

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2015

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SENATE BILL 867

Education/Higher Education Committee Substitute Adopted 5/24/16

Judiciary I Committee Substitute Adopted 5/26/16

House Committee Substitute Favorable 6/16/16

PROPOSED HOUSE COMMITTEE SUBSTITUTE S867-CSTC-82 [v.11]

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Short Title: Protect Students in Schools.

(Public)

Sponsors:

Referred to:

May 11, 2016

A BILL TO BE ENTITLED

1 AN ACT TO REQUIRE CRIMINAL BACKGROUND CHECKS FOR TEACHER LICENSURE  
2 AND SCHOOL PERSONNEL EMPLOYMENT AND FOR BOARD MEMBERS OF  
3 NONPROFITS SEEKING INITIAL APPROVAL TO ESTABLISH A CHARTER SCHOOL;  
4 REQUIRE THAT THE STATE BOARD OF EDUCATION CREATE A DATABASE FOR  
5 CERTAIN SCHOOL PERSONNEL TO REPORT CATASTROPHIC ILLNESSES AND  
6 INJURIES AND CONCUSSIONS INVOLVING STUDENT ATHLETES; CHANGE THE  
7 REPORTING DATE FOR REPORT ON THE STATE OF THE TEACHING PROFESSION;  
8 ELIMINATE LOW VOLTAGE BUILDING PERMIT REQUIREMENTS FOR PASSIVE  
9 OPTICAL NETWORKS; ENCOURAGE PARTNERSHIPS FOR DIGITAL LEARNING;  
10 AND REQUIRE THE STATE BOARD OF EDUCATION TO MAKE FAST TRACK  
11 CHARTER SCHOOL REPLICATION DECISIONS WITHIN ONE HUNDRED TWENTY  
12 DAYS; AND TO PROVIDE FOR ENROLLMENT OF CERTAIN HIGH SCHOOL  
13 STUDENTS IN COMMUNITY COLLEGE COURSES.  
14

15 The General Assembly of North Carolina enacts:

16 **SECTION 1.(a)** G.S. 115C-296 reads as rewritten:

17 **"§ 115C-296. Board sets licensure requirements; reports; lateral entry and mentor**  
18 **programs.**

19 (a) The State Board of Education shall have entire control of licensing all applicants for  
20 teaching positions in all public schools of North Carolina; and it shall prescribe the rules and  
21 regulations for the renewal and extension of all licenses and shall determine and fix the salary for  
22 each grade and type of license which it authorizes.

23 The State Board of Education shall require an applicant for an initial bachelors degree license  
24 or graduate degree license to demonstrate the applicant's academic and professional preparation by  
25 achieving a prescribed minimum score on a standard examination appropriate and adequate for  
26 that purpose. Elementary education (K-6) and special education general curriculum teachers shall  
27 also achieve a prescribed minimum score on subtests or standard examinations specific to teaching  
28 reading and mathematics. The State Board of Education shall permit an applicant to fulfill any  
29 such testing requirement before or during the applicant's second year of teaching provided the  
30 applicant took the examination at least once during the first year of teaching. The State Board of  
31 Education shall make any required standard initial licensure exam rigorous and raise the  
32 prescribed minimum score as necessary to ensure that each applicant has received high-quality  
33 academic and professional preparation to teach effectively.



1        The State Board of Education shall require all applicants for licensure in the State to be  
2 checked for a criminal history, as provided in G.S. 115C-297.1.

3        (a1) The State Board shall adopt policies that establish the minimum scores for any required  
4 standard examinations and other measures necessary to assess the qualifications of professional  
5 personnel as required under subsection (a) of this section. For purposes of this subsection, the  
6 State Board shall not be subject to Article 2A of Chapter 150B of the General Statutes. At least 30  
7 days prior to changing any policy adopted under this subsection, the State Board shall provide  
8 written notice to all North Carolina schools of education and to all local boards of education. The  
9 written notice shall include the proposed revised policy.

10        (a2) The State Board of Education shall establish a schedule of fees for teacher licensure  
11 and administrative changes. The fees established under this subsection shall not exceed the actual  
12 cost of providing the service. The schedule may include fees for any of the following services:

- 13            (1) Application for demographic or administrative changes to a license.
- 14            (2) Application for a duplicate license or for copies of documents in the licensure  
15 files.
- 16            (3) Application for a renewal, extension, addition, upgrade, reinstatement, and  
17 variation to a license.
- 18            (4) Initial application for a New, In-State Approved Program Graduate.
- 19            (5) Initial application for an Out-of-State license.
- 20            (6) All other applications.
- 21            (7) Criminal history check.

