

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2011**

S

3

**SENATE BILL 125\***

**Corrected Copy 3/1/11**

**Commerce Committee Substitute Adopted 4/26/11**

Short Title: Regional Schools.

(Public)

Sponsors:

Referred to:

February 28, 2011

1                   A BILL TO BE ENTITLED  
2 AN ACT TO PERMIT LOCAL BOARDS OF EDUCATION TO JOINTLY ESTABLISH  
3 REGIONAL SCHOOLS.

4 The General Assembly of North Carolina enacts:

5                   **SECTION 1.** Article 16 of Chapter 115C of the General Statutes is amended by  
6 adding a new Part to read:

7                   "Part 10. Regional Schools."

8                   **"§ 115C-238.56A. Purpose.**

9                   (a) The purpose of this Part is to authorize local boards of education to jointly establish  
10 a regional school to serve enrolled students in two or more local school administrative units  
11 that will expand student opportunities for educational success through high quality instructional  
12 programming. Regional schools may include partnerships with other education partners,  
13 including institutions of higher education and private businesses or organizations, and shall  
14 foster, encourage, and promote the development of knowledge and skills in career clusters of  
15 critical importance to the region.

16                   (b) Except as otherwise provided in this Part, a regional school is exempt from statutes  
17 and rules applicable to a local board of education or local school administrative unit.

18                   **"§ 115C-238.56B. Definitions.**

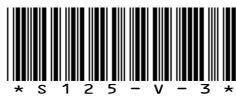
19                   The following definitions apply in this Part:

- 20                   (1) First generation student. – A student who has no parent who has completed a  
21 two- or four-year degree.
- 22                   (2) Participating units. – A local school administrative unit whose local board of  
23 education has adopted a resolution to create a regional school that has been  
24 approved by the State Board of Education.
- 25                   (3) Principal. – The principal of a regional school.

26                   **"§ 115C-238.56C. Creation of regional school.**

27                   (a) Resolution to Create a Regional School. – Any two or more local boards of  
28 education may create a regional school as provided in this Part. In order to create a regional  
29 school, each local board of education shall adopt a resolution stating its intent to create the  
30 regional school, which shall include the following:

- 31                   (1) Name of the regional school.
- 32                   (2) Names of all other local boards of education known to that local board of  
33 education adopting resolutions to create the regional school.
- 34                   (3) Identification of one of the named local school administrative units to serve  
35 as the finance agent for the regional school.



1                   (4) Identification of one of the named local school administrative units to  
2                   provide, to the extent practicable, school food services to the regional  
3                   school, if needed.

4                   The local board of education shall develop a plan to provide transportation to the students  
5                   domiciled in the district.

6                   (b) Recognition of Regional School. – Each local board of education that adopts a  
7                   resolution as provided in this section shall file a copy of the resolution with the State Board of  
8                   Education. Upon receipt of resolutions from all local boards of education identified in each  
9                   resolution for a named regional school, the State Board of Education shall approve the creation  
10                  of the regional school.

11                  (c) Expansion of Regional School. – A local board of education may adopt a resolution  
12                  stating its intent to join an existing regional school, which shall include the name of the  
13                  regional school and the names of all other local boards of education which have previously  
14                  adopted resolutions to create the regional school. The local board of education shall file a copy  
15                  of the resolution with the State Board of Education. Following receipt of the petition and after  
16                  receiving comment from the regional school board of directors, the State Board of Education  
17                  may approve the expansion of the regional school.

18                  **"§ 115C-238.56D. Regional school boards of directors; appointment; terms of office."**

19                  (a) Appointment. – A board of directors for a regional school shall consist of the  
20                  following members. Appointed members of the board of directors shall be selected for their  
21                  interest in and commitment to the importance of public education to regional economic  
22                  development and to the purposes of the regional school.

23                  (1) Local boards of education. – Each participating unit shall appoint one  
24                  member to the board of directors from among the membership of the local  
25                  board of education. Members appointed by local boards of education shall  
26                  serve terms of four years.

