
30 participating school in order to measure the growth in performance of the students in each  
31 individual school.

32 **"§ 143B-146.4. Performance recognition.**

33 (a) The superintendent and instructional personnel assigned to participating  
34 schools that achieve or exceed a level of expected growth to be determined by the State  
35 Board are eligible for financial awards in amounts set by the State Board. Participating  
36 schools and personnel shall not be required to apply for these awards.

37 (b) The State Board shall establish a procedure to allocate the funds for these  
38 awards. Funds shall become available for expenditure July 1 of each fiscal year. Funds  
39 shall remain available until November 30 of the subsequent fiscal year for expenditure  
40 for:

41 (1) Awards to the personnel; or

42 (2) The purposes authorized in a plan that has been:

- 1 a. Developed and voted on by the superintendent and instructional
- 2 personnel in the same manner that a school improvement plan is
- 3 approved under G.S. 143B-146.12;
- 4 b. Approved by a majority of the personnel who vote on the plan;
- 5 and
- 6 c. Submitted to and approved by the Secretary.

7 The Secretary shall approve this plan unless the plan involves expenditures of funds  
8 that are not for a public purpose or that are otherwise unlawful.

9 **"§ 143B-146.5. Identification of low-performing schools.**

10 (a) The State Board shall design and implement a procedure to identify low-  
11 performing schools on an annual basis. Low-performing schools are those participating  
12 schools in which there is a failure to meet the minimum growth standards, as defined by  
13 the State Board, and a majority of students are performing below grade level.

14 (a1) By July 10 of each year, the Secretary shall do a preliminary analysis of test  
15 results to determine which participating schools the State Board may identify as low-  
16 performing under this section. The Secretary then shall proceed under G.S. 143B-146.7.  
17 In addition, within 30 days of the initial identification of a school as low-performing by  
18 the Secretary or the State Board, whichever occurs first, the Secretary shall develop a  
19 preliminary plan for addressing the needs of that school. Before the Secretary adopts this  
20 plan, the Secretary shall make the plan available to the residential school personnel and  
21 the parents and guardians of the students of the school, and shall allow for written  
22 comments. Within five days of adopting the plan, the Secretary shall submit the plan to  
23 the State Board. The State Board shall review the plan expeditiously and, if appropriate,  
24 may offer recommendations to modify the plan. The Secretary shall consider any  
25 recommendations made by the State Board.

26 (b) Each identified low-performing school shall provide written notification to the  
27 parents of students attending that school. The written notification shall include a  
28 statement that the State Board of Education has found that the school has 'failed to meet  
29 the minimum growth standards, as defined by the State Board, and a majority of students  
30 in the school are performing below grade level.' This notification also shall include a  
31 description of the steps the school is taking to improve student performance.

32 **"§ 143B-146.6. Assistance teams; review by State Board.**

33 (a) The State Board may assign an assistance team to any school identified as low-  
34 performing under this Part or to any other school that the State Board determines would  
35 benefit from an assistance team. The State Board shall give priority to low-performing  
36 schools in which the educational performance of the students is declining. The  
37 Department shall, with the approval of the Secretary, provide staff as needed and  
38 requested by an assistance team.

39 (b) When assigned to an identified low-performing school, an assistance team  
40 shall:

- 41 (1) Review and investigate all facets of school operations, including
- 42 instructional and residential, and assist in developing recommendations
- 43 for improving student performance at that school.

- 1           (2) Evaluate at least semiannually the superintendent and instructional  
2 personnel assigned to the school and make findings and  
3 recommendations concerning their performance.
- 4           (3) Collaborate with school staff, the Department, and the Secretary in the  
5 design, implementation, and monitoring of a plan that, if fully  
6 implemented, can reasonably be expected to alleviate problems and  
7 improve student performance at that school.
- 8           (4) Make recommendations as the school develops and implements this  
9 plan.
- 10          (5) Review the school's progress.
- 11          (6) Report, as appropriate, to the Secretary, the State Board, and the parents  
12 on the school's progress. If an assistance team determines that an  
13 accepted school improvement plan developed under G.S. 143B-146.12  
14 is impeding student performance at a school, the team may recommend  
15 to the Secretary that he vacate the relevant portions of that plan and  
16 direct the school to revise those portions.

17          (c) If a participating school fails to improve student performance after assistance is  
18 provided under this section, the assistance team may recommend that the assistance  
19 continue or that the Secretary take further action under G.S. 143B-146.7.

20          (d) The Secretary, in consultation with the State Board, shall annually review the  
21 progress made in identified low-performing schools.

22 **"§ 143B-146.7. Consequences for personnel at low-performing schools.**

23          (a) Within 30 days of the initial identification of a school as low-performing,  
24 whether by the Secretary under G.S. 143B-146.5(a1) or by the State Board under G.S.  
25 143B-146.5(a), the Secretary shall take one of the following actions concerning the  
26 school's superintendent: (i) decide whether the superintendent should be retained in the  
27 same position, (ii) decide whether the superintendent should be retained in the same  
28 position and a plan of remediation should be developed, (iii) decide whether the  
29 superintendent should be transferred, or (iv) proceed under the State Personnel Act to  
30 dismiss or demote the superintendent. The superintendent may be retained in the same  
31 position without a plan for remediation only if the superintendent was in that position for  
32 no more than two years before the school is identified as low-performing. The  
33 superintendent shall not be transferred to another position unless (i) it is in a  
34 superintendent position in which the superintendent previously demonstrated at least two  
35 years of success, (ii) there is a plan to evaluate and provide remediation to the  
36 superintendent for at least one year following the transfer to assure the superintendent  
37 does not impede student performance at the school to which the superintendent is being  
38 transferred; and (iii) the parents of the students at the school to which the superintendent  
39 is being transferred are notified. The superintendent shall not be transferred to another  
40 low-performing school. The Secretary may, at any time, proceed under the State  
41 Personnel Act for the dismissal of any superintendent who is assigned to a low-  
42 performing school to which an assistance team has been assigned. The Secretary shall  
43 proceed under the State Personnel Act for the dismissal of any superintendent when the