22        An applicant must pay any nonrefundable service fees at the time an application is submitted.

23        ...."

24        **SECTION 1.(b)** Article 20 of Chapter 115C of the General Statutes is amended by  
25 adding a new section to read:

26        **"§ 115C-297.1. School personnel criminal history checks.**

27        (a) As used in this section, the following terms are defined:

- 28            (1) Applicant. – An individual who submits an application for licensure as  
29 provided in G.S. 115C-296, including initial applications, renewal applications,  
30 and applications for licensure reinstatement.
- 31            (2) Criminal history. – A county, state, or federal criminal history of conviction of,  
32 or a plea of nolo contendere to, a crime, whether a misdemeanor or a felony,  
33 that indicates the applicant (i) poses a threat to the physical safety of students or  
34 personnel, (ii) has demonstrated that he or she does not have the integrity or  
35 honesty to fulfill his or her duties as public school personnel, or (iii) otherwise  
36 fails to meet the standards and criteria adopted by the State Board of Education  
37 governing ethics and moral character required for professional educators. Such  
38 crimes include the following North Carolina crimes contained in any of the  
39 following Articles of Chapter 14 of the General Statutes: Article 5A,  
40 Endangering Executive and Legislative Officers; Article 6, Homicide; Article  
41 7B, Rape and Kindred Offenses; Article 8, Assaults; Article 10, Kidnapping  
42 and Abduction; Article 13, Malicious Injury or Damage by Use of Explosive or  
43 Incendiary Device or Material; Article 14, Burglary and Other Housebreakings;  
44 Article 15, Arson and Other Burnings; Article 16, Larceny; Article 17,  
45 Robbery; Article 18, Embezzlement; Article 19, False Pretense and Cheats;  
46 Article 19A, Obtaining Property or Services by False or Fraudulent Use of  
47 Credit Device or Other Means; Article 20, Frauds; Article 21, Forgery; Article  
48 26, Offenses Against Public Morality and Decency; Article 26A, Adult  
49 Establishments; Article 27, Prostitution; Article 28, Perjury; Article 29,  
50 Bribery; Article 31, Misconduct in Public Office; Article 35, Offenses Against  
51 the Public Peace; Article 36A, Riots, Civil Disorders, and Emergencies; Article

1                   39, Protection of Minors; and Article 60, Computer-Related Crime. Such  
2                   crimes also include possession or sale of drugs in violation of the North  
3                   Carolina Controlled Substances Act, Article 5 of Chapter 90 of the General  
4                   Statutes, and alcohol-related offenses such as sale to underage persons in  
5                   violation of G.S. 18B-302 or driving while impaired in violation of  
6                   G.S. 20-138.1 through G.S. 20-138.5. In addition to the North Carolina crimes  
7                   listed in this subsection, such crimes also include similar crimes under federal  
8                   law or under the laws of other states.

9           (b) The State Board of Education shall require applicants to be checked for a criminal  
10           history before the applicant is issued an unconditional license. The State Board of Education may  
11           license an applicant conditionally while the Board is checking the person's criminal history and  
12           making a decision based on the results of the check. The State Board of Education shall require an  
13           applicant to pay for the criminal history check authorized under this subsection, but a local board  
14           of education may pay for the criminal history check on behalf of the applicant.

15           (c) The Department of Public Safety shall provide to the State Board of Education the  
16           criminal history from the State and National Repositories of Criminal Histories of any applicant  
17           for licensure. The State Board of Education shall require the person to be checked by the  
18           Department of Public Safety to (i) be fingerprinted and to provide any additional information  
19           required by the Department of Public Safety to a person designated by the State Board of  
20           Education and (ii) sign a form consenting to the check of the criminal record and to the use of  
21           fingerprints and other identifying information required by the repositories. The State Board of  
22           Education shall not issue a license to an individual who refuses to consent to a criminal history  
23           check.

24           (d) The State Board of Education shall review the criminal history it receives on a person.  
25           The State Board of Education shall determine whether the results of the review indicate that the  
26           applicant (i) poses a threat to the physical safety of students or personnel, (ii) has demonstrated  
27           that he or she does not have the integrity or honesty to fulfill his or her duties as public school  
28           personnel, or (iii) otherwise fails to meet the standards and criteria adopted by the State Board of  
29           Education governing ethics and moral character required for professional educators and shall use  
30           the information when making licensure decisions. If the State Board of Education denies an  
31           applicant based on its review of the criminal history it receives, the State Board of Education shall  
32           make written findings with regard to how it used the information when making licensure  
33           decisions.

