



PANC FALL CONFERENCE October 21, 2020

*REPORTING & RELATIONSHIPS WITH
EXTERNAL AGENCIES:
WHO, WHAT, WHEN, WHERE, & HOW?*

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Duty to Report:

Physical/Sexual Harm to Children

Crimes and Acts of Violence

Bullying/Harassment/Sexual Harassment

Attendance, Safety, Missing Children, Academic Standing

Relationships with:

Law Enforcement

Department of Social Services

State Board of Education/Department of Public Instruction

Department of Motor Vehicles

Parents

Others

OVERVIEW

Duty of ALL Persons to Report Violent Offenses, Sexual Offenses, or Misdemeanor Child Abuse of a Juvenile

N.C. GEN. STAT. § 14-318.6

An Act to
Protect Children
from Sexual
Abuse and to
Strengthen and
Modernize
Sexual Assault
Laws

*N.C. Session Law
2019-245*

The duty to report child abuse, neglect, and dependency to the Department of Social Services (DSS) is a longstanding legal requirement.

As of December 1, 2019, N.C. Session Law 2019-245 created a **new obligation** to report violent crimes and sexually violent crimes against children **to law enforcement**.

It is possible that out of the same incident, two separate reports will be required:

- A report to **DSS**; and
- A report to **law enforcement**.

An Act to Protect Children from Sexual Abuse and to Strengthen and Modernize Sexual Assault Laws

N.C. Session Law 2019-245

“Any person 18 years of age or older who knows or should have reasonably known that a juvenile has been or is the victim of a violent offense, sexual offense, or misdemeanor child abuse under G.S. 14-318.2 shall immediately report the case of that juvenile to the appropriate local law enforcement agency in the county where the juvenile resides or is found.”

WHO must report?

Any person 18 years of age or older who knows or should reasonably know that a juvenile has been or is the victim of:

1. A violent offense
2. A sexual offense
3. Misdemeanor child abuse

Violent Offense

- Any offense that inflicts upon the juvenile serious bodily injury or serious physical injury by other than accidental means
- Serious bodily or physical injury means injury that causes or creates:
 - Substantial risk of death
 - Serious permanent disfigurement
 - Coma
 - Permanent or protracted condition that causes extreme pain
 - Permanent or protracted loss or impairment of the function of any bodily member or organ
 - Injury that results in prolonged hospitalization
 - Physical injury that causes great pain and suffering, including serious mental injury

Violent Offense (Cont.)

- Violent offense includes committing the offense and also:
 - Attempt
 - Solicitation
 - Conspiracy to commit the offense
 - Aiding and abetting the offense

Sexual Offense

Rape

Attempted rape

Statutory rape

Sexual offense

Sexual activity by substitute parent

Sexual activity with a student

Human trafficking with a minor

Incest

Employing minor to assist in offenses against public morality and decency

Felonious indecent exposure

Sexual exploitation of a minor

Indecent liberties with a student

Promoting or committing prostitution;

Includes solicitation, conspiracy, and aiding and abetting

Sexual Offense (cont.)

- Rape: Vaginal Intercourse
- Sexual Offense: “Sexual Act” – oral sex, anal sex, genital or anal penetration
- Sexual Battery: “Sexual Contact” – touching private parts, clothed or unclothed
- Indecent Liberties:
 - “any immoral, improper, or indecent liberties with a child under the age of 16 years for the purpose of arousing or gratifying sexual desire”
 - “any lewd or lascivious act upon or with the body . . . of a child . . . under the age of 16 years.”
- Human Trafficking:
 - Sexual Servitude
 - Involuntary Servitude (Labor)



Misdemeanor Child Abuse

The infliction of physical injury, or creation of a substantial risk of physical injury, on a child by a parent, or other person providing care or supervision to the child



When: Immediately

To Whom: Appropriate Law Enforcement
(Agency in county where juvenile resides)

NOTE: The mandatory reporting requirements are **individual responsibilities**; it is not sufficient to simply report to your supervisor.

“Appropriate Law Enforcement” and SROs

Are School Resource Officers considered “appropriate law enforcement?”

- Review MOUs with local law enforcement
- Include language in the MOU as follows:

“The Board authorizes the principal to report any crimes that occur on campus to the assigned SRO in compliance with all applicable state laws and Board policies that requires school officials to report criminal acts occurring on school grounds to law enforcement.”

Details of Report

May be oral or by phone

As much info as possible:

- Name, age, address of juvenile
- Name, age, address of parent/guardian
- Name, age, address of perpetrator
- Location of offense
- Names and ages of other juveniles present
- Whereabouts of the victim
- Nature of injury
- Name, address, and telephone number of person reporting



dreamstime.com



Penalty

Anyone who knowingly or willfully fails to report, or knowingly or willfully prevents another from reporting **is guilty of a class 1 misdemeanor**

Good-Faith Immunity

A Person who:

- Reports in good faith and
- Cooperates with law enforcement in good faith
- Is immune from civil or criminal liability



Privilege

Persons with privilege

- Psychologist
- Social worker
- Counselor
- Rape crisis center/ domestic violence programs
- Attorney-client

NOT required to report if privilege prevents.



