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TO: Board of Education

FROM: Kevin Lancaster

DATE: February 3, 2020

SUBJ: Agenda Items – Policies for Approval

Attached you will find proposed Policy Code for your consideration.

- Policy 4240/7312 – Child Abuse – Reports and Investigations

The board is concerned with the health, safety, and welfare of all children and recognizes the legal and ethical obligations that school employees, contractors, and volunteers have to report known or suspected maltreatment of children. North Carolina has two separate systems that mandate reports to state authorities of suspected child abuse, neglect, dependency, or maltreatment and a third system for mandated reporting of certain crimes against juveniles to local law enforcement.

When a parent or other caretaker is suspected to have caused a child to be abused, neglected, or dependent, this information must be reported to the county child welfare agency. ~~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 and death of a child as a result of maltreatment 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. ~~Where~~When the source of the ~~child abuse, neglect, dependency, or maltreatment~~ harm or threat of harm to the child 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.

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

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

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

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

1. a sexual offense (which for purposes of this policy, the board interprets to mean any offense that relates to inappropriate sexual contact with a child);

2. an offense that inflicts serious bodily injury or serious physical injury upon the child by nonaccidental means;

3. an attempt, solicitation, or conspiracy to commit either offense described above, or aiding and abetting either offense; or

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

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

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

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

A school employee, contractor, or volunteer who knows or has cause to suspect that (1) a parent, guardian, custodian, or caretaker of a child has caused the child to be abused, neglected, or dependent~~cy~~, ~~or death as a result of maltreatment by a parent, guardian, custodian, or caretaker of the child~~ or (2) that a child has died as a result of maltreatment or 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. The employee, contractor, or volunteer 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, contractor, or volunteer 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~~ making a report in good faith under this Section. An employee who fails to report or who prevents another person from making a report is subject to disciplinary action by the school system and civil and criminal action under the law. A volunteer or contractor who fails to report or prevents another person from making a report may be restricted from school property or lose the privilege of volunteering for or contracting with the school system and is subject to civil and criminal action under the law.

C. DUTY TO REPORT CHILD MALTREATMENT IN A CHILD CARE FACILITY TO THE DIVISION

OF CHILD DEVELOPMENT AND EARLY EDUCATION

A school employee, contractor, or volunteer 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. A volunteer or contractor who fails to report or prevents another person from making a report may be restricted from school property or lose the privilege of volunteering for or contracting with the school system.

D. 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 ~~of child abuse and neglect or child maltreatment~~ made pursuant to this policy.

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 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 the case of suspected abuse, neglect, dependency, or death due to maltreatment~~ 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.

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

F. CHILD SEXUAL ABUSE AND SEX TRAFFICKING TRAINING PROGRAM

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

The superintendent shall develop any necessary procedures for making a report pursuant to this

policy, ~~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; 14-208.6, -318.2, -318.4, -318.6; 110-90.2, -105.3, -105.4, -105.5; 115C-375.20, -400, -402; 126-5; 16 N.C.A.C. 6C .0312; State Board of Education Policies LICN-007 and NCAC-039

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

Adopted: