

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, Division
16 of Child Development and Early Education. When the source of the harm or threat of harm to
17 the child is uncertain, a report should be made to both the county child welfare agency and the
18 Department of Health and Human Services, Division of Child Development and Early
19 Education.

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

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

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

31
32 A school employee, contractor, or volunteer is legally required to report to local law
33 enforcement when the employee or volunteer knows or reasonably should know that a
34 child has been a victim of any of the following crimes:

- 35
36 1. a sexual offense (which for purposes of this policy, the board interprets to mean
37 any offense that relates to inappropriate sexual contact with a child);
- 38
39 2. an offense that inflicts serious bodily injury or serious physical injury upon the
40 child by nonaccidental means;
- 41
42 3. an attempt, solicitation, or conspiracy to commit either offense described above,
43 or aiding and abetting either offense; or

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45 4. misdemeanor child abuse, which occurs when a parent or any other person
46 providing care or supervision to a child who is under the age of sixteen (1) inflicts
47 or allows to be inflicted physical injury to the child by nonaccidental means or (2)
48 creates or allows a substantial risk of physical injury to the child by nonaccidental
49 means.

50
51 Compliance with this reporting requirement does not relieve the employee or volunteer
52 from his or her duty to report pursuant to Sections B and C of this policy. The employee,
53 contractor, or volunteer also shall immediately report the case to the principal.

54
55 A school employee, contractor, or volunteer is immune by statute from any state civil
56 and/or criminal liability when making a report in good faith under this Section. An
57 employee who fails to report or who prevents another person from making a report is
58 subject to disciplinary action by the school system and civil and criminal action under the
59 law. A volunteer or contractor who fails to report or prevents another person from
60 making a report may be restricted from school property or lose the privilege of
61 volunteering for or contracting with the school system and is subject to civil and criminal
62 action under the law.

63
64 **B. DUTY TO REPORT CHILD ABUSE, NEGLECT, DEPENDENCY, OR DEATH AS A RESULTS OF**
65 **MALTREATMENT TO THE COUNTY CHILD WELFARE AGENCY**

66
67 A school employee, contractor, or volunteer who knows or has cause to suspect that (1) a
68 parent, guardian, custodian, or caretaker of a child has caused the child to be abused,
69 neglected, dependent, or (2) that a child has died as a result of maltreatment or been a
70 victim of human trafficking, involuntary servitude, or sexual servitude by any person is
71 legally required to report the case to the director of social services. The employee,
72 contractor, or volunteer also shall immediately report the case to the principal. Any
73 doubt about reporting a suspected situation must be resolved in favor of reporting, and
74 the report must be made immediately.

75
76 A school employee, contractor, or volunteer is immune by statute from any civil and/or
77 criminal liability when making a report in good faith under this Section. An employee
78 who fails to report or who prevents another person from making a report is subject to
79 disciplinary action by the school system and civil and criminal action under the law. A
80 volunteer or contractor who fails to report or prevents another person from making a
81 report may be restricted from school property or lose the privilege of volunteering for or
82 contracting with the school system and is subject to civil and criminal action under the
83 law.

84
85 **C. DUTY TO REPORT CHILD MALTREATMENT IN A CHILD CARE FACILITY TO THE**
86 **DIVISION OF CHILD DEVELOPMENT AND EARLY EDUCATION**

87
88 A school employee, contractor, or volunteer who has cause to suspect that a child in a
89 child care facility has been maltreated by a caregiver or has died as a result of
90 maltreatment occurring in a child care facility is legally required to report the case to the
91 Department of Health and Human Services (DHHS), Division of Child Development and
92 Early Education (DCDEE).

93
94 A “child care facility” includes any DHHS-licensed classroom or program operated by
95 the school system, including for example, licensed pre-school or Title I classrooms,
96 licensed afterschool programs, and licensed developmental day programs.

97
98 Any doubt about reporting a suspected situation or uncertainty whether the child’s care is
99 being provided in a child care facility must be resolved in favor of reporting, and the
100 report should be made immediately.

101
102 An employee making a report to DCDEE also shall immediately report the case to the
103 principal. If the suspected maltreatment occurred in a licensed preschool classroom or
104 other licensed classroom or program operated by board, the principal shall immediately
105 notify the superintendent of the suspected maltreatment. No reprisals of any kind may be
106 taken against an employee who makes a good faith report of child maltreatment occurring
107 in any licensed preschool classroom or other licensed classroom or program operated by
108 the board.

