

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 125*

Short Title: NC School of Biotechnology and Agriscience. (Public)

Sponsors: Senators Hartsell, Brown; and Brunstetter.

Referred to: Commerce.

February 28, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE THE NORTH CAROLINA SCHOOL OF AGRISCIENCE AND
3 BIOTECHNOLOGY, AS RECOMMENDED BY THE JOINT LEGISLATIVE JOINING
4 OUR BUSINESSES AND SCHOOLS (JOBS) STUDY COMMISSION UPON THE
5 RECOMMENDATIONS OF THE AGRISCIENCE AND BIOTECHNOLOGY
6 REGIONAL SCHOOL PLANNING COMMISSION.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** Chapter 115C of the General Statutes is amended by adding a new
9 Article to read:

10 "Article 15A.

11 "North Carolina School of Agriscience and Biotechnology.

12 **"§ 115C-229A. Establishment of the North Carolina School of Agriscience and**
13 **Biotechnology.**

14 (a) In order to foster, encourage, and promote the development of knowledge and skills
15 in biotechnology and agricultural sciences, the North Carolina School of Agriscience and
16 Biotechnology is established to offer a course of study for a high school diploma emphasizing
17 the disciplines of science, technology, engineering, and mathematics, with a special focus on
18 biotechnology and agriscience.

19 (b) The School shall be located at the Vernon G. James Research and Extension Center.

20 (c) The School shall be a public school.

21 (d) Except as otherwise provided in this Article, the School is exempt from statutes and
22 rules applicable to a local board of education or local school administrative unit.

23 **"§ 115C-229B. Definitions.**

24 The following definitions apply in this Article:

25 (1) Board. – The Board of Directors of the North Carolina School of
26 Agriscience and Biotechnology.

27 (2) First generation student. – A student who has no parent who has completed a
28 two- or four-year degree.

29 (3) Participating units. – The local school administrative units of Chowan,
30 Hyde, Tyrrell, and Washington Counties.

31 (4) Principal. – The principal of the North Carolina School of Agriscience and
32 Biotechnology.

33 (5) School. – The North Carolina School of Agriscience and Biotechnology.

34 **"§ 115C-229C. Boards of Directors; appointment; terms of office.**

35 (a) Appointment. – There shall be a Board of Directors of the School which shall
36 consist of the following members. Appointed members of the Board shall be selected for their



1 interest in and commitment to the importance of public education to regional economic
2 development and to the purposes of the School.

3 (1) Local boards of education. – The local board of education for the
4 participating units each shall appoint one member to the Board from among
5 the membership of the local board of education. Members appointed by local
6 boards of education shall serve terms of four years.

7 (2) Local superintendents. – The local superintendent of Washington County
8 Schools shall serve as an ex officio member of the Board. One additional
9 superintendent shall be selected from among the superintendents of the
10 participating units by those superintendents. The additional superintendent
11 shall serve an initial term of two years. Subsequent appointments shall serve
12 a term of four years.

13 (3) Economic development region. – The North Carolina's Northeast
14 Commission shall appoint three members as representatives of the business
15 community. At least one of the appointees shall be a resident of Washington
16 County. The appointees shall serve an initial term of two years. Subsequent
17 appointees shall serve a term of four years.

18 (4) Parent Advisory Council. – The Parent Advisory Council established by
19 G.S. 115C-229I shall appoint a member to the Board from among the
20 Council membership. The member appointed by the Council shall serve a
21 term of four years, or until the child of the parent no longer attends the
22 School.

23 (5) Higher education partners. – The Dean of the College of Agriculture and
24 Life Sciences at North Carolina State University or the Dean's designee shall
25 serve as an ex officio member of the Board. The Presidents of Beaufort
26 Community College and the College of the Albemarle shall jointly select a
27 president or president's designee to serve as an ex officio member of the
28 Board.

29 (b) Vacancies. – Whenever an appointed member of the Board shall fail for any reason
30 other than ill health or service in the interest of the State or nation to be present at three
31 successive regular meetings of the Board, his or her place as a member of the Board shall be
32 deemed vacant. Any member of the Board may be removed from office by the appointing
33 authority for misfeasance, malfeasance, or nonfeasance in office. All vacancies shall be filled
34 by the appointing authority for the remainder of the term of office.

