

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1675

Short Title: Certain Felons Can't Teach.

(Public)

Sponsors: Representatives J. Brown; Berry, Bowman, Dickson, Esposito, Hall, Holmes, Howard, Joye, McLawhorn, J. Preston, Robinson, Sexton, and Thompson.

Referred to: Appropriations.

May 26, 1994

A BILL TO BE ENTITLED

1 AN ACT TO ENSURE THAT PERSONS CONVICTED OF CERTAIN FELONIES
2 ARE NOT ALLOWED TO TEACH SCHOOL IN NORTH CAROLINA AND TO
3 APPROPRIATE FUNDS TO LOCAL SCHOOL ADMINISTRATIVE UNITS TO
4 PAY FOR CRIMINAL RECORD CHECKS OF TEACHERS.
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6 The General Assembly of North Carolina enacts:

7 Section 1. Article 20 of Chapter 115C of the General Statutes is amended by
8 adding a new section to read:

9 "**§ 115C-295.1. Persons convicted of certain felonies shall not teach school in North**
10 **Carolina.**

11 (a) It shall be unlawful for any local board of education to employ or keep in
12 service any teacher who is convicted of a felony that bears upon an individual's fitness
13 to have responsibility for the safety and well-being of children. These felonies include
14 homicide, rape and other sex offenses, assaults, kidnapping and abduction, malicious
15 injury or damage by the use of incendiary device or material, offenses against public
16 morality and decency, prostitution, a crime against children, and a crime against the
17 family, as prescribed respectively in Articles 6, 7A, 8, 10, 13, 26, 27, 39, and 40 of
18 Chapter 14 of the General Statutes, and a violation of the North Carolina Controlled
19 Substances Act, as prescribed in Article 5 of Chapter 90 of the General Statutes.

20 (b) Each local board of education shall ensure that applicants for teacher
21 positions and teachers employed by the local school administrative unit are checked for
22 criminal history and shall not employ or keep in service any teacher who is convicted of
23 a felony that bears upon an individual's fitness to have responsibility for the safety and

1 well-being of children. A local board of education may employ a teacher conditionally
2 or keep in service a teacher while the board is investigating whether the person has been
3 convicted of such a felony.

4 (c) The Department of Justice shall provide to the local board of education the
5 criminal history from the State and National Repositories of criminal histories of any
6 applicant for a teacher position or any teacher employed by the local school
7 administrative units. The criminal history shall consist of information related to the
8 conviction of a felony that bears upon an individual's fitness to have responsibility for
9 the safety and well-being of children.

10 The local board of education, through a local law enforcement agency, shall provide
11 to the Department of Justice along with the request the fingerprints of the person to be
12 checked, any additional information required by the Department of Justice, and a form
13 consenting to the check of the criminal record and to the use of fingerprints and other
14 identifying information required by the repositories signed by the person to be checked.
15 Refusal to consent is grounds for the local board of education to refuse to hire an
16 applicant for a teacher position or to fire a teacher employed by the local board of
17 education.

18 (d) If the criminal history received by a local board of education consists of
19 information related to any conviction of a certificated teacher of a felony that bears
20 upon an individual's fitness to have responsibility for the safety and well-being of
21 children, the local board of education shall report the criminal history to the State Board
22 of Education. The State Board of Education shall use the report of the criminal history
23 to determine whether the person's teacher certification should be revoked.

24 (e) All the information received by the local board of education through the
25 checking of the criminal history or by the State Board of Education in accordance with
26 subsection (d) of this section is privileged information and for the exclusive use of the
27 local board of education or the State Board of Education. The local board of education
28 or the State Board of Education may destroy the information after it is used for the
29 purposes authorized by this section after one calendar year.

30 (f) No action for civil or criminal liability shall be brought against a local board
31 of education or the State Board of Education as a result of actions taken to carry out its
32 duties under this section if the local board of education or the State Board of Education
33 was acting in good faith and in accordance with this section and the rules established
34 pursuant to it.

35 (g) The Department of Justice shall charge local boards of education a fee in
36 accordance with G.S. 114-19.2(c) for conducting the checks of the criminal records
37 authorized by this section."

38 Sec. 2. G.S. 114-19.2(a) reads as rewritten:

39 "(a) The Department of Justice may provide a criminal record check to the local
40 board of education of a person who is employed in a public school in that local school
41 district or of a person who has applied for employment in a public school in that local
42 school district, if the employee or applicant consents to the record check. The
43 Department may also provide a criminal record check to the local board of education
44 from National Repositories of Criminal histories, in accordance with G.S. 115C-295.1.

1 The information shall be kept confidential by the local board of education as provided in
2 Article 21A of Chapter 115C."

3 Sec. 3. The State Board of Education, in consultation with the Division of
4 Criminal Information of the Department of Justice, shall adopt rules to implement this
5 act.

6 Sec. 4. There is appropriated from the General Fund to the State Board of
7 Education the sum of two million five hundred seven thousand four hundred sixty-eight
8 dollars (\$2,507,468) for the 1994-95 fiscal year to pay the fees for criminal record
9 checks required by Section 1 of this act.

10 Sec. 5. This act becomes effective July 1, 1994.