

§ 115C-270.35. License suspension and revocation.

(a) Rules. – The State Board shall adopt rules to establish the reasons and procedures for the suspension and revocation of licenses, subject to the requirements of this section.

(b) Automatic Revocation With No Hearing. – The State Board shall automatically revoke the license of a professional educator without the right to a hearing upon receiving verification of the identity of the professional educator together with a certified copy of a criminal record showing that the professional educator has entered a plea of guilty or nolo contendere to or has been finally convicted of any of the following crimes:

- (1) Murder in the first or second degree, G.S. 14-17.
- (2) Conspiracy or solicitation to commit murder, G.S. 14-18.1.
- (3) Rape or sexual offense, as defined in Article 7B of Chapter 14 of the General Statutes.
- (4) Felonious assault with deadly weapon with intent to kill or inflicting serious injury, G.S. 14-32.
- (5) Kidnapping, G.S. 14-39.
- (6) Abduction of children, G.S. 14-41.
- (7) Crime against nature, G.S. 14-177.
- (8) Incest, G.S. 14-178 or G.S. 14-179.
- (9) Employing or permitting minor to assist in offense against public morality and decency, G.S. 14-190.6.
- (10) Dissemination to minors under the age of 16 years, G.S. 14-190.7.
- (11) Dissemination to minors under the age of 13 years, G.S. 14-190.8.
- (12) Displaying material harmful to minors, G.S. 14-190.14.
- (13) Disseminating harmful material to minors, G.S. 14-190.15.
- (14) First degree sexual exploitation of a minor, G.S. 14-190.16.
- (15) Second degree sexual exploitation of a minor, G.S. 14-190.17.
- (16) Third degree sexual exploitation of a minor, G.S. 14-190.17A.
- (17) Taking indecent liberties with children, G.S. 14-202.1.
- (18) Solicitation of child by computer to commit an unlawful sex act, G.S. 14-202.3.
- (19) Taking indecent liberties with a student, G.S. 14-202.4.
- (20) Prostitution, G.S. 14-204.
- (21) Patronizing a prostitute who is a minor or has a mental disability, G.S. 14-205.2(c) or (d).
- (22) Promoting prostitution of a minor or a person who has a mental disability, G.S. 14-205.3(b).
- (23) Child abuse under G.S. 14-318.4.

The State Board shall mail notice of its intent to act pursuant to this subsection by certified mail, return receipt requested, directed to the professional educator's last known address. The notice shall inform the professional educator that it will revoke the person's license unless the professional educator notifies the State Board in writing within 10 days after receipt of the notice that the defendant identified in the criminal record is not the same person as the professional educator. If the professional educator provides this written notice to the State Board, the State Board shall not revoke the license unless it can establish as a fact that the defendant and the professional educator are the same person.

(c) Mandatory Revocation. – The State Board shall revoke the license of a professional educator if the State Board receives notification from a local board of education or the Secretary of Health and Human Services that a professional educator has received a rating on any standard that was identified as an area of concern on the mandatory improvement plan that was below

proficient or otherwise represented unsatisfactory or below standard performance under G.S. 115C-333(d) and G.S. 115C-333.1(f).

(d) Discretionary Revocation. – The State Board may revoke or refuse to renew a professional educator's license when the Board identifies the school in which the professional educator is employed as low-performing under G.S. 115C-105.37 or G.S. 143B-146.5, and the assistance team assigned to that school makes the recommendation to revoke or refuse to renew the professional educator's license for one or more reasons established by the State Board in its rules for license suspension or revocation.

(e) Subpoena Power. – The State Board may issue subpoenas for the purpose of obtaining documents or the testimony of witnesses in connection with proceedings to suspend or revoke licenses. In addition, the Board may contract with individuals who are qualified to conduct investigations in order to obtain all information needed to assist the Board in the proper disposition of allegations of misconduct by licensed persons. (2017-189, s. 3(c); 2018-47, s. 4(l).)