



# HOUSE BILL 775: Criminal History Checks for School Positions.

2025-2026 General Assembly

<b>Committee:</b>		<b>Date:</b>	September 23, 2025
<b>Introduced by:</b>	Reps. Biggs, N. Jackson, Cotham, Willis	<b>Prepared by:</b>	Brian Gwyn
<b>Analysis of:</b>	Fifth Edition		Staff Attorney

**OVERVIEW:** *The 5th edition of House Bill 775 would do all of the following:*

- *Require the Charter Schools Review Board to receive criminal history checks from either the State Bureau of Investigation (SBI) or a consumer reporting agency for the initial members of a charter school board of directors. The members would pay the fee for the criminal history checks.*
- *Require public school units to receive criminal history checks from either the SBI or consumer reporting agencies for individuals seeking employment with public school units. The individuals seeking employment would pay the fee for the criminal history checks.*
- *Expand the definition of misconduct by licensed school employees to include the intentional infliction of emotional distress against a child.*
- *Require law enforcement agencies to report allegations of certain misconduct to the local superintendent within 30 days.*
- *Modify the reporting requirements for threats and assaults on teachers.*
- *Encourage the State Board of Education to align the licensure system with the Multistate Educator Lookup System.*
- *Make various clarifying 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 CSRB would be required to obtain a criminal history from either a consumer reporting agency, 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 CSRB would be required to review the criminal history and determine whether the member poses a threat or has demonstrates that he or she does not have the integrity or honesty to fulfill the 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.

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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.

## **PART II. 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.
- The local board must provide the criminal history of licensed school personnel to the State Board.
- The local board and 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 can also adopt a policy providing periodic criminal history checks of employees. Local boards cannot require employees to pay for these criminal history checks.

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 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 II would require 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

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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. 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 poses a threat or has demonstrated that he or she does not have the integrity or honesty to fulfill the duties required by the position. The governing body would be required to make written findings regarding how it used the information from the criminal history check. Except for the governing body of a charter school, a governing body would be authorized to delegate any duties related to the criminal history checks to the superintendent or equivalent authority.

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

## **PART II-A. MODIFY REPORTING REQUIREMENTS FOR MISCONDUCT BY SCHOOL EMPLOYEES.**

**CURRENT LAW:** G.S. 115C-326.20 requires certain school administrators who know, have reason to believe, or have actual notice of a complaint that a licensed employee has engaged in misconduct resulting in dismissal, disciplinary action, or resignation to report the misconduct to the State Board within five days of dismissal, determination of disciplinary action, or acceptance of resignation. If the employee resigns (i) within 30 days of a complaint for misconduct or (ii) during an ongoing investigation of a complaint, the misconduct is presumed to have resulted in the resignation. Failure to report the misconduct is a Class I felony. Misconduct is defined as conduct that justifies automatic revocation of a professional educator license or the infliction of a physical injury against a child other than by accident or in self-defense.

**BILL ANALYSIS:** Part II-A would add the intentional infliction of emotional distress against a child to the definition of reportable misconduct. Additionally, if a licensed employee resigns as a result of a misconduct allegation, school administrators would be required to report to the State Board within five days of (i) accepting the resignation or (ii) receiving notice of the allegation, whichever is later. Part II-A would clarify that misconduct is presumed to have resulted in the resignation if the resignation occurs within 30 days prior to or following the allegation.

Additionally, Part II-A would require law enforcement agencies to report certain alleged misconduct by a school employee to the relevant superintendent or equivalent authority within 30 days. The alleged misconduct would have to be reported if it was committed against a student, occurred on school property, or both. If the allegation is against the superintendent or equivalent authority, the law enforcement agency would be required to report the allegation to the Superintendent of Public Instruction.

Part II-A makes other various clarifying changes. It would become effective December 1, 2025, and would apply to offenses committed on or after that date.

## **PART II-B. STRENGTHEN REPORTING REQUIREMENTS FOR THREATS AND ASSAULTS ON TEACHERS**

**CURRENT LAW:** G.S. 115C-288(g) requires school principals to report to local law enforcement if they have personal knowledge or actual notice of certain acts occurring on school property, including assault resulting in serious personal injury, sexual assault, and other offenses. G.S. 115C-289.1(a) requires

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the supervisor of a school employee who has been the victim of an assault by a student resulting in physical injury to immediately report the assault to the principal.

**BILL ANALYSIS:** Part II-B would require school principals to report to law enforcement any threats directed at a teacher and assaults, regardless of whether the assault resulted in serious personal injury. Supervisors of an employee who has received a threat from a student or has been a victim of assault by a student would be required to report the threat or assault to the school principal. These reporting requirements would also extend to all other public school units. For certain children with disabilities, including those with an intellectual disability, serious emotional disturbance, or developmental delay, the principal would have discretion as to whether a threat or assault would be reported to law enforcement.

## **PART III. ALIGN LICENSURE SYSTEM WITH MULTISTATE EDUCATOR LOOKUP SYSTEM**

**BILL ANALYSIS:** Part III would encourage the State Board 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.

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