

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003**

S

2

**SENATE BILL 993  
Judiciary I Committee Substitute Adopted 4/23/03**

Short Title: An Act to Safeguard Children.

(Public)

---

Sponsors:

---

Referred to:

---

April 3, 2003

A BILL TO BE ENTITLED

1 AN ACT TO ENHANCE THE ABILITY OF THE STATE BOARD OF EDUCATION  
2 TO SAFEGUARD SCHOOLCHILDREN THROUGH AUTOMATIC  
3 REVOCATION OF TEACHER CERTIFICATES UPON CONVICTION OF  
4 CERTAIN CRIMES, AND THE USE OF INVESTIGATIVE SERVICES AS  
5 NEEDED.  
6

7 The General Assembly of North Carolina enacts:

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

9 "(d) The State Board shall adopt rules to establish the reasons and procedures for  
10 the suspension and revocation of certificates.

11 (1) The State Board shall revoke the certificate of a teacher or school  
12 administrator if the State Board receives notification from a local  
13 board or the Secretary of Health and Human Services that a teacher or  
14 school administrator has received an unsatisfactory or below standard  
15 rating under G.S. 115C-333(d).

16 (2) The State Board shall automatically revoke the certificate of a teacher  
17 or school administrator without the right to a hearing upon receiving  
18 verification of the identity of the teacher or school administrator  
19 together with a certified copy of a criminal record showing that the  
20 teacher or school administrator has entered a plea of guilty or nolo  
21 contendere to or has been finally convicted of any of the following  
22 crimes: Murder in the first or second degree, G.S. 14-17; Conspiracy  
23 or solicitation to commit murder, G.S. 14-18.1; Rape or sexual offense  
24 as defined in Article 7A of Chapter 14 of the General Statutes.  
25 Felonious assault with deadly weapon with intent to kill or inflicting  
26 serious injury, G.S. 14-32; Kidnapping, G.S. 14-39; Abduction of  
27 children, G.S. 14-41; Crime against nature, G.S. 14-177; Incest, G.S.  
28 14-178 or G.S. 14-179; Employing or permitting minor to assist in  
29 offense against public morality and decency, G.S. 14-190.6;

1 Dissemination to minors under the age of 16 years, G.S. 14-190.7;  
2 Dissemination to minors under the age of 13 years, G.S. 14-190.8;  
3 Displaying material harmful to minors, G.S. 14-190.14; Disseminating  
4 harmful material to minors, G.S. 14-190.15; First degree sexual  
5 exploitation of a minor, G.S. 14-190.16; Second degree sexual  
6 exploitation of a minor, G.S. 14-190.17; Third degree sexual  
7 exploitation of a minor, G.S. 14-190.17A; Promoting prostitution of a  
8 minor, G.S. 14-190.18; Participating in prostitution of a minor, G.S.  
9 14-190.19; Taking indecent liberties with children, G.S. 14-202.1;  
10 Solicitation of child by computer to commit an unlawful sex act, G.S.  
11 14-202.3; Taking indecent liberties with a student, G.S. 14-202.4;  
12 Prostitution, G.S. 14-204; and child abuse under either G.S. 14-318.2  
13 or G.S. 14-318.4. The Board shall mail notice of its intent to act  
14 pursuant to this subdivision by certified mail, return receipt requested,  
15 directed to the teacher or school administrator at their last known  
16 address. The notice shall inform the teacher or school administrator  
17 that it will revoke the person's certificate unless the teacher or school  
18 administrator notifies the Board in writing within 10 days after receipt  
19 of the notice that the defendant identified in the criminal record is not  
20 the same person as the teacher or school administrator. If the teacher or  
21 school administrator provides this written notice to the Board, the  
22 Board shall not revoke the certificate unless it can establish as a fact  
23 that the defendant and the teacher or school administrator are the same  
24 person.

25 (3) In addition, the State Board may revoke or refuse to renew a teacher's  
26 certificate when:

27 (1)a. The Board identifies the school in which the teacher is  
28 employed as low-performing under G.S. 115C-105.37 or G.S.  
29 143B-146.5; and

30 (2)b. The assistance team assigned to that school makes the  
31 recommendation to revoke or refuse to renew the teacher's  
32 certificate for one or more reasons established by the State  
33 Board in its rules for certificate suspension or revocation.

34 The State Board may issue subpoenas for the purpose of obtaining documents or the  
35 testimony of witnesses in connection with proceedings to suspend or revoke certificates.  
36 In addition, the Board shall have the authority to contract with individuals who are  
37 qualified to conduct investigations in order to obtain all information needed to assist the  
38 Board in the proper disposition of allegations of misconduct by certificated persons."

39 **SECTION 2.** This act is effective when it becomes law.