Duty of ALL School Personnel to Report Child Abuse, Neglect, Dependency or Death Due to Maltreatment.

N.C. GEN. STAT. § 7B-301

N.C. GEN. STAT. § 115C-400



WHO has the duty to report?

ANY PERSON OR INSTITUTION...

The duty to report cannot be delegated to someone else in the school system. A school system may have a designated contact person to serve as a liaison to DSS, but the existence of a contact person does not absolve the person who has the initial evidence of abuse from making a direct report to DSS.

(N.C. Atty. Gen. Opinion, Oct. 14, 1997).

Duty Specifically Imposed on School Personnel

N.C. Gen. Stat. § 115C-400. School personnel to report child abuse

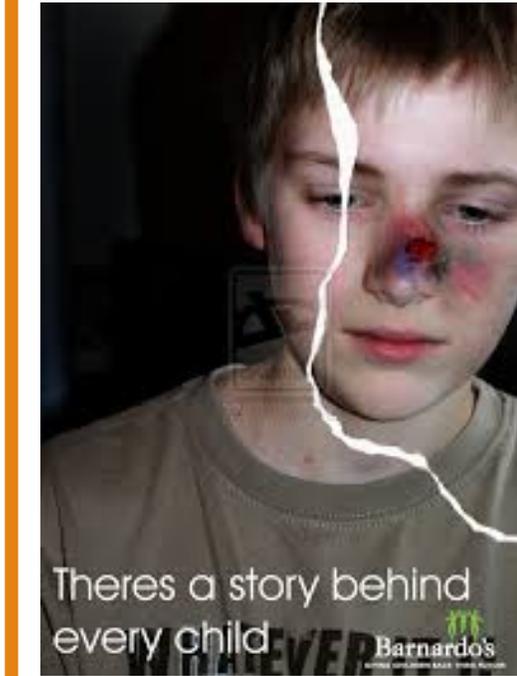
Any person who has cause to suspect child abuse or neglect has a duty to report the case of the child to the Director of Social Services of the county, as provided in Article 3 of Chapter 7B of the General Statutes.

WHEN does
the duty to
report arise?

When there is “**CAUSE TO SUSPECT**” child abuse, neglect, dependency, or death from maltreatment.

N.C. Gen. Stat. § 7B-301

This is a very low threshold.



ABUSE

G.S. § 7B-101(1)(a)-(f)

“Child Abuse”

Two Types:

1. The child is a victim of human trafficking under G.S. 14-43.15
2. Child abuse by child’s parent, guardian, custodian, or caretaker



ABUSE

G.S. § 7B-101(1)(a)-(f)

The parent, guardian, custodian, or caretaker:

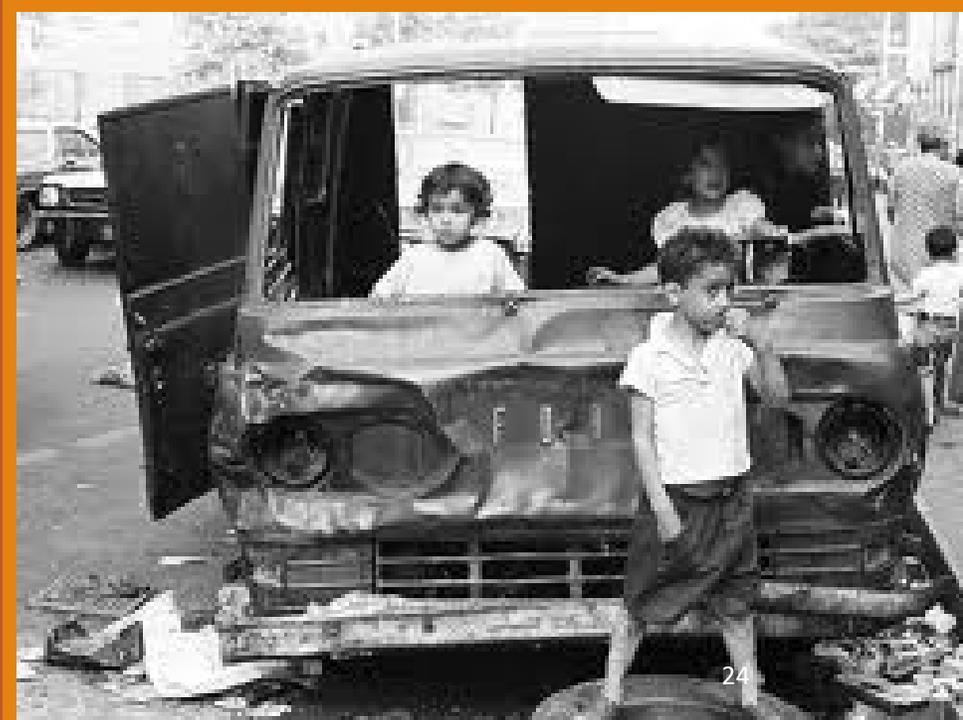
- Inflicts upon the juvenile a serious physical injury;
- Creates a substantial risk of serious physical injury;
- Uses cruel or grossly inappropriate procedures or devices to modify behavior;
- Commits, permits, or encourages the commission of sexual crimes against the minor;
- Creates serious emotional damage to the juvenile as evidenced by juvenile's severe anxiety, depression, withdrawal, or aggressive behavior toward himself or others; or
- Encourages, directs, or approves of delinquent acts involving moral turpitude.

