

N.C.P.I.—Crim. 207.81
FAILURE TO REPORT MISCONDUCT OF A LICENSED SCHOOL EMPLOYEE.
FELONY.
GENERAL CRIMINAL VOLUME
FEBRUARY 2024
N.C. Gen. Stat. § 115C-326.20

207.81 FAILURE TO REPORT MISCONDUCT OF A LICENSED SCHOOL
EMPLOYEE. FELONY.

The defendant has been charged with failure to report misconduct of a licensed school employee.

For you to find the defendant guilty of this offense, the State must prove three things beyond a reasonable doubt:

First, that the defendant was a(n) [superintendent] [assistant superintendent] [associate superintendent] [personnel administrator] [principal].

Second, that the defendant [knew] [had reason to believe] [had actual notice of a complaint] that an employee¹ had engaged in misconduct² resulting in [dismissal] [disciplinary action] [resignation].

And Third, that the defendant failed to report the misconduct to the State Board of Education within five days of [dismissal of] [determination of disciplinary action against] [acceptance of resignation of]³ the employee.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant was a(n) [superintendent] [assistant superintendent] [associate superintendent] [personnel administrator] [principal] who [knew] [had reason to believe] [had actual notice of a complaint] that an employee had engaged in misconduct resulting in [dismissal] [disciplinary action] [resignation] and that the defendant failed to report the misconduct to the State Board of Education within five days of [dismissal of] [determination of disciplinary action against] [acceptance of resignation of] the employee, it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

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1. An employee licensed under Article 17E of this Chapter.
 2. "Misconduct" includes conduct that justifies automatic revocation of a license under N.C. Gen. Stat. 115C-270.35(b) and the infliction of a physical injury against a child other than by accident or in self-defense. N.C. Gen. Stat. § 115C-326.20(a).
 3. If the employee resigns within 30 days of a complaint for misconduct or during an ongoing investigation of a complaint, the misconduct is presumed to have resulted in the resignation.