



HOUSE BILL 117: Protect Students in Schools.

2017-2018 General Assembly

Committee:	House Education - K-12. If favorable, re-refer to Finance	Date:	April 4, 2017
Introduced by:	Reps. Warren, Boswell, Faircloth, Horn	Prepared by:	Kara McCraw
Analysis of:	Second Edition		Staff Attorney

SUMMARY: *The 2nd Edition of HB 117 would make the following changes:*

- *Require local boards of education, regional school boards of directors, and charter school boards of directors to check all applicants for a criminal history using a consumer reporting agency, Department of Public Safety, or both prior to unconditional employment.*
- *Require all public schools to indicate if the reason for an employee's resignation or dismissal was related to the employee's criminal history, if an inquiry is made by another public school, and to report this information to the State Board of Education.*
- *Allow a superintendent to put a person on leave without pay by providing written notice (instead of a face to face meeting) if that person is incarcerated or in custody at the time.*

CURRENT LAW: 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 under local school board policy.

G.S. 115C-325 and G.S. 115C 325.5 require, prior to suspending a teacher without pay, a superintendent to meet with the employee and give the employee written notice of the charges, an explanation of the basis for the charges, and an opportunity to respond.

G.S. 115C-325 and G.S. 115C 325.9 require that a teacher who has been recommended for dismissal and chooses to resign without the written agreement of the superintendent, be reported to the State Board of Education, and be deemed to have voluntarily surrendered his or her license pending an investigation by the State Board of Education. If a teacher who is not recommended for dismissal resigns without giving at least 30 days' notice, the local board may request that the State Board of Education revoke the teacher's license for the remainder of that school year.

BILL ANALYSIS:

Part I and II would mandate local boards of education, charter schools, and regional schools require applicants for school personnel positions, prior to unconditional employment, be checked for a criminal history by using a consumer reporting agency, the Department of Public Safety, or both to check the State and National Repositories of Criminal History Boards. Boards would be permitted to conduct periodic criminal history checks of employees using the Department of Public Safety or a consumer reporting agency that must search local, state, and federal criminal repositories. Boards would be

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required to indicate, upon request by another public school, is an employee's resignation or dismissal was related to criminal history.

Part III would authorize a superintendent, prior to suspending a teacher who is incarcerated or in custody without pay, to provide written notice of the charges, an explanation of the basis for the charges, and an opportunity to respond in writing, rather than meeting with the teacher in person.

Part IV would require local boards of education to report to the State Board of Education when a teacher's resignation was related to criminal history, regardless of whether dismissal proceedings had begun or the teacher had resigned without permission. The same requirement would apply to charter and regional schools under Part II.

EFFECTIVE DATE: House Bill 117 would become effective when it becomes law, and would apply to applications for employment received on or after January 1, 2018.