34           (e) During the period of licensure, the State Board of Education may provide upon request  
35           the criminal history it receives on a person to a local board of education, regional board of  
36           directors, or charter board of directors considering employment of that individual.

37           (f) All the information received by the State Board of Education through the checking of  
38           the criminal history in accordance with this section is privileged information and is not a public  
39           record but is for the exclusive and confidential use of the State Board of Education and a local  
40           board of education, regional board of directors, or charter board of directors considering  
41           employment of an individual granted licensure. The State Board of Education may destroy the  
42           information after it is used for the purposes authorized by this section after the licensure of the  
43           individual had ended or has been renewed. The local board of education, regional board of  
44           directors, or charter board of directors may destroy the information after it is used for the purposes  
45           authorized by this section after one calendar year.

46           (g) There shall be no liability for negligence on the part of the State Board of Education, or  
47           its employees, arising from any act taken or omission by any of them in carrying out the  
48           provisions of this section. The immunity established by this subsection shall not extend to gross  
49           negligence, wanton conduct, or intentional wrongdoing that would otherwise be actionable. The  
50           immunity established by this subsection shall be deemed to have been waived to the extent of  
51           indemnification by insurance, indemnification under Articles 31A and 31B of Chapter 143 of the

1 General Statutes, and to the extent sovereign immunity is waived under the Tort Claims Act, as set  
2 forth in Article 31 of Chapter 143 of the General Statutes.

3 (h) Any applicant for licensure who willfully furnishes, supplies, or otherwise gives false  
4 information on a licensure application that is the basis for a criminal history record check under  
5 this section shall be guilty of a Class A1 misdemeanor."

6 **SECTION 1.(c)** Article 13 of Chapter 143B of the General Statutes is amended by  
7 adding a new section to read:

8 **"§ 143B-931.1. Criminal background checks for applications for teacher licenses and**  
9 **members of boards of directors of nonprofits seeking initial approval of charters.**

10 The Department of Public Safety may provide to the State Board of Education from the State  
11 and National Repositories of Criminal Histories the criminal history of (i) any applicant for  
12 licensure for a teaching position under Article 20 of Chapter 115C of the General Statutes or (ii)  
13 the member of a board of directors of a nonprofit seeking initial approval to establish a charter  
14 school under Article 14A of Chapter 115C of the General Statutes. Along with the request, the  
15 Board shall provide to the Department of Public Safety the fingerprints of the applicant or  
16 member, a form signed by the applicant or member consenting to the criminal record check and  
17 use of fingerprints and other identifying information required by the State and National  
18 Repositories of Criminal Histories, and any additional information required by the Department of  
19 Public Safety. The applicant or member's fingerprints shall be forwarded to the State Bureau of  
20 Investigation for a search of the State's criminal history record file, and the State Bureau of  
21 Investigation shall forward a set of fingerprints to the Federal Bureau of Investigation for a  
22 national criminal history record check. The State Board of Education shall keep all information  
23 obtained pursuant to this section confidential. The Department of Public Safety may charge a fee  
24 to offset the cost incurred by it to conduct a criminal record check under this section. The fee shall  
25 not exceed the actual cost of locating, editing, researching, and retrieving the information."

26 **SECTION 1.(d)** The State Board of Education is encouraged to work towards  
27 programming of the licensure system to align with the Multistate Educator Lookup System  
28 established by the National Association of State Directors of Teacher Education and Certification  
29 to enable electronic validation of out-of-state credentials and related information.

30 **SECTION 2.(a)** G.S. 115C-218.90(b) reads as rewritten:

31 "(b) Criminal History Checks. –

32 (1) ~~If the local board of education of the local school administrative unit in which a~~  
33 ~~charter school is located has adopted a policy requiring criminal history checks~~  
34 ~~under G.S. 115C-332, then the~~ The board of directors of each charter school  
35 located in that local school administrative unit shall adopt a policy mirroring  
36 the local board of education policy that requires an applicant for employment to  
37 be checked for a criminal history, as ~~defined~~ provided in G.S. 115C-332. Each  
38 charter school board of directors shall apply its policy uniformly in requiring  
39 applicants for employment to be checked for a criminal history before the  
40 applicant is given an unconditional job offer. A charter school board of  
41 directors may employ an applicant conditionally while the board is checking the  
42 person's criminal history and making a decision based on the results of the  
43 check.

