

16 NCAC 06C .0604 DENYING A LICENSE OR SANCTIONING A LICENSEE

(a) The State Board of Education ("SBE") may, following an investigation in accordance with Rule .0603 of this Section, impose disciplinary sanctions on a person who holds a license issued by the Department of Public Instruction or deny an application for any such license if the SBE finds, by a preponderance of the evidence, that the respondent has done any of the following:

- (1) Engaged in fraud, material misrepresentation, or concealment in an application for the license.
- (2) Become ineligible for the license due to changes or corrections in the license documentation.
- (3) Been convicted of a crime in any state, federal, or territorial court of the United States, including military tribunals.
- (4) Been dismissed by a local board of education, pursuant to G.S. 115C-325(e)(1) or 115C-325.4, or by the governing body of any other PSU.
- (5) Resigned from employment with a PSU without thirty calendar days' notice, except with the prior consent of the superintendent.
- (6) Had a professional educator license or other occupational license revoked or suspended in North Carolina or another state due to a finding of misconduct by the relevant occupational licensing board or agency.
- (7) Failed to report suspected child abuse in accordance with G.S. 115C-400 or other suspicion of professional misconduct by a licensed employee in accordance with Rule .0608 of this Section.
- (8) Violated the Testing Code of Ethics, codified at 16 NCAC 06D .0311.
- (9) Engaged in any other illegal, unethical, or lascivious conduct, or otherwise violated the Standards of Professional Conduct as described in Rule .0602 of this Section.

(b) When deciding whether to impose disciplinary sanctions or deny an application for a license, the SBE shall consider the following factors:

- (1) The existence of a reasonable and adverse relationship between the underlying misconduct and the ability of the respondent to perform the respondent's professional duties as an educator.
- (2) The severity of the misconduct.
- (3) The impact of the misconduct on students, other educators, and the school community.
- (4) The respondent's degree of culpability in the misconduct.
- (5) The degree of remorse exhibited by the respondent for the misconduct.
- (6) Any evidence of reformed behavior on the part of the respondent.
- (7) Subsequent incidents of misconduct by the respondent or the probability of future misconduct.

(c) If the SBE determines that sanctions against a current licensee are warranted, it shall impose sanctions in accordance with Rule .0605 of this Section.

History Note: Authority G.S. 115C-12(9); 115C-174.11; 115C-174.12; 115C-270.5; 115C-270.30; 115C-270.35; 150B-22; 150B-23; Temporary Adoption Eff. April 5, 2024.