NEGLECT

G.S. § 7B-101(15)

Juvenile who:

- Does not receive proper care, supervision, or discipline;
- Is found to be a victim of human trafficking;
- Has been abandoned;
- Is not provided necessary medical care;
- Is not provided necessary remedial care;





NEGLECT

G.S. § 7B-101(15) (Cont.)

- Lives in an environment injurious to the juvenile's welfare;
- Has been placed for care or adoption in violation of law.

- NOTE: It is relevant whether juvenile lives in a home where another juvenile has died as a result of suspected abuse or neglect or where another juvenile has been subjected to abuse or neglect by an adult who regularly lives in the home.

DEPENDENT

G.S. § 7B-101(9)

Juvenile who:

- Has no parent, guardian, or custodian responsible for the juvenile's care or supervision; or
- The parent, guardian, or custodian is unable to provide for the care or supervision of the juvenile and lacks an appropriate alternative child care arrangement.



CARETAKER

G.S. § 7B-101(3)

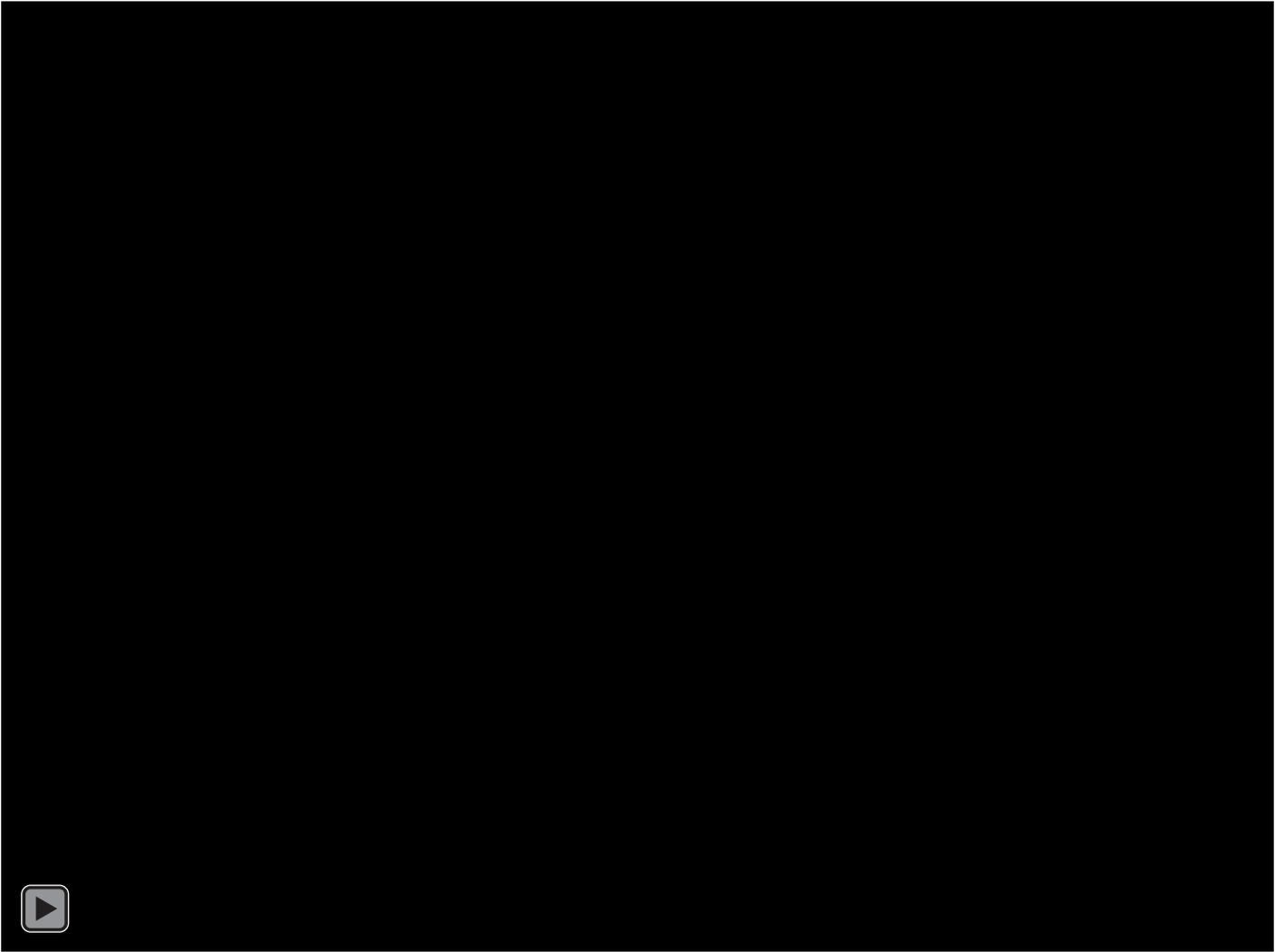


Any person other than a parent/guardian* who has responsibility for the health and welfare of a juvenile **in a residential setting.**

For example:

- Stepparent;
- Foster parent;
- Adult member of the juvenile's household;
- Adult relative entrusted with the juvenile's care;
- House parent in a residential setting;
- ***Also includes any person who has the responsibility of care in a childcare center.***

****A teacher is not considered to be a caretaker in this context.***



NO Duty to Report to DSS (under this statute) . . .

