

Reportable Offenses

Why These Offenses Must Be Reported

North Carolina General Statute 115C-288 spells out the procedures for reporting specific offenses to school administrators and, if necessary, law enforcement authorities.

The NC SBOE published guidelines for safe schools, part of which clarified and listed those offenses that are reportable.

Offenses that Must Be Reported

The following pages list those offenses that must be reported, along with a detailed description of the offense.

1. Assault Resulting in Serious Injury. An intentional physical attack causing the victim obvious severe or aggravated bodily injury involving (a) broken bones, loss of teeth, possible internal injuries; severe lacerations and bleeding; or loss of consciousness; and/or (b) requiring emergency medical services by trained school personnel or other health professionals (e.g. EMS) and/or hospitalization. If the offender used a weapon in an assault resulting in serious injury, report both Assault Resulting in Serious Injury and Assault Involving Use of a Weapon. Fights or affrays, where no weapon was used, resulting in no apparent or serious injuries are not required by state law to be reported, even if the incident resulted in suspensions or expulsion for the student. Local School Board policy may require reporting of fights or affrays to law enforcement. (State law G.S. 115C-391 requires that local boards of education remove to an alternative educational setting any student who is at least 13 and who physically assaults and seriously injures a teacher or other school personnel. If no appropriate alternative education setting is available, then the board shall suspend for no less than 300 days but no more than 365 days any student who is at least 13 and who physically assaults and seriously injures a teacher or other school personnel.)

2. Assault Involving Use of a Weapon. An assault by one person against another where the attacker either uses a weapon or displays a weapon in a threatening manner. Weapon is defined as: Any firearm or explosive device; force-impacting device; knife or sharp-edged or sharp-pointed utensil, device or tool; or any article, instrument or substance which can or is likely to produce death or great bodily harm. If a firearm or other weapon is used in the commission of any offense, the type of weapon must be identified in the WEAPON USED/POSSESSED column of the Data Collection Form.

3. Assault on School Personnel. An assault is an intentional physical attack by one person on another. An assault is either the actual intentional striking of another person, or an attempt to physically strike another by an intentional show of force or menace of violence sufficient to put a reasonable person in fear of immediate physical injury. This offense includes assaults on school

personnel that do not involve use of a weapon and do not result in apparent serious injury. If apparent serious injury to school personnel results from the assault, report as Assault Resulting in Serious Injury. If the assault involves use of a weapon report as Assault Involving Use of a Weapon. Victims included in this category are school administrators, education professionals (e.g. teachers), classified staff members (e.g. custodial, clerical), and adult volunteers. Acts which would not be reported are things such as unintentional pushing and jostling, as in a crowd; a school staff member who is accidentally struck while attempting to break up a fight or affray; or a volunteer who is knocked down by a student carelessly rushing through a door. Verbal threats to physically attack are not included unless they are accompanied by an act that is an intentional show of force or menace of violence sufficient to put a reasonable person in fear of immediate physical injury.

4. Bomb Threat⁴ (See G.S. 14-69.1 and 14-69.2). Making or communicating a false bomb threat in any form, including a computer message; or perpetrating a bomb threat hoax by bringing a fake explosive device, whether openly or concealed, onto school property or to school-sponsored events (both are considered Class H felonies by G.S. 14-69.1 and G.S. 14-69.2).

5. Burning of a School Building (See G.S. 14-60). Any person who maliciously and willfully sets fire to, burns or causes to be burned (i.e. aids, directs or procures the burning of) any school building owned, leased or used by the public schools (considered a Class F felony by G.S. 14-60).

6. Death By Other Than Natural Causes. The killing of a living person, done either by another or by suicide. Acts to be reported under this category include murder, manslaughter, death by vehicle, killing in self-defense, killing done by an insane person, accidental killing and suicide. Killing is to be reported if either the death or the act causing it occurred on school property, and regardless of whether the victim is associated with the school. Examples of incidents to be reported are the accidental death of a child in a school bus accident, or a victim on school property shot by someone located on or off school property.

