

**16 NCAC 06C .0313      CRIMINAL HISTORY CHECKS**

- (a) An LEA may obtain criminal history checks on applicants for employment as provided in G.S. 115C-332 and on applicants and current employees as provided in G.S. 114-19.2(a).
- (b) An LEA shall not make any employment decision based solely upon the criminal history check (computer printout) provided by the Department of Justice whether provided pursuant to G.S. 115C-332 or G.S. 114-19.2(a). An LEA shall obtain from the repository of the record a certified copy of the applicant's or employee's conviction or shall consult with legal counsel prior to making a final employment decision based on the conviction.
- (c) An LEA shall maintain data from a criminal history check from Department of Justice in paper format only, in a locked, secure place, separate from the individual's personnel file. Only those officials who have been designated by the local board of education as having a need to know the results of a criminal history check may obtain access to the records. Certified copies of records of convictions are public records and need not be maintained in accordance with this Rule.
- (d) In the event that the LEA discovers as a result of a criminal history check from Department of Justice that any applicant or employee who possesses a license issued by the SBE has a criminal history, the LEA shall notify in writing the SBE office of legal counsel and shall submit to that office a certified copy of the record of conviction or convictions or information of where to obtain the record of conviction, including the person's name, criminal case number and the county of conviction. The office of legal counsel may initiate license revocation as appropriate.
- (e) Nothing in this Rule is intended to prohibit suspension with or without pay or demotion or dismissal pursuant to the provisions of G.S. 115C-325 without any requirement that there be actual conviction of a crime.

*History Note:      Filed as a Temporary Adoption Eff. October 10, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;  
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Eff. June 1, 1996;  
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