44 (1a) The charter board of directors shall uniformly require applicants to be checked  
45 for a criminal history either by a consumer reporting agency, the Department of  
46 Public Safety, or both. The charter school board of directors shall require the  
47 person to be checked by the Department of Public Safety (i) to be fingerprinted  
48 and to provide any additional information required by the Department of Public  
49 Safety to a person designated by the board of directors or to the local sheriff or  
50 the municipal police, whichever is more convenient for the person, and (ii) to  
51 sign a form consenting to the check of the criminal record and to the use of

fingerprints and other identifying information required by the repositories. The board of directors shall not employ or contract with individuals who refuse to consent to a criminal history check. The fingerprints of the individual shall be forwarded to the State Bureau of Investigation for a search of the State criminal history record file, and the State Bureau of Investigation shall forward a set of fingerprints to the Federal Bureau of Investigation for a national criminal history record check. The Department of Public Safety shall provide to the charter school board of directors the criminal history from the State and National Repositories of Criminal Histories of the school personnel for which the charter school board of directors requires a criminal history record check.

(2) There shall be no liability for negligence on the part of the State Board of Education or the board of directors of the charter school, or their employees, arising from any act taken or omission by any of them in carrying out the provisions of this subsection. The immunity established by this subsection shall not extend to gross negligence, wanton conduct, or intentional wrongdoing that would otherwise be actionable. The immunity established by this subsection shall be deemed to have been waived to the extent of indemnification by insurance, indemnification under Articles 31A and 31B of Chapter 143 of the General Statutes, and to the extent sovereign immunity is waived under the Tort Claims Act, as set forth in Article 31 of Chapter 143 of the General Statutes.

(3) All the information received by the charter school board of directors through the checking of the criminal history or by the State Board of Education in accordance with this section is privileged information and is not a public record but is for the exclusive use of the charter school board of directors, appropriate officers of the charter school as permitted by federal law, or the State Board of Education. The charter school board of directors or the State Board of Education may destroy the information after it is used for the purposes authorized by this section after one calendar year."

**SECTION 2.(b)** G.S. 115C-238.73 reads as rewritten:

**"§ 115C-238.73. Criminal history record checks.**

(a) As used in this section:

...  
 (1a) Consumer reporting agency. – An entity which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers, including criminal history checks, for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports, and which is regulated as provided in 15 U.S.C. 1681 et. seq. A criminal history check by a consumer reporting agency provided for purposes of this section must include all of the following:

(a) A search of the State criminal registry or repository in which the applicant resides.

(b) A multi-state/multi-jurisdiction database search which includes a follow-up search at the originating source for any information returned by the database search and which confirms final disposition information of the same.

(c) A search of records obtained from county, State and federal criminal repositories where the individual resides and has previously resided.

(d) A search of the National Sex Offender Registry established as provided in 42 U.S.C. 16919.

1 ...  
2 (b) ~~The board of directors shall adopt a policy on whether and under what circumstances~~  
3 ~~school personnel shall be required to be that requires an applicant for a school personnel position~~  
4 ~~to be checked for a criminal history.~~ history as provided in subsection (c) of this section. The  
5 board of directors shall apply its policy uniformly in requiring applicants for school personnel  
6 positions to be checked for a criminal history. The board of directors may grant conditional  
7 approval of an application while the board of directors is checking a person's criminal history and  
8 making a decision based on the results of the check. The board of directors may request the  
9 criminal history check completed for licensure purposes from the State Board of Education as  
10 provided in G.S. 115C-297.1(e) for any applicant holding a license.

11 The board of directors ~~shall not~~ may require ~~school personnel~~ an applicant to pay for the  
12 criminal history record check authorized under this section.

13 (c) The regional board of directors shall uniformly require applicants to be checked for a  
14 criminal history either by a consumer reporting agency, the Department of Public Safety, or both.  
15 The board of directors shall require the person to be checked by the Department of Public Safety  
16 (i) to be fingerprinted and to provide any additional information required by the Department of  
17 Public Safety to a person designated by the board of directors or to the local sheriff or the  
18 municipal police, whichever is more convenient for the person, and (ii) to sign a form consenting  
19 to the check of the criminal record and to the use of fingerprints and other identifying information  
20 required by the repositories. The board of directors shall ~~consider refusal to consent when making~~  
21 ~~employment decisions and decisions with regard to independent contractors.~~ not employ or  
22 contract with an individual who refuses to consent to a criminal history check. The fingerprints of  
23 the individual shall be forwarded to the State Bureau of Investigation for a search of the State  
24 criminal history record file, and the State Bureau of Investigation shall forward a set of  
25 fingerprints to the Federal Bureau of Investigation for a national criminal history record check.  
26 The Department of Public Safety shall provide to the board of directors the criminal history from  
27 the State and National Repositories of Criminal Histories of any school personnel for which the  
28 board of directors requires a criminal history record check.

