



2021-2022 General Assembly

# HOUSE BILL 103: 2022 Appropriations Act, Sec. 8A.5: Changes to NCSEAA's Administration of the Opportunity Scholarship Program

**Committee:**  
**Introduced by:**  
**Analysis of:** Sec. 8A.5 of S.L. 2022-74

**Date:** August 1, 2022  
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Staff Attorney

**OVERVIEW:** Section 8A.5 of S.L. 2022-74 makes the following changes to the North Carolina State Education Assistance Authority's (Authority) administration of the Opportunity Scholarship Program (Program):

- *Provides that a criminal background check be conducted for the staff member with the highest decision-making authority at a nonpublic school that admits students who receive Opportunity Scholarships. The background check must be given to the Authority and is not a public record. The criminal history must be reviewed by the Board of Directors of the Authority to ensure that the person has not been convicted of specified crimes, and written findings must be made to show how the criminal history was used in determining whether the nonpublic school is compliant with Program requirements. As a part of the criminal history review, the following disqualifying characteristics must be considered:*
  - *Whether a threat to the physical safety of students or personnel exists.*
  - *Whether the person demonstrates that he or she does not have the integrity or honesty to fulfill the duties of overseeing State funds and the requirements of the Program.*
  - *Whether the person has not satisfied the criminal sentencing obligations imposed following the conviction.*
- *Requires a nonpublic school that admits students who receive Opportunity Scholarships to contract with a certified public accountant to perform a financial review for each school year where the nonpublic school enrolls 70 or more students receiving scholarship grants or funds from the Authority.*
- *Directs the Authority to establish by rule a process for a nonpublic school to appeal a determination of ineligibility to accept scholarship grant funds if the nonpublic school has been deemed to not be in compliance with the Program requirements.*

*This section became effective July 1, 2022.*

Jeffrey Hudson  
Director



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Legislative Analysis  
Division  
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