27                  (2) Local superintendents. – The local superintendent of the local school  
28                  administrative unit identified as the finance agent for the regional school  
29                  shall serve as an ex officio member of the board of directors. One additional  
30                  superintendent shall be selected from among the superintendents of the  
31                  participating units by those superintendents. The additional superintendent  
32                  shall serve an initial term of two years. Subsequent appointments shall serve  
33                  a term of four years.

34                  (3) Economic development region. – The Economic Development Regional  
35                  Partnership for the economic development region in which the regional  
36                  school is located shall appoint three members as representatives of the  
37                  business community. At least one of the appointees shall be a resident of the  
38                  county in which the regional school is located. The appointees shall serve an  
39                  initial term of two years. Subsequent appointees shall serve a term of four  
40                  years.

41                  (4) Parent Advisory Council. – The Parent Advisory Council established by  
42                  G.S. 115C-238.56J shall appoint a member to the board of directors from  
43                  among the Council membership. The member appointed by the Council shall  
44                  serve a term of four years or until the child of the parent no longer attends  
45                  the regional school.

46                  (5) Higher education partners. – Any institution of higher education partner may  
47                  appoint a representative of the institution of higher education to serve as an  
48                  ex officio member of the board of directors.

49                  (b) Vacancies. – Whenever an appointed member of the board of directors shall fail for  
50                  any reason other than ill health or service in the interest of the State or nation to be present at  
51                  three successive regular meetings of the board of directors, his or her place as a member of the

1 board of directors shall be deemed vacant. Any member of the board of directors may be  
2 removed from office by the appointing authority for misfeasance, malfeasance, or nonfeasance  
3 in office. All vacancies shall be filled by the appointing authority for the remainder of the term  
4 of office.

5 **§ 115C-238.56E. Board of directors; meetings; rules of procedure; officers.**

6 (a) The board of directors shall meet at least four times a year and may hold special  
7 meetings at any time at the call of the chair or upon petition addressed to the chair by a  
8 majority of the members of the board of directors. All meetings of the board of directors shall  
9 be subject to the requirements of Article 33C of Chapter 143 of the General Statutes.

10 (b) The board of directors shall elect a chair and a vice-chair from among its members,  
11 who shall serve a two-year term.

12 (c) All members of the board of directors shall be voting members except for the chair,  
13 who may vote only on matters to break a tie.

14 (d) The board of directors shall determine its own rules of procedure and may delegate  
15 to such committees as it may create such of its powers as it deems appropriate.

16 (e) Members of the board of directors shall receive such per diem compensation and  
17 necessary travel and subsistence expenses while engaged in the discharge of their official duties  
18 as is provided by law for members of State boards and commissions.

19 **§ 115C-238.56F. Board of directors; corporate powers.**

20 (a) The board of directors of the regional school shall be known and distinguished by  
21 the name of 'The Regional School Board of Directors' and shall continue as a  
22 body politic and corporate and by that name shall have perpetual succession and a common  
23 seal. It shall be able and capable in law to take, demand, receive, and possess all moneys,  
24 goods, and chattels that shall be given for the use of the regional school, and to apply to same  
25 according to the will of the donors; and by gift, purchase, or devise to receive, possess, enjoy,  
26 and retain forever any and all real and personal estate and funds, of whatsoever kind, nature, or  
27 quality the same may be, in special trust and confidence that the same, or the profits thereof,  
28 shall be applied to and for the use and purpose of establishing and endowing the regional  
29 school, and shall have power to receive donations from any source whatsoever, to be devoted  
30 exclusively to the purposes of the maintenance of the regional school, or according to the terms  
31 of the donation.

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

39 **§ 115C-238.56G. Board of directors; powers and duties.**

40 The board of directors shall have the following powers and duties:

41 (1) Academic program. –

42 a. The board of directors shall establish the standard course of study for  
43 the regional school. This course of study shall set forth the subjects  
44 to be taught in each grade and the texts and other educational  
45 materials on each subject to be used in each grade. The board of  
46 directors shall design its programs to meet at least the student  
47 performance standards adopted by the State Board of Education and  
48 the student performance standards contained in this Chapter.

49 b. The board of directors shall conduct student assessments required by  
50 the State Board of Education.

