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SESSION 2011

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SENATE BILL 125*
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Commerce Committee Substitute Adopted 4/26/11
PROPOSED COMMITTEE SUBSTITUTE S125-PCS35247-TC-12

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 (4) Regional school. – A school created pursuant to G.S. 115C-238.56C which
27 includes all of grades nine through twelve and may include grades seven and
28 eight.
29 (5) Regional school board of directors or board of directors. – The governing
30 board of a regional school appointed pursuant to G.S. 115C-238.56D.

31 **"§ 115C-238.56C. Creation of regional school.**



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

- 5 (1) Name of the regional school.
- 6 (2) Names of all other local boards of education known to that local board of
7 education adopting resolutions to create the regional school.
- 8 (3) Identification of one of the named local school administrative units to serve
9 as the finance agent for the regional school.
- 10 (4) Identification of one of the named local school administrative units to
11 provide, to the extent practicable, school food services to the regional
12 school, if needed.

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

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

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

27 **"§ 115C-238.56D. Regional school boards of directors; appointment; terms of office.**

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

- 32 (1) Local boards of education. – Each participating unit shall appoint one
33 member to the board of directors from among the membership of the local
34 board of education. Members appointed by local boards of education shall
35 serve terms of four years.
- 36 (2) Local superintendents. – The local superintendent of the local school
37 administrative unit identified as the finance agent for the regional school
38 shall serve as an ex officio member of the board of directors. One additional
39 superintendent shall be selected from among the superintendents of the
40 participating units by those superintendents. The additional superintendent
41 shall serve an initial term of two years. Subsequent appointees shall serve a
42 term of four years.
- 43 (3) Economic development region. – The Economic Development Regional
44 Partnership for the economic development region in which the regional
45 school is located shall appoint three members as representatives of the
46 business community. At least one of the appointees shall be a resident of the
47 county in which the regional school is located. The appointees shall serve an
48 initial term of two years. Subsequent appointees shall serve a term of four
49 years.
- 50 (4) Parent Advisory Council. – The Parent Advisory Council established by
51 G.S. 115C-238.56J shall appoint a member to the board of directors from

1 among the Council membership. The member appointed by the Council shall
2 serve a term of four years or until the child of the parent no longer attends
3 the regional school.

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

7 (b) Vacancies. – Whenever an appointed member of the board of directors shall fail for
8 any reason other than ill health or service in the interest of the State or nation to be present at
9 three successive regular meetings of the board of directors, his or her place as a member of the
10 board of directors shall be deemed vacant. Any member of the board of directors may be
11 removed from office by the appointing authority for misfeasance, malfeasance, or nonfeasance
12 in office. All vacancies shall be filled by the appointing authority for the remainder of the term
13 of office.

14 **"§ 115C-238.56E. Board of directors; meetings; rules of procedure; officers.**

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

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

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

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

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

28 **"§ 115C-238.56F. Board of directors; corporate powers.**

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

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

48 **"§ 115C-238.56G. Board of directors; powers and duties.**

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

50 (1) Academic program. –

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

1 (10) Exemption from the Administrative Procedures Act. – The board of directors
2 shall be exempt from Chapter 150B of the General Statutes, except final
3 decisions of the board of directors in a contested case shall be subject to
4 judicial review in accordance with Article 4 of Chapter 150B of the General
5 Statutes.

6 **"§ 115C-238.56H. Student admissions and assignment.**

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

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

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

20 (1) Demonstrated academic achievement.

21 (2) Demonstrated student interest in attendance.

22 (3) Documented parental support for student attendance.

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

26 **"§ 115C-238.56I. Employees.**

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

28 (1) Principal. – The board of directors shall employ and contract with a principal
29 for a term not to exceed three years. The principal shall meet the
30 requirements for certification set out in G.S. 115C-284, unless waived by the
31 State Board of Education upon submission of a request by the board of
32 directors. The principal shall be responsible for school operations and shall
33 exercise those duties and powers delegated by the board of directors.

34 (2) Teachers. – The board of directors shall employ and contract with necessary
35 teachers to perform the particular service for which they are employed in the
36 school. At least fifty percent (50%) of teachers employed by the board of
37 directors shall hold teacher certificates, unless waived by the State Board of
38 Education upon submission of a request by the board of directors.