35 **"§ 115C-229D. Board of Directors; meetings; rules of procedure; officers.**

36 (a) The Board shall meet at least four times a year and may hold special meetings at any
37 time, at the call of the chair or upon petition addressed to the chair by a majority of the
38 members of the Board. All meetings of the Board shall be subject to the requirements of Article
39 33C of Chapter 143 of the General Statutes.

40 (b) The Board shall elect a chair and a vice-chair from among its members, who shall
41 serve a two-year term.

42 (c) All members of the Board shall be voting members except for the chair, who may
43 vote only on matters to break a tie.

44 (d) The Board shall determine its own rules of procedure and may delegate to such
45 committees as it may create such of its powers as it deems appropriate.

46 (e) Members of the Board shall receive such per diem compensation and necessary
47 travel and subsistence expenses while engaged in the discharge of their official duties as is
48 provided by law for members of State boards and commissions.

49 **"§ 115C-229E. Board of Directors; corporate powers.**

50 (a) The Board shall be known and distinguished by the name of 'North Carolina School
51 of Biotechnology and Agriscience' and shall continue as a body politic and corporate and by

1 that name shall have perpetual succession and a common seal. It shall be able and capable in
2 law to take, demand, receive, and possess all moneys, goods, and chattels that shall be given for
3 the use of the School, and to apply to same according to the will of the donors; and by gift,
4 purchase, or devise to receive, possess, enjoy, and retain forever any and all real and personal
5 estate and funds, of whatsoever kind, nature, or quality the same may be, in special trust and
6 confidence that the same, or the profits thereof, shall be applied to and for the use and purpose
7 of establishing and endowing the School, and shall have power to receive donations from any
8 source whatsoever, to be devoted exclusively to the purposes of the maintenance of the School,
9 or according to the terms of the donation.

10 (b) The Board shall be able and capable in law to bargain, sell, grant, alien, or dispose
11 of and convey and assure to the purchasers any and all such real and personal estate and funds
12 as it may lawfully acquire when the condition of the grant to it or the will of the devisor does
13 not forbid it; and shall be able and capable in law to sue and be sued in all courts whatsoever;
14 and shall have power to open and receive subscriptions; and in general may do all such things
15 as are usually done by bodies corporate and politic, or such as may be necessary for the
16 promotion of learning and virtue.

17 **"§ 115C-229F. Board of Directors; powers and duties.**

18 The Board shall have the following powers and duties:

19 (1) Academic program. –

20 a. The Board shall establish the standard course of study for the School.
21 This course of study shall set forth the subjects to be taught in each
22 grade and the texts and other educational materials on each subject to
23 be used in each grade. The Board shall design its programs to meet at
24 least the student performance standards adopted by the State Board
25 of Education and the student performance standards contained in this
26 Chapter.

27 b. The Board shall conduct student assessments required by the State
28 Board of Education.

29 c. The Board shall provide the opportunity to earn or obtain credit
30 toward degrees from a community college subject to Chapter 115D
31 of the General Statutes or a constituent institution of The University
32 of North Carolina.

33 d. The Board shall adopt a school calendar consisting of a minimum of
34 180 days of instruction covering at least nine calendar months. In
35 establishing the school calendar, the Board shall consider the norms,
36 expectations, and practices of the biotechnology and agriscience
37 industries.

38 (2) Standards of performance and conduct. – The Board shall establish policies
39 and standards for academic performance, attendance, and conduct for
40 students of the School. The policies of the Board shall comply with Article
41 27 of this Chapter.

42 (3) School attendance. – Every parent, guardian, or other person in this State
43 having charge or control of a child who is enrolled in the School and who is
44 less than 16 years of age shall cause such child to attend school continuously
45 for a period equal to the time which the School shall be in session. No
46 person shall encourage, entice, or counsel any child to be unlawfully absent
47 from the School. Any person who aids or abets a student's unlawful absence
48 from the School shall, upon conviction, be guilty of a Class 1 misdemeanor.
49 The principal shall be responsible for implementing such additional policies
50 concerning compulsory attendance as shall be adopted by the Board,
51 including regulations concerning lawful and unlawful absences, permissible

1 excuses for temporary absences, maintenance of attendance records, and
2 attendance counseling.

3 (4) Reporting. – The Board shall comply with the reporting requirements
4 established by the State Board of Education in the Uniform Education
5 Reporting System.

