



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

HOUSE BILL 775: Criminal History Checks for School Positions.

2025-2026 General Assembly

Committee:	House Education - K-12. If favorable, re-refer to Judiciary 2. If favorable, re-refer to Finance. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	June 10, 2025
Introduced by:	Reps. Biggs, N. Jackson, Cotham, Willis	Prepared by:	Brian Gwyn
Analysis of:	PCS to First Edition H775-CSBE-19		Committee Co-Counsel

OVERVIEW: *The 1st edition of House Bill 775 would do all of the following:*

- *Require criminal history checks for the initial members of a charter school board of directors.*
- *Require criminal history checks for individuals seeking educator licensure in North Carolina.*
- *Require criminal history checks for individuals seeking employment with public school units.*

The PCS makes various clarifying and technical changes.

PART I. REQUIRE CRIMINAL HISTORY CHECKS FOR THE INITIAL MEMBERS OF A CHARTER SCHOOL BOARD OF DIRECTORS

CURRENT LAW: G.S. 115C-218.1 authorizes nonprofit corporations to apply to the Charter Schools Review Board (CSRB) to establish a charter school. The nonprofit's application must include the governance structure of the school, including the names of the initial members of the board of directors of the nonprofit corporation.

BILL ANALYSIS: Part I would require the CSRB to require the initial members of the board of directors of a nonprofit corporation seeking to become a charter school to complete a criminal history check. The State Bureau of Investigation (SBI) would be required to provide the CSRB with the criminal history from the State and National Repositories of Criminal Histories. The CSRB would be required to review the criminal history and determine whether the member (i) poses a threat to the physical safety of students or personnel or (ii) has demonstrated that he or she does not have the integrity or honesty to fulfill his or her duties as a member of the board of directors of a charter school. If a charter school application is denied on the basis of a criminal history check, the CSRB would be required to make written findings regarding how it used the information from the criminal history check.

Criminal history information received by the CSRB would not be a public record and would be for the exclusive and confidential use of the CSRB. The CSRB would not be liable for actions or omissions taken in compliance with these requirements unless the CSRB commits gross negligence, wanton conduct, or intentional wrongdoing that would otherwise be actionable, or if the CSRB is otherwise indemnified.

Any member of a board of directors who willfully provides false information for a criminal history check would be guilty of a Class A1 misdemeanor.

This section would apply to applications for initial charters that are received on or after October 1, 2025.

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PART II. CRIMINAL HISTORY CHECKS FOR INITIAL APPLICANTS FOR LICENSURE

BILL ANALYSIS: Part II would require the State Board of Education (State Board) to require all initial applicants for licensure to complete criminal history checks. These individuals could be employed on a temporary basis while the State Board checks their criminal history. The initial applicants would be responsible for paying any associated fees.

The State Bureau of Investigation (SBI) would be required to provide the State Board with the criminal history from the State and National Repositories of Criminal Histories. The State Board would be required to review the criminal history and determine whether the member (i) poses a threat to the physical safety of students or personnel, (ii) has demonstrated that he or she does not have the integrity or honesty to fulfill his or her duties as a professional educator, or (iii) otherwise fails to meet the standards and criteria adopted by the State Board concerning ethics and moral character for professional educators. If an initial applicant's licensure application is denied on the basis of a criminal history check, the State Board would be required to make written findings regarding how it used the information from the criminal history check.

The State Board would be authorized to provide the criminal history to the governing body of a public school unit considering employment of the individual.

Criminal history information received by the State Board would not be a public record and would be for the exclusive and confidential use of the State Board. The State Board would not be liable for actions or omissions taken in compliance with these requirements unless the State Board commits gross negligence, wanton conduct, or intentional wrongdoing that would otherwise be actionable, or if the State Board is otherwise indemnified.

Any applicant for licensure who willfully provides false information for a criminal history check would be guilty of a Class A1 misdemeanor.

The State Board would be encouraged to align the licensure system with the Multistate Educator Lookup System established by the National Association of State Directors of Teacher Education and Certification to enable electronic validation of out-of-state credentials and related information.

