

**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.

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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.

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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.

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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.

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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**

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

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45 3. an attempt, solicitation, or conspiracy to commit either offense described above,
46 or aiding and abetting either offense; or
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48 4. misdemeanor child abuse, which occurs when a parent or any other person
49 providing care or supervision to a child who is under the age of sixteen (1) inflicts
50 or allows to be inflicted physical injury to the child by nonaccidental means or (2)
51 creates or allows a substantial risk of physical injury to the child by nonaccidental
52 means.
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54 Compliance with this reporting requirement does not relieve the employee or volunteer
55 from his or her duty to report pursuant to Sections B and C of this policy. The employee,
56 contractor, or volunteer also shall immediately report the case to the principal.
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58 A school employee, contractor, or volunteer is immune by statute from any state civil
59 and/or criminal liability when making a report in good faith under this Section. An
60 employee who fails to report or who prevents another person from making a report is
61 subject to disciplinary action by the school system and civil and criminal action under the
62 law. A volunteer or contractor who fails to report or prevents another person from
63 making a report may be restricted from school property or lose the privilege of
64 volunteering for or contracting with the school system and is subject to civil and criminal
65 action under the law.
66

67 **B. DUTY TO REPORT CHILD ABUSE, NEGLECT, DEPENDENCY, OR DEATH AS A RESULTS OF**
68 **MALTREATMENT TO THE COUNTY CHILD WELFARE AGENCY**
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70 A school employee, contractor, or volunteer who knows or has cause to suspect that (1) a
71 parent, guardian, custodian, or caretaker of a child has caused the child to be abused,
72 neglected, or dependent, or (2) that a child has died as a result of maltreatment or been a
73 victim of human trafficking, involuntary servitude, or sexual servitude by any person is
74 legally required to report the case to the director of social services. The employee,
75 contractor, or volunteer also shall immediately report the case to the principal. Any
76 doubt about reporting a suspected situation must be resolved in favor of reporting, and
77 the report must be made immediately.
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79 A school employee, contractor, or volunteer is immune by statute from any civil and/or
80 criminal liability when making a report in good faith under this Section. An employee
81 who fails to report or who prevents another person from making a report is subject to
82 disciplinary action by the school system and civil and criminal action under the law. A
83 volunteer or contractor who fails to report or prevents another person from making a
84 report may be restricted from school property or lose the privilege of volunteering for or
85 contracting with the school system and is subject to civil and criminal action under the
86 law.

87
88 **C. DUTY TO REPORT CHILD MALTREATMENT IN A CHILD CARE FACILITY TO THE**
89 **DIVISION OF CHILD DEVELOPMENT AND EARLY EDUCATION**
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91 A school employee, contractor, or volunteer who has cause to suspect that a child in a
92 child care facility has been maltreated by a caregiver or has died as a result of
93 maltreatment occurring in a child care facility is legally required to report the case to
94 DCDEE.
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96 A “child care facility” includes any DHHS-licensed classroom or program operated by
97 the school system, including for example, licensed pre-school or Title I classrooms,
98 licensed afterschool programs, and licensed developmental day programs.
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100 Any doubt about reporting a suspected situation or uncertainty whether the child’s care is
101 being provided in a child care facility must be resolved in favor of reporting, and the
102 report should be made immediately.
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104 An employee making a report to DCDEE also shall immediately report the case to the
105 principal. If the suspected maltreatment occurred in a licensed preschool classroom or
106 other licensed classroom or program operated by board, the principal shall immediately
107 notify the superintendent of the suspected maltreatment. No reprisals of any kind may be
108 taken against an employee who makes a good faith report of child maltreatment occurring
109 in any licensed preschool classroom or other licensed classroom or program operated by
110 the board.
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112 An employee who fails to make a report as required by law and this policy may be
113 subject to disciplinary action by the school system. In addition, if the employee works in
114 a licensed preschool classroom or other licensed classroom or program operated by the
115 board, failure to report maltreatment of a child in the program or classroom may itself
116 constitute child maltreatment and result in the employee being placed on the state child
117 maltreatment registry. A volunteer or contractor who fails to report or prevents another
118 person from making a report may be restricted from school property or lose the privilege
119 of volunteering for or contracting with the school system.
120

121 **D. DUTY TO REPORT LICENSED EMPLOYEES TO THE STATE SUPERINTENDENT OF PUBLIC**
122 **INSTRUCTION**
123

124 In addition to the other reporting requirements of this policy, any administrator who
125 knows or has reason to believe that a licensed employee has engaged in conduct that
126 would justify automatic revocation of the employee’s license pursuant to G.S. 115C-
127 270.35(b) or involves physical or sexual abuse of a child shall report that information to
128 the State Superintendent of Public Instruction in accordance with subsection C.4 of
129 policy 4040/7310, Staff-Student Relations.

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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 the designated agencies must continue to share such information until the protective

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173 services case is closed by the department of social services or, if a petition is filed, until
174 the juvenile is no longer subject to the jurisdiction of juvenile court.
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176 **G. CHILD SEXUAL ABUSE AND SEX TRAFFICKING TRAINING PROGRAM**
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178 In even numbered years, the school system will provide a child sexual abuse and sex
179 trafficking education and awareness training program for teachers, instructional support
180 personnel, principals, and assistant principals. The program will include at least two
181 hours of training related to best practices from the field of prevention, the grooming
182 process of sexual predators, the warning signs of sexual abuse and sex trafficking, how to
183 intervene when sexual abuse or sex trafficking is suspected or disclosed, legal
184 responsibilities for reporting sexual abuse or sex trafficking, and available resources for
185 assistance. Designated school personnel shall participate in such training as required by
186 law and board policy.
187

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

190 In accordance with G.S. 115C-47(65) and State Board of Education Policy SHLT-003,
191 the school system will provide information on child abuse and neglect, including age-
192 appropriate information on sexual abuse, to students in grades 6 through 12. Such
193 information will be provided in the form of (1) a document given to all students in grades
194 6 through 12 at the beginning of each school year and (2) a display posted in visible,
195 high-traffic areas throughout each secondary school.
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197 Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; G.S. 7B-101, -
198 301, -302, -309, -3100; 8-53.4; 14-208.6, -318.2, -318.4, -318.6; 110-90.2, -105.3, -105.4, -
199 105.5; 115C-47(65), -270.35(b), -375.20, -400, -402; 126-5; 16 N.C.A.C. 6C .0373; **16 N.C.A.C**
200 **6D .0403**; State Board of Education Policy SHLT-003
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202 Cross References: Professional and Staff Development (policy 1610/7800), Staff-Student
203 Relations (policy 4040/7310), Student Records (policy 4700)
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205 Adopted: January 19, 2016
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207 Revised: March 5, 2018; July 15, 2019; December 16, 2019; August 2, 2021; July 18, 2022;
208 **[DATE]**