

16 NCAC 06C .0608 REPORTING REQUIREMENTS FOR PSU ADMINISTRATORS

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

- (1) "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.
- (2) "PSU administrator" means a superintendent, associate superintendent, assistant superintendent, personnel administrator, principal, school director, or head of school employed by a PSU.

(b) In addition to any duty to report suspected child abuse under G.S. 115C-400 or other provision of law, any PSU 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)(1) of this Rule, that results in the dismissal, suspension with pay, suspension without pay, or resignation of the educator shall report the misconduct in writing to the State Board of Education ("SBE") within five calendar days of the dismissal, suspension, or acceptance of the educator's resignation by the local superintendent. 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 demotes, dismisses, 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 employee under Rule .0604 of this Section, a PSU administrator for that PSU shall report the conduct in writing to the SBE within 30 calendar days of the demotion, dismissal, or resignation of the employee.

(d) If one PSU 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 individuals who may have reporting obligations under this Rule or under G.S. 115C-326.20.

History Note: Authority G.S. 115C-12(9); 115C-270.5; 115C-270.30; 115C-270.35; 115C-326.20; 150B-22; 150B-23; Temporary Adoption Eff. April 5, 2024.