6 (5) Assessment results. – The Board shall provide data to the participating unit
7 in which a student is domiciled on the performance of that student on any
8 testing required by the State Board of Education.

9 (6) Education of children with disabilities. – The Board shall require compliance
10 with laws and policies relating to the education of children with disabilities.

11 (7) Health and safety. – The Board shall require that the School meet the same
12 health and safety standards required of a local school administrative unit.

13 (8) Driving eligibility certificates. – The Board shall apply the rules and policies
14 established by the State Board of Education for issuance of driving
15 eligibility certificates.

16 (9) Purchasing and contracts. – The Board shall comply with the purchasing and
17 contract statutes and regulations applicable to local school administrative
18 units.

19 (10) Exemption from the Administrative Procedures Act. – The Board shall be
20 exempt from Chapter 150B of the General Statutes, except final decisions of
21 the Board in a contested case shall be subject to judicial review in
22 accordance with Article 4 of Chapter 150B of the General Statutes.

23 **"§ 115C-229G. Student admissions and assignment.**

24 (a) School Enrollment. – The total enrollment of the School shall not exceed 100
25 students in each grade level.

26 (b) Residency Requirement. – A student must be domiciled in a participating unit to be
27 eligible to attend the School. A student's eligibility to remain enrolled in the School shall
28 terminate at the end of any school year during which a student ceases to satisfy the residency
29 requirements.

30 (c) Participating Unit Allotments. – The number of student seats in the freshman class
31 of the School shall be assigned proportionate to the total student population of the participating
32 units, as determined by the participating unit's final average daily membership in the preceding
33 school year. If fewer students residing in a participating unit elect to attend the School than
34 available allotted seats, the remaining seats shall be divided proportionally among the other
35 participating units.

36 (d) Admissions Criteria. – The Board shall establish criteria, standards, and procedures
37 for admission of students. The admission criteria shall give priority to first generation students,
38 and shall include the following:

39 (1) Demonstrated academic achievement, particularly in science, technology,
40 engineering, and mathematics.

41 (2) Demonstrated student interest in attendance.

42 (3) Documented parental support for student attendance.

43 (e) Lottery. – If the number of eligible students meeting the Board's admission criteria
44 exceeds the seats available through the participating unit allotment, students shall be accepted
45 by lot.

46 **"§ 115C-229H. Employees.**

47 The Board shall appoint all certified and noncertified staff.

48 (1) Principal. – The Board shall employ and contract with a principal for a term
49 not to exceed three years. The principal shall meet the requirements for
50 certification set out in G.S. 115C-284, unless waived by the State Board of
51 Education upon submission of a request by the Board. The principal shall be

1 responsible for school operations and shall exercise those duties and powers
2 delegated by the Board.

3 (2) Teachers. – The Board shall employ and contract with necessary teachers to
4 perform the particular service for which they are employed in the school. At
5 least fifty percent (50%) of teachers employed by the Board shall hold
6 teacher certificates, unless waived by the State Board of Education upon
7 submission of a request by the Board.

8 (3) Career status. – Employees of the Board shall not be eligible for career
9 status. If a teacher employed by a local school administrative unit makes a
10 written request for a leave of absence to teach at the School, the local school
11 administrative unit shall grant the leave for one year. For the initial year of
12 the School's operation, the local school administrative unit may require that
13 the request for a leave of absence be made up to 45 days before the teacher
14 would otherwise have to report for duty. After the initial year of the School's
15 operation, the local school administrative unit may require that the request
16 for a leave of absence be made up to 90 days before the teacher would
17 otherwise have to report for duty. A local board of education is not required
18 to grant a request for a leave of absence or a request to extend or renew a
19 leave of absence for a teacher who previously has received a leave of
20 absence from that school board under this subdivision. A teacher who has
21 career status under G.S. 115C-325 prior to receiving a leave of absence to
22 teach at the School may return to a public school in the local school
23 administrative unit with career status at the end of the leave of absence or
24 upon the end of employment at the School if an appropriate position is
25 available. If an appropriate position is unavailable, the teacher's name shall
26 be placed on a list of available teachers, and that teacher shall have priority
27 on all positions for which that teacher is qualified in accordance with
28 G.S. 115C-325(e)(2).