1 Secretary receives from the assistance team assigned to that school two consecutive  
2 evaluations that include written findings and recommendations regarding the  
3 superintendent's inadequate performance. The Secretary shall order the dismissal of the  
4 superintendent if the Secretary determines from available information, including the  
5 findings of the assistance team, that the low performance of the school is due to the  
6 superintendent's inadequate performance. The Secretary may order the dismissal of the  
7 superintendent if (i) the Secretary determines that the school has not made satisfactory  
8 improvement after the State Board assigned an assistance team to that school; and (ii) the  
9 assistance team makes the recommendation to dismiss the superintendent. The Secretary  
10 may order the dismissal of a superintendent before the assistance team assigned to the  
11 superintendent's school has evaluated that superintendent if the Secretary determines  
12 from other available information that the low performance of the school is due to the  
13 superintendent's inadequate performance. The burden of proof is on the superintendent to  
14 establish that the factors leading to the school's low performance were not due to the  
15 superintendent's inadequate performance. The burden of proof is on the Secretary to  
16 establish that the school failed to make satisfactory improvement after an assistance team  
17 was assigned to the school. Two consecutive evaluations that include written findings  
18 and recommendations regarding that person's inadequate performance from the assistance  
19 team are substantial evidence of the inadequate performance of the superintendent.  
20 Within 15 days of the Secretary's decision concerning the superintendent, but no later  
21 than September 30, the Secretary shall submit to the State Board a written notice of the  
22 action taken and the basis for that action.

23 (b) At any time after the State Board identifies a school as low-performing under  
24 this Part, the Secretary shall proceed under G.S. 115C-325(p1) for the dismissal of  
25 certificated instructional personnel assigned to that school.

26 (c) At any time after the State Board identifies a school as low-performing under  
27 this Part, the Secretary shall proceed under the State Personnel Act for the dismissal of  
28 instructional personnel who are not certificated when the Secretary receives two  
29 consecutive evaluations that include written findings and recommendations regarding that  
30 person's inadequate performance from the assistance team. These findings and  
31 recommendations shall be substantial evidence of the inadequate performance of the  
32 instructional personnel. The Secretary may proceed under the State Personnel Act for the  
33 dismissal of instructional personnel who are not certificated when: (i) the Secretary  
34 determines that the school has failed to make satisfactory improvement after the State  
35 Board assigned an assistance team to that school; and (ii) that the assistance team makes  
36 the recommendation to dismiss that person for a reason that constitutes just cause for  
37 dismissal under the State Personnel Act.

38 (d) The certificated instructional personnel working in a participating school at the  
39 time the school is identified by the State Board as low-performing are subject to G.S.  
40 115C-105.38A.

41 (e) The Secretary may terminate the contract of a school administrator dismissed  
42 under this section. Nothing in this section shall prevent the Secretary from refusing to

1 renew the contract of any person employed in a school identified as low-performing  
2 under this Part.

3 **"§ 143B-146.8. Evaluation of certificated personnel and superintendents; action**  
4 **plans; State Board notification.**

5 (a) Annual Evaluations; Low-Performing Schools. – The superintendent shall  
6 evaluate at least once each year all certificated personnel assigned to a participating  
7 school that has been identified as low-performing but has not received an assistance team.  
8 The evaluation shall occur early enough during the school year to provide adequate time  
9 for the development and implementation of an action plan if one is recommended under  
10 subsection (b) of this section. If the employee is a teacher as defined under G.S. 115C-  
11 325(a)(6), either the principal or an assessment team assigned under G.S. 143B-146.9  
12 shall conduct the evaluation. If the employee is a school administrator as defined under  
13 G.S. 115C-287.1(a)(3), the superintendent shall conduct the evaluation.

14 Notwithstanding this subsection or any other law, the principal shall observe at least  
15 three times annually, a teacher shall observe at least once annually, and the principal shall  
16 evaluate at least once annually, all teachers who have not attained career status. All other  
17 employees defined as teachers under G.S. 115C-325(a)(6) who are assigned to  
18 participating schools that are not designated as low-performing shall be evaluated  
19 annually unless the Secretary adopts rules that allow specified categories of teachers with  
20 career status to be evaluated more or less frequently. The Secretary also may adopt rules  
21 requiring the annual evaluation of noncertificated personnel. This section shall not be  
22 construed to limit the duties and authority of an assistance team assigned to a low-  
23 performing school.

24 The Secretary shall use the State Board's performance standards and criteria unless the  
25 Secretary develops an alternative evaluation that is properly validated and that includes  
26 standards and criteria similar to those adopted by the State Board. All other provisions of  
27 this section shall apply if an evaluation is used other than one adopted by the State Board.

