

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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SENATE BILL 778

Short Title: Criminal History Checks of School Employees.

(Public)

Sponsors: Senator Hartsell.

Referred to: Education/Higher Education.

April 3, 2001

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE LAW REGARDING CRIMINAL HISTORY CHECKS
OF PUBLIC SCHOOL EMPLOYEES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-332 reads as rewritten:

"§ 115C-332. School personnel criminal history checks.

...

(c) The Department of Justice shall provide to the local board of education the criminal history from the State and National Repositories of Criminal Histories of any school personnel or applicant for a school personnel position in the local school administrative unit for which a local board of education requires a criminal history check. The local board of education shall require the person to be checked by the Department of Justice to (i) be fingerprinted and to provide any additional information required by the Department of Justice to a person designated by the local board, or to the local sheriff or the municipal police, whichever is more convenient for the person, and (ii) sign a form consenting to the check of the criminal record and to the use of fingerprints and other identifying information required by the repositories. The local board of education shall consider refusal to consent when making employment decisions and decisions with regard to independent contractors.

The local board of education shall not require an applicant or employee to pay for being fingerprinted.

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

1 when making employment decisions and decisions with regard to independent
2 contractors. The local board may delegate any of the duties in this subsection to the
3 superintendent.

4 (e) ~~The local board of education~~ education, or the superintendent if designated by
5 the local board of education, shall provide to the State Board of Education the criminal
6 history it receives on a person who is certificated, certified, or licensed by the State
7 Board of Education. The State Board of Education shall review the criminal history and
8 determine whether the person's certificate or license should be revoked in accordance
9 with State laws and rules regarding revocation.

10 ...

11 (h) Any applicant for employment who willfully furnishes, supplies, or otherwise
12 gives false information on an employment application that is the basis for a criminal
13 history record check under this section shall be guilty of a Class A1 misdemeanor."

14 **SECTION 2.** G.S. 115C-325 reads as rewritten:

15 **"§ 115C-325. System of employment for public school teachers.**

16 (a) Definition of Terms. – As used in this section unless the context requires
17 otherwise:

18 ...

19 (8) "Year" for purposes of computing time as a probationary teacher shall
20 be not less than 120 workdays performed as a probationary teacher in a
21 full-time permanent position in a school year. Workdays performed
22 while conditionally employed pending the outcome of a criminal
23 history check as provided in G.S. 115C-322 are included in computing
24 time as a probationary teacher.

25 ...

26 (d) Career Teachers and Career School Administrators.

27 (1) A career teacher or career school administrator shall not be subjected
28 to the requirement of annual appointment nor shall he be dismissed,
29 demoted, or employed on a part-time basis without his consent except
30 as provided in ~~subsection (e)~~ subsection (e) or unless conditionally
31 employed while the board is checking the person's criminal history and
32 making a decision based on the results of the check as provided in G.S.
33 115C-322.

34"

35 **SECTION 3.** This act is effective when it becomes law.