

Chapter 10 – Revocation of Licenses

Overview

Background

The State Board of Education can suspend or revoke a license issued by the Licensure Section at any time for the appropriate reasons outlined in this chapter. The SBE, LEA, and local board follow necessary procedures when an employee's license must be suspended or revoked. (See SBE Policy QP-A-020)

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Reasons for Suspension or Revocation

Introduction

This section describes justifications for the suspension or revocation of an employee's license.

Applications

The Department of Public Instruction (DPI) may suspend, revoke, or deny a license if the individual engaged in

- fraud
- material misrepresentation, **OR**
- concealment

on the application or license.

DPI may also suspend, revoke, or deny a license based on changes in or corrections to the license documentation which make the individual ineligible to hold a license.

Convictions or illegal conduct

The DPI may suspend, revoke, or deny a license if the individual

- as an adult was convicted of or pled no contest to a crime if there is a reasonable and adverse relationship between the underlying crime and the continuing ability of the person to perform any of his or her professional functions in an effective manner; **OR**
 - has demonstrated any other illegal, unethical, or lascivious conduct against 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 his or her professional functions in an effective manner.
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Reasons for Suspension or Revocation

Dismissal by local board for immorality or diminished capacity

The DPI may suspend, revoke, or deny a license if the local board of education dismissed the individual if

- pursuant to General Statute 115C-325(e)(1)b for immorality if there is a reasonable and adverse relationship between the underlying misconduct and the continuing ability of the person to perform any of his or her professional functions in an effective manner; **OR**
 - pursuant to G.S. 115C-325(e)(1)e due to the person's diminished physical or mental capacity.
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Resignation without notice

The DPI may suspend a license for the remainder of the school year at a request by the local board of education if the individual resigns from employment with a local school system without giving 30 calendar days' notice, except with the prior consent of the local superintendent.

Revocation by another state

The DPI may suspend, revoke or deny a license if another state revoked the individual's license at the time the person's North Carolina license was issued on the basis of reciprocity through an interstate licensing contract.

Failure to report revocable conduct

The DPI may suspend or revoke the license of any:

- superintendent
- associate superintendent
- assistant superintendent
- personnel administrator
- principal

who knows or has substantial reason to believe that a licensed employee of the LEA has engaged in behavior that would justify revocation of the employee's license based upon

- conviction of a crime or plea of no contest,
- final dismissal of the employee by the local board pursuant to General Statute 115C-325(e)(1)b (immorality), **OR**
- any other illegal, unethical, or lascivious conduct by the employee
- if the employee's conduct involves physical or sexual abuse of a child, and if the person fails to report that knowledge or a substantial reason to believe said conduct has occurred to the Superintendent of Public Instruction.

Note: For these purposes, the term "physical abuse" means the infliction of serious physical injury other than by accidental means and other than in self-defense. The term "sexual abuse" means the commission of any sexual act upon a student, or causing a student to commit a sexual act, regardless of the presence or absence of consent.

Procedures for Suspension and Revocation

Introduction

When an employee's license must be suspended or revoked, proper procedures must be followed. This section describes the responsibilities and procedures required by each component of the school system.

LEA responsibilities

The LEA is responsible for

- identifying individuals suspected of committing an offense that could lead to revocation of a license
 - preparing a written request with corroborating information regarding an individual suspected of committing an offense that could lead to revocation of a license
 - submitting timely requests to the State Superintendent of Public Instruction calling for investigation into revocation of a license.
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Superintendent of Public Instruction responsibilities

The Superintendent of Public Instruction is responsible for

- initiating revocation proceedings upon receipt of the LEA's written request and submission of information by any party in a position to present evidence that is a basis for revocation
 - preparing and filing written charges with the State Board of Education, if investigation of the available information indicates that probable cause for suspension or revocation exists
 - sending a copy of the charges to the licensed person and informing him or her of hearing procedures.
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Employee responsibilities

The employee is responsible for

- filing a petition for a contested case before an administrative law judge within 60 days after receipt of notice of intent to revoke, **OR**
 - waiving a contested case and making a written voluntary license surrender within 60 days of receipt of the charges.
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Procedures for Suspension and Revocation

State Board of Education responsibilities

The State Board of Education is responsible for

- proceeding with the suspension or revocation action if the individual fails to make a timely request for a hearing.
Note: The hearing is held in accordance with North Carolina law regarding administrative hearings. The hearing is open to the public.
- making the final agency decision.
- suspending an individual's license for a stated period of time, **OR**
- permanently revoking the license

Note: A local board may request that the State Board revoke for the remainder of the year the license of a teacher who resigns without giving at least thirty days' notice.

- reinstating a suspended or revoked license or granting a new license upon application and a showing of good cause by the individual

Note: The burden of proving good cause rests on the applicant. The State Board of Education will not approve reinstatement of a revoked or suspended license if the basis for revocation was abuse of a minor; possession, sale, or use of controlled substances; or moral turpitude.

- notifying all other states of all actions involving suspension, revocation, or reinstatement of a license
 - notifying the LEA that recommended the revocation.
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