28 (b) Action Plans. – If a certificated employee receives an unsatisfactory or below  
29 standard rating on any function of the evaluation that is related to the employee's  
30 instructional duties, the individual or team that conducted the evaluation shall  
31 recommend to the superintendent that: (i) the employee receive an action plan designed  
32 to improve the employee's performance; or (ii) the superintendent recommend to the  
33 Secretary that the employee be dismissed or demoted. The superintendent shall  
34 determine whether to develop an action plan or to recommend a dismissal proceeding.  
35 The person who evaluated the employee or the employee's supervisor shall develop the  
36 action plan unless an assistance team or assessment team conducted the evaluation. If an  
37 assistance team or assessment team conducted the evaluation, that team shall develop the  
38 action plan in collaboration with the employee's supervisor. Action plans shall be  
39 designed to be completed within 90 instructional days or before the beginning of the next  
40 school year. The State Board, in consultation with the Secretary, shall develop  
41 guidelines that include strategies to assist in evaluating certificated personnel and  
42 developing effective action plans within the time allotted under this section. The  
43 Secretary may adopt policies for the development and implementation of action plans or



1 professional development plans for personnel who do not require action plans under this  
2 section.

3 (c) Reevaluation. – Upon completion of an action plan under subsection (b) of this  
4 section, the superintendent or the assessment team shall evaluate the employee a second  
5 time. If on the second evaluation the employee receives one unsatisfactory or more than  
6 one below standard rating on any function that is related to the employee's instructional  
7 duties, the superintendent shall recommend that the employee be dismissed or demoted  
8 under G.S. 115C-325. The results of the second evaluation shall constitute substantial  
9 evidence of the employee's inadequate performance.

10 (d) State Board Notification. – If the Secretary dismisses an employee for any  
11 reason except a reduction in force under G.S. 115C-325(e)(1)l., the Secretary shall notify  
12 the State Board of the action, and the State Board annually shall provide to all local  
13 boards of education the names of those individuals. If a local board hires one of these  
14 individuals, that local board shall proceed under G.S. 115C-333(d).

15 (e) Civil Immunity. – There shall be no liability for negligence on the part of the  
16 Secretary or the State Board, or their employees, arising from any action taken or  
17 omission by any of them in carrying out this section. The immunity established by this  
18 subsection shall not extend to gross negligence, wanton conduct, or intentional  
19 wrongdoing that would otherwise be actionable. The immunity established by this  
20 subsection is waived to the extent of indemnification by insurance, indemnification under  
21 Articles 31A and 31B of Chapter 143 of the General Statutes, and to the extent sovereign  
22 immunity is waived under the Tort Claims Act, as set forth in Article 31 of Chapter 143  
23 of the General Statutes.

24 (f) Evaluation of Superintendents. – Each year the Secretary or the Secretary's  
25 designee shall evaluate the superintendents.

26 **"§ 143B-146.9. Assessment teams.**

27 The State Board shall develop guidelines for the Secretary to use to create assessment  
28 teams. The Secretary shall assign an assessment team to every low-performing school  
29 that has not received an assistance team. The Secretary shall ensure that assessment team  
30 members are trained in the proper administration of the employee evaluation used in the  
31 participating schools. If service on an assessment team is an additional duty for an  
32 employee of a local school administrative unit or an employee of a residential school, the  
33 Secretary may pay the employee for that additional work.

34 Assessment teams shall:

- 35 (1) Conduct evaluations of certificated personnel in low-performing  
36 schools;
- 37 (2) Provide technical assistance and training to principals and  
38 superintendents who conduct evaluations of certificated personnel;
- 39 (3) Develop action plans for certificated personnel; and
- 40 (4) Assist principals and superintendents in the development and  
41 implementation of action plans.

42 **"§ 143B-146.10. Development of performance standards and criteria for certificated**  
43 **personnel.**

1       The State Board, in consultation with the Secretary, shall revise and develop uniform  
2 performance standards and criteria to be used in evaluating certificated personnel,  
3 including school administrators. These standards and criteria shall include improving  
4 student achievement, employee skills, and employee knowledge. The standards and  
5 criteria for school administrators also shall include building-level gains in student  
6 learning and effectiveness in providing for school safety and enforcing student discipline.  
7 The Secretary shall develop guidelines for evaluating superintendents. The guidelines  
8 shall include criteria for evaluating a superintendent's effectiveness in providing safe  
9 schools and enforcing student discipline.

10 **"§ 143B-146.11. School calendar.**

11       Each school shall adopt a school calendar that includes a minimum of 180 days and  
12 1,000 hours of instruction covering at least nine calendar months. In the development of  
13 its school calendar, each school shall consult with parents, the residential school  
14 personnel, and the local school administrative unit in which that school is located.

15 **"§ 143B-146.12. Development and approval of school improvement plans.**

16       (a) In order to improve student performance, each participating school shall  
17 develop a school improvement plan that takes into consideration the annual performance  
18 goal for that school that is set by the State Board under G.S. 143B-146.3. The  
19 superintendent, instructional personnel, and residential life personnel assigned to that  
20 school, and a minimum of five parents of children enrolled in the school shall constitute a  
21 school improvement team to develop a school improvement plan to improve student  
22 performance.

