

**CHILD ABUSE AND RELATED THREATS  
TO CHILD SAFETY – REPORTS AND INVESTIGATIONS**

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

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

27  
28 The Transylvania County Board of Education (the “board”) supports all employees who in good  
29 faith make a report under ~~either~~ of North Carolina’s mandated reporting laws.

30  
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 contact with a child);  
40  
41 2. an offense that inflicts serious bodily injury or serious physical injury upon the  
42 child by nonaccidental means;  
43

- 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 RESULTS 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, dependentey, or death as a result of maltreatment by a parent, guardian,  
72 eustodian, or caretaker of the child or (2) that a child has died as a result of maltreatment  
73 or been a victim of human trafficking, involuntary servitude, or sexual servitude by any  
74 person is legally required to report the case to the director of social services. The  
75 employee, contractor, or volunteer also shall immediately report the case to the principal.  
76 Any doubt about reporting a suspected situation must be resolved in favor of reporting,  
77 and the report must be made immediately.  
78

79 A school employee, contractor, or volunteer is immune by statute from any civil and/or  
80 criminal liability when making a reporting in good faith under this Section suspected  
81 child trafficking, involuntary servitude, sexual servitude, or child abuse, neglect,  
82 dependency, or death as a result of maltreatment by a parent, guardian, custodian, or  
83 caretaker of the child. An employee who fails to report or who prevents another person  
84 from making a report is subject to disciplinary action by the school system or and civil or  
85 and criminal action under the law. A volunteer or contractor who fails to report or  
86 prevents another person from making a report may be restricted from school property or

87 lose the privilege of volunteering for or contracting with the school system and is subject  
88 to civil and criminal action under the law.

89  
90 **C. DUTY TO REPORT CHILD MALTREATMENT IN A CHILD CARE FACILITY TO THE**  
91 **DIVISION OF CHILD DEVELOPMENT AND EARLY EDUCATION**

92  
93 A school employee, **contractor, or volunteer** who has cause to suspect that a child in a  
94 child care facility has been maltreated by a caregiver or has died as a result of  
95 maltreatment occurring in a child care facility is legally required to report the case to the  
96 Department of Health and Human Services (DHHS), Division of Child Development and  
97 Early Education (DCDEE).

98  
99 A “child care facility” includes any DHHS-licensed classroom or program operated by  
100 the school system, including for example, licensed pre-school or Title I classrooms,  
101 licensed afterschool programs, and licensed developmental day programs.

102  
103 Any doubt about reporting a suspected situation or uncertainty whether the child’s care is  
104 being provided in a child care facility must be resolved in favor of reporting, and the  
105 report should be made immediately.

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

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

123  
124 **D. COOPERATION WITH STATE AND LOCAL AGENCIES**

- 125  
126 1. The principal may establish a contact person in the school to act as a liaison with  
127 state **and local** agencies charged with investigating reports **made pursuant to this**  
128 **policy** of child abuse and neglect or child maltreatment.  
129

- 130 2. Employees shall cooperate fully with agency personnel conducting an  
131 investigation of suspected child abuse, neglect, dependency, or death as a result of  
132 maltreatment, or maltreatment occurring in a child care facility.  
133
- 134 3. In a case under the jurisdiction of local law enforcement in which the child’s  
135 parent, guardian, or custodian is suspected of wrongdoing, employees shall permit  
136 the child to be interviewed by local law enforcement on school campuses during  
137 school hours. Otherwise, permission from the parent, guardian, or custodian must  
138 be obtained before the child may be interviewed by local law enforcement on  
139 school campus during school hours.  
140
- 141 4. ~~In the case of suspected abuse, neglect, dependency, or death due to maltreatment~~  
142 **In a case** under the jurisdiction of social services, employees shall permit the child  
143 to be interviewed by social services on school campuses during school hours.  
144
- 145 5. In a case under the jurisdiction of DCDEE concerning suspected child  
146 maltreatment by a caregiver in a child care facility, permission from the parent  
147 must be obtained before the child may be interviewed on school campus during  
148 school hours.  
149
- 150 6. Employees shall provide confidential information to agency personnel, so long as  
151 the disclosure does not violate state or federal law.  
152
- 153 7. Any confidential information disclosed by the investigating agency to employees  
154 must remain confidential and may be redisclosed only for purposes directly  
155 connected with carrying out the responsibilities of the school system or the  
156 employee.  
157

158 **E. SHARING INFORMATION WITH OTHER AGENCIES**  
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160 Upon request and to the extent permitted by law, school system officials shall share with  
161 other agencies designated in G.S. 7B-3100(a) information that is relevant to (1) any  
162 assessment by the department of social services of a report of child abuse, neglect,  
163 dependency, or death as a result of maltreatment; (2) the provision or arrangement of  
164 protective services in a child abuse, neglect, or dependency case by the department of  
165 social services; or (3) any case in which a petition is filed alleging that a juvenile is  
166 abused, neglected, dependent undisciplined, or delinquent. School system officials and  
167 the designated agencies must continue to share such information until the protective  
168 services case is closed by the department of social services or, if a petition is filed, until  
169 the juvenile is no longer subject to the jurisdiction of juvenile court.  
170

171 **F. CHILD SEXUAL ABUSE AND SEX TRAFFICKING TRAINING PROGRAM**  
172

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

182  
183 The superintendent shall develop any necessary procedures for ~~reporting suspected child abuse,~~  
184 ~~neglect, dependency, death as a result of maltreatment, or maltreatment in a child care facility~~  
185 ~~making a report pursuant to this policy~~, for sharing information with designated agencies, and for  
186 cooperating with agency investigations. ~~The board encourages school officials to provide staff~~  
187 ~~development opportunities related to identifying and reporting child abuse, neglect, dependency,~~  
188 ~~death as a result of maltreatment, and maltreatment in a child care facility.~~

189  
190 In addition to the requirements of this policy, any administrator who knows or has reason to  
191 believe that a licensed employee has engaged in conduct which involves physical or sexual abuse  
192 of a child shall report that information to the State Superintendent of Public Instruction in  
193 accordance with subsection C.4 of policy 4040/7310, Staff-Student Relations.

194  
195 Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; G.S. 7B-101, -  
196 301, -302, -309, -3100; 8-53.4; 14-208.6, -318.2, -318.4, -318.6; 110-90.2, -105.3, -105.4, -  
197 105.5; 115C-375.20, -400, -402; 126-5; 16 N.C.A.C. 6C.0312; State Board of Education Policies  
198 LICN-007 and NCAC-039, State Board of Education Regulation LICN-020-R(1)

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200 Cross References: Professional and Staff Development (policy 1610/7800), Staff-Student  
201 Relations (policy 4040/7310), Student Records (policy 4700)

202  
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205 Revised: March 5, 2018; July 15, 2019; [DATE]