7. Kidnapping.¹ Confining, restraining or removing from one place to another a person, without his/her or the victim's or a minor victim's parents' consent, for the purpose of committing a felony; or holding a victim as hostage or for ransom, or for use as a shield. A parent taking a child in violation of a court order, although it may be a crime, is not kidnapping for this purpose.

8. Possession of Alcoholic Beverage² (See G.S. 18B-300 to 302). Any underage person who purchases, provides or sells to another, possesses or has in his/her immediate custody or control, or consumes malt beverages, fortified or unfortified wine, or spirituous liquor, in any amount or form, on school property owned or leased by the local board of education, or at school-sponsored events (comparable to a misdemeanor violation by G.S. 18B-102 and G.S. 18B-300, 301 and 302). Possession of Controlled Substance in Violation of Law. Possession of narcotic drugs on or in the immediate control of the person. Narcotic drugs include any form of cocaine, marijuana, heroin, LSD, methamphetamine, and all drugs listed in the North Carolina Controlled Substances Act. Possession of any amount in any form must be reported. Unauthorized possession of a prescription drug (e.g., Ritalin) is included in this category. The principal should confer with law enforcement personnel when in doubt as to whether a drug is a controlled substance. Alcohol possession should be reported as Possession of Alcoholic Beverage.

9. Possession of Controlled Substance in Violation of Law. Possession of narcotic drugs on or in the immediate control of the person. Narcotic drugs include any form of cocaine, marijuana, heroin, LSD, methamphetamine, and all drugs listed in the North Carolina Controlled Substances Act. Possession of any amount in any form must be reported. Unauthorized possession of a prescription

drug (e.g., Ritalin) is included in this category. The principal should confer with law enforcement personnel when in doubt as to whether a drug is a controlled substance. Alcohol possession should be reported as Possession of Alcoholic Beverage.

10. Possession of a Firearm or Powerful Explosive.³ Any unauthorized person possessing on their person or within their custody or control, or storing, or carrying, whether openly or concealed, locked or unlocked, any firearm or powerful explosive, whether operable or inoperable, on school property; or bringing such a device onto school property. Persons authorized to carry weapons on school property are law enforcement officers, firefighters, and emergency service personnel when discharging their official duties (State law G.S. 115C-391 requires that local boards of education suspend for 365 days any student who brings a “weapon” onto school property. Weapons are defined as any gun, rifle, pistol, or other firearm of any kind, or any dynamite cartridge, bomb, grenade, mine or other powerful explosive, as defined in G.S. 14-284.1; and this does not apply to fireworks. Superintendents may modify the suspension on a case-by-case basis, but a written explanation for the decision must be included with the school’s Annual Report on School Crime and Violence). The type of any firearm(s) that is/are involved must be identified in the WEAPON USED/POSSESSED column of the Data Collection Form.

11. Possession of a Weapon. Possessing on their person or within their custody or control, storing, or carrying, by any unauthorized person, whether openly or concealed, a weapon, excluding firearms and powerful explosives, defined as follows: Any BB gun, stun gun, air rifle, air pistol, bowie knife, dirk, dagger, slingshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors and razor blades, any sharp pointed or edged instrument except instructional supplies, unaltered nail files and clips and tools used solely for preparation of food, instruction and maintenance. This category covers possession of all weapons, other than firearms and powerful explosives, which the law prohibits on educational property (N.C.G.S. § 14-269.2). Persons authorized to possess such weapons are law enforcement officers, firefighters and emergency service personnel when discharging their official duties. Report type of weapon unlawfully possessed in the WEAPON column.