29 The board of directors ~~shall not~~ may require school personnel to pay for the fingerprints  
30 authorized under this section.

31 ...  
32 (i) The board of directors may adopt a policy providing for periodic checks of criminal  
33 history of employees. The board may conduct a criminal history check as provided in subsection  
34 (c). Boards of directors shall not require employees to pay for the criminal history check  
35 authorized under this subsection.

36 ...."

37 **SECTION 2.(c)** G.S. 115C-332 reads as rewritten:

38 **"§ 115C-332. School personnel criminal history checks.**

39 (a) As used in this section:

40 ...  
41 (1a) Consumer reporting agency. – An entity which, for monetary fees, dues, or on a  
42 cooperative nonprofit basis, regularly engages in whole or in part in the practice  
43 of assembling or evaluating consumer credit information or other information  
44 on consumers, including criminal history checks, for the purpose of furnishing  
45 consumer reports to third parties, and which uses any means or facility of  
46 interstate commerce for the purpose of preparing or furnishing consumer  
47 reports, and which is regulated as provided in 15 U.S.C. 1681 et. seq. A  
48 criminal history check by a consumer reporting agency provided for purposes  
49 of this section must include all of the following:

50 (a) A search of the State criminal registry or repository in which the  
51 applicant resides.

- 1                   (b) A multi-state/multi-jurisdiction database search which includes a  
 2 follow-up search at the originating source for any information returned  
 3 by the database search and which confirms final disposition information  
 4 of the same.  
 5                   (c) A search of records obtained from county, State and federal criminal  
 6 repositories where the individual resides and has previously resided.  
 7                   (d) A search of the National Sex Offender Registry established as provided  
 8 in 42 U.S.C. 16919.

9                   ...

10           (b) Each local board of education shall adopt a policy ~~on whether and under what~~  
 11 ~~circumstances an~~ that requires an applicant for a school personnel position shall be required to be  
 12 checked for a criminal history as provided in subsection (c) of this section before the applicant is  
 13 offered an unconditional job. Each local board of education shall apply its policy uniformly in  
 14 requiring applicants for school personnel positions to be checked for a criminal history. A local  
 15 board of education that requires a criminal history check for an applicant may may employ an  
 16 applicant conditionally while the board is checking the person's criminal history and making a  
 17 decision based on the results of the check. The local board of education may request the criminal  
 18 history check completed for licensure purposes from the State Board of Education as provided in  
 19 G.S. 115C-297.1(e) for any applicant holding a license.

20           A local board of education ~~shall not may~~ require an applicant to pay for the criminal history  
 21 check authorized under this subsection.

22           (c) A local board of education by policy shall uniformly require applicants to be checked  
 23 for a criminal history either by a consumer reporting agency, the Department of Public Safety, or  
 24 both. The Department of Public Safety shall provide to the local board of education the criminal  
 25 history from the State and National Repositories of Criminal Histories of any applicant for a  
 26 school personnel position in the local school administrative unit for which a local board of  
 27 education requires a criminal history check. The local board of education shall require the person  
 28 to be checked by the Department of Public Safety to (i) be fingerprinted and to provide any  
 29 additional information required by the Department of Public Safety to a person designated by the  
 30 local board, or to the local sheriff or the municipal police, whichever is more convenient for the  
 31 person, and (ii) sign a form consenting to the check of the criminal record and to the use of  
 32 fingerprints and other identifying information required by the repositories. The local board of  
 33 education shall consider refusal to consent when making employment decisions and decisions with  
 34 regard to independent contractors not employ or contract with an individual who refuses to  
 35 consent to a criminal history check.

36           The local board of education ~~shall not may~~ require an applicant to pay for being fingerprinted.

37           ...

38           (i) The local board of education may adopt a policy providing for periodic checks of  
 39 criminal history of employees. The local board may conduct a criminal history check as provided  
 40 in subsection (c). Local boards of education shall not require employees to pay for the criminal  
 41 history check authorized under this subsection.

42           ...."

43           **SECTION 2.(d)** G.S. 143B-931 is amended by adding a new subsection to read:

44           "(b1) The Department of Public Safety may provide a criminal history record check to the  
 45 board of directors of a charter school of a person who is employed at a charter school or of a  
 46 person who has applied for employment at a charter school if the employee or applicant consents  
 47 to the record check. The Department may also provide a criminal history record check of school  
 48 personnel as defined in G.S. 115C-332 by fingerprint card to the board of directors of the charter  
 49 school from the National Repositories of Criminal Histories, in accordance with  
 50 G.S. 115C-218.90. The information shall be kept confidential by the board of directors of the  
 51 charter school as provided in G.S. 115C-218.90."