- 1                   c. The board of directors shall provide the opportunity to earn or obtain  
2                   credit toward degrees from a community college subject to Chapter  
3                   115D of the General Statutes or a constituent institution of The  
4                   University of North Carolina.
- 5                   d. The board of directors shall adopt a school calendar consisting of a  
6                   minimum of 180 days of instruction covering at least nine calendar  
7                   months.
- 8                   (2) Standards of performance and conduct. – The board of directors shall  
9                   establish policies and standards for academic performance, attendance, and  
10                  conduct for students of the regional school. The policies of the board of  
11                  directors shall comply with Article 27 of this Chapter.
- 12                  (3) School attendance. – Every parent, guardian, or other person in this State  
13                  having charge or control of a child who is enrolled in the regional school and  
14                  who is less than 16 years of age shall cause such child to attend school  
15                  continuously for a period equal to the time that the regional school shall be  
16                  in session. No person shall encourage, entice, or counsel any child to be  
17                  unlawfully absent from the regional school. Any person who aids or abets a  
18                  student's unlawful absence from the regional school shall, upon conviction,  
19                  be guilty of a Class 1 misdemeanor. The principal shall be responsible for  
20                  implementing such additional policies concerning compulsory attendance as  
21                  shall be adopted by the board of directors, including regulations concerning  
22                  lawful and unlawful absences, permissible excuses for temporary absences,  
23                  maintenance of attendance records, and attendance counseling.
- 24                  (4) Reporting. – The board of directors shall comply with the reporting  
25                  requirements established by the State Board of Education in the Uniform  
26                  Education Reporting System.
- 27                  (5) Assessment results. – The board of directors shall provide data to the  
28                  participating unit in which a student is domiciled on the performance of that  
29                  student on any testing required by the State Board of Education.
- 30                  (6) Education of children with disabilities. – The board of directors shall require  
31                  compliance with laws and policies relating to the education of children with  
32                  disabilities.
- 33                  (7) Health and safety. – The board of directors shall require that the regional  
34                  school meet the same health and safety standards required of a local school  
35                  administrative unit.
- 36                  (8) Driving eligibility certificates. – The board of directors shall apply the rules  
37                  and policies established by the State Board of Education for issuance of  
38                  driving eligibility certificates.
- 39                  (9) Purchasing and contracts. – The board of directors shall comply with the  
40                  purchasing and contract statutes and regulations applicable to local school  
41                  administrative units.
- 42                  (10) Exemption from the Administrative Procedures Act. – The board of directors  
43                  shall be exempt from Chapter 150B of the General Statutes, except final  
44                  decisions of the board of directors in a contested case shall be subject to  
45                  judicial review in accordance with Article 4 of Chapter 150B of the General  
46                  Statutes.

47                  **§ 115C-238.56H. Student admissions and assignment.**

48                  (a) Residency Requirement. – A student shall be domiciled in a participating unit to be  
49                  eligible to attend the regional school. A student's eligibility to remain enrolled in the regional  
50                  school shall terminate at the end of any school year during which a student ceases to satisfy the  
51                  residency requirements.

1       (b) Participating Unit Allotments. – The number of student seats in the freshman class  
2 of the regional school shall be assigned proportionate to the total student population of the  
3 participating units, as determined by the participating unit's final average daily membership in  
4 the preceding school year. If fewer students residing in a participating unit elect to attend the  
5 regional school than available allotted seats, the remaining seats shall be divided proportionally  
6 among the other participating units.

7       (c) Admissions Criteria. – The board of directors shall establish criteria, standards, and  
8 procedures for admission of students. The admission criteria may give priority to first  
9 generation students and shall include the following:

- 10       (1) Demonstrated academic achievement.  
11       (2) Demonstrated student interest in attendance.  
12       (3) Documented parental support for student attendance.

13       (d) Lottery. – If the number of eligible students meeting the board of directors'  
14 admission criteria exceeds the seats available through the participating unit allotment, students  
15 shall be accepted by lot.