23       (b) Parents shall be elected by parents of children enrolled in the school in an  
24 election conducted by the parent and teacher organization of the school or, if none exists,  
25 by the largest organization of parents formed for this purpose. To the extent possible,  
26 parents serving on school improvement teams shall reflect the composition of the  
27 students enrolled in that school. No more than two parents may be employees of the  
28 school. Parental involvement is a critical component of school success and positive  
29 student achievement; therefore, it is the intent of the General Assembly that parents,  
30 along with teachers, have a substantial role in developing school improvement plans. To  
31 this end, school improvement team meetings shall be held at a convenient time to assure  
32 substantial parent participation. Parents who are elected to serve on school improvement  
33 teams and who are not employees of the school shall receive travel and subsistence  
34 expenses in accordance with G.S. 138-5 and, if appropriate, may receive a stipend.

35       (c) The strategies for improving student performance shall include the following:

36       (1) A plan for the use of funds that may be made available to the school by  
37 the Secretary to meet the goals for that school under the ABC's Program  
38 and to implement the school improvement plan.

39       (2) A comprehensive plan to encourage parent involvement.

40       (3) A safe school plan designed to provide that the school is safe, secure,  
41 and orderly, that there is a climate of respect in the school, and that  
42 appropriate personal conduct is a priority for all students and all

1 residential school personnel. This plan shall include components similar  
2 to those listed in G.S. 115C-105.47(b).

3 (d) Support among affected staff members is essential to successful  
4 implementation of a school improvement plan to address improved student performance  
5 at that school. The superintendent of the school shall present the proposed school  
6 improvement plan to all of the instructional personnel assigned to the school for their  
7 review and vote. The vote shall be by secret ballot. The superintendent shall submit the  
8 school improvement plan to the Secretary only if the proposed school improvement plan  
9 has the approval of a majority of the instructional personnel who voted on the plan.

10 (e) The Secretary shall accept or reject the school improvement plan. The  
11 Secretary shall not make any substantive changes in any school improvement plan that  
12 the Secretary accepts. If the Secretary rejects a school improvement plan, the Secretary  
13 shall state with specificity the reasons for rejecting the plan; the school improvement  
14 team may then prepare another plan, present it to the instructional personnel assigned to  
15 the school for a vote, and submit it to the Secretary to accept or reject. Within 60 days  
16 after the initial submission of the school improvement plan to the Secretary, the Secretary  
17 shall accept the plan or shall designate a person to work with the school improvement  
18 team to resolve the disagreements. If there is no resolution within 30 days, then the  
19 Secretary may develop a school improvement plan for the school; however, the General  
20 Assembly urges the Secretary to utilize the school's proposed school improvement plan to  
21 the maximum extent possible when developing this plan.

22 (f) A school improvement plan shall remain in effect for no more than three years;  
23 however, the school improvement team may amend the plan as often as is necessary or  
24 appropriate. If, at any time, any part of a school improvement plan becomes unlawful or  
25 the Secretary finds that a school improvement plan is impeding student performance at a  
26 school, the Secretary may vacate the relevant portion of the plan and may direct the  
27 school to revise that portion. The procedures set out in this section shall apply to  
28 amendments and revisions to school improvement plans.

29 (g) Any funds the Secretary makes available to a school to meet the goals for that  
30 school under the ABC's Program and to implement the school improvement plan at that  
31 school shall be used in accordance with those goals and the school improvement plan.

32 (h) The Secretary, in consultation with the State Board, shall develop a list of  
33 recommended strategies that it determines to be effective which building-level  
34 committees may use to establish parent involvement programs designed to meet the  
35 specific needs of their schools.

36 (i) Once developed, the Secretary shall ensure the plan is available and accessible  
37 to parents and the school community.

38 **"§ 143B-146.13. School technology plan.**

39 (a) No later than December 15, 1998, the Secretary shall develop a school  
40 technology plan for the residential schools that meets the requirements of the State school  
41 technology plan. In developing a school technology plan, the Secretary is encouraged to  
42 coordinate its planning with other agencies of State and local government, including local  
43 school administrative units.

1        The Information Resources Management Commission shall assist the Secretary in  
2 developing the parts of the plan related to its technological aspects, to the extent that  
3 resources are available to do so. The Department of Public Instruction shall assist the  
4 Secretary in developing the instructional and technological aspects of the plan.

5        The Secretary shall submit the plan that is developed to the Information Resources  
6 Management Commission for its evaluation of the parts of the plan related to its  
7 technological aspects and to the Department of Public Instruction for its evaluation of the  
8 instructional aspects of the plan. The State Board of Education, after consideration of the  
9 evaluations of the Information Resources Management Commission and the Department  
10 of Public Instruction, shall approve all plans that comply with the requirements of the  
11 State school technology plan.

12        (b) After a plan is approved by the State Board of Education, all funds spent for  
13 technology in the residential schools shall be used to implement the school technology  
14 plan.

15 **"§ 143B-146.14. Dispute resolution; appeals to Secretary.**

16        The Secretary shall establish a procedure for the resolution of disputes between the  
17 residential schools and the parents or guardians of students who attend the schools.

18        An appeal shall lie from the decision of all residential school personnel to the  
19 Secretary or the Secretary's designee. In all of these appeals it is the duty of the Secretary  
20 to see that a proper notice is given to all parties concerned and that a record of the hearing  
21 is properly entered in the records.