1           **SECTION 3.(a)** G.S. 115C-218.1(b)(3) reads as rewritten:

2           "(3) The governance structure of the school including the names of the initial  
3           members of the board of directors of the nonprofit, tax-exempt corporation and  
4           the process to be followed by the school to ensure parental involvement. The  
5           initial members of the board of directors shall consent to a criminal history  
6           check as provided in G.S. 115C-218.115. A teacher employed by the board of  
7           directors to teach in the charter school may serve as a nonvoting member of the  
8           board of directors for the charter school."

9           **SECTION 3.(b)** Article 14A of Chapter 115C of the General Statutes is amended by  
10          adding a new section to read:

11          "**§ 115C-218.115. Charter board of director criminal history checks.**

12          (a) As used in this section, the following terms are defined:

13           (1) Member. – An individual who is a member of the board of directors of a  
14           nonprofit seeking initial approval to establish a charter school.

15           (2) Criminal history. – A county, state, or federal criminal history of conviction of,  
16           or a plea of nolo contendere to, a crime, whether a misdemeanor or a felony,  
17           that indicates the applicant (i) poses a threat to the physical safety of students or  
18           personnel, (ii) has demonstrated that he or she does not have the integrity or  
19           honesty to fulfill his or her duties as public school personnel, or (iii) otherwise  
20           fails to meet the standards and criteria adopted by the State Board of Education  
21           governing ethics and moral character required for professional educators. Such  
22           crimes include the following North Carolina crimes contained in any of the  
23           following Articles of Chapter 14 of the General Statutes: Article 5A,  
24           Endangering Executive and Legislative Officers; Article 6, Homicide; Article  
25           7B, Rape and Kindred Offenses; Article 8, Assaults; Article 10, Kidnapping  
26           and Abduction; Article 13, Malicious Injury or Damage by Use of Explosive or  
27           Incendiary Device or Material; Article 14, Burglary and Other Housebreakings;  
28           Article 15, Arson and Other Burnings; Article 16, Larceny; Article 17,  
29           Robbery; Article 18, Embezzlement; Article 19, False Pretense and Cheats;  
30           Article 19A, Obtaining Property or Services by False or Fraudulent Use of  
31           Credit Device or Other Means; Article 20, Frauds; Article 21, Forgery; Article  
32           26, Offenses Against Public Morality and Decency; Article 26A, Adult  
33           Establishments; Article 27, Prostitution; Article 28, Perjury; Article 29,  
34           Bribery; Article 31, Misconduct in Public Office; Article 35, Offenses Against  
35           the Public Peace; Article 36A, Riots, Civil Disorders, and Emergencies; Article  
36           39, Protection of Minors; and Article 60, Computer-Related Crime. Such  
37           crimes also include possession or sale of drugs in violation of the North  
38           Carolina Controlled Substances Act, Article 5 of Chapter 90 of the General  
39           Statutes, and alcohol-related offenses such as sale to underage persons in  
40           violation of G.S. 18B-302 or driving while impaired in violation of  
41           G.S. 20-138.1 through G.S. 20-138.5. In addition to the North Carolina crimes  
42           listed in this subsection, such crimes also include similar crimes under federal  
43           law or under the laws of other states.

44          (b) The State Board of Education shall require all members of the board of directors of the  
45          nonprofit to be checked for a criminal history before granting final approval of a charter  
46          application. The State Board of Education shall require a member to pay for the criminal history  
47          check authorized under this subsection, but the nonprofit may pay for the criminal history check  
48          on behalf of the member.

49          (c) The Department of Public Safety shall provide to the State Board of Education the  
50          criminal history from the State and National Repositories of Criminal Histories of any member.  
51          The State Board of Education shall require the person to be checked by the Department of Public



1 Safety to (i) be fingerprinted and to provide any additional information required by the  
2 Department of Public Safety to a person designated by the State Board of Education and (ii) sign a  
3 form consenting to the check of the criminal record and to the use of fingerprints and other  
4 identifying information required by the repositories. The State Board of Education shall not issue a  
5 charter to a nonprofit with a member who refuses to consent to a criminal history check.

6 (d) The State Board of Education shall review the criminal history it receives on a person  
7 and shall determine whether the results of the review indicate that the member (i) poses a threat to  
8 the physical safety of students or personnel or (ii) has demonstrated that he or she does not have  
9 the integrity or honesty to fulfill his or her duties as a member of the board of directors of a charter  
10 school. If the State Board of Education denies an application for a charter based on its review of  
11 the criminal history it receives on a member, the State Board of Education shall make written  
12 findings with regard to how it used the information when denying the application.