16 "**§ 115C-238.56I. Employees.**

17       The board of directors shall appoint all certified and noncertified staff.

- 18       (1) Principal. – The board of directors shall employ and contract with a principal  
19 for a term not to exceed three years. The principal shall meet the  
20 requirements for certification set out in G.S. 115C-284, unless waived by the  
21 State Board of Education upon submission of a request by the board of  
22 directors. The principal shall be responsible for school operations and shall  
23 exercise those duties and powers delegated by the board of directors.  
24       (2) Teachers. – The board of directors shall employ and contract with necessary  
25 teachers to perform the particular service for which they are employed in the  
26 school. At least fifty percent (50%) of teachers employed by the board of  
27 directors shall hold teacher certificates, unless waived by the State Board of  
28 Education upon submission of a request by the board of directors.  
29       (3) Career status. – Employees of the board of directors shall not be eligible for  
30 career status. If a teacher employed by a local school administrative unit  
31 makes a written request for a leave of absence to teach at the regional  
32 school, the local school administrative unit shall grant the leave for one year.  
33 For the initial year of the regional school's operation, the local school  
34 administrative unit may require that the request for a leave of absence be  
35 made up to 45 days before the teacher would otherwise have to report for  
36 duty. After the initial year of the regional school's operation, the local school  
37 administrative unit may require that the request for a leave of absence be  
38 made up to 90 days before the teacher would otherwise have to report for  
39 duty. A local board of education is not required to grant a request for a leave  
40 of absence or a request to extend or renew a leave of absence for a teacher  
41 who previously has received a leave of absence from that school board under  
42 this subdivision. A teacher who has career status under G.S. 115C-325 prior  
43 to receiving a leave of absence to teach at the regional school may return to a  
44 public school in the local school administrative unit with career status at the  
45 end of the leave of absence or upon the end of employment at the regional  
46 school if an appropriate position is available. If an appropriate position is  
47 unavailable, the teacher's name shall be placed on a list of available teachers,  
48 and that teacher shall have priority on all positions for which that teacher is  
49 qualified in accordance with G.S. 115C-325(e)(2).

- 1                   (4) Noncertified staff. – The board of directors also may employ necessary  
2 employees who are not required to hold teacher certificates to perform duties  
3 other than teaching and may contract for other services.
- 4                   (5) Employment dismissal. – An employee of the board of directors is not an  
5 employee of the local school administrative unit in which the regional school  
6 is located. The board of directors may discharge certified and noncertified  
7 employees according to the terms of the employment contract.
- 8                   (6) Employee benefits. – Employees of the board of directors shall participate in  
9 the Teachers' and State Employees' Retirement System and the State Health  
10 Plan on the same terms as employees employed by local boards of  
11 education.
- 12                  (7) Exemptions. – Employees of the board of directors shall be exempt from  
13 Chapter 126 of the General Statutes, except Articles 6 and 7.

14 **"§ 115C-238.56J. Parent Advisory Council; purpose; appointments."**

15                  (a) Purpose. – There shall be a Parent Advisory Council to serve as a resource and  
16 provide input to the board of directors as to the operation of a regional school. The board of  
17 directors shall consult the Parent Advisory Council when considering changes to the regional  
18 school's operations that may significantly impact students attending the regional school.

19                  (b) Appointment. – Each local board of education of the participating units shall  
20 appoint two members to the Parent Advisory Council for a term of four years or until the  
21 member's child no longer attends the regional school. Appointees shall be parents or guardians  
22 of students attending the regional school and shall, to the extent possible, reflect the  
23 demographic composition of the participating units.

24 **"§ 115C-238.56K. State and local funds."**

25                  (a) The State Board of Education shall allocate to a regional school:

26                   (1) An amount equal to the average per pupil allocation for average daily  
27 membership from the participating unit allotments for each child attending  
28 the regional school, except for the allocation for children with disabilities  
29 and for the allocation for children with limited English proficiency.

