

**CHILD ABUSE AND RELATED THREATS
TO CHILD SAFETY**

Policy Code: **4240/7312**

1 The board is concerned with the health, safety, and welfare of all children and recognizes the
2 legal and ethical obligations that school employees, contractors, and volunteers have to report
3 known or suspected maltreatment of children. North Carolina has two separate systems that
4 mandate reports to state authorities of suspected child abuse, neglect, dependency, or
5 maltreatment and a third system for mandated reporting of certain crimes against juveniles to
6 local law enforcement.

7
8 When a parent or other caretaker is suspected to have caused a child to be abused, neglected, or
9 dependent, this information must be reported to the county child welfare agency. Suspected
10 human trafficking, involuntary servitude, and sexual servitude of a child and death of a child as a
11 result of maltreatment are special forms of child abuse under law and must be reported to the
12 county child welfare agency, regardless of the relationship between the victim and the
13 perpetrator. By contrast, suspected child maltreatment by a caregiver in a child care facility,
14 including in a licensed preschool classroom or other licensed classroom or program operated by
15 the school system, must be reported to the Department of Health and Human Services (DHHS),
16 Division of Child Development and Early Education (DCDEE). When the source of the harm or
17 threat of harm to the child is uncertain, a report should be made to both the county child welfare
18 agency and DCDEE.

19
20 In addition, state law mandates reports to local law enforcement when a child is a victim of
21 certain violent offenses, sexual offenses, or misdemeanor child abuse. An adult who knows or
22 reasonably should have known of any of these offenses inflicted upon a child must report that
23 information immediately.

24
25 The Transylvania County Board of Education (the “board”) supports all employees who in good
26 faith make a report under North Carolina’s mandated reporting laws.

27
28 The superintendent shall develop any necessary procedures for making a report or otherwise
29 implementing this policy.

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31 **A. DUTY TO REPORT CERTAIN CRIMES AGAINST CHILDREN TO LOCAL LAW**
32 **ENFORCEMENT**

33
34 A school employee, contractor, or volunteer is legally required to report to local law
35 enforcement when the employee or volunteer knows or reasonably should know that a
36 child has been a victim of any of the following crimes:

- 37
38 1. a sexual offense (which for purposes of this policy, the board interprets to mean
39 any offense that relates to inappropriate sexual conduct with or involving a child);
40
41 2. an offense that inflicts serious bodily injury or serious physical injury upon the
42 child by nonaccidental means;

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- 44 3. an attempt, solicitation, or conspiracy to commit either offense described above,
45 or aiding and abetting either offense; or
46
47 4. misdemeanor child abuse, which occurs when a parent or any other person
48 providing care or supervision to a child who is under the age of sixteen (1) inflicts
49 or allows to be inflicted physical injury to the child by nonaccidental means or (2)
50 creates or allows a substantial risk of physical injury to the child by nonaccidental
51 means.
52

53 Compliance with this reporting requirement does not relieve the employee or volunteer
54 from his or her duty to report pursuant to Sections B and C of this policy. The employee,
55 contractor, or volunteer also shall immediately report the case to the principal.
56

57 A school employee, contractor, or volunteer is immune by statute from any state civil
58 and/or criminal liability when making a report in good faith under this Section. An
59 employee who fails to report or who prevents another person from making a report is
60 subject to disciplinary action by the school system and civil and criminal action under the
61 law. A volunteer or contractor who fails to report or prevents another person from
62 making a report may be restricted from school property or lose the privilege of
63 volunteering for or contracting with the school system and is subject to civil and criminal
64 action under the law.
65

66 **B. DUTY TO REPORT CHILD ABUSE, NEGLECT, DEPENDENCY, OR DEATH AS A RESULT OF**
67 **MALTREATMENT TO THE COUNTY CHILD WELFARE AGENCY**
68

