



# NORTH CAROLINA DEPARTMENT OF PUBLIC INSTRUCTION

Catherine Truitt, *Superintendent of Public Instruction*

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**TO** Exceptional Children Administrators

**FROM** Dr. Lory Morrow, Interim Director for Agency Schools and Alternative Learning  
Dr. Carol Ann M. Hudgens, Senior Director, Office of Exceptional Children

**DATE** August 30, 2023

## **Eligibility Criteria, Standards, and Procedures for Admissions to the Schools for the Deaf and Blind (2023-2024 School Year)**

During the August 2023 meeting of the North Carolina State Board of Education, action was taken to operationalize the following legislative requirement in Session Law 2023-10.

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

Copies of the admissions criteria for each of the schools for the deaf and blind have been included with this memorandum. To support public school units (PSUs) in transitioning to this change in procedure, a special **Exceptional Children (EC) Office Hours** will be hosted on two dates, **Friday, September 15, 2023**, from 10:00 am – 11:00 am, and **Friday, September 29, 2023**, from 10:00 am – 11:00 am. During this time, the school directors will review the admissions criteria and respond to questions submitted by PSUs.

PSUs must register for this event and may submit questions prior to the EC Office Hours using the following links until 5:00 pm on Friday, September 8, 2023.

[Registration Link: 9/15/23](#)

[Registration Link: 9/29/23](#)

[Question Link](#)

C Dr. Derrick D. Jordan, Deputy Superintendent  
Allison Schafer, General Counsel  
Ryan Collins, Assistant General Counsel  
Mark Patrick, Director, NC School for the Deaf  
Melvin Diggs, Director, Governor Morehead School  
Dr. Michele Handley, Director, Eastern NC School for the Deaf

## **OFFICE OF EXCEPTIONAL CHILDREN**

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## **North Carolina School for the Deaf Admissions Criteria 2023-2024**

On April 3, 2023, the General Assembly enacted Session Law 2023-10, which, among other matters, authorized the North Carolina State Board of Education to adopt rules for admissions criteria and standards for the North Carolina School for the Deaf (“NCSD”), in consultation with the NCSD School Director (“Director”) 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.<sup>1</sup>

### Admissions Criteria

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.<sup>2</sup> 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.

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<sup>1</sup> The criteria and procedures set forth in this document are used exclusively to decide whether a student will be admitted to the North Carolina School for the Deaf. Nothing in these criteria or procedures shall be construed as determining a student’s eligibility for special education services under the Individuals with Disabilities in Education Act (“IDEA”).

<sup>2</sup> This requirement is consistent with the definitions of “deafness” and “hearing impairment” in the State Board of Education Policies Governing Services for Children with Disabilities.

<https://www.dpi.nc.gov/documents/publications/catalog/ec144-policies-governing-services/open>.

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 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 of 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

## **Governor Morehead School Admissions Criteria 2023-2024**

On April 3, 2023, the General Assembly enacted Session Law 2023-10, which, among other matters, authorized the North Carolina State Board of Education to adopt rules for admissions criteria and standards for the Governor Morehead School ("GMS"), in consultation with the GMS School Director ("Director") 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.<sup>3</sup>

### Admissions Criteria

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

4. 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.
5. 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.
6. The student presents with blindness or a vision impairment that, even with correction, adversely affects the student's educational performance.<sup>4</sup> 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:

5. 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.
6. 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.

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<sup>3</sup> The criteria and procedures set forth in this document are used exclusively to decide whether a student will be admitted to the Governor Morehead School. Nothing in these criteria or procedures shall be construed as determining a student's eligibility for special education services under the Individuals with Disabilities in Education Act ("IDEA").

<sup>4</sup> This requirement is consistent with the definition of "visual impairment including blindness" in the State Board of Education Policies Governing Services for Children with Disabilities.  
<https://www.dpi.nc.gov/documents/publications/catalog/ec144-policies-governing-services/open>.

7. 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").
8. 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:

3. *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.
4. *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 of 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, 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

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

On April 3, 2023, the General Assembly enacted Session Law 2023-10, which, among other matters, authorized the North Carolina State Board of Education to adopt rules for admissions criteria and standards for the Eastern North Carolina School for the Deaf ("ENCSD"), in consultation with the ENCSD School Director ("Director") 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.<sup>5</sup>

### Admissions Criteria

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

7. 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.
8. 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.
9. The student presents with deafness or a hearing impairment, whether permanent or fluctuating, that adversely affects the student's educational performance.<sup>6</sup> 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:

9. 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.
10. 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.

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<sup>5</sup> The criteria and procedures set forth in this document are used exclusively to decide whether a student will be admitted to the Eastern North Carolina School for the Deaf. Nothing in these criteria or procedures shall be construed as determining a student's eligibility for special education services under the Individuals with Disabilities in Education Act ("IDEA").

<sup>6</sup> This requirement is consistent with the definitions of "deafness" and "hearing impairment" in the State Board of Education Policies Governing Services for Children with Disabilities.  
<https://www.dpi.nc.gov/documents/publications/catalog/ec144-policies-governing-services/open>.

11. 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").
12. 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:

5. *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.
6. *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 of 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.