

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
House Committee Substitute #2 Favorable 7/1/16

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 REQUIRE THE STATE BOARD OF EDUCATION TO MAKE FAST TRACK CHARTER
11 SCHOOL REPLICATION DECISIONS WITHIN ONE HUNDRED TWENTY DAYS; AND
12 PROVIDE FOR ENROLLMENT OF CERTAIN HIGH SCHOOL STUDENTS IN
13 COMMUNITY COLLEGE COURSES.

14 The General Assembly of North Carolina enacts:

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

16 **"§ 115C-296. Board sets licensure requirements; reports; lateral entry and mentor**
17 **programs.**

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

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



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, regional board of directors, or charter board of directors may pay for the criminal
15 history check on behalf of the applicant.

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

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

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

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

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

1 indemnification by insurance, indemnification under Articles 31A and 31B of Chapter 143 of the
2 General Statutes, and to the extent sovereign immunity is waived under the Tort Claims Act, as set
3 forth in Article 31 of Chapter 143 of the General Statutes.

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

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

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

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

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

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

32 "(b) Criminal History Checks. –

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

45 (1a) The charter board of directors shall uniformly require applicants to be checked
46 for a criminal history either by a consumer reporting agency, the Department of
47 Public Safety, or both. If the charter board of directors requires a criminal
48 history check by the Department of Public Safety, the charter school board of
49 directors shall require the person to be checked (i) to be fingerprinted and to
50 provide any additional information required by the Department of Public Safety
51 to a person designated by the board of directors or to the local sheriff or the

1 municipal police, whichever is more convenient for the person, and (ii) to sign a
 2 form consenting to the check of the criminal record and to the use of
 3 fingerprints and other identifying information required by the repositories. The
 4 board of directors shall not employ or contract with individuals who refuse to
 5 consent to a criminal history check. The fingerprints of the individual shall be
 6 forwarded to the State Bureau of Investigation for a search of the State criminal
 7 history record file, and the State Bureau of Investigation shall forward a set of
 8 fingerprints to the Federal Bureau of Investigation for a national criminal
 9 history record check. The Department of Public Safety shall provide to the
 10 charter school board of directors the criminal history from the State and
 11 National Repositories of Criminal Histories of the school personnel for which
 12 the charter school board of directors requires a criminal history record check.

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

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

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

32 **"§ 115C-238.73. Criminal history record checks.**

33 (a) As used in this section:

34 ...

35 (1a) Consumer reporting agency. – An entity which, for monetary fees, dues, or on a
 36 cooperative nonprofit basis, regularly engages in whole or in part in the practice
 37 of assembling or evaluating consumer credit information or other information
 38 on consumers, including criminal history checks, for the purpose of furnishing
 39 consumer reports to third parties, and which uses any means or facility of
 40 interstate commerce for the purpose of preparing or furnishing consumer
 41 reports, and which is regulated as provided in 15 U.S.C. § 1681 et. seq. A
 42 criminal history check by a consumer reporting agency provided for purposes
 43 of this section must include all of the following:

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

46 (b) A multistate/multijurisdiction database search which includes a
 47 follow-up search at the originating source for any information returned
 48 by the database search and which confirms final disposition information
 49 of the same.

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

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

3 ...

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

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

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

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

34 ...

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

39 "

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

41 "**§ 115C-332. School personnel criminal history checks.**

42 (a) As used in this section:

43 ...

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

1 criminal history check by a consumer reporting agency provided for purposes
2 of this section must include all of the following:

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

5 (b) A multistate/multijurisdiction database search which includes a
6 follow-up search at the originating source for any information returned
7 by the database search and which confirms final disposition information
8 of the same.

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

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

13 ...

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

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

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

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

42 ...

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

47"

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

49 "(b1) The Department of Public Safety may provide a criminal history record check to the
50 board of directors of a charter school of a person who is employed at a charter school or of a
51 person who has applied for employment at a charter school if the employee or applicant consents

1 to the record check. The Department may also provide a criminal history record check of school
2 personnel as defined in G.S. 115C-332 by fingerprint card to the board of directors of the charter
3 school from the National Repositories of Criminal Histories, in accordance with
4 G.S. 115C-218.90. The information shall be kept confidential by the board of directors of the
5 charter school as provided in G.S. 115C-218.90."