13 (e) All the information received by the State Board of Education through the checking of  
14 the criminal history in accordance with this section is privileged information and is not a public  
15 record but is for the exclusive and confidential use of the State Board of Education. The State  
16 Board of Education may destroy the information after it is used for the purposes authorized by this  
17 section after one calendar year.

18 (f) There shall be no liability for negligence on the part of the State Board of Education, or  
19 its employees, arising from any act taken or omission by any of them in carrying out the  
20 provisions of this section. The immunity established by this subsection shall not extend to gross  
21 negligence, wanton conduct, or intentional wrongdoing that would otherwise be actionable. The  
22 immunity established by this subsection shall be deemed to have been waived to the extent of  
23 indemnification by insurance, indemnification under Articles 31A and 31B of Chapter 143 of the  
24 General Statutes, and to the extent sovereign immunity is waived under the Tort Claims Act, as set  
25 forth in Article 31 of Chapter 143 of the General Statutes.

26 (g) Any member who willfully furnishes, supplies, or otherwise gives false information for  
27 a criminal history record check under this section shall be guilty of a Class A1 misdemeanor."

28 **SECTION 4.** Chapter 115C of the General Statutes is amended by adding a new  
29 Article to read:

30 "Article 29E.

31 "Student Safety Reporting in Athletics.

32 "**§ 115C-407.40. Definitions.**

33 The following definitions apply in this Article:

34 (1) Athletic activity. – An activity offered to students enrolled in a high school or  
35 middle school covering grades six or higher under any of the following  
36 circumstances:

37 a. Interscholastic athletics.

38 b. An athletic contest or competition, other than interscholastic athletics,  
39 that is sponsored by a school, including cheerleading, or any other  
40 sports activities provided by a club or school-affiliated organization that  
41 is school-sponsored.

42 c. Practices, interschool practices, and scrimmages for all of the activities  
43 listed under this subdivision.

44 (2) Catastrophic illness or injury. – An illness or injury occurring during athletic  
45 activity that results in a fatality, permanent disability, serious injury, including,  
46 but not limited to, a fractured neck, severe traumatic brain injury, such as a  
47 subdural hematoma, temporary or transient paralysis, heat stroke related to  
48 exercise, sickle-cell trait associated collapse, sudden cardiac arrest, or  
49 commotio cordis.

50 (3) Concussion. – As defined in G.S. 115C-12(23)a.

1           (4) Heat stroke. – A heat-related illness in which the person's core body  
2           temperature is greater than 105 degrees Fahrenheit, with complications  
3           involving the central nervous system that occur after exposure to high  
4           temperatures.

5           (5) Sudden cardiac arrest. – The sudden, unexpected loss of heart function,  
6           breathing, and consciousness.

7 **"§ 115C-407.41. Reporting of catastrophic illnesses and injuries and concussions.**

8           (a) The State Board of Education shall create a database maintained by the Department of  
9           Public Instruction for high school and middle school personnel to report catastrophic illnesses and  
10           injuries and concussions occurring during athletic activities involving student athletes. The State  
11           Board shall assign a school code for each high school and middle school for the purposes of  
12           reporting information to be included in the database. The State Board shall require at least the  
13           following information be included in a report by high school and middle school personnel:

14           (1) The school code for the high school or middle school.

15           (2) Age group of the student athlete.

16           (3) Gender.

17           (4) Sport that the student athlete was playing when becoming ill or injured.

18           (5) Type of event.

19           (6) The date of illness or injury.

20           (7) The date of return to play, if applicable.

21           (8) The category of illness or injury.

22           (9) Whether the illness or injury resulted in a fatality.

23           (b) Each month in which student athletes are participating in an athletic activity at a high  
24           school or middle school, the athletic director or designee, or principal or designee if there is no  
25           athletic director, of that high school or middle school shall report to the Department of Public  
26           Instruction on whether a catastrophic illness or injury or a concussion has occurred involving a  
27           student athlete as set forth in subsection (a) of this section.

28           (c) The Department of Public Instruction shall only provide access to the information  
29           contained in the database created and maintained under this section to local boards of education,  
30           the North Carolina High School Athletic Association, and the National Center for Catastrophic  
31           Sport Injury Research and the Matthew A. Gfeller Sport-Related Traumatic Brain Injury Research  
32           Center housed at the University of North Carolina at Chapel Hill. The information contained in the  
33           database shall not contain personally identifiable student data as defined in G.S. 115C-402.5 and  
34           shall not be considered a public record under G.S. 132-1."

