

CHILD ABUSE – REPORTS AND INVESTIGATIONS

Policy Code: **4240/7312**

North Carolina has two separate systems that mandate reports of suspected child abuse, neglect, dependency, or maltreatment. Suspected child abuse, neglect, dependency, or death as a result of maltreatment by parents or other caretakers must be reported to the county child welfare agency. Suspected human trafficking, involuntary servitude, and sexual servitude of a child are special forms of child abuse under law and must be reported to the county child welfare agency, regardless of the relationship between the victim and the perpetrator. By contrast, suspected child maltreatment by a caregiver in a child care facility, including in a licensed preschool classroom or other licensed classroom or program operated by the school system, must be reported to the Department of Health and Human Services, Division of Child Development and Early Education and to the county child welfare agency. Where the source of the child abuse, neglect, dependency, or maltreatment is uncertain, a report should be made to both the county child welfare agency and the Department of Health and Human Services, Division of Child Development and Early Education.

The board of education supports all employees who in good faith make a report under either of North Carolina's mandated reporting laws.

A. DUTY TO REPORT CHILD ABUSE, NEGLECT, DEPENDENCY, OR DEATH AS A RESULT OF MALTREATMENT TO THE COUNTY CHILD WELFARE AGENCY

A school employee who knows or has cause to suspect (1) child abuse, neglect, dependency, or death as a result of maltreatment by a parent, guardian, custodian, or caretaker of the child or (2) that a child has been a victim of human trafficking, involuntary servitude, or sexual servitude by any person is legally required to report the case to the director of social services or other designated official within the Haywood County Health and Human Services Agency. The employee also shall immediately report the case to the principal. Any doubt about reporting a suspected situation must be resolved in favor of reporting, and the report must be made immediately.

A school employee is immune by statute from any civil and/or criminal liability when reporting in good faith suspected child trafficking, involuntary servitude, sexual servitude, or child abuse, neglect, dependency, or death as a result of maltreatment by a parent, guardian, custodian, or caretaker of the child. An employee who fails to report or who prevents another person from making a report is subject to disciplinary action by the school system or civil or criminal action under the law.

B. DUTY TO REPORT CHILD MALTREATMENT IN A CHILD CARE FACILITY TO THE DIVISION OF CHILD DEVELOPMENT AND EARLY EDUCATION

A school employee who has cause to suspect that a child in a child care facility has been maltreated by a caregiver or has died as a result of maltreatment occurring in a child care facility is legally required to report the case to the Department of Health and Human

Services (DHHS), Division of Child Development and Early Education (DCDEE).

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

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

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

An employee who fails to make a report as required by law and this policy may be subject to disciplinary action by the school system. In addition, if the employee works in a licensed preschool classroom or other licensed classroom or program operated by the board, failure to report maltreatment of a child in the program or classroom may itself constitute child maltreatment and result in the employee being placed on the state child maltreatment registry.

C. COOPERATION WITH STATE AGENCIES

1. The principal may establish a contact person in the school to act as a liaison with state agencies charged with investigating reports of child abuse and neglect or child maltreatment.
2. Employees shall cooperate fully with agency personnel conducting an investigation of suspected child abuse, neglect, dependency, death as a result of maltreatment, or maltreatment occurring in a child care facility.
3. In the case of suspected abuse, neglect, dependency, or death due to maltreatment under the jurisdiction of social services, employees shall permit the child to be interviewed by social services on school campuses during school hours.
4. 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.
5. Employees shall provide confidential information to agency personnel, so long as the disclosure does not violate state or federal law.

6. 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.

D. 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 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 services case is closed by social services or, if a petition is filed, until the juvenile is no longer subject to the jurisdiction of juvenile court.

The superintendent shall develop any necessary procedures for reporting suspected child abuse, neglect, dependency, death as a result of maltreatment, or maltreatment in a child care facility, for sharing information with designated agencies, and for cooperating with agency investigations. The board encourages school officials to provide staff development opportunities related to identifying and reporting child abuse, neglect, dependency, death as a result of maltreatment, and maltreatment in a child care facility.

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

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

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

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