39 (3) Career status. – Employees of the board of directors shall not be eligible for
40 career status. If a teacher employed by a local school administrative unit
41 makes a written request for a leave of absence to teach at the regional
42 school, the local school administrative unit shall grant the leave for one year.
43 For the initial year of the regional school's operation, the local school
44 administrative unit may require that the request for a leave of absence be
45 made up to 45 days before the teacher would otherwise have to report for
46 duty. After the initial year of the regional school's operation, the local school
47 administrative unit may require that the request for a leave of absence be
48 made up to 90 days before the teacher would otherwise have to report for
49 duty. A local board of education is not required to grant a request for a leave
50 of absence or a request to extend or renew a leave of absence for a teacher
51 who previously has received a leave of absence from that school board under

1 this subdivision. A teacher who has career status under G.S. 115C-325 prior
2 to receiving a leave of absence to teach at the regional school may return to a
3 public school in the local school administrative unit with career status at the
4 end of the leave of absence or upon the end of employment at the regional
5 school if an appropriate position is available. If an appropriate position is
6 unavailable, the teacher's name shall be placed on a list of available teachers,
7 and that teacher shall have priority on all positions for which that teacher is
8 qualified in accordance with G.S. 115C-325(e)(2).

9 (4) Noncertified staff. – The board of directors also may employ necessary
10 employees who are not required to hold teacher certificates to perform duties
11 other than teaching and may contract for other services.

12 (5) Employment dismissal. – An employee of the board of directors is not an
13 employee of the local school administrative unit in which the regional school
14 is located. The board of directors may discharge certified and noncertified
15 employees according to the terms of the employment contract.

16 (6) Employee benefits. – Employees of the board of directors shall participate in
17 the Teachers' and State Employees' Retirement System and the State Health
18 Plan on the same terms as employees employed by local boards of
19 education.

20 (7) Exemptions. – Employees of the board of directors shall be exempt from
21 Chapter 126 of the General Statutes, except Articles 6 and 7.

22 **"§ 115C-238.56J. Parent Advisory Council; purpose; appointments.**

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

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

32 **"§ 115C-238.56K. State and local funds.**

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

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

38 (2) An additional amount for each child attending the regional school who is a
39 child with disabilities. In the event a child with disabilities leaves the
40 regional school and enrolls in a public school during the first 60 school days
41 in the school year, the regional school shall return a pro rata amount of funds
42 allocated for that child to the State Board, and the State Board shall
43 reallocate those funds to the local school administrative unit in which the
44 public school is located. In the event a child with disabilities enrolls in the
45 regional school during the first 60 school days in the school year, the State
46 Board shall allocate to the regional school the pro rata amount of additional
47 funds for children with disabilities.

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

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

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

10 **"§ 115C-238.56L. Finance and budget.**

11 **(a)** The local school administrative unit identified as the finance agent by resolution
12 pursuant to G.S. 115C-238.56C shall be the finance agent for the Board and shall have all the
13 rights, duties, and obligations for receipt, accounting, and dispersing funds for the board of
14 directors, including all the rights, duties, and obligations specified in Article 31 of this Chapter,
15 which powers shall be exercised by the identified local school administrative unit for and on
16 behalf of the board of directors. The board of directors shall provide reasonable compensation
17 to the local school administrative unit for this service.

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

23 **"§ 115C-238.56M. Participating units.**

24 **(a)** Transportation. – Participating units shall develop a plan to provide transportation to
25 the students domiciled in the district.

26 **(b)** Food Service. – The local school administrative unit identified by resolution shall
27 provide, to the extent practicable, school food services to the regional school. For purposes of
28 federal funding through the National School Lunch Program or other federally supported food
29 service programs, the local school administrative unit identified by resolution shall be
30 permitted to include eligible students enrolled in the regional school. Other participating units
31 shall not include students enrolled in the regional school for purposes of federally supported
32 food service programs.

33 **"§ 115C-238.56N. Criminal history record checks.**

34 **(a)** As used in this section:

35 **(1)** 'Criminal history' means a county, state, or federal criminal history of
36 conviction of a crime, whether a misdemeanor or a felony, that indicates an
37 individual (i) poses a threat to the physical safety of students or personnel or
38 (ii) has demonstrated that he or she does not have the integrity or honesty to
39 fulfill his or her duties as school personnel. These crimes include the
40 following North Carolina crimes contained in any of the following Articles
41 of Chapter 14 of the General Statutes: Article 5A, Endangering Executive
42 and Legislative, and Court Officers; Article 6, Homicide; Article 7A, Rape
43 and Other Sex Offenses; Article 8, Assaults; Article 10, Kidnapping and
44 Abduction; Article 13, Malicious Injury or Damage by Use of Explosive or
45 Incendiary Device or Material; Article 14, Burglary and Other
46 Housebreakings; Article 15, Arson and Other Burnings; Article 16, Larceny;
47 Article 17, Robbery; Article 18, Embezzlement; Article 19, False Pretense
48 and Cheats; Article 19A, Obtaining Property or Services by False or
49 Fraudulent Use of Credit Device or Other Means; Article 20, Frauds; Article
50 21, Forgery; Article 26, Offenses Against Public Morality and Decency;
51 Article 26A, Adult Establishments; Article 27, Prostitution; Article 28,