22 **"§ 143B-146.15. Duty to report certain acts to law enforcement.**

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

36 **"§ 143B-146.16. Residential school personnel criminal history checks.**

37        (a) As used in this section:

- 38            (1) 'Criminal history' means a county, state, or federal criminal history of  
39 conviction of a crime, whether a misdemeanor or a felony, that indicates  
40 the employee (i) poses a threat to the physical safety of students or  
41 personnel, or (ii) has demonstrated that he or she does not have the  
42 integrity or honesty to fulfill his or her duties as school personnel. Such  
43 crimes include the following North Carolina crimes contained in any of

1           the following Articles of Chapter 14 of the General Statutes: Article  
2           5A, Endangering Executive and Legislative Officers; Article 6,  
3           Homicide; Article 7A, Rape and Kindred Offenses; Article 8, Assaults;  
4           Article 10, Kidnapping and Abduction; Article 13, Malicious Injury or  
5           Damage by Use of Explosive or Incendiary Device or Material; Article  
6           14, Burglary and Other Housebreakings; Article 15, Arson and Other  
7           Burnings; Article 16, Larceny; Article 17, Robbery; Article 18,  
8           Embezzlement; Article 19, False Pretense and Cheats; Article 19A,  
9           Obtaining Property or Services by False or Fraudulent Use of Credit  
10          Device or Other Means; Article 20, Frauds; Article 21, Forgery; Article  
11          26, Offenses Against Public Morality and Decency; Article 26A, Adult  
12          Establishments; Article 27, Prostitution; Article 28, Perjury; Article 29,  
13          Bribery; Article 31, Misconduct in Public Office; Article 35, Offenses  
14          Against the Public Peace; Article 36A, Riots and Civil Disorders;  
15          Article 39, Protection of Minors; and Article 60, Computer-Related  
16          Crime. Such crimes also include possession or sale of drugs in violation  
17          of the North Carolina Controlled Substances Act, Article 5 of Chapter  
18          90 of the General Statutes, and alcohol-related offenses such as sale to  
19          underage persons in violation of G.S. 18B-302 or driving while  
20          impaired in violation of G.S. 20-138.1 through G.S. 20-138.5. In  
21          addition to the North Carolina crimes listed in this subdivision, such  
22          crimes also include similar crimes under federal law or under the laws  
23          of other states.

24          (2) 'Residential school personnel' means any:

- 25           a. Employee of a residential school whether full time or part time,  
26           or  
27           b. Independent contractor or employee of an independent contractor  
28           of a residential school, if the independent contractor carries out  
29           duties customarily performed by residential school personnel,  
30           whether paid with federal, State, local, or other funds, who has  
31           significant access to students in a residential school. Residential school  
32           personnel includes substitute teachers, driver training teachers, bus  
33           drivers, clerical staff, houseparents, and custodians.

34          (b) The Secretary shall require an applicant for a residential school personnel  
35          position to be checked for a criminal history before the applicant is offered an  
36          unconditional job. A residential school may employ an applicant conditionally while the  
37          Secretary is checking the person's criminal history and making a decision based on the  
38          results of the check.

39          The Secretary shall not require an applicant to pay for the criminal history check  
40          authorized under this subsection.

41          (c) The Department of Justice shall provide to the Secretary the criminal history  
42          from the State and National Repositories of Criminal Histories of any applicant for a  
43          residential school personnel position in a residential school. The Secretary shall require

1 the person to be checked by the Department of Justice to (i) be fingerprinted and to  
2 provide any additional information required by the Department of Justice to a person  
3 designated by the Secretary, or to the local sheriff or the municipal police, whichever is  
4 more convenient for the person, and (ii) sign a form consenting to the check of the  
5 criminal record and to the use of fingerprints and other identifying information required  
6 by the repositories. The Secretary shall consider refusal to consent when making  
7 employment decisions and decisions with regard to independent contractors.

8 The Secretary shall not require an applicant to pay for being fingerprinted.

9 (d) The Secretary shall review the criminal history it receives on a person. The  
10 Secretary shall determine whether the results of the review indicate that the employee (i)  
11 poses a threat to the physical safety of students or personnel, or (ii) has demonstrated that  
12 he or she does not have the integrity or honesty to fulfill his or her duties as residential  
13 school personnel and shall use the information when making employment decisions and  
14 decisions with regard to independent contractors. The Secretary shall make written  
15 findings with regard to how it used the information when making employment decisions  
16 and decisions with regard to independent contractors.

17 (e) The Secretary shall provide to the State Board of Education the criminal  
18 history received on a person who is certificated, certified, or licensed by the State Board.  
19 The State Board shall review the criminal history and determine whether the person's  
20 certificate or license should be revoked in accordance with State laws and rules regarding  
21 revocation.

22 (f) All the information received by the Secretary through the checking of the  
23 criminal history or by the State Board in accordance with subsection (d) of this section is  
24 privileged information and is not a public record but is for the exclusive use of the  
25 Secretary or the State Board of Education. The Secretary or the State Board of Education  
26 may destroy the information after it is used for the purposes authorized by this section  
27 after one calendar year.