30                   (2) An additional amount for each child attending the regional school who is a  
31 child with disabilities. In the event a child with disabilities leaves the  
32 regional school and enrolls in a public school during the first 60 school days  
33 in the school year, the regional school shall return a pro rata amount of funds  
34 allocated for that child to the State Board, and the State Board shall  
35 reallocate those funds to the local school administrative unit in which the  
36 public school is located. In the event a child with disabilities enrolls in the  
37 regional school during the first 60 school days in the school year, the State  
38 Board shall allocate to the regional school the pro rata amount of additional  
39 funds for children with disabilities.

40                   (3) An additional amount for children with limited English proficiency attending  
41 the regional school, based on a formula adopted by the State Board.

42                  (b) The State Board shall allow for annual adjustments to the amount allocated to the  
43 regional school based on its enrollment growth in school years subsequent to the initial year of  
44 operation.

45                  (c) For each child who enrolls in the regional school, the participating unit in which the  
46 child resides shall transfer to the regional school an amount equal to the per pupil amount of all  
47 money appropriated to the local current expense fund for the participating unit for the fiscal  
48 year. The amount transferred under this subsection that consists of revenue derived from  
49 supplemental taxes shall be transferred only if the child enrolled in the regional school resides  
50 in that tax district.

51 **"§ 115C-238.56L. Finance and budget."**

1       (a) The local school administrative unit identified as the finance agent by resolution  
2 pursuant to G.S. 115C-238.56C shall be the finance agent for the Board and shall have all the  
3 rights, duties, and obligations for receipt, accounting, and dispersing funds for the board of  
4 directors, including all the rights, duties, and obligations specified in Article 31 of this Chapter,  
5 which powers shall be exercised by the identified local school administrative unit for and on  
6 behalf of the board of directors. The board of directors shall provide reasonable compensation  
7 to the local school administrative unit for this service.

8       (b) No later than 10 days after the money is appropriated to the local current expense  
9 fund, each local board of education of a participating unit shall transfer to the board of directors  
10 the amount required under G.S. 115C-238.56K(c) for each child enrolled in the school who  
11 resides in that participating unit. Once it has received funds from the local board of education,  
12 the board of directors shall be under no obligation to return the funds.

13 "**§ 115C-238.56M. Participating units.**

14       (a) Transportation. – The participating units shall develop a plan to provide  
15 transportation to the students domiciled in the district.

16       (b) Food Service. – The local school administrative unit identified by resolution shall  
17 provide, to the extent practicable, school food services to the regional school. For purposes of  
18 federal funding through the National School Lunch Program or other federally supported food  
19 service programs, the local school administrative unit identified by resolution shall be  
20 permitted to include eligible students enrolled in the regional school. Other participating units  
21 shall not include students enrolled in the regional school for purposes of federally supported  
22 food service programs.

23 "**§ 115C-238.56N. Criminal history record checks.**

24       (a) As used in this section:

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

1                   (2)     'School personnel' means any of the following:  
2                   a.     Member of the board of directors.  
3                   b.     Employee of the regional school.  
4                   c.     Independent contractor or employee of an independent contractor of  
5                   the regional school if the independent contractor carries out duties  
6                   customarily performed by school personnel, whether paid with  
7                   federal, State, local, or other funds, who has significant access to  
8                   students or who has responsibility for the fiscal management of the  
9                   regional school.

10                  (b)    The board of directors shall adopt a policy on whether and under what  
11                  circumstances school personnel shall be required to be checked for a criminal history. The  
12                  board of directors shall apply its policy uniformly in requiring school personnel to be checked  
13                  for a criminal history. The board of directors may grant conditional approval of an application  
14                  while the board of directors is checking a person's criminal history and making a decision based  
15                  on the results of the check.

16                  The board of directors shall not require school personnel to pay for the criminal history  
17                  record check authorized under this section.

18                  (c)    The board of directors shall require the person to be checked by the Department of  
19                  Justice (i) to be fingerprinted and to provide any additional information required by the  
20                  Department of Justice to a person designated by the board of directors or to the local sheriff or  
21                  the municipal police, whichever is more convenient for the person, and (ii) to sign a form  
22                  consenting to the check of the criminal record and to the use of fingerprints and other  
23                  identifying information required by the repositories. The board of directors shall consider  
24                  refusal to consent when making employment decisions and decisions with regard to  
25                  independent contractors. The fingerprints of the individual shall be forwarded to the State  
26                  Bureau of Investigation for a search of the State criminal history record file, and the State  
27                  Bureau of Investigation shall forward a set of fingerprints to the Federal Bureau of  
28                  Investigation for a national criminal history record check. The Department of Justice shall  
29                  provide to the board of directors the criminal history from the State and National Repositories  
30                  of Criminal Histories of any school personnel for which the board of directors requires a  
31                  criminal history record check.

