

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

**SESSION LAW 2001-376
SENATE BILL 778**

**AN ACT TO MODIFY THE LAW REGARDING CRIMINAL HISTORY CHECKS
OF APPLICANTS FOR EMPLOYMENT IN PUBLIC SCHOOLS.**

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-332 reads as rewritten:

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

 (d) The local board of education shall review the criminal history it receives on a person. The local board shall determine whether the results of the review indicate that the applicant or employee (i) poses a threat to the physical safety of students or personnel, or (ii) has demonstrated that he or she does not have the integrity or honesty to fulfill his or her duties as public school personnel and shall use the information when making employment decisions and decisions with regard to independent contractors. The local board shall make written findings with regard to how it used the information when making employment decisions and decisions with regard to independent contractors. The local board may delegate any of the duties in this subsection to the superintendent.

 (e) ~~The local board of education~~ education, or the superintendent if designated by the local board of education, shall provide to the State Board of Education the criminal history it receives on a person who is certificated, certified, or licensed by the State Board of Education. The State Board of Education shall review the criminal history and determine whether the person's certificate or license should be revoked in accordance with State laws and rules regarding revocation.

 (f) All the information received by the local board of education through the checking of the criminal history or by the State Board of Education in accordance with ~~subsection (d) of this section~~ is privileged information and is not a public record but is for the exclusive use of the local board of education or the State Board of Education. The local board of education 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.

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

SECTION 2. G.S. 115C-325(a)(8) reads as rewritten:

"(a) Definition of Terms. – As used in this section unless the context requires otherwise:

 (8) "Year" for purposes of computing time as a probationary teacher shall be not less than 120 workdays performed as a probationary teacher in a full-time permanent position in a school year. Workdays performed pending the outcome of a criminal history check as provided in G.S. 115C-332 are included in computing time as a probationary teacher."

SECTION 3. This act is effective when it becomes law.
In the General Assembly read three times and ratified this the 6th day of August, 2001.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 11:58 a.m. this 17th day of August, 2001