- Suspected abuse by a **school employee** who is not the parent, guardian, custodian, or caretaker of the juvenile.
- Suspected abuse by a school employee may be reported to the Department of Social Services (“DSS”).
- Any such report is protected by immunity.



Reporting Details

Report to the Director of DSS for the county where the juvenile resides or is found.

Make the report by phone, orally, or in writing.

The statute does not specify a time when the report must be made – recommend immediately.

CONSEQUENCES for failing to make a mandated report:

- Potential civil liability.
- Potential employment action—violation of duty.
- Potential suspension or revocation of license.



Reporting Details (cont.)



Contents of Report (to the extent known to the reporter):

- **name and address of the juvenile**
- **name and address of the juvenile's parent, guardian, or caretaker**
- **age of the juvenile**
- **names and ages of other juveniles in the home**
- **present whereabouts of the juvenile** if not at the home address
- nature and extent of **any injury or condition** resulting from abuse, neglect, or dependency
- any **other information** which the person making the report believes might be helpful in establishing the need for protective services or court intervention
- **reporter shall give his/her name** if the report is made orally or by telephone (but refusal to do so does not preclude DSS investigation)

Immunity from Liability

G.S. § 7B-309

Immunity for:

- Reporting abuse, neglect, etc.;
- Cooperating with an investigation; or
- Testifying in a judicial proceeding related to such abuse.

Applies to all actions taken in good faith.

Presumption of good faith.

Duty of Administrators to Report Misconduct of Licensed Employees to the Superintendent of Public Instruction (Mandatory Reporting)

SBE POLICY NCAC-039

16 N.C.A.C. 6C.0312

WHO has a duty to report?

- Superintendents
- Assistant Superintendents
- Associate Superintendents
- Personnel Administrators
- Principals

One report is commonly made on behalf of all administrators in a school system, but all the administrators have the duty.



WHAT is the Mandatory Duty to Report for Licensed Educators?

When the Superintendent, . . . Principal
“Knows or has reason to believe”

That a licensed employee of the LEA:

- Has a conviction or entry of a plea of no contest;
- Has been dismissed by the local board of education; or
- Has engaged in any other illegal, unethical or lascivious conduct...



... Which would justify the revocation of the employee's license for:

PHYSICAL ABUSE OF A CHILD:

- “The infliction of physical injury other than by accidental means and other than in self-defense.”

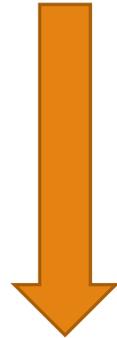
SEXUAL ABUSE OF A CHILD:

- “The commission of any sexual act upon a student or causing a student to commit a sexual act.”
- **Age of student is irrelevant.**
- **Consent is irrelevant.**

NOTE: Any other misconduct that may lead to disciplinary action against an educator's license is not mandatory but may be reported in the discretion of the school system.

Low Threshold

- ~~“Substantial reason to believe”~~



“knows or has reason to believe”



Reporting Details

- Report the violation to the Superintendent of Public Instruction.
- Recommend making the report in writing.
- Report must be made no later than **five (5) working days** after the date of dismissal, acceptance of a resignation, or other disciplinary action based upon the conduct.

CONSEQUENCES for failing to make a report:

- Suspension or revocation of the administrator's license.
- Potential civil liability.
- Potential employment action—violation of duty.

Duty to Report Crime and Acts of Violence on School Property

N.C. GEN. STAT. § 115C-288(g)

SBE POLICY SSCH-000



WHO has the duty to report to law enforcement ?

WHEN does the duty to report (to law enforcement) arise?

When the principal has personal knowledge or actual notice from school personnel . . .



...that an act has occurred on school property . . .

“School property” includes: any public school building, bus, public school campus, grounds, recreational area, or athletic field in charge of the principal.



WHAT must be reported by statute to law enforcement?

G.S. 115C-288(g)

Assault resulting in serious personal injury	Indecent liberties with a minor
Sexual assault	Assault involving the use of a weapon
Sexual offense	Possession of a firearm in violation of the law
Rape	Possession of a weapon in violation of the law
Kidnapping	Possession of a controlled substance in violation of law

Reporting Details

G.S. § 115C-288(g)

- NO distinction between crimes that occur during school hours or after school hours.
- Report the crimes whenever they occur.
- Reports must be made “immediately . . . to the appropriate law enforcement agency.”

Reporting Details (Cont.)

G.S. § 115C-288(g)

“Immediately”:

- Without undue delay

“To the appropriate law enforcement agency”:

- Municipal police department if the school property is located in town or city limits.
- Sheriff’s Department if the crime occurred outside town or city limits.
- For acts that occur on the school bus: Report should be made to law enforcement in the city or county where the bus is physically located when the act occurs.
- Is reporting to the school resource officer (“SRO”) enough?



