

16 NCAC 06C .0608 REPORTING REQUIREMENTS FOR PSU ADMINISTRATORS

(a) For purposes of this Rule, the following definitions apply:

- (1) "Administrator" means a superintendent, associate superintendent, assistant superintendent, personnel administrator, principal, school director, or head of school employed by a PSU.
- (2) "Misconduct" means either:
 - (A) Conduct that justifies automatic revocation of a license under G.S. 115C-270.35(b);
 - (B) Conduct that has resulted in a criminal charge or indictment for any of the crimes listed in G.S. 115C-270.35(b); or
 - (C) Conduct involving the physical or sexual abuse of a child or a student. "Physical abuse" means the infliction of physical injury other than by accident or in self-defense. "Sexual abuse" means any sexual contact with a child or student, regardless of the presence or absence of consent.

(b) In addition to any duty to report suspected child abuse under G.S. 115C-400 or other provision of law, any administrator who knows, has reason to believe, or has actual notice of a complaint that a professional educator licensed under Chapter 115C, Article 17E of the General Statutes has engaged in misconduct, as defined in Subparagraph (a)(2) of this Rule, that results in the suspension without pay, termination of employment, non-renewal of the employment contract, or resignation of the educator shall report the misconduct in writing to the State Board of Education within five calendar days of the dismissal, suspension, nonrenewal, or acceptance of the educator's resignation by the governing body of the PSU or its authorized designee. If an educator resigns within 30 days of a complaint for misconduct or during an ongoing investigation of a complaint, the alleged misconduct is presumed to have resulted in the resignation.

(c) If a PSU governing body or its authorized designee demotes, dismisses, declines to renew the employment contract of, or accepts the resignation of a professional educator licensed under Chapter 115C, Article 17E of the General Statutes as a result of conduct that is not covered by Paragraph (b) of this Rule but that may otherwise justify disciplinary sanctions against the educator under Rule .0604 of this Section, an administrator for the PSU shall report the conduct in writing to the SBE within 30 calendar days of the demotion, dismissal, nonrenewal, or acceptance of the educator's resignation by the governing body of the PSU or its authorized designee.

(d) If one administrator submits a single report on behalf of the PSU pursuant to the requirements of this Rule, that report shall satisfy the reporting obligations of all administrators who may have reporting obligations under this Rule or under G.S. 115C-326.20.

(e) If a PSU terminates the employment of an educator, does not renew the educator's contract, or accepts the educator's resignation for any reason that may require a report under this Rule, an administrator for the PSU shall notify the educator of the reporting requirement upon separation from employment.

(f) In accordance with G.S. 115C-13 and notwithstanding Chapter 115C, Article 21A of the General Statutes, local boards of education and their officers and employees shall provide to the SBE or the Superintendent of Public Instruction, upon request, all personnel records and other investigative records associated with any educator reported to the SBE pursuant to this Rule. This provision does not apply to communications between an attorney and the local board or its officers or employees that is subject to attorney-client privilege.

History Note: Authority G.S. 115C-12(9); 115C-270.5; 115C-270.30; 115C-270.35; 115C-326.20; 150B-22; 150B-23;

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