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

34                  (d)    The board of directors shall review the criminal history it receives on an individual.  
35                  The board of directors shall determine whether the results of the review indicate that the  
36                  individual (i) poses a threat to the physical safety of students or personnel or (ii) has  
37                  demonstrated that he or she does not have the integrity or honesty to fulfill his or her duties as  
38                  school personnel and shall use the information when making employment decisions and  
39                  decisions with regard to independent contractors. The board of directors shall make written  
40                  findings with regard to how it used the information when making employment decisions and  
41                  decisions with regard to independent contractors. The board of directors may delegate any of  
42                  the duties in this subsection to the principal.

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

48                  (f)    All the information received by the board of directors through the checking of the  
49                  criminal history or by the State Board of Education in accordance with this section is privileged  
50                  information and is not a public record but is for the exclusive use of the board of directors or  
51                  the State Board of Education. The board of directors or the State Board of Education may

1 destroy the information after it is used for the purposes authorized by this section after one  
2 calendar year.

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

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

15       **SECTION 2.** G.S. 114-19.2 reads as rewritten:

16       **"§ 114-19.2. Criminal record checks of school personnel.**

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

25       (a1) The Department of Justice may provide a criminal history record check to the board  
26 of directors of a regional school of a person who is employed at a regional school or of a person  
27 who has applied for employment at a regional school, if the employee or applicant consents to  
28 the record check. The Department may also provide a criminal history record check of school  
29 personnel as defined in G.S. 115C-238.56N by fingerprint card to the board of directors of the  
30 regional school from the National Repositories of Criminal Histories, in accordance with  
31 G.S. 115C-238.56N. The information shall be kept confidential by the board of directors of the  
32 regional school as provided in G.S. 115C-238.56N.

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

50       **"§ 115B-2. Tuition waiver authorized.**

- 1           (a) The constituent institutions of The University of North Carolina and the community  
2 colleges as defined in G.S. 115D-2(2) shall permit the following persons to attend classes for  
3 credit or noncredit purposes without the required payment of tuition:  
4           (1) Repealed by Session Laws 2009-451, s. 8.11(a), effective July 1, 2009.  
5           (2) Any person who is the survivor of a law enforcement officer, firefighter,  
6 volunteer firefighter, or rescue squad worker killed as a direct result of a  
7 traumatic injury sustained in the line of duty.  
8           (3) The spouse of a law enforcement officer, firefighter, volunteer firefighter, or  
9 rescue squad worker who is permanently and totally disabled as a direct  
10 result of a traumatic injury sustained in the line of duty.  
11          (4) Any child, if the child is at least 17 years old but not yet 24 years old, whose  
12 parent is a law enforcement officer, firefighter, volunteer firefighter, or  
13 rescue squad worker who is permanently and totally disabled as a direct  
14 result of a traumatic injury sustained in the line of duty. However, a child's  
15 eligibility for a waiver of tuition under this Chapter shall not exceed: (i) 54  
16 months, if the child is seeking a baccalaureate degree, or (ii) if the child is  
17 not seeking a baccalaureate degree, the number of months required to  
18 complete the educational program to which the child is applying.  
19          (5) Any child, if the child (i) is at least 17 years old but not yet 24 years old, (ii)  
20 is a ward of North Carolina or was a ward of the State at the time the child  
21 reached the age of 18, (iii) is a resident of the State; and (iv) is eligible for  
22 services under the Chaffee Education and Training Vouchers Program; but  
23 the waiver shall only be to the extent that there is any tuition still payable  
24 after receipt of other financial aid received by the student.  
25          (6) Any child enrolled in a regional school established pursuant to Part 10 of  
26 Article 16 of Chapter 115C of the General Statutes."