Reporting Details (Cont.)

G.S. § 115C-288(g)

- The principal or the principal's designee shall notify the Superintendent or the Superintendent's designee in writing or by electronic mail regarding any report made to law enforcement under this subsection.
- This notification shall occur by the end of the workday in which the incident occurred when reasonably possible but no later than the end of the following workday. The Superintendent shall provide the information to the local board of education.

Reporting Details (Cont.)

G.S. § 115C-288(g)

- The duty to report should be satisfied by a report of the basic facts.
- An oral report is sufficient, but all oral communications with law enforcement should be documented thoroughly.

CONSEQUENCES for failing to make a report:

- Subject to dismissal under G.S. § 115C-325(e)(1)(i) for failure to comply with statutory duties.
- Potential civil liability.
- Possible license revocation.

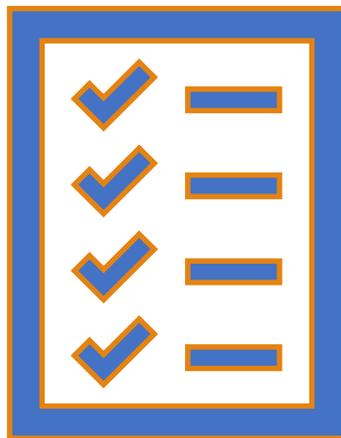
Reporting Details

G.S. § 115C-288(g)

Notwithstanding any other provision of law, the State Board of Education shall not require the principal to report to law enforcement acts in addition to those required to be reported by law.

However, there are **28** offenses—in **addition** to the offenses that are required to be reported to law enforcement—that must be reported to the SBE by the LEA.

State Board of Education Policy SSCH-000



What must be reported to the State Board of Education by the LEA?

Homicide	Assault resulting in serious personal injury
Assault involving the use of a weapon	Rape
Sexual offense	Sexual assault
Kidnapping	Robbery with a dangerous weapon
Indecent liberties with a minor	Assault with a firearm or powerful explosive
Robbery with a firearm or dangerous explosive	Willfully burning a school building
Making bomb threats or engaging in bomb hoaxes	Assault on school officials, employees, and volunteers
Possession of a controlled substance	Possession of a firearm
Possession of a weapon	Unlawful, underage sales, purchase, provisions... of alcoholic beverages
Assault	Fighting or affray
Gang activity	Robbery
Extortion	Communicating threats
Threat of assault with a firearm or powerful explosive	Threat of assault with a weapon
Threat of an assault without a weapon	Possession or use of tobacco products
Property damage	Bullying
Cyberbullying	Verbal harassment
Sexual harassment	Harassment – Race/Ethnicity
Harassment – Disability	Harassment – Sexual Orientation
Harassment – Religious Affiliation	Title VI, Title VII, Title IX, and ADA Discrimination

Reporting Details (SSCH-000)

Must report within **five school days** to the State Board of Education via the Department of Public Instruction-approved discipline reporting system.

CONSEQUENCES for failing to make a report:

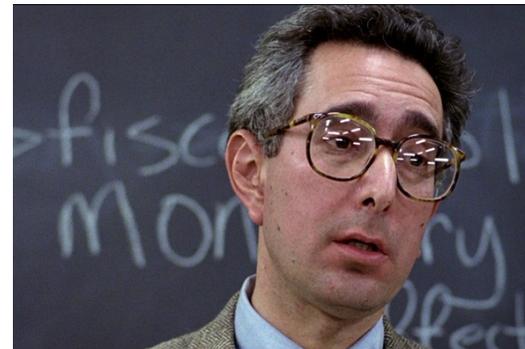
- Potential revocation or suspension of license.

Teacher's Duty to Report Acts of Violence on School Property

G.S. § 115C-307(a)

WHO has a duty to report?

- Teachers
- Student Teachers
- Substitute Teachers
- Voluntary Teacher
- Teacher Assistants



WHEN does the duty to report arise?

The statute is not clear.

The duty probably arises when the teacher has “**personal knowledge or actual notice from school personnel**” that an act of violence occurred on school property, because that is the standard applied to principals.

Reporting Details

G.S. § 115C-307(a)

WHAT must be reported?

Acts of violence in school (and students suspended or expelled from school) as required to be reported in accordance with State Board policies.

WHEN must the report be made?

Immediately: Although the statute does not specify a timeframe for reports by teachers, the teachers report to the principal → the principal must report “immediately.”

CONSEQUENCES for failing to report:

Potential suspension or revocation of teacher’s license.

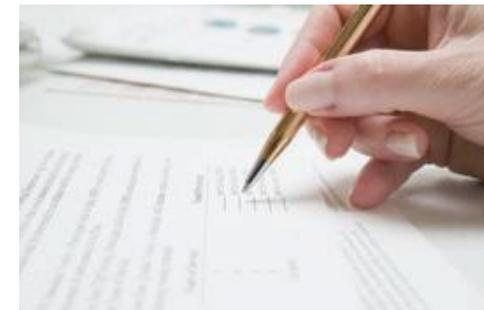
Potential civil liability.

Potential employment action—for violation of duty.