69 A school employee, contractor, or volunteer who knows or has cause to suspect that (1) a
70 parent, guardian, custodian, or caretaker of a child has caused the child to be abused,
71 neglected, or dependent, or (2) that a child has died as a result of maltreatment or been a
72 victim of human trafficking, involuntary servitude, or sexual servitude by any person is
73 legally required to report the case to the director of social services. The employee,
74 contractor, or volunteer also shall immediately report the case to the principal. Any
75 doubt about reporting a suspected situation must be resolved in favor of reporting, and
76 the report must be made immediately.
77

78 A school employee, contractor, or volunteer is immune by statute from any civil and/or
79 criminal liability when making a report in good faith under this Section. An employee
80 who fails to report or who prevents another person from making a report is subject to
81 disciplinary action by the school system and civil and criminal action under the law. A
82 volunteer or contractor who fails to report or prevents another person from making a
83 report may be restricted from school property or lose the privilege of volunteering for or
84 contracting with the school system and is subject to civil and criminal action under the
85 law.
86

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87 **C. DUTY TO REPORT CHILD MALTREATMENT IN A CHILD CARE FACILITY TO THE**
88 **DIVISION OF CHILD DEVELOPMENT AND EARLY EDUCATION**

89
90 A school employee, contractor, or volunteer who has cause to suspect that a child in a
91 child care facility has been maltreated by a caregiver or has died as a result of
92 maltreatment occurring in a child care facility is legally required to report the case to
93 DCDEE.

94
95 A “child care facility” includes any DHHS-licensed classroom or program operated by
96 the school system, including for example, licensed pre-school or Title I classrooms,
97 licensed afterschool programs, and licensed developmental day programs.

98
99 Any doubt about reporting a suspected situation or uncertainty whether the child’s care is
100 being provided in a child care facility must be resolved in favor of reporting, and the
101 report should be made immediately.

102
103 An employee making a report to DCDEE also shall immediately report the case to the
104 principal. If the suspected maltreatment occurred in a licensed preschool classroom or
105 other licensed classroom or program operated by board, the principal shall immediately
106 notify the superintendent of the suspected maltreatment. No reprisals of any kind may be
107 taken against an employee who makes a good faith report of child maltreatment occurring
108 in any licensed preschool classroom or other licensed classroom or program operated by
109 the board.

110
111 An employee who fails to make a report as required by law and this policy may be
112 subject to disciplinary action by the school system. In addition, if the employee works in
113 a licensed preschool classroom or other licensed classroom or program operated by the
114 board, failure to report maltreatment of a child in the program or classroom may itself
115 constitute child maltreatment and result in the employee being placed on the state child
116 maltreatment registry. A volunteer or contractor who fails to report or prevents another
117 person from making a report may be restricted from school property or lose the privilege
118 of volunteering for or contracting with the school system.

119
120 **D. DUTY TO REPORT LICENSED EMPLOYEES TO THE STATE BOARD OF**
121 **EDUCATION SUPERINTENDENT OF PUBLIC INSTRUCTION**

122
123 In addition to the other reporting requirements of this policy, ~~any administrators shall~~
124 ~~report to the State Board of Education who knows or has reason to believe that a licensed~~
125 ~~employee has engaged in certain misconduct by licensed employees involving a child and~~
126 ~~resulting in dismissal, disciplinary action, or resignation~~ ~~conduct that would justify~~
127 ~~automatic revocation of the employee’s license pursuant to G.S. 115C 270.35(b) or~~
128 ~~involves physical or sexual abuse of a child shall report that information to the State~~
129 ~~Superintendent of Public Instruction~~ in accordance with ~~sub~~Section FC.4 of policy 7130.