12. Rape. Rape may be statutory or forcible. Forcible Rape is vaginal intercourse committed by force and without the consent of the victim, regardless of age. Statutory Rape is vaginal intercourse committed on a child under the age of 16 by a person who is at least 12 years old and at least 4 years older than the victim, regardless of whether the victim consented. Consensual vaginal intercourse between a 13, 14 or 15 year old girl or boy and a 16 year old girl or boy is not a crime; statutory rape requires at least four years between birthdays of the victim and perpetrator. Some examples of incidents which must be reported under this category are consensual intercourse between a 19-year old and a 15-year old; consensual intercourse with a person who is mentally handicapped or incapacitated, or physically helpless, regardless of whether the victim consented; or intercourse with an intoxicated or drugged victim who is too incapacitated to give consent.

13. Robbery With a Dangerous Weapon (Armed Robbery). Theft or attempted theft of anything of value from the person of another, or from the area under the immediate bodily control of the other, by using a dangerous weapon or by an act threatening use of a dangerous weapon. A dangerous weapon is any article, instrument or substance that is likely to produce death or great bodily harm. Forcible theft or attempted theft from a person without the use of a dangerous weapon should be reported under Robbery Without a Dangerous Weapon. Report type of weapon used in the WEAPON column.

14. Robbery Without a Dangerous Weapon. The taking or attempting to take anything of value from another’s person, by force, or by an act threatening force or violence, which puts a victim in

fear, without the use of a weapon. The stealing of someone's property without the use of force or from a source other than the victim's person is not included in this offense. If the taking from the person involves use of a dangerous weapon the incident is reported under Robbery With a Dangerous Weapon.

15. Sexual Assault (Not Involving Rape or Sexual Offense). An assault of a sexual nature. An unauthorized and unwanted, intentional, or forcible touching of a sex organ of a person of the opposite sex. Sex organs are the breasts of females and genital areas of males and females. This category includes forcibly and intentionally grabbing the clothed or unclothed breast or genitals of a person of the opposite sex, without the consent of the victim. Report attempted rape and attempted sexual offense under this category. The difference between Sexual Assault and Sexual Offense is that Sexual Assault involves forcible and intentional touching without penetration of a sex organ, and Sexual Offense involves penetration of a sex organ or anus by any object, or touching another's mouth or anus by the male sex organ.

16. Sexual Offense. Sexual Offense may be forcible or statutory. Forcible Sexual Offense is actual oral-genital contact, or penile-anal penetration, or insertion of any object, including a finger, into the genital or anal opening of another person's body, committed by force and without the consent of the victim. Statutory Sexual Offense is any of the above acts committed on a child under the age of 16 by a person who is at least 12 years old and at least 4 years older than the victim, regardless of whether the victim consented. Statutory Sexual Offense is also any of the above acts committed on a person who is mentally handicapped or incapacitated or physically helpless, regardless of whether the victim consented. The difference between Rape and Sexual Offense is that Rape involves vaginal intercourse only, and Sexual Offense involves oral-genital contact, penile-anal penetration, or genital or anal penetration by any object.

17. Taking Indecent Liberties With A Minor. Committing a sexual act with or in the presence of a child under the age of 16 years, by a person at least age 16 and at least five years older than the child, for sexual gratification, regardless of whether force was used, or whether the victim consented. Examples of acts to be reported under this category are intentional exposure of genitals in front of a child; showing a child pornography, secretly or in the child's presence; or photographing girls changing clothes or using toilets, if these acts are done for sexual gratification.

¹Because this definition is a summary of lengthy and detailed legislation, users of the definition should consult their school board attorney or the <http://www.ncga.state.nc.us/statutes/toc-1.html> website for further details or clarifications regarding its use.

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³Because "Bomb Possession" involves the G.S. 14-269.2 definition of a bomb or "powerful explosive" as a felony-level weapon (G.S. 14-269.2 (b1)), as differentiated from a felony "firearm" weapon (G.S. 14-269.2 (b)), former definitions of "possession of a firearm" and "possession of a (misdemeanor) weapon" have been revised.