

16 NCAC 06C .0372 DENYING A LICENSE APPLICATION OR SUSPENSION OR REVOCATION OF A LICENSE ISSUED BY THE NORTH CAROLINA DEPARTMENT OF PUBLIC INSTRUCTION

(a) The State Board of Education (SBE), with regard to a license issued by the North Carolina Department of Public Instruction (DPI), may deny an application, suspend a license pending an investigation, or revoke a license due to findings of fact related to such an investigation for the following reasons:

- (1) fraud, material misrepresentation, or concealment in the application for the license;
- (2) changes in or corrections of the license documentation that make the individual ineligible to hold a license;
- (3) conviction or entry of a plea of no contest, as an adult, to a crime if there is reasonable and adverse relationship between the underlying crime and the continuing ability of the person to perform any of their professional functions;
- (4) final dismissal of a person by a local board pursuant to G.S. 115C.325(e)(1)b if there is a reasonable and adverse relationship between the underlying misconduct and the continuing ability of the person to perform any of their professional functions;
- (5) final dismissal of a person by a Local Education Agency (LEA) due to physical or mental incapacity under G.S.115C.325(e)(1)e;
- (6) resignation from employment with an LEA without thirty calendar days' notice, except with the prior consent of the local superintendent;
- (7) revocation of a license by another state;
- (8) any other illegal, unethical, or lascivious conduct by a person if there is a reasonable and adverse relationship between the underlying conduct and the continuing ability of the person to perform any of their professional functions in an effective manner; and
- (9) failure to report revocable conduct as required by law as referenced in Rule .0373 of this Section.

(b) When deciding to deny, suspend, or revoke a license, the SBE shall consider, among other factors, the severity of the infraction; the impact of misconduct on students, teachers, and school community; the degree of culpability; the degree of remorse; the evidence of reformed behavior; subsequent incidents of misconduct; the probability of recidivism; and the continuing effect of the infraction on ability to perform duties.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20; 115C-270.35; 115C-325; Eff. October 1, 2020.