29 (4) Noncertified staff. – The Board also may employ necessary employees who
30 are not required to hold teacher certificates to perform duties other than
31 teaching and may contract for other services.

32 (5) Employment dismissal. – An employee of the Board is not an employee of
33 the local school administrative unit in which the School is located. The
34 Board may discharge certified and noncertified employees according to the
35 terms of the employment contract.

36 (6) Employee benefits. – Employees of the Board shall participate in the
37 Teachers' and State Employees' Retirement System and the State Health Plan
38 on the same terms as employees employed by local boards of education.

39 (7) Exemptions. – Employees of the Board shall be exempt from Chapter 126 of
40 the General Statutes, except Articles 6 and 7.

41 **"§ 115C-229I. Parent Advisory Council, purpose, appointments.**

42 (a) Purpose. – There shall be a Parent Advisory Council to serve as a resource and
43 provide input to the Board as to the operation of the School. The Board shall consult the Parent
44 Advisory Council when considering changes to the School's operations that may significantly
45 impact students attending the School.

46 (b) Appointment. – Each local board of education of the participating units shall
47 appoint two members to the Parent Advisory Council for a term of four years or until the
48 member's child no longer attends the School. Appointees shall be parents or guardians of
49 students attending the School and shall, to the extent possible, reflect the demographic
50 composition of the participating units.

51 **"§ 115C-229J. State and local funds.**

1 (a) The State Board of Education shall allocate to the School:

2 (1) An amount equal to the average per pupil allocation for average daily
3 membership from the participating unit allotments for each child attending
4 the School, except for the allocation for children with disabilities and for the
5 allocation for children with limited English proficiency.

6 (2) An additional amount for each child attending the School who is a child with
7 disabilities. In the event a child with disabilities leaves the School and
8 enrolls in a public school during the first 60 school days in the school year,
9 the School shall return a pro rata amount of funds allocated for that child to
10 the State Board, and the State Board shall reallocate those funds to the local
11 school administrative unit in which the public school is located. In the event
12 a child with disabilities enrolls in the School during the first 60 school days
13 in the school year, the State Board shall allocate to the School the pro rata
14 amount of additional funds for children with disabilities.

15 (3) An additional amount for children with limited English proficiency attending
16 the School, based on a formula adopted by the State Board.

17 (b) The State Board shall allow for annual adjustments to the amount allocated to the
18 School based on its enrollment growth in school years subsequent to the initial year of
19 operation.

20 (c) For each child who enrolls in the School, the participating unit in which the child
21 resides shall transfer to the School an amount equal to the per pupil amount of all money
22 appropriated to the local current expense fund for the participating unit for the fiscal year. The
23 amount transferred under this subsection that consists of revenue derived from supplemental
24 taxes shall be transferred only if the child enrolled in the School resides in that tax district.

25 **§ 115C-229K. Finance and budget.**

26 (a) The Washington County Board of Education shall be the finance agent for the
27 Board and shall have all the rights, duties, and obligations for receipt, accounting, and
28 dispensing funds for the Board, including all the rights, duties, and obligations specified in
29 Article 31 of this Chapter, which powers shall be exercised by the Washington County Board
30 of Education for and on behalf of the Board. The Board shall provide reasonable compensation
31 to the Washington County Board of Education for this service.

32 (b) No later than 10 days after the money is appropriated to the local current expense
33 fund, each local board of education of a participating unit shall transfer to the Board the amount
34 required under G.S. 115C-229J(c) for each child enrolled in the School who resides in that
35 participating unit. Once it has received funds from the local board of education, the Board shall
36 be under no obligation to return the funds.

37 **§ 115C-229L. Participating units.**

38 (a) Transportation. – A participating unit which otherwise provides transportation to
39 students enrolled in that unit shall provide transportation to students domiciled within the
40 participating unit to the School.

41 (b) Food Service. – Washington County Schools shall provide, to the extent practicable,
42 school food services to the School. For purposes of federal funding through the National
43 School Lunch Program or other federally supported food service programs, Washington County
44 Schools shall be permitted to include eligible students enrolled in the School. Participating
45 units other than Washington County Schools may not include students enrolled in the School
46 for purposes of federally supported food service programs.

