

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

*Policy Code:* **4240/7312**

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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.

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 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 RESULTS OF**  
67 **MALTREATMENT TO THE COUNTY CHILD WELFARE AGENCY**  
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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

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 SUPERINTENDENT OF PUBLIC**  
121 **INSTRUCTION BOARD OF EDUCATION**  
122

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

130 Relations. For purposes of this section, “misconduct” is conduct that would justify  
131 automatic revocation of the employee’s license pursuant to G.S. 115C-270.35(b) or the  
132 infliction of physical injury against a child other than by accident or in self-defense.  
133

134 **E. COOPERATION WITH STATE AND LOCAL AGENCIES**

- 135
- 136 1. The principal may establish a contact person in the school to act as a liaison with  
137 state and local agencies charged with investigating reports made pursuant to this  
138 policy.  
139
  - 140 2. Employees shall cooperate fully with agency personnel conducting an  
141 investigation.  
142
  - 143 3. In a case under the jurisdiction of local law enforcement in which the child’s  
144 parent, guardian, or custodian is suspected of wrongdoing, employees shall permit  
145 the child to be interviewed by local law enforcement on school campuses during  
146 school hours. Otherwise, permission from the parent, guardian, or custodian must  
147 be obtained before the child may be interviewed by local law enforcement on  
148 school campus during school hours.  
149
  - 150 4. In a case under the jurisdiction of social services, employees shall permit the child  
151 to be interviewed by social services on school campuses during school hours.  
152
  - 153 5. In a case under the jurisdiction of DCDEE concerning suspected child  
154 maltreatment by a caregiver in a child care facility, permission from the parent  
155 must be obtained before the child may be interviewed on school campus during  
156 school hours.  
157
  - 158 6. Employees shall provide confidential information to agency personnel, so long as  
159 the disclosure does not violate state or federal law.  
160
  - 161 7. Any confidential information disclosed by the investigating agency to employees  
162 must remain confidential and may be redisclosed only for purposes directly  
163 connected with carrying out the responsibilities of the school system or the  
164 employee.  
165

166 **F. SHARING INFORMATION WITH OTHER AGENCIES**

167

168 Upon request and to the extent permitted by law, school system officials shall share with  
169 other agencies designated in G.S. 7B-3100(a) information that is relevant to (1) any  
170 assessment by the department of social services of a report of child abuse, neglect,  
171 dependency, or death as a result of maltreatment; (2) the provision or arrangement of  
172 protective services in a child abuse, neglect, or dependency case by the department of

173 social services; or (3) any case in which a petition is filed alleging that a juvenile is  
174 abused, neglected, dependent undisciplined, or delinquent. School system officials and  
175 the designated agencies must continue to share such information until the protective  
176 services case is closed by the department of social services or, if a petition is filed, until  
177 the juvenile is no longer subject to the jurisdiction of juvenile court.  
178

179 **G. CHILD SEXUAL ABUSE AND SEX TRAFFICKING TRAINING PROGRAM**  
180

181 In even numbered years, the school system will provide a child sexual abuse and sex  
182 trafficking education and awareness training program for teachers, instructional support  
183 personnel, principals, and assistant principals. The program will include at least two  
184 hours of training related to best practices from the field of prevention, the grooming  
185 process of sexual predators, the warning signs of sexual abuse and sex trafficking, how to  
186 intervene when sexual abuse or sex trafficking is suspected or disclosed, legal  
187 responsibilities for reporting sexual abuse or sex trafficking, and available resources for  
188 assistance. Designated school personnel shall participate in such training as required by  
189 law and board policy.  
190

191 **H. CHILD ABUSE AND NEGLECT INFORMATION AND RESOURCES FOR STUDENTS**  
192

193 In accordance with G.S. 115C-47(65) and State Board of Education Policy SHLT-003,  
194 the school system will provide information on child abuse and neglect, including age-  
195 appropriate information on sexual abuse, to students in grades 6 through 12. Such  
196 information will be provided in the form of (1) a document given to all students in grades  
197 6 through 12 at the beginning of each school year and (2) a display posted in visible,  
198 high-traffic areas throughout each secondary school.  
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-47(65), -270.35(b), -326.20, -375.20, -400, -402; 126-5; 16 N.C.A.C. 6C .0373; 16  
203 N.C.A.C 6D .0403; State Board of Education Policy SHLT-003  
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205 Cross References: Professional and Staff Development (policy 1610/7800), Staff-Student  
206 Relations (policy 4040/7310), Student Records (policy 4700)  
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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;  
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