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

- 28        "(c1) Except as to the provisions of Articles 6 and 7 of this Chapter, the provisions of this  
29 Chapter shall not apply to:  
30           (1) Constitutional officers of the State.  
31           (2) Officers and employees of the Judicial Department.  
32           (3) Officers and employees of the General Assembly.  
33           (4) Members of boards, committees, commissions, councils, and advisory  
34 councils compensated on a per diem basis.  
35           (5) Officials or employees whose salaries are fixed by the General Assembly, or  
36 by the Governor, or by the Governor and Council of State, or by the  
37 Governor subject to the approval of the Council of State.  
38           (6) Employees of the Office of the Governor that the Governor, at any time, in  
39 the Governor's discretion, exempts from the application of the provisions of  
40 this Chapter by means of a letter to the State Personnel Director designating  
41 these employees.  
42           (7) Employees of the Office of the Lieutenant Governor, that the Lieutenant  
43 Governor, at any time, in the Lieutenant Governor's discretion, exempts  
44 from the application of the provisions of this Chapter by means of a letter to  
45 the State Personnel Director designating these employees.  
46           (8) Instructional and research staff, physicians, and dentists of The University of  
47 North Carolina, including the faculty of the North Carolina School of  
48 Science and Mathematics.  
49           (8a) Employees of a regional school established pursuant to Part 10 of Article 16  
50 of Chapter 115C of the General Statutes.

- 1                         (9) Employees whose salaries are fixed under the authority vested in the Board  
2                         of Governors of The University of North Carolina by the provisions of  
3                         G.S. 116-11(4), 116-11(5), and 116-14.
- 4                         (9a) Employees of the North Carolina Cooperative Extension Service of North  
5                         Carolina State University who are employed in county operations and who  
6                         are not exempt pursuant to subdivision (8) or (9) of this subsection.
- 7                         (10) Repealed by Session Laws 1991, c. 84, s. 1.
- 8                         (11) Repealed by Session Laws 2006-66, s. 9.11(z), effective July 1, 2007.
- 9                         (12), (13) Repealed by Session Laws 2001-474, s. 15, effective November 29, 2001.
- 10                         (14) Employees of the North Carolina State Ports Authority.
- 11                         (15) Employees of the North Carolina Global TransPark Authority.
- 12                         (16) The executive director and one associate director of the North Carolina  
13                         Center for Nursing established under Article 9F of Chapter 90 of the General  
14                         Statutes.
- 15                         (17) Repealed by Session Laws 2004-129, s. 37, effective July 1, 2004.
- 16                         (18) Employees of the Tobacco Trust Fund Commission established in Article 75  
17                         of Chapter 143 of the General Statutes.
- 18                         (19) Employees of the Health and Wellness Trust Fund Commission established  
19                         in Article 21 of Chapter 130A of the General Statutes.
- 20                         (20) Repealed by Session Laws 2008-134, s. 73(d), effective July 28, 2008.
- 21                         (21) Employees of the Clean Water Management Trust Fund.
- 22                         (22) Employees of the North Carolina Turnpike Authority.
- 23                         (23) The Executive Administrator and the Deputy Executive Administrator of the  
24                         State Health Plan for Teachers and State Employees.
- 25                         (24) Employees of the State Health Plan for Teachers and State Employees as  
26                         designated by law or by the Executive Administrator of the Plan.
- 27                         (25) The North Carolina State Lottery Director and employees of the North  
28                         Carolina State Lottery.
- 29                         (26) The Executive Director, associate and assistant directors, and instructional  
30                         staff of the North Carolina Teacher Academy.
- 31                         (27) The Chief Administrative Law Judge of the Office of Administrative  
32                         Hearings.
- 33                         (28) The Executive Director and the Assistant Director of the U.S.S. North  
34                         Carolina Battleship Commission.
- 35                         (29) The Executive Director, Deputy Director, all other directors, assistant and  
36                         associate directors, and center fellows of the North Carolina Center for the  
37                         Advancement of Teaching."
- 38                         **SECTION 5.** This act is effective when it becomes law.