28 (g) There shall be no liability for negligence on the part of the Secretary, the  
29 Department of Health and Human Services or its employees, a residential school or its  
30 employees, or the State Board of Education or its employees, arising from any act taken  
31 or omission by any of them in carrying out the provisions of this section. The immunity  
32 established by this subsection shall not extend to gross negligence, wanton conduct, or  
33 intentional wrongdoing that would otherwise be actionable. The immunity established by  
34 this subsection shall be deemed to have been waived to the extent of indemnification by  
35 insurance, indemnification under Articles 31A and 31B of Chapter 143 of the General  
36 Statutes, and to the extent sovereign immunity is waived under the Tort Claims Act, as  
37 set forth in Article 31 of Chapter 143 of the General Statutes."

38 Section 6. G.S. 115C-325 is amended by adding the following new subsection  
39 to read:

40 "(p1) Procedure for Dismissal of School Administrators and Teachers Employed in  
41 Low-Performing Residential Schools. –

42 (1) Notwithstanding any other provision of this section or any other law,  
43 this subdivision shall govern the dismissal by the Secretary of Health

1           and Human Services of teachers, principals, assistant principals,  
2           directors, supervisors, and other certificated personnel assigned to a  
3           residential school that the State Board has identified as low-performing  
4           and to which the State Board has assigned an assistance team under Part  
5           3A of Article 3 of Chapter 143B of the General Statutes. The Secretary  
6           shall dismiss a teacher, principal, assistant principal, director,  
7           supervisor, or other certificated personnel when the Secretary receives  
8           two consecutive evaluations that include written findings and  
9           recommendations regarding that person's inadequate performance from  
10           the assistance team. These findings and recommendations shall be  
11           substantial evidence of the inadequate performance of the teacher or  
12           school administrator.

13           The Secretary may dismiss a teacher, principal, assistant principal,  
14           director, supervisor, or other certificated personnel when:

- 15           a. The Secretary determines that the school has failed to make  
16           satisfactory improvement after the State Board assigned an  
17           assistance team to that school under Part 3A of Article 3 of  
18           Chapter 143B of the General Statutes; and  
19           b. That assistance team makes the recommendation to dismiss the  
20           teacher, principal, assistant principal, director, supervisor, or  
21           other certificated personnel for one or more grounds established  
22           in G.S. 115C-325(e)(1) for dismissal or demotion of a career  
23           employee.

24           Within 30 days of any dismissal under this subdivision, a teacher,  
25           principal, assistant principal, director, supervisor, or other certificated  
26           personnel may request a hearing before a panel of three members  
27           designated by the Secretary. The Secretary shall adopt procedures to  
28           ensure that due process rights are afforded to persons recommended for  
29           dismissal under this subdivision. Decisions of the panel may be  
30           appealed on the record to the Secretary, with further right of judicial  
31           review under Chapter 150B of the General Statutes.

- 32           (2) Notwithstanding any other provision of this section or any other law,  
33           this subdivision shall govern the dismissal by the Secretary of Health  
34           and Human Services of certificated staff members who have engaged in  
35           a remediation plan under G.S. 115C-105.38A(c) but who, after one  
36           retest, fail to meet the general knowledge standard set by the State  
37           Board. The failure to meet the general knowledge standard after one  
38           retest shall be substantial evidence of the inadequate performance of the  
39           certified staff member.

40           Within 30 days of any dismissal under this subdivision, a certificated  
41           staff member may request a hearing before a panel of three members  
42           designated by the Secretary of Health and Human Services. The  
43           Secretary shall adopt procedures to ensure that due process rights are

1           afforded to certificated staff members recommended for dismissal under  
2           this subdivision. Decisions of the panel may be appealed on the record  
3           to the Secretary, with further right of judicial review under Chapter  
4           150B of the General Statutes.

5           (3)   The Secretary of Health and Human Services or the superintendent of a  
6           residential school may terminate the contract of a school administrator  
7           dismissed under this subsection. Nothing in this subsection shall prevent  
8           the Secretary from refusing to renew the contract of any person  
9           employed in a school identified as low-performing under Part 3A of  
10           Article 3 of Chapter 143B of the General Statutes.

11           (4)   Neither party to a school administrator contract is entitled to damages  
12           under this subsection.

13           (5)   The Secretary of Health and Human Services shall have the right to  
14           subpoena witnesses and documents on behalf of any party to the  
15           proceedings under this subsection."

16           Section 7. G.S. 115C-102.5(b) reads as rewritten:

17           "(b) The Commission shall consist of the following ~~18-19~~ members:

18           (1)   The State Superintendent of Public Instruction or a designee;

19           (2)   One representative of The University of North Carolina, appointed by  
20           the President of The University of North Carolina;

21           (3)   One representative of the North Carolina Community College System,  
22           appointed by the President of the North Carolina Community College  
23           System;

24           (4)   A person with management responsibility concerning information  
25           technology related State Government functions, designated by the  
26           Secretary of Commerce;

27           (5)   Four members appointed by the Governor;

28           (6)   Six members appointed by the President Pro Tempore of the Senate two  
29           of whom shall be members of the Senate. One of these six members  
30           shall be appointed by the President of the Senate to serve as cochair; ~~and~~

31           (7)   Six members appointed by the Speaker of the House of Representatives  
32           two of whom shall be members of the House of Representatives. One of  
33           these six members shall be appointed by the Speaker of the House of  
34           Representatives to serve as ~~cochair~~ cochair; ~~and~~

35           (8)   The Secretary of Health and Human Services or a designee.

36           In appointing members pursuant to subdivisions (5), (6), and (7) of this subsection, the  
37           appointing persons shall select individuals with technical or applied knowledge or  
38           experience in learning and instructional management technologies or individuals with  
39           expertise in curriculum or instruction who have successfully used learning and  
40           instructional management technologies.