1 Perjury; Article 29, Bribery; Article 31, Misconduct in Public Office; Article
2 35, Offenses Against the Public Peace; Article 36A, Riots and Civil
3 Disorders; Article 39, Protection of Minors; and Article 60,
4 Computer-Related Crime. These crimes also include possession or sale of
5 drugs in violation of the North Carolina Controlled Substances Act, Article 5
6 of Chapter 90 of the General Statutes, and alcohol-related offenses such as
7 sale to underage persons in violation of G.S. 18B-302 or driving while
8 impaired in violation of G.S. 20-138.1 through G.S. 20-138.5. In addition to
9 the North Carolina crimes listed in this subdivision, such crimes also include
10 similar crimes under federal law or under the laws of other states.

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

- 12 a. Member of the board of directors.
13 b. Employee of the regional school.
14 c. Independent contractor or employee of an independent contractor of
15 the regional school if the independent contractor carries out duties
16 customarily performed by school personnel, whether paid with
17 federal, State, local, or other funds, who has significant access to
18 students or who has responsibility for the fiscal management of the
19 regional school.

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

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

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

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

44 (d) The board of directors shall review the criminal history it receives on an individual.
45 The board of directors shall determine whether the results of the review indicate that the
46 individual (i) poses a threat to the physical safety of students or personnel or (ii) has
47 demonstrated that he or she does not have the integrity or honesty to fulfill his or her duties as
48 school personnel and shall use the information when making employment decisions and
49 decisions with regard to independent contractors. The board of directors shall make written
50 findings with regard to how it used the information when making employment decisions and

1 decisions with regard to independent contractors. The board of directors may delegate any of
2 the duties in this subsection to the principal.

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

8 (f) All the information received by the board of directors through the checking of the
9 criminal history or by the State Board of Education in accordance with this section is privileged
10 information and is not a public record but is for the exclusive use of the board of directors or
11 the State Board of Education. The board of directors or the State Board of Education may
12 destroy the information after it is used for the purposes authorized by this section after one
13 calendar year.

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

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

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

27 **"§ 114-19.2. Criminal record checks of school personnel.**

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

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

44 (b) The Department of Justice may provide a criminal record check to the employer of a
45 person who is employed in a nonpublic school or of a person who has applied for employment
46 in a nonpublic school, if the employee or applicant consents to the record check. For purposes
47 of this subsection, the term nonpublic school is one that is subject to the provisions of Article
48 39 of Chapter 115C of the General Statutes, but does not include a home school as defined in
49 that Article.

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

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

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

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

12 **"§ 115B-2. Tuition waiver authorized.**

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

16 (1) Repealed by Session Laws 2009-451, s. 8.11(a), effective July 1, 2009.

17 (2) Any person who is the survivor of a law enforcement officer, firefighter,
18 volunteer firefighter, or rescue squad worker killed as a direct result of a
19 traumatic injury sustained in the line of duty.

20 (3) The spouse of a law enforcement officer, firefighter, volunteer firefighter, or
21 rescue squad worker who is permanently and totally disabled as a direct
22 result of a traumatic injury sustained in the line of duty.

23 (4) Any child, if the child is at least 17 years old but not yet 24 years old, whose
24 parent is a law enforcement officer, firefighter, volunteer firefighter, or
25 rescue squad worker who is permanently and totally disabled as a direct
26 result of a traumatic injury sustained in the line of duty. However, a child's
27 eligibility for a waiver of tuition under this Chapter shall not exceed: (i) 54
28 months, if the child is seeking a baccalaureate degree, or (ii) if the child is
29 not seeking a baccalaureate degree, the number of months required to
30 complete the educational program to which the child is applying.

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

37 (6) Any child enrolled in a regional school established pursuant to Part 10 of
38 Article 16 of Chapter 115C of the General Statutes who enrolls in classes at
39 a constituent institution or community college which has a written agreement
40 with the regional school."