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~~Licensure 4040/7310, Staff-Student Relations.~~

E. COOPERATION WITH STATE AND LOCAL AGENCIES

1. The principal may establish a contact person in the school to act as a liaison with state and local agencies charged with investigating reports made pursuant to this policy.
2. Employees shall cooperate fully with agency personnel conducting an investigation.
3. In a case under the jurisdiction of local law enforcement in which the child’s parent, guardian, or custodian is suspected of wrongdoing, employees shall permit the child to be interviewed by local law enforcement on school campuses during school hours. Otherwise, permission from the parent, guardian, or custodian must be obtained before the child may be interviewed by local law enforcement on school campus during school hours.
4. In a case under the jurisdiction of social services, employees shall permit the child to be interviewed by social services on school campuses during school hours.
5. In a case under the jurisdiction of DCDEE concerning suspected child maltreatment by a caregiver in a child care facility, permission from the parent must be obtained before the child may be interviewed on school campus during school hours.
6. Employees shall provide confidential information to agency personnel, so long as the disclosure does not violate state or federal law.
7. Any confidential information disclosed by the investigating agency to employees must remain confidential and may be redisclosed only for purposes directly connected with carrying out the responsibilities of the school system or the employee.

F. SHARING INFORMATION WITH OTHER AGENCIES

Upon request and to the extent permitted by law, school system officials shall share with other agencies designated in G.S. 7B-3100(a) information that is relevant to (1) any assessment by the department of social services of a report of child abuse, neglect, dependency, or death as a result of maltreatment; (2) the provision or arrangement of protective services in a child abuse, neglect, or dependency case by the department of social services; or (3) any case in which a petition is filed alleging that a juvenile is abused, neglected, dependent, undisciplined, or delinquent. School system officials and

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173 the designated agencies must continue to share such information until the protective
174 services case is closed by the department of social services or, if a petition is filed, until
175 the juvenile is no longer subject to the jurisdiction of juvenile court.
176

177 **G. CHILD SEXUAL ABUSE AND SEX TRAFFICKING TRAINING PROGRAM**

178
179 In even numbered years, the school system will provide a child sexual abuse and sex
180 trafficking education and awareness training program for teachers, instructional support
181 personnel, principals, and assistant principals. The program will include at least two
182 hours of training related to best practices from the field of prevention, the grooming
183 process of sexual predators, the warning signs of sexual abuse and sex trafficking, how to
184 intervene when sexual abuse or sex trafficking is suspected or disclosed, legal
185 responsibilities for reporting sexual abuse or sex trafficking, and available resources for
186 assistance. Designated school personnel shall participate in such training as required by
187 law and board policy.
188

189 **H. CHILD ABUSE AND NEGLECT INFORMATION AND RESOURCES FOR STUDENTS**

190
191 In accordance with G.S. 115C-47(65) and State Board of Education Policy SHLT-003,
192 the school system will provide information on child abuse and neglect, including age-
193 appropriate information on sexual abuse, to students in grades 6 through 12. Such
194 information will be provided in the form of (1) a document given to all students in grades
195 6 through 12 at the beginning of each school year, ~~and~~ (2) a display posted in visible,
196 high-traffic areas throughout each secondary school, and (3) a video produced by the
197 Center for Safer Schools shown to all students in grades 6 through 12 no more than five
198 days after the first day of the school year.
199

200 Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; G.S. 7B-101, -
201 301, -302, -309, -3100; 8-53.4; 14-208.6, -318.2, -318.4, -318.6; 110-90.2, -105.3, -105.4, -
202 105.5; 115C-12(47), 47(65), -270.35(b), -326.20, -375.20, -400, -402; 126-5; 16 N.C.A.C.
203 6C.0608373; 16 N.C.A.C 6D .0403; State Board of Education Policy SHLT-003
204

205 Cross References: Professional and Staff Development (policy 1610/7800), Staff-Student
206 Relations (policy 4040/7310), Student Records (policy 4700), Licensure (policy 7130)
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208 Adopted: January 19, 2016
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210 Revised: March 5, 2018; July 15, 2019; December 16, 2019; August 2, 2021; July 18, 2022;
211 April 3, 2023; DATE