41           No producers, vendors, or consultants to producers or vendors of learning or  
42           instructional management technologies shall serve on the Commission.



1 Members shall serve for two-year terms. Vacancies in terms of members shall be  
2 filled by the appointing officer. Persons appointed to fill vacancies shall qualify in the  
3 same manner as persons appointed for full terms."

4 Section 8. G.S. 115C-296(d) reads as rewritten:

5 "(d) The State Board shall adopt rules to establish the reasons and procedures for  
6 the suspension and revocation of certificates. The State Board shall revoke the certificate  
7 of a teacher or school administrator if the State Board receives notification from a local  
8 board or the Secretary of Health and Human Services that a teacher or school  
9 administrator has received an unsatisfactory or below standard rating under G.S. 115C-  
10 333(d). In addition, the State Board may revoke or refuse to renew a teacher's certificate  
11 when:

- 12 (1) The Board identifies the school in which the teacher is employed as  
13 low-performing under ~~G.S. 115C-105.37~~; G.S. 115C-105.37 or G.S.  
14 143B-146.5; and
- 15 (2) The assistance team assigned to that school ~~under G.S. 115C-105.38~~  
16 makes the recommendation to revoke or refuse to renew the teacher's  
17 certificate for one or more reasons established by the State Board in its  
18 rules for certificate suspension or revocation.

19 The State Board may issue subpoenas for the purpose of obtaining documents or the  
20 testimony of witnesses in connection with proceedings to suspend or revoke certificates."

21 Section 9. G.S. 115C-105.31 reads as rewritten:

22 **"§ 115C-105.31. Creation of the Task Force on School-Based Management.**

23 (a) There is created the Task Force on School-Based Management under the State  
24 Board of Education.

25 The Task Force shall be composed of ~~20~~21 members appointed as follows:

- 26 (1) The Superintendent of Public Instruction;
- 27 (2) One member of the State Board of Education, one parent of a public  
28 school child, and two at-large members appointed by the State Board of  
29 Education;
- 30 (3) Two members of the Senate appointed by the President Pro Tempore of  
31 the Senate;
- 32 (4) Two members of the House of Representatives appointed by the  
33 Speaker of the House of Representatives;
- 34 (5) One member of a local board of education appointed by the President  
35 Pro Tempore of the Senate after receiving recommendations from The  
36 North Carolina State School Boards Association, Inc.;
- 37 (6) One member of a local board of education appointed by the Speaker of  
38 the House of Representatives after receiving recommendations from  
39 The North Carolina State School Boards Association, Inc.;
- 40 (7) One local school superintendent appointed by the President Pro  
41 Tempore of the Senate after receiving recommendations from the North  
42 Carolina Association of School Administrators;

- 1 (8) One local school superintendent appointed by the Speaker of the House  
2 of Representatives after receiving recommendations from the North  
3 Carolina Association of School Administrators;
- 4 (9) One school principal appointed by the President Pro Tempore of the  
5 Senate after receiving recommendations from the Tar Heel Association  
6 of Principals/Assistant Principals and the Division of Administrators of  
7 the North Carolina Association of Educators;
- 8 (10) One school principal appointed by the Speaker of the House of  
9 Representatives after receiving recommendations from the Tar Heel  
10 Association of Principals/Assistant Principals and the Division of  
11 Administrators of the North Carolina Association of Educators;
- 12 (11) One school teacher appointed by the President Pro Tempore of the  
13 Senate after receiving recommendations from the North Carolina  
14 Association of Educators, Inc., the North Carolina Federation of  
15 Teachers, and the Professional Educators of North Carolina, Inc.;
- 16 (12) One school teacher appointed by the Speaker of the House of  
17 Representatives after receiving recommendations from the North  
18 Carolina Association of Educators, Inc., the North Carolina Federation  
19 of Teachers, and the Professional Educators of North Carolina, Inc.;
- 20 (13) One representative of business and industry appointed by the Governor;
- 21 (14) One representative of institutions of higher education appointed by the  
22 Board of Governors of The University of North Carolina; ~~and~~
- 23 (15) One county commissioner appointed by the State Board of Education  
24 after receiving recommendations from the North Carolina Association  
25 of County ~~Commissioners~~-Commissioners; and
- 26 (16) The Secretary of Health and Human Services or the Secretary's  
27 designee.

28 Members of the Task Force shall serve for two-year terms.

29 All members of the Task Force shall be voting members. Vacancies in the appointed  
30 membership shall be filled by the officer who made the initial appointment. The Task  
31 Force on School-Based Management shall select a member of the Task Force to serve as  
32 chair of the Task Force.

33 Members of the Task Force shall receive travel and subsistence expenses in  
34 accordance with the provisions of G.S. 120-3.1, G.S. 138-5, and G.S. 138-6.

35 (b) The Task Force shall:

- 36 (1) Advise the State Board of Education and Secretary of Health and  
37 Human Services on the development of guidelines for local boards of  
38 education and schools to implement school-based management as part  
39 of the School-Based Management and Accountability Program;
- 40 (2) Advise the State Board of Education and the Secretary of Health and  
41 Human Services on how to assist the public schools and residential  
42 schools so as to facilitate the implementation of school-based  
43 management;

1 (3) Advise the State Board of Education and Secretary of Health and  
2 Human Services about publications to be produced by the Department  
3 of Public Instruction on the development and implementation of school  
4 improvement plans;

5 (4) Report annually to the State Board of Education on the implementation  
6 of school-based management in the public schools on the first Friday in  
7 December. This report may contain a summary of recommendations for  
8 changes to any law, rule, and policy that would improve school-based  
9 management.

