



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

# HOUSE BILL 240: Criminal Background Checks/Schools.

2021-2022 General Assembly

<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	April 27, 2021
<b>Introduced by:</b>	Rep. Torbett	<b>Prepared by:</b>	Kara McCraw
<b>Analysis of:</b>	PCS to First Edition H240-CSTCF-26		Staff Attorney

**SUMMARY:** *The PCS for HB 240 would remove the contents in the first edition of the bill, and replace it with contents that would do the following:*

- *Require checks against the State and National Repositories of Criminal Histories for initial charter school boards of directors.*
- *Require checks against the State and National Repositories of Criminal Histories for licensure by the State Board of Education.*
- *Require criminal history checks by local boards of education, regional boards of directors, charter boards of directors, and chancellors of laboratory schools before employment.*

**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 boards of education, regional school boards of directors, and chancellors of laboratory schools to 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 required under local policy.

### BILL ANALYSIS:

**Part I** 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 checks would be paid for by the individual or nonprofit. The bill would authorize the Department of Public Safety to provide State and National criminal histories to the State Board of Education (SBE) and board of directors of charter schools.

This section would apply to applications for initial charters received on or after October 1, 2021.

**Part II** would require the SBE to require all applicants for licensure (including renewals and reinstatements) to be checked for a criminal history against the State and National Repositories of Criminal Histories. The bill would also permit the SBE to charge the applicant for the criminal history check a fee in an amount up to, but not exceeding, the cost of providing the service, or allow a governing board to pay the fee on the applicant's behalf. The SBE would be authorized to share the criminal history check during the licensure period with the governing board of a public school unit considering employing of that individual.

Jeffrey Hudson  
Director



Legislative Analysis  
Division  
919-733-2578

# House PCS 240

*Page 2*

The SBE is also encouraged to work towards alignment with the Multistate Educator Lookup System to enable electronic validation of out-of-state credentials.

This section applies to applications for licensure that are received on or after October 1, 2021.

**Part III** would require local boards of education, regional school boards of directors, charter school boards of directors, and chancellors of laboratory schools (boards) to require applicants for school personnel positions to be checked for a criminal history by using either the Department of Public Safety to check the State and National Repositories of Criminal History or a consumer reporting agency who must search local, state, and federal criminal repositories. Boards could charge applicants for the cost of providing the service. Boards would be authorized to request the criminal history check from the State Board of Education for applicants who are licensed. Boards would be permitted to conduct periodic criminal history checks of employees, but would not be permitted to require employees to pay for those checks.

This section would apply to applications for employment received on or after January 1, 2022.

**EFFECTIVE DATE:** Except as otherwise provided, the bill would become effective when it becomes law.