47 **§ 115C-229M. Criminal history record checks.**

48 (a) As used in this section:

49 (1) 'Criminal history' means a county, state, or federal criminal history of
50 conviction of a crime, whether a misdemeanor or a felony, that indicates an
51 individual (i) poses a threat to the physical safety of students or personnel, or

1 (ii) has demonstrated that he or she does not have the integrity or honesty to
2 fulfill his or her duties as school personnel. These crimes include the
3 following North Carolina crimes contained in any of the following Articles
4 of Chapter 14 of the General Statutes: Article 5A, Endangering Executive
5 and Legislative, and Court Officers; Article 6, Homicide; Article 7A, Rape
6 and Other Sex Offenses; Article 8, Assaults; Article 10, Kidnapping and
7 Abduction; Article 13, Malicious Injury or Damage by Use of Explosive or
8 Incendiary Device or Material; Article 14, Burglary and Other
9 Housebreakings; Article 15, Arson and Other Burnings; Article 16, Larceny;
10 Article 17, Robbery; Article 18, Embezzlement; Article 19, False Pretense
11 and Cheats; Article 19A, Obtaining Property or Services by False or
12 Fraudulent Use of Credit Device or Other Means; Article 20, Frauds; Article
13 21, Forgery; Article 26, Offenses Against Public Morality and Decency;
14 Article 26A, Adult Establishments; Article 27, Prostitution; Article 28,
15 Perjury; Article 29, Bribery; Article 31, Misconduct in Public Office; Article
16 35, Offenses Against the Public Peace; Article 36A, Riots and Civil
17 Disorders; Article 39, Protection of Minors; and Article 60,
18 Computer-Related Crime. These crimes also include possession or sale of
19 drugs in violation of the North Carolina Controlled Substances Act, Article 5
20 of Chapter 90 of the General Statutes, and alcohol-related offenses such as
21 sale to underage persons in violation of G.S. 18B-302 or driving while
22 impaired in violation of G.S. 20-138.1 through G.S. 20-138.5. In addition to
23 the North Carolina crimes listed in this subdivision, such crimes also include
24 similar crimes under federal law or under the laws of other states.

25 (2) 'School personnel' means any of the following:

- 26 a. Member of the Board
27 b. Employee of the School.
28 c. Independent contractor or employee of an independent contractor of
29 the School if the independent contractor carries out duties
30 customarily performed by school personnel, whether paid with
31 federal, State, local, or other funds, who has significant access to
32 students or who has responsibility for the fiscal management of the
33 School.

34 (b) The Board shall adopt a policy on whether and under what circumstances school
35 personnel shall be required to be checked for a criminal history. The Board shall apply its
36 policy uniformly in requiring school personnel to be checked for a criminal history. The Board
37 may grant conditional approval of an application while the Board is checking a person's
38 criminal history and making a decision based on the results of the check.

39 The Board shall not require school personnel to pay for the criminal history record check
40 authorized under this section.

41 (c) The Board shall require the person to be checked by the Department of Justice (i) to
42 be fingerprinted and to provide any additional information required by the Department of
43 Justice to a person designated by the Board or to the local sheriff or the municipal police,
44 whichever is more convenient for the person, and (ii) to sign a form consenting to the check of
45 the criminal record and to the use of fingerprints and other identifying information required by
46 the repositories. The Board shall consider refusal to consent when making employment
47 decisions and decisions with regard to independent contractors. The fingerprints of the
48 individual shall be forwarded to the State Bureau of Investigation for a search of the State
49 criminal history record file, and the State Bureau of Investigation shall forward a set of
50 fingerprints to the Federal Bureau of Investigation for a national criminal history record check.
51 The Department of Justice shall provide to the Board the criminal history from the State and

1 National Repositories of Criminal Histories of any school personnel for which the Board
2 requires a criminal history record check.

3 The Board shall not require school personnel to pay for the fingerprints authorized under
4 this section.

5 (d) The Board shall review the criminal history it receives on an individual. The Board
6 shall determine whether the results of the review indicate that the individual (i) poses a threat to
7 the physical safety of students or personnel or (ii) has demonstrated that he or she does not
8 have the integrity or honesty to fulfill his or her duties as school personnel and shall use the
9 information when making employment decisions and decisions with regard to independent
10 contractors. The Board shall make written findings with regard to how it used the information
11 when making employment decisions and decisions with regard to independent contractors. The
12 Board may delegate any of the duties in this subsection to the principal.