109
110 An employee who fails to make a report as required by law and this policy may be
111 subject to disciplinary action by the school system. In addition, if the employee works in
112 a licensed preschool classroom or other licensed classroom or program operated by the
113 board, failure to report maltreatment of a child in the program or classroom may itself
114 constitute child maltreatment and result in the employee being placed on the state child
115 maltreatment registry. A volunteer or contractor who fails to report or prevents another
116 person from making a report may be restricted from school property or lose the privilege
117 of volunteering for or contracting with the school system.

118
119 **D. COOPERATION WITH STATE AND LOCAL AGENCIES**

120
121 1. The principal may establish a contact person in the school to act as a liaison with
122 state and local agencies charged with investigating reports made pursuant to this
123 policy.

124
125 2. Employees shall cooperate fully with agency personnel conducting an
126 investigation.

127
128 3. In a case under the jurisdiction of local law enforcement in which the child’s
129 parent, guardian, or custodian is suspected of wrongdoing, employees shall permit

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130 the child to be interviewed by local law enforcement on school campuses during
131 school hours. Otherwise, permission from the parent, guardian, or custodian must
132 be obtained before the child may be interviewed by local law enforcement on
133 school campus during school hours.

134
135 4. In a case under the jurisdiction of social services, employees shall permit the child
136 to be interviewed by social services on school campuses during school hours.

137
138 5. In a case under the jurisdiction of DCDEE concerning suspected child
139 maltreatment by a caregiver in a child care facility, permission from the parent
140 must be obtained before the child may be interviewed on school campus during
141 school hours.

142
143 6. Employees shall provide confidential information to agency personnel, so long as
144 the disclosure does not violate state or federal law.

145
146 7. Any confidential information disclosed by the investigating agency to employees
147 must remain confidential and may be redisclosed only for purposes directly
148 connected with carrying out the responsibilities of the school system or the
149 employee.

150
151 **E. SHARING INFORMATION WITH OTHER AGENCIES**

152
153 Upon request and to the extent permitted by law, school system officials shall share with
154 other agencies designated in G.S. 7B-3100(a) information that is relevant to (1) any
155 assessment by the department of social services of a report of child abuse, neglect,
156 dependency, or death as a result of maltreatment; (2) the provision or arrangement of
157 protective services in a child abuse, neglect, or dependency case by the department of
158 social services; or (3) any case in which a petition is filed alleging that a juvenile is
159 abused, neglected, dependent undisciplined, or delinquent. School system officials and
160 the designated agencies must continue to share such information until the protective
161 services case is closed by the department of social services or, if a petition is filed, until
162 the juvenile is no longer subject to the jurisdiction of juvenile court.

163
164 **F. CHILD SEXUAL ABUSE AND SEX TRAFFICKING TRAINING PROGRAM**

165
166 In even numbered years, the school system will provide a child sexual abuse and sex
167 trafficking education and awareness training program for teachers, instructional support
168 personnel, principals, and assistant principals. The program will include at least two
169 hours of training related to best practices from the field of prevention, the grooming
170 process of sexual predators, the warning signs of sexual abuse and sex trafficking, how to
171 intervene when sexual abuse or sex trafficking is suspected or disclosed, legal
172 responsibilities for reporting sexual abuse or sex trafficking, and available resources for

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173 assistance. Designated school personnel shall participate in such training as required by
174 law and board policy.

175
176 The superintendent shall develop any necessary procedures for making a report pursuant to this
177 policy, for sharing information with designated agencies, and for cooperating with agency
178 investigations.

179
180 In addition to the requirements of this policy, any administrator who knows or has reason to
181 believe that a licensed employee has engaged in conduct **that would justify automatic revocation**
182 **of the employee's license pursuant to G.S. 115C-270.35(b) or which** involves physical or sexual
183 abuse of a child shall report that information to the State Superintendent of Public Instruction in
184 accordance with subsection C.4 of policy 4040/7310, Staff-Student Relations.

185
186 Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; G.S. 7B-101, -
187 301, -302, -309, -3100; 8-53.4; 14-208.6, -318.2, -318.4, -318.6; 110-90.2, -105.3, -105.4, -
188 105.5; 115C-**270.35(b)**, -375.20, -400, -402; 126-5; 16 N.C.A.C. 6C-~~0312~~.**0373**; State Board of
189 Education Policies ~~LICN-007 and NCAC-039~~ **SHLT-003**

190
191 Cross References: Professional and Staff Development (policy 1610/7800), Staff-Student
192 Relations (policy 4040/7310), Student Records (policy 4700)

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194 Adopted: January 19, 2016

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196 Revised: March 5, 2018; July 15, 2019; December 16, 2019; **[DATE]**