35           **SECTION 5.** Section 2 of S.L. 2015-126 reads as rewritten:

36           **"SECTION 2.** This act is effective when it becomes law and applies beginning with the  
37           annual report compiled in ~~2017–2016~~ using data from the ~~2016–2017~~2015–2016 school year.  
38           Beginning in 2016, the annual report compiled as required by G.S. 115C-12(22) shall be titled  
39           "State of the Teaching Profession in North Carolina." Beginning in 2016, this annual report is due  
40           on December 1 of each year and may not be released publicly in final or draft format by the State  
41           Board of Education or the Department of Public Instruction before November 15 of each year."

42           **SECTION 6.** G.S. 160A-417(a2) reads as rewritten:

43 **"§ 160A-417. Permits.**

44           ...

45           (a2) No permit issued under Articles 9 or 9C of Chapter 143 shall be required for any  
46           construction, installation, repair, replacement, or alteration costing fifteen thousand dollars  
47           (\$15,000) or less in any single family residence or farm building unless the work involves: the  
48           addition, repair or replacement of load bearing structures; the addition (excluding replacement of  
49           same size and capacity) or change in the design of plumbing; the addition, replacement or change  
50           in the design of heating, air conditioning, or electrical wiring, devices, appliances, or equipment;  
51           the use of materials not permitted by the North Carolina Uniform Residential Building Code; or

1 the addition (excluding replacement of like grade of fire resistance) of roofing. No low voltage  
2 permit shall be required for any construction, installation, repair, replacement, or alteration of  
3 passive optical networks. Violation of this section shall constitute a Class 1 misdemeanor."

4 **SECTION 7.** If House Bill 242, 2015 Regular Session, becomes law, then Section 6.5  
5 of S.L. 2014-101, as amended by Section 2 of House Bill 242, 2015 Regular Session, reads as  
6 rewritten:

7 **"SECTION 6.5.** Upon recommendations by the Office of Charter Schools and the Charter  
8 Schools Advisory Board, the State Board of Education shall adopt a process and rules for  
9 fast-track replication of high-quality charter schools currently operating in the State. The State  
10 Board of Education shall not require a planning year for applicants selected through the fast-track  
11 replication process. In addition to the requirements for charter applicants set forth in Part 6A of  
12 Article 16 of Chapter 115C of the General Statutes, the fast-track replication process adopted by  
13 the State Board of Education shall, at a minimum, require a board of directors of a charter school  
14 to demonstrate one of the following in order to qualify for fast-track replication:

- 15 (1) A charter school in this State governed by the board of directors has student  
16 academic outcomes that are comparable to the academic outcomes of students  
17 in the local school administrative unit in which the charter school is located and  
18 can provide three years of financially sound audits.
- 19 (2) The board of directors agrees to contract with an education management  
20 organization or charter management organization that can demonstrate that it  
21 can replicate high-quality charter schools in the State that have proven student  
22 academic success and financial soundness.

23 The State Board of Education shall ensure that the rules for a fast-track replication process provide  
24 that decisions by the State Board of Education on whether to grant a charter through the  
25 replication process are completed in less than 120 days from the application submission date but in  
26 no event later than October 15 of the year immediately preceding the year of the proposed school  
27 opening. The State Board of Education shall adopt rules and procedures required by this section  
28 within 90 days of the effective date of this act, and report to the Joint Legislative Education  
29 Oversight Committee within 120 days of the effective date of this act."

30 **SECTION 8.(a)** Notwithstanding Section 8.27(c) of S.L. 2015-241, as amended by  
31 Section 3.1 of S.L. 2015-268, if federal Investing in Innovation Grant funds are unavailable due to  
32 the insolvency of the North Carolina New Schools Project, any costs incurred by local school  
33 administrative units and the community college partners in implementing the program may be  
34 funded by the local school administrative unit or a third party. Community colleges shall not earn  
35 budget FTE for student course enrollments under this section, unless the student course enrollment  
36 is otherwise authorized as provided in G.S. 115D-20(4)a.

37 **SECTION 8.(b)** This section is effective when it becomes law and applies only to the  
38 2016-2017 school year.

39 **SECTION 9.** Except as otherwise provided, this act is effective when it becomes law.  
40 Section 1 of this act apply to applications for licensure that are received on or after October 1,  
41 2016. Section 2 of this act apply to applications for employment that are received on or after  
42 January 1, 2017. Section 3 of this act applies to application for initial charters that are received  
43 on or after October 1, 2016. The reporting requirements of Section 4 of this act applies beginning  
44 January 1, 2017.