



SENATE BILL 867: Protect Students in Schools.

**This Bill Analysis
reflects the contents
of the bill as it was
presented in
committee.**

2016-2017 General Assembly

Committee:	House Judiciary IV	Date:	June 15, 2016
Introduced by:	Sens. Barefoot, Wade, Newton	Prepared by:	Kara McCraw
Analysis of:	PCS to Third Edition S867-CSTC-81		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 PCS for SB 867 would make the following changes:

- *Authorize the State Board of Education to share recent criminal history checks for individual licensed in the prior 6 months with local boards of education, regional school boards of directors, and charter school boards of directors considering employment of that individual.*
- *Clarify that charter school boards of directors may allow use of criminal history information by appropriate officers of the charter school as permitted by federal law.*
- *Provide for criminal history checks for members of the board of directors of a nonprofit applying for an initial charter.*

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. Boards would be authorized to charge applicants for the cost of providing the service. 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 PCS would authorize local boards of education, regional school boards of directors, and charter school boards of directors to request the criminal history check from the State Board of Education for those licensed in the last 6 months prior to employment.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578

Senate PCS 867

Page 2

The PCS would require members of boards of directors of nonprofits seeking an initial charter to be checked for a criminal history against the State and National Repositories of Criminal Histories.

The bill would authorize 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 and applications for initial charters received 60 days on or after that date.