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

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

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

16 **"§ 115C-218.115. Charter board of director criminal history checks.**

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

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

47 (2) Member. – An individual who is a member of the board of directors of a
48 nonprofit seeking initial approval to establish a charter school.

49 (b) The State Board of Education shall require all members of the board of directors of the
50 nonprofit to be checked for a criminal history before granting final approval of a charter
51 application. The State Board of Education shall require a member to pay for the criminal history

1 check authorized under this subsection, but the nonprofit may pay for the criminal history check
2 on behalf of the member.

3 (c) The Department of Public Safety shall provide to the State Board of Education the
4 criminal history from the State and National Repositories of Criminal Histories of any member.
5 The State Board of Education shall require the person to be checked by the Department of Public
6 Safety to (i) be fingerprinted and to provide any additional information required by the
7 Department of Public Safety to a person designated by the State Board of Education and (ii) sign a
8 form consenting to the check of the criminal record and to the use of fingerprints and other
9 identifying information required by the repositories. The State Board of Education shall not issue a
10 charter to a nonprofit with a member who refuses to consent to a criminal history check.

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

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

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

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

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

35 "Article 29E.

36 "Student Safety Reporting in Athletics.

37 **"§ 115C-407.40. Definitions.**

38 The following definitions apply in this Article:

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

42 a. Interscholastic athletics.

43 b. An athletic contest or competition, other than interscholastic athletics,
44 that is sponsored by a school, including cheerleading, or any other
45 sports activities provided by a club or school-affiliated organization that
46 is school-sponsored.

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

49 (2) Catastrophic illness or injury. – An illness or injury occurring during athletic
50 activity that results in a fatality, permanent disability, or serious injury,
51 including, but not limited to, a fractured neck, severe traumatic brain injury,

1 such as a subdural hematoma, temporary or transient paralysis, heat stroke
 2 related to exercise, sickle-cell trait associated collapse, sudden cardiac arrest, or
 3 commotio cordis.

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

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

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

11 **"§ 115C-407.41. Reporting of catastrophic illnesses and injuries and concussions.**

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

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

19 (2) Age group of the student athlete.

20 (3) Gender.

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

22 (5) Type of event.

23 (6) The date of illness or injury.

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

25 (8) The category of illness or injury.

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

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

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

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

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

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

47 **"§ 160A-417. Permits.**

48 ...

49 (a2) No permit issued under Articles 9 or 9C of Chapter 143 shall be required for any
 50 construction, installation, repair, replacement, or alteration costing fifteen thousand dollars
 51 (\$15,000) or less in any single family residence or farm building unless the work involves: the

1 addition, repair or replacement of load bearing structures; the addition (excluding replacement of
2 same size and capacity) or change in the design of plumbing; the addition, replacement or change
3 in the design of heating, air conditioning, or electrical wiring, devices, appliances, or equipment;
4 the use of materials not permitted by the North Carolina Uniform Residential Building Code; or
5 the addition (excluding replacement of like grade of fire resistance) of roofing. No low voltage
6 permit shall be required for any construction, installation, repair, replacement, or alteration of
7 passive optical networks. Violation of this section shall constitute a Class 1 misdemeanor."

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

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

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

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

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

41 **SECTION 8.(b)** This section is effective when it becomes law and applies only to the
42 2016-2017 school year.

43 **SECTION 9.** Except as otherwise provided, this act is effective when it becomes law.
44 Section 1 of this act applies to applications for licensure that are received on or after October 1,
45 2016. Section 2 of this act applies to applications for employment that are received on or after
46 January 1, 2017. Section 3 of this act applies to application for initial charters that are received on
47 or after October 1, 2016. The reporting requirements of Section 4 of this act apply beginning
48 January 1, 2017.