10 (c) The Department of Public Instruction shall, with the approval of the State  
11 Board of Education, provide staff to the Task Force at the request of the Task Force.

12 (d) The State Board of Education shall appoint a Director of the Task Force on  
13 School-Based Management."

14 Section 10. (a) The Secretary of Health and Human Services shall adopt  
15 policies and offer training opportunities to ensure that personnel who provide direct  
16 services to children in the three State schools for the deaf become proficient in sign  
17 language within two years of their initial date of employment or within two years of the  
18 effective date of this act, whichever occurs later. This subsection shall not apply to  
19 preschool personnel in any oral, auditory, or cued speech preschool.

20 (b) The Department of Public Instruction, the Board of Governors of The  
21 University of North Carolina, and the State Board of Community Colleges shall offer and  
22 communicate the availability of professional development opportunities, including those  
23 to improve sign language skills, to the personnel assigned to the State's residential  
24 schools, particularly the Governor Morehead School and the three schools for the deaf.

25 (c) The Board of Governors of The University of North Carolina and the State  
26 Board of Community Colleges shall study methods to assure that faculty members  
27 teaching American Sign Language are highly qualified and competent. The Board of  
28 Governors and the State Board of Community Colleges shall report their findings and  
29 recommendations prior to March 1, 1999, to the Appropriations Subcommittees on  
30 Education and on Health and Human Services of the House of Representatives and  
31 Senate.

32 Section 11. The Board of Governors of The University of North Carolina shall  
33 assess the accessibility of the programs of the constituent institutions for deaf and blind  
34 students. The Board of Governors shall report to the General Assembly by December 1,  
35 1998, on this assessment.

36 Section 12. The Secretary of Health and Human Services shall contract for the  
37 design of a longitudinal study of deaf and hard-of-hearing children to assess  
38 communication methods used and student performance.

39 Section 13. The Commission for Health Services shall adopt temporary and  
40 permanent rules to include newborn hearing screening in the Newborn Screening  
41 Program established under G.S. 130A-125.

42 Section 14. The State Board of Education, in consultation with the Secretary  
43 of Health and Human Services, shall evaluate the certification requirements for teachers

1 at the State schools for the deaf and the Governor Morehead School in light of the  
2 specific educational needs of those schools. In particular, the State Board shall determine  
3 whether these teachers should hold (i) certificates to authorize them to teach students  
4 with specific disabilities, (ii) certificates authorizing them to teach a specific grade level  
5 or subject matter, or (iii) dual certificates, particularly at the high school level. The State  
6 Board shall revise any policies, rules, or regulations if considered appropriate and shall  
7 report to the Legislative Commission on Public Schools by December 15, 1998, on the  
8 results of its evaluation under this section and any changes it proposes.

9 Section 15. The State Auditor shall conduct a fiscal audit of the Division of  
10 Services for the Deaf and Hard of Hearing, Department of Health and Human Services,  
11 and the use of current operations funds appropriated to that Division beginning with the  
12 1996-97 fiscal year and the use of capital funds appropriated to that Division beginning  
13 with the 1995-96 fiscal year. The Auditor shall report to the General Assembly by March  
14 1, 1999, on the results of this audit.

15 Section 16. The Governor Morehead School and the three schools for the deaf  
16 shall each prioritize its capital needs in a three-year plan. These schools shall give first  
17 priority to bringing their facilities up to code and to supporting instructional programs so  
18 as to improve student academic performance. The schools shall submit their three-year  
19 plans to the Secretary. The Secretary shall prioritize the needs of these four schools and  
20 shall submit to the General Assembly a three-year plan to address those needs.

21 Section 17. The Secretary of Health and Human Services shall adopt policies  
22 to ensure that students of the residential schools are given priority to residing in the  
23 independent living facilities on each school's campus.

24 Section 18. If funds are appropriated to the Department of Health and Human  
25 Services in the Current Operations and Capital Improvements Appropriations Act of  
26 1998 to implement this act, then of these funds the Secretary may spend up to nine  
27 hundred thousand dollars (\$900,000) for the 1998-99 fiscal year to provide funds for  
28 assistance teams to be assigned to the Governor Morehead School and to the three  
29 schools for the deaf.

30 Section 19. This act becomes effective July 1, 1998, only if funds are  
31 appropriated for the 1998-99 fiscal year to implement this act. Part 3A of Article 3 of  
32 Chapter 143B of the General Statutes, as established in Section 5 of this act, applies to  
33 kindergarten through eighth grade in the three schools for the deaf and in the Governor  
34 Morehead School beginning with the 1999-2000 school year. The Secretary of Health  
35 and Human Services, in consultation with the General Assembly and the State Board of  
36 Education, shall recommend beginning dates of applicability for the remaining grades in  
37 those four schools and for the other residential schools, particularly those operated by the  
38 Division of Youth Services. School improvement plans required under Section 5 of this  
39 act shall be developed during the 1998-99 school year and shall be implemented by the  
40 beginning of the 1999-2000 school year.