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

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

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

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

35 **SECTION 2.** G.S. 115B-2(a) reads as rewritten:

36 **"§ 115B-2. Tuition waiver authorized.**

37 (a) The constituent institutions of The University of North Carolina and the community
38 colleges as defined in G.S. 115D-2(2) shall permit the following persons to attend classes for
39 credit or noncredit purposes without the required payment of tuition:

- 40 (1) Repealed by Session Laws 2009-451, s. 8.11(a), effective July 1, 2009.
- 41 (2) Any person who is the survivor of a law enforcement officer, firefighter,
42 volunteer firefighter, or rescue squad worker killed as a direct result of a
43 traumatic injury sustained in the line of duty.
- 44 (3) The spouse of a law enforcement officer, firefighter, volunteer firefighter, or
45 rescue squad worker who is permanently and totally disabled as a direct
46 result of a traumatic injury sustained in the line of duty.
- 47 (4) Any child, if the child is at least 17 years old but not yet 24 years old, whose
48 parent is a law enforcement officer, firefighter, volunteer firefighter, or
49 rescue squad worker who is permanently and totally disabled as a direct
50 result of a traumatic injury sustained in the line of duty. However, a child's
51 eligibility for a waiver of tuition under this Chapter shall not exceed: (i) 54

1 months, if the child is seeking a baccalaureate degree, or (ii) if the child is
2 not seeking a baccalaureate degree, the number of months required to
3 complete the educational program to which the child is applying.

4 (5) Any child, if the child (i) is at least 17 years old but not yet 24 years old, (ii)
5 is a ward of North Carolina or was a ward of the State at the time the child
6 reached the age of 18, (iii) is a resident of the State; and (iv) is eligible for
7 services under the Chaffee Education and Training Vouchers Program; but
8 the waiver shall only be to the extent that there is any tuition still payable
9 after receipt of other financial aid received by the student.

10 (6) Any child enrolled in the North Carolina School of Biotechnology and
11 Agriscience as established by Article 15A of Chapter 115C of the General
12 Statutes."

13 **SECTION 3.** G.S. 114-19.2 reads as rewritten:

14 "**§ 114-19.2. Criminal record checks of school personnel.**

15 (a) The Department of Justice may provide a criminal record check to the local board of
16 education of a person who is employed in a public school in that local school district or of a
17 person who has applied for employment in a public school in that local school district, if the
18 employee or applicant consents to the record check. The Department may also provide a
19 criminal record check of school personnel as defined in G.S. 115C-332 by fingerprint card to
20 the local board of education from National Repositories of Criminal Histories, in accordance
21 with G.S. 115C-332. The information shall be kept confidential by the local board of education
22 as provided in Article 21A of ~~Chapter 115C.~~Chapter 115C of the General Statutes.

23 (a1) The Department of Justice may provide a criminal history record check to the Board
24 of Directors of the North Carolina School of Biotechnology and Agriscience of a person who is
25 employed at the North Carolina School of Biotechnology and Agriscience or of a person who
26 has applied for employment at the North Carolina School of Biotechnology and Agriscience, if
27 the employee or applicant consents to the record check. The Department may also provide a
28 criminal history record check of school personnel as defined in G.S. 115C-229M by fingerprint
29 card to the Board of Directors of the North Carolina School of Biotechnology and Agriscience
30 from National Repositories of Criminal Histories, in accordance with G.S. 115C-229M. The
31 information shall be kept confidential by the Board of Directors of the North Carolina School
32 of Biotechnology and Agriscience as provided in G.S. 115C-229M.

33 (b) The Department of Justice may provide a criminal record check to the employer of a
34 person who is employed in a nonpublic school or of a person who has applied for employment
35 in a nonpublic school, if the employee or applicant consents to the record check. For purposes
36 of this subsection, the term nonpublic school is one that is subject to the provisions of Article
37 39 of Chapter 115C of the General Statutes, but does not include a home school as defined in
38 that Article.

39 (c) The Department of Justice shall charge a reasonable fee for conducting a criminal
40 record check under this section. The fee shall not exceed the actual cost of locating, editing,
41 researching, and retrieving the information.

42 (c1) The Department of Justice may provide a criminal record check to the schools
43 within the Department of Health and Human Services of a person who is employed, applies for
44 employment, or applies to be selected as a volunteer, if the employee or applicant consents to
45 the record check. The Department of Health and Human Services shall keep all information
46 pursuant to this subsection confidential, as provided in Article 7 of Chapter 126 of the General
47 Statutes.

