



SENATE BILL 867: Protect Students in Schools.

2016-2017 General Assembly

Committee: Senate Finance	Date: May 27, 2016
Introduced by: Sens. Barefoot, Wade, Newton	Prepared by: Nicholas Giddings
Analysis of: Third Edition	Committee Co-Counsel

SUMMARY: *Senate Bill 867 would authorize the State Board of Education, local boards of education, regional school boards of directors, and charter school boards of directors to require an applicant for teacher licensure or personnel position to be checked for a criminal history.*

The State Board of Education is permitted to charge a fee that cannot exceed the actual cost of the service. The State Board of Education will require this fee be paid by the applicant unless paid by a local board of education. A regional school board of directors or a local board of education may require an applicant to pay for their criminal history check. The Department of Public Safety may charge a fee to conduct a criminal history check that cannot exceed the actual cost of service.

CURRENT LAW: G.S. 115C-296 does not provide the State Board of Education authority to require applicants for licensure to be checked for a criminal history.

G.S. 115C-332 requires that local school boards and regional school boards of directors adopt a policy on whether and under what circumstances an applicant for a school personnel position is to be checked for a criminal history. Charter school boards of directors must adopt the policy of the local school administrative unit in which the charter school is located. Applicants do not have to pay for a criminal history check if warranted under local school board policy.

BILL ANALYSIS: Senate Bill 867 would require the State Board of Education to require all applicants for licensure to be checked for a criminal history against the State and National Repositories of Criminal Histories. The bill would also permit the State Board of Education to charge the applicant for the criminal history check a fee in the amount up to, but not exceeding, the cost of providing the service. Additionally, the bill would require that applicants for licensure renewal be checked for a criminal history upon application for renewal.

The bill would also mandate local boards of education, regional school boards of directors, and charter school boards of directors, to require applicants for school personnel positions to be checked for a criminal history in the State and National Repositories of Criminal History. However, applicants to a local board of education position who were licensed in the last 6 months prior to employment would not be required to have a new criminal history check. The bill allows local school boards to charge applicants for the cost of providing the service.

Finally, the bill authorizes the Department of Public Safety to provide State and National criminal histories to the State Board of Education and board of directors of charter schools. The remainder of the bill makes conforming changes.

EFFECTIVE DATE: The bill would become effective when it becomes law and applies to all applications for licensure received 60 days on or after that date.

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