Reporting Acts of Violence to Parents

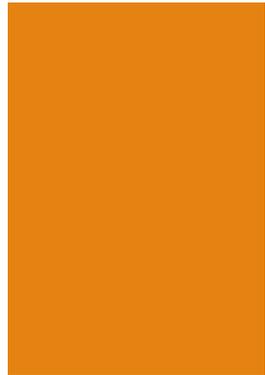
G.S. § 115C-47(56)

Local boards of education shall adopt a policy on the notification to parents or legal guardians of any students alleged to be **victims** of any act that is required to be reported to law enforcement and the Superintendent under G.S. § 115C-288(g).



Duty to Report Physical Restraint and Seclusion

G.S. § 115C-391.1(J)



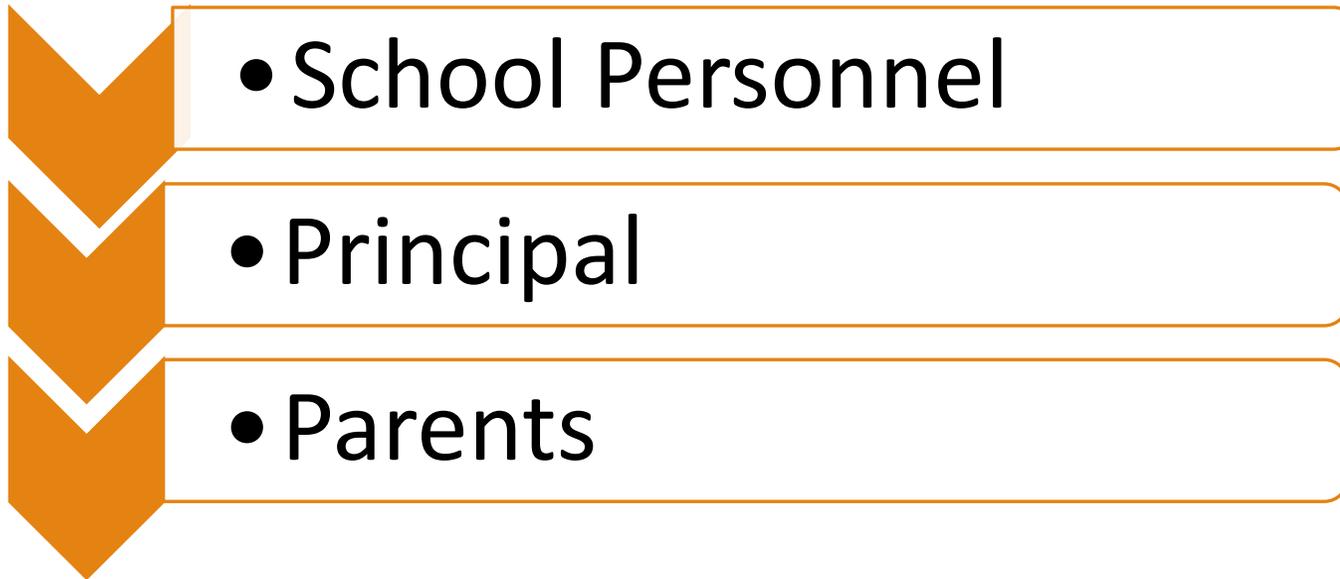
WHO has a duty to report?

- All school personnel
- Principal

WHEN does the duty to report arise?

For School Personnel: when the incident occurs

Principal: “Personal knowledge or actual notice.”

- 
- School Personnel
 - Principal
 - Parents

WHAT must be reported?

1. Any use of aversive procedures.

A systematic physical or sensory intervention program for modifying the behavior of a student with a disability which causes or reasonably may be expected to cause one or more of the following:

- a. Significant physical harm, such as tissue damage, physical illness, or death.
- b. Serious, foreseeable long-term psychological impairment.
- c. Obvious repulsion on the part of observers who cannot reconcile extreme procedures with acceptable, standard practice, for example:



“Aversive Procedures”

Electric shock applied to the body;

Extremely loud auditory stimuli;

Forcible introduction of foul substances to the mouth, ears, nose, or skin;

Placement in a tub of cold water or shower;

Slapping, pinching, hitting, or pulling hair;

Blindfolding or other forms of visual blocking;

Unreasonable withholding of meals;

Eating one's own vomit; and/or

Denial of reasonable access to toileting facilities.

WHAT must be reported? (Cont.)



1. Any use of aversive procedures.
2. Any prohibited use of mechanical restraint.
3. Any use of physical restraint resulting in observable physical injury.
4. Any prohibited use of seclusion or seclusion exceeding 10 minutes or the time specified in a student's behavior intervention plan.

Reporting Details

G.S. § 115C-391.1(j)

- School personnel must “promptly notify” the principal or the principal’s designee.
- Principal must “promptly notify” the student’s parent/guardian.

“Promptly notify”: The end of the workday during which the incident occurred when reasonably possible, but in no event later than the end of following workday.

- The parent or guardian of the student shall be provided with a written incident report for any incident reported under this section within a reasonable period of time, but in **no event later than 30 days** after the incident.

Reporting
Details (Cont.)
*G.S. § 115C-
391.1(j)*

Type of report required:

School personnel to principal:

- Statute does not specify.
- Oral report will satisfy the statute, but the principal may ask for a written report.