Part II would apply to applications for licensure received on or after October 1, 2025.

PART III. CRIMINAL HISTORY CHECKS FOR PUBLIC SCHOOL UNIT PERSONNEL

CURRENT LAW: G.S. 115C-332 requires local boards of education to adopt a policy on whether and under what circumstances school personnel applicants are required to complete a criminal history check. If the local board of education requires criminal history checks, certain requirements must be met, including:

- The policy must be applied uniformly to all school personnel applicants.
- Applicants cannot be required to pay for the criminal history check.
- The SBI must provide a fingerprint-based criminal history from the State and National Repositories of Criminal Histories.
- The local board of education must review the criminal history and determine whether the applicant or employee (i) poses a threat to the physical safety of students or personnel, (ii) has demonstrated that he or she does not have the integrity or honesty to fulfill his or her duties as school personnel.
- The local board must make written findings regarding how the criminal history information was used.

House 775 PCS

Page 3

- The local board must provide the criminal history of licensed school personnel to the State Board if the criminal history could be grounds for revoking the license.
- The local board or the State Board must keep the information from the criminal history confidential.

If the local board of education requires a criminal history check, it can employ the applicant conditionally while the criminal history check is being completed and reviewed. Local boards of education or their employees, the State Board, the Superintendent of Public Instruction, or any of their members or employees are not liable for actions or omissions taken in compliance with these requirements unless they commit gross negligence, wanton conduct, or intentional wrongdoing that otherwise is actionable, or if the individual or entity is otherwise indemnified.

Any applicant who willfully provides false information for a criminal history check is guilty of a Class A1 misdemeanor.

Local boards of education may also adopt a policy providing periodic criminal history checks of employees. Local boards cannot require employees to pay for these criminal history checks.

BILL ANALYSIS: Part III would require all governing bodies of public school units to adopt a policy requiring criminal history checks for all applicants to school personnel positions, either by a consumer reporting agency, by the SBI, or both. Consumer reporting agencies would include private entities that assemble or evaluate consumer credit information or other information on consumers, such as criminal history checks. The governing body would be authorized to require the applicant to pay for the criminal history check.

If the applicant has received a criminal history check for licensure within the previous three years, the governing body would be able to accept that criminal history check instead of completing a new one by requesting a copy from the State Board. The governing body would be prohibited from employing or contracting with an applicant who refuses to consent to a criminal history check.

The governing body would be required to review the criminal history and determine whether the applicant (i) poses a threat to the physical safety of students or personnel or (ii) has demonstrated that he or she does not have the integrity or honesty to fulfill his or her duties as public school personnel. The governing body would be required to make written findings regarding how it used the information from the criminal history check. The governing body would be authorized to delegate any duties related to the criminal history checks to the superintendent or equivalent authority.

Part III would make additional conforming changes and would apply to applications for employment received on or after January 1, 2026.

PART IV. CONFORMING CHANGES TO CONSOLIDATE BACKGROUND CHECK STATUTES

BILL ANALYSIS: Part IV would make various conforming changes.

PART V. SBI AUTHORITY FOR CRIMINAL HISTORY CHECKS

CURRENT LAW: G.S. 143B-1209.11 authorizes the SBI to provide criminal record checks for employees and applicants to certain entities, including local boards of education, the board of directors of a regional school, and the chancellor operating a laboratory school. For these entities, the SBI can also

House 775 PCS

Page 4

provide a criminal record check of school personnel by fingerprint card from the National Repositories of Criminal Histories. The entities must keep the information confidential.

BILL ANALYSIS: Part V would authorize the SBI to provide criminal record checks, including a check of the National Repositories of Criminal Histories, to the following:

- The governing body of a public school unit for applicants for school personnel positions.
- The State Board for licensure applicants.
- The CSRB for members of the board of directors of a nonprofit seeking initial approval to become a charter school.

The State Board and the CSRB would be required to keep the criminal record checks confidential.

The SBI would be authorized to charge a fee to offset the cost of conducting the criminal record checks.

Part V would also make various conforming changes.

EFFECTIVE DATE: Except as otherwise provided, the PCS would be effective when it becomes law.