41 **SECTION 4.** G.S. 115C-238.50A reads as rewritten:

42 **"§ 115C-238.50A. Definitions.**

43 The following definitions apply in this Part:

44 (1) Constituent institution. – A constituent institution as defined in
45 G.S. 116-2(4).

46 (2) Education partner. – An education partner as provided in G.S. 115C-238.52.

47 (3) Governing board. – The State Board of Education, the State Board of
48 Community Colleges, the Board of Governors of The University of North
49 Carolina, or the Board of the North Carolina Independent Colleges and
50 Universities.

- 1 (3a) Local board of education. – A local board as defined in G.S. 115C-5(5) or a
2 regional school board of directors as defined in G.S. 115C-238.56B(5).
3 (4) Local board of trustees. – The board of trustees of a community college,
4 constituent institution of The University of North Carolina, or private
5 college located in North Carolina."

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

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

- 9 (1) Constitutional officers of the State.
10 (2) Officers and employees of the Judicial Department.
11 (3) Officers and employees of the General Assembly.
12 (4) Members of boards, committees, commissions, councils, and advisory
13 councils compensated on a per diem basis.
14 (5) Officials or employees whose salaries are fixed by the General Assembly, or
15 by the Governor, or by the Governor and Council of State, or by the
16 Governor subject to the approval of the Council of State.
17 (6) Employees of the Office of the Governor that the Governor, at any time, in
18 the Governor's discretion, exempts from the application of the provisions of
19 this Chapter by means of a letter to the State Personnel Director designating
20 these employees.
21 (7) Employees of the Office of the Lieutenant Governor, that the Lieutenant
22 Governor, at any time, in the Lieutenant Governor's discretion, exempts
23 from the application of the provisions of this Chapter by means of a letter to
24 the State Personnel Director designating these employees.
25 (8) Instructional and research staff, physicians, and dentists of The University of
26 North Carolina, including the faculty of the North Carolina School of
27 Science and Mathematics.
28 (8a) Employees of a regional school established pursuant to Part 10 of Article 16
29 of Chapter 115C of the General Statutes.
30 (9) Employees whose salaries are fixed under the authority vested in the Board
31 of Governors of The University of North Carolina by the provisions of
32 G.S. 116-11(4), 116-11(5), and 116-14.
33 (9a) Employees of the North Carolina Cooperative Extension Service of North
34 Carolina State University who are employed in county operations and who
35 are not exempt pursuant to subdivision (8) or (9) of this subsection.
36 (10) Repealed by Session Laws 1991, c. 84, s. 1.
37 (11) Repealed by Session Laws 2006-66, s. 9.11(z), effective July 1, 2007.
38 (12), (13) Repealed by Session Laws 2001-474, s. 15, effective November 29,
39 2001.
40 (14) Employees of the North Carolina State Ports Authority.
41 (15) Employees of the North Carolina Global TransPark Authority.
42 (16) The executive director and one associate director of the North Carolina
43 Center for Nursing established under Article 9F of Chapter 90 of the General
44 Statutes.
45 (17) Repealed by Session Laws 2004-129, s. 37, effective July 1, 2004.
46 (18) Employees of the Tobacco Trust Fund Commission established in Article 75
47 of Chapter 143 of the General Statutes.
48 (19) Employees of the Health and Wellness Trust Fund Commission established
49 in Article 21 of Chapter 130A of the General Statutes.
50 (20) Repealed by Session Laws 2008-134, s. 73(d), effective July 28, 2008.
51 (21) Employees of the Clean Water Management Trust Fund.

- 1 (22) Employees of the North Carolina Turnpike Authority.
2 (23) The Executive Administrator and the Deputy Executive Administrator of the
3 State Health Plan for Teachers and State Employees.
4 (24) Employees of the State Health Plan for Teachers and State Employees as
5 designated by law or by the Executive Administrator of the Plan.
6 (25) The North Carolina State Lottery Director and employees of the North
7 Carolina State Lottery.
8 (26) The Executive Director, associate and assistant directors, and instructional
9 staff of the North Carolina Teacher Academy.
10 (27) The Chief Administrative Law Judge of the Office of Administrative
11 Hearings.
12 (28) The Executive Director and the Assistant Director of the U.S.S. North
13 Carolina Battleship Commission.
14 (29) The Executive Director, Deputy Director, all other directors, assistant and
15 associate directors, and center fellows of the North Carolina Center for the
16 Advancement of Teaching."

17 **SECTION 6.** This act is effective when it becomes law.