Principal to parent:

- Initial Notification:
 - General description; may be oral; must include the name of the school employee to contact.
- Written incident report (**no later than 30 days** after the incident):
 - Date, time, location, duration, and description of the incident and interventions.
 - Events that led up to the incident.
 - Nature and extent of any injury to the student.
 - Name of the school employee to contact regarding the incident.

Reporting Details (Cont.)

G.S. § 115C-391.1(j)

CONSEQUENCES for failing to make a report:

Potential suspension or revocation of license.

Potential civil liability.

Statute does not create a new cause of action, but **standard tort law** will apply.

Potential employment action—violation of duty.

Other Various Reporting Duties

G.S. § 115C-378(E)

G.S. § 115C-407.15

G.S. § 115C-525

G.S. § 115C-288(B)

G.S. § 115C-403

G.S. § 115C-288(K)

G.S. § 20-11

G.S. § 115C-288(D)



Compulsory Attendance Law *G.S. § 115C-378 (e)*

Principal must notify parent if student has 3 unexcused absences and again when student has 6 unexcused absences.

- **Notice must explain that parent or guardian may be in violation of compulsory attendance law and may be prosecuted.**
- **This notice is then followed by other steps involving the school attendance counselor and the department of social services to determine whether prosecution is appropriate or other action under the jurisdiction of DSS.**

Bullying

G.S. § 115C-407.15

A school employee who has **witnessed** or **has reliable information** that a student or school employee has been subject to any act of bullying or harassing behavior **shall report** the incident to the appropriate school official.

A student or volunteer who has witnessed or has reliable information that a student or school employee has been subject to any act of bullying or harassing behavior **should report** the incident to the appropriate school official.

Reported to the SBE per SSCH-000.



Bullying

Any pattern of gestures or written, electronic, or verbal communications, or any physical act or any threatening communication, that takes place on school property, at any school-sponsored function, or on a school bus, and that:

1. Places a student or school employee in actual and reasonable fear of harm to his or her person or damage to his or her property;

OR

2. Creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities, or benefits.

“Hostile environment” means:

1. the victim subjectively views the conduct as bullying or harassing behavior **and**
2. the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is bullying or harassing behavior.

Hostile Environment



Conduct Fire Drills and Inspect for Fire Hazards
G.S. § 115C-288(d) and § 115C-525

Fire Drills & Inspections

G.S. § 115C-288(d) and § 115C-525

- Principals are required to file monthly reports with Superintendent and Board Chair regarding fire drills and inspections.
- Notify Superintendent if inspections required by G.S. §115C-525(b) are not made by building inspector, electrical inspector, fire marshal or others

CONSEQUENCES for willfully failing to perform these duties:

- Class 3 misdemeanor
- Potential dismissal
- Potential loss of license

Flagging Student Records – Missing Child

G.S. § 115C-403



Before providing a copy of a school record or other information concerning a child whose record is flagged because the child was reported as **missing**, the Superintendent or his designee shall notify the agency that requested the flagged record of every inquiry made concerning the flagged record, and shall provide a copy to the agency of any written request for information concerning the flagged record.



Notifying the Division of Motor Vehicles

G.S. § 115C-288(k) and G.S. § 20-11

Principal (or designee) shall notify DMV when student with driving eligibility certificate no longer meets its conditions.



Duty of All K-12 Personnel to Report Title IX Sexual Harassment

WHO must report?

- **All employees** with “actual knowledge” or notice of sexual harassment or allegations of sexual harassment are mandated reporters.
- Reports of sexual harassment may be made by anyone, not just the alleged victim or a mandated reporter.
- Reports can be made by phone, mail, email, letter, or by any means that result in the Title IX Coordinator receiving the report.
- Reports can be made at any time, including non-business hours.
- Consequences for failing to report –violation of Board policy and the school system is deemed “deliberately indifferent.”

Title IX Sexual Harassment

Quid Pro Quo	Unwelcome Conduct	Cleary Act & VAWA
<ol style="list-style-type: none">1) A school employee;2) Conditions access to educational benefits;3) On unwelcome sexual conduct.	<ol style="list-style-type: none">1) Unwelcome conduct;2) Determined by a reasonable person3) To be so severe AND pervasive AND objectively offensive that it effectively denies a person equal access to an education program or activity	<ol style="list-style-type: none">1) Sexual Assault2) Dating Violence3) Domestic Violence4) Stalking

WHEN must school respond to sexual harassment allegations?

A school must respond when it has “actual knowledge” of sexual harassment that occurred/is occurring “in the school’s educational program or activity”

Education program or activity:

- “Program or activity” includes “locations, events, or circumstances over which the school exercised substantial control over both the respondent and the context in which the sexual harassment occurs”
- Includes off-campus education program or activity

Local Board Polices

REPORTING REQUIREMENTS

Review Local Board Policies & Procedures:

- School Safety
- Responding to Bomb Threats
- Release of Students from School
- Drugs and Alcohol
- Gang-Related Activity
- Weapons, Bomb Threats, Terrorist Threats and Clear Threats to Safety
- Criminal Behavior
- Student Searches
- Removal of Students During the School Day
- Student Records
- Visitors to the Schools
- Weapons and Explosives Prohibited
- Community Use of Facilities
- Relationship with Law Enforcement
- Personnel Files
- Security of Facilities
- Child Abuse, Human Trafficking, and Related Threats to Child Safety – Reports, Investigations, Training

Local Board Policies

Hypotheticals

Last night was fun. 😏



After practice today, want to come over for 🍕 and 🙌🙌, and then we can



I can't stop thinking about the pic you sent last night.



