

## 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 the Department of Health and Human Services, Division of Child Development and  
19 Early Education DCDEE.

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.

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

### 31 32 **A. DUTY TO REPORT CERTAIN CRIMES AGAINST CHILDREN TO LOCAL LAW** 33 **ENFORCEMENT**

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

- 38  
39 1. a sexual offense (which for purposes of this policy, the board interprets to mean  
40 any offense that relates to inappropriate sexual contact with 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  
47  
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.  
53

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.  
57

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**  
69

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.  
78

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**  
90

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 ~~the~~  
94 ~~Department of Health and Human Services (DHHS), Division of Child Development and~~  
95 ~~Early Education (DCDEE).~~  
96

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

100  
101 Any doubt about reporting a suspected situation or uncertainty whether the child’s care is  
102 being provided in a child care facility must be resolved in favor of reporting, and the  
103 report should be made immediately.  
104

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

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

122 **D. DUTY TO REPORT LICENSED EMPLOYEES TO THE STATE SUPERINTENDENT OF PUBLIC**  
123 **INSTRUCTION**  
124

125 In addition to the other reporting requirements of this policy, any administrator who  
126 knows or has reason to believe that a licensed employee has engaged in conduct that  
127 would justify automatic revocation of the employee’s license pursuant to G.S. 115C-  
128 270.35(b) or involves physical or sexual abuse of a child shall report that information to

129 the State Superintendent of Public Instruction in accordance with subsection C.4 of  
130 policy 4040/7310, Staff-Student Relations.  
131

132 **E. COOPERATION WITH STATE AND LOCAL AGENCIES**  
133

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

164 **F. SHARING INFORMATION WITH OTHER AGENCIES**  
165

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

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172 abused, neglected, dependent undisciplined, or delinquent. School system officials and  
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.

197

198 ~~The superintendent shall develop any necessary procedures for making a report pursuant to this~~  
199 ~~policy, for sharing information with designated agencies, and for cooperating with agency~~  
200 ~~investigations.~~

201

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

207

208 Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; G.S. 7B-101, -  
209 301, -302, -309, -3100; 8-53.4; 14-208.6, -318.2, -318.4, -318.6; 110-90.2, -105.3, -105.4, -  
210 105.5; 115C-47(65), -270.35(b), -375.20, -400, -402; 126-5; 16 N.C.A.C. 6C .0373; State Board  
211 of Education Policy SHLT-003

212

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

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