48 (d) The Department of Justice shall adopt rules to implement this section."

49 **SECTION 4.** G.S. 126-5(c1) reads as rewritten:

50 "(c1) Except as to the provisions of Articles 6 and 7 of this Chapter, the provisions of this
51 Chapter shall not apply to:

- 1 (1) Constitutional officers of the State.
- 2 (2) Officers and employees of the Judicial Department.
- 3 (3) Officers and employees of the General Assembly.
- 4 (4) Members of boards, committees, commissions, councils, and advisory
- 5 councils compensated on a per diem basis.
- 6 (5) Officials or employees whose salaries are fixed by the General Assembly, or
- 7 by the Governor, or by the Governor and Council of State, or by the
- 8 Governor subject to the approval of the Council of State.
- 9 (6) Employees of the Office of the Governor that the Governor, at any time, in
- 10 the Governor's discretion, exempts from the application of the provisions of
- 11 this Chapter by means of a letter to the State Personnel Director designating
- 12 these employees.
- 13 (7) Employees of the Office of the Lieutenant Governor, that the Lieutenant
- 14 Governor, at any time, in the Lieutenant Governor's discretion, exempts
- 15 from the application of the provisions of this Chapter by means of a letter to
- 16 the State Personnel Director designating these employees.
- 17 (8) Instructional and research staff, physicians, and dentists of The University of
- 18 North Carolina, including the faculty of the North Carolina School of
- 19 Science and Mathematics.
- 20 (8a) Employees of the North Carolina School of Biotechnology and Agriscience.
- 21 (9) Employees whose salaries are fixed under the authority vested in the Board
- 22 of Governors of The University of North Carolina by the provisions of
- 23 G.S. 116-11(4), 116-11(5), and 116-14.
- 24 (9a) Employees of the North Carolina Cooperative Extension Service of North
- 25 Carolina State University who are employed in county operations and who
- 26 are not exempt pursuant to subdivision (8) or (9) of this subsection.
- 27 (10) Repealed by Session Laws 1991, c. 84, s. 1.
- 28 (11) Repealed by Session Laws 2006-66, s. 9.11(z), effective July 1, 2007.
- 29 (12), (13) Repealed by Session Laws 2001-474, s. 15, effective November 29, 2001.
- 30 (14) Employees of the North Carolina State Ports Authority.
- 31 (15) Employees of the North Carolina Global TransPark Authority.
- 32 (16) The executive director and one associate director of the North Carolina
- 33 Center for Nursing established under Article 9F of Chapter 90 of the General
- 34 Statutes.
- 35 (17) Repealed by Session Laws 2004-129, s. 37, effective July 1, 2004.
- 36 (18) Employees of the Tobacco Trust Fund Commission established in Article 75
- 37 of Chapter 143 of the General Statutes.
- 38 (19) Employees of the Health and Wellness Trust Fund Commission established
- 39 in Article 21 of Chapter 130A of the General Statutes.
- 40 (20) Repealed by Session Laws 2008-134, s. 73(d), effective July 28, 2008.
- 41 (21) Employees of the Clean Water Management Trust Fund.
- 42 (22) Employees of the North Carolina Turnpike Authority.
- 43 (23) The Executive Administrator and the Deputy Executive Administrator of the
- 44 State Health Plan for Teachers and State Employees.
- 45 (24) Employees of the State Health Plan for Teachers and State Employees as
- 46 designated by law or by the Executive Administrator of the Plan.
- 47 (25) The North Carolina State Lottery Director and employees of the North
- 48 Carolina State Lottery.
- 49 (26) The Executive Director, associate and assistant directors, and instructional
- 50 staff of the North Carolina Teacher Academy.

- 1 (27) The Chief Administrative Law Judge of the Office of Administrative
2 Hearings.
- 3 (28) The Executive Director and the Assistant Director of the U.S.S. North
4 Carolina Battleship Commission.
- 5 (29) The Executive Director, Deputy Director, all other directors, assistant and
6 associate directors, and center fellows of the North Carolina Center for the
7 Advancement of Teaching."
- 8 **SECTION 5.** This act is effective when it becomes law.