Told you I would return the favor... so here you go...
[EXPLICIT PHOTO OF ROBBIE]

Hypothetical #1

High School History teacher confiscates Sarah's cell phone during class, and places it on her desk, planning to return it at the end of the day. During class, the phone dings and a message pops up from "Robbie." The teacher knows that Sarah's boyfriend, a junior, is named Robbie. The messages from Robbie read:

A teacher witnesses a male student walk up behind a female student and smack her on the butt; she turns around and slaps him.

Variation: Teacher overhears female student say that male teacher smacked her on the butt.

Hypothetical #2

Hypothetical #3

On Monday morning, Susie (16 years old) mentions to her teacher that Matt, an 18 year-old student, drove her to his house over the weekend and asked her to perform oral sex. They had been dating and Susie had previously sent Matt sexually explicit photos of herself. Matt threatened to share those photographs if she did not agree to oral sex. She then performed oral sex and Matt took snapchat videos of the act.

Matt shared the snapchat video with 5 other students. One of the other students who received the video, Sam, is 18 years old.

Susie is adamant that she does not want the teacher to report this to law enforcement.

Susie's parents find out from Susie that the school is going to report this to law enforcement, and immediately calls the teacher, irate. The parents are also adamant that it not be reported.

Hypothetical # 4

During Tommy's freshman year, his parents divorced. Tommy began struggling academically and socially. His mother reached out to Tommy's favorite teacher Mrs. Anderson to tutor Tommy. Mrs. Anderson began tutoring Tommy after school several days a week. On occasion, Mrs. Anderson would drive Tommy home, with his mother's permission, when she was unable to pick him up.

Tommy's sophomore year, Tommy no longer had Mrs. Anderson as a teacher, but he would often be seen in her classroom during lunch or when he had a free period.

One weekend, another teacher, Mrs. Smith, saw Tommy driving Mrs. Anderson's car in a grocery store parking lot.

A few days later, Mrs. Smith walked by Mrs. Anderson's classroom and saw Mrs. Anderson and Tommy sitting next to each other going over some school work. Mrs. Anderson looked like she had been crying. Mrs. Smith asked Mrs. Anderson later that day what she and Tommy had been talking about, and Mrs. Anderson became defensive and said it was "personal."

Hypothetical #4 (Cont.)

Mrs. Smith overhears Tommy's peers gossiping that Mrs. Anderson and Tommy were seeing each other, and that he is in love with her.

Mrs. Smith reports the rumors to the Principal, who initiates an investigation. Mrs. Anderson and Tommy both deny any romantic relationship. However, one of Tommy's peers reports that Tommy was bragging that he and Mrs. Anderson had sex.



Reporting Requirements Overview

Duty by Subject	Reporter	To Whom	When	Reference
Violent or sexual offense of juvenile victim, or misdemeanor child abuse	Any adult who knows or should reasonably know	Law Enforcement	Immediately	G.S. 14-318.6
Child abuse, neglect, dependency, death by maltreatment by a caretaker	Any person or institution with cause to suspect	Department of Social Services	(Unclear) Immediately	G.S. 7B-301 G.S. 115C-400
Licensed employee has engaged in physical or sexual abuse of child	Superintendent or administrator with substantial reason to believe	Superintendent of Public Instruction	Within 5 Days of any discipline of employee	16 NCAC 6C.0312 NCAC-039
Certain criminal acts on school campus	Principal with personal knowledge or actual notice from school personnel	Law Enforcement	Immediately	G.S. 115C-288(g) G.S. 115C-390.10(b)
Violence on school campus	Teachers (including TAs, substitutes and student teachers)	Principal	(Unclear) Immediately	G.S. 115C-307(a)
Certain acts of physical restraint and seclusion	School personnel promptly Principal with personal knowledge	Principal Parents	Promptly (written report within 30 days)	G.S. 115C-391.1(i)
Student unexcused absence	Principal after 3 unexcused AND after 6 unexcused absences	Appropriate school official	Immediately	G.S. 115C-378(e)
Bullying or harassment of student or school employee	School employee, volunteer, or student	Appropriate school official	Unclear	G.S. 115C-407.15(d) G.S. 115C-407.15(e)
Fire hazards, building inspections, fire drills	Principal	Local Superintendent	Monthly reports of fire drills and inspections; notify Superintendent of inspections not made	G.S. 115C-288(d) G.S. 115C-525(a)
Various crimes and offenses (includes bullying and harassment)	LEA	DPI	Within 5 school days	SBE Policy SSCH-000 G.S. 115C-390.10(b)
Title IX Sexual Harassment	All K-12 employees	Title IX Coordinator	Immediately	Title IX of the 1972 Education Amendments

QUESTIONS?