

OCS Guidance for Charter Schools



- SB199/Session Law 2019-245 Signed 11/7/2019 - Sex Trafficking Prevention Training
- SB476/Session Law 2020-7 Signed 6/8/2020 - Mental Health Plans

Please note: [Public School Unit \(PSU\)](#) is a bucket term that includes charter schools, lab schools, and district schools. [Local School Administrative Unit](#) specifically applies to districts and **NOT** to charter schools.

[Session Law - SB199](#) [Session Law - SB476](#)

Required sex trafficking prevention training for all public schools, including charter schools:

- Every school must adopt and implement a child sexual abuse and sex trafficking training program that provides education and awareness training related to child sexual abuse and sex trafficking, including but not limited to; 1. best practices for the field of prevention, 2. the grooming process of sexual predators, 3. the warning signs of sexual abuse and sex trafficking, 4. how to intervene when sexual abuse or sex trafficking is suspected or disclosed, 5. legal responsibilities for reporting sexual abuse or sex trafficking, and 6. available resources for assistance. (Section 4.4(f)(b))
- The training may be provided by any local non governmental organizations with expertise in these areas, local law enforcement officers, or other officers of the court. (Section 4.4(f)(b))
- All school staff must receive **2 hours of training every consecutive even numbered year starting 2020.** (Section 4.4(f)(b))
- "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 shall **immediately** report the case to the appropriate local law enforcement agency in the county where the juvenile

resides or is found." (Section 1.(a)(b)) * Legal protection is provided for reports made in good faith, with no malicious intent, that turn out to be incorrect.

Required development of a mental health plan by the State Board of Education and by all K-12 schools including charter schools:

- The State Board of Education shall adopt a school-based mental health policy that includes minimum requirements... (detailed in the law Section 1.(a)(b)) by December 1, 2020 (Section 1.(g))
- No later than July 1, 2021(Section 1.(g)), Each K-12 school unit, including charter schools, shall adopt a plan for promoting student mental health and well-being that includes, at a minimum, the following:
 - (1) Minimum requirements for a school-based mental health plan established by the State Board of Education pursuant to subsection (b) of this section.
 - (2) A mental health training program and a suicide risk referral protocol that are consistent with the model programs developed by the State Board of Education pursuant to subsection (b) of this section.
- Training and Protocol Requirements. (Section 1.(a)(d))– Each K-12 school unit shall provide its adopted mental health training program and suicide risk referral protocol to school personnel at no cost to the employee. Employees shall receive an initial mental health training of at least **six(6) hours** and subsequent mental health trainings of at least **two(2) hours**. The initial mental health training **shall occur within the first six(6) months of employment**. Subsequent mental health trainings **shall occur in the following school year and annually thereafter**. In the discretion of the K-12 school unit, the initial mental health training may be waived in the event the employee completed an initial mental health training at another K-12 school unit. School personnel **may** meet mental health training requirements in any of the following ways:
 - (1) Electronic delivery of instruction.
 - (2) Videoconferencing.
 - (3) Group, in-person training.
 - (4) Self-study.
- Review and Update: (Section 1.(a)(e)) Beginning August 1, 2025, and every five years thereafter, the Superintendent of Public Instruction shall review the State

Board of Education's minimum requirements for a school-based mental health plan, model mental health training program, and model suicide risk referral protocol and recommend any needed changes to the State Board of Education. The State Board shall update its policies to reflect those recommendations and publish the updates to K-12 school units. **K-12 school units shall update their adopted school-based mental health plan in accordance with any updates provided by the State Board.**

- Reporting; State Audit(Section 1.(a)(f)) **By September 15 of each year, each K-12 school unit shall report to the Department of Public Instruction on (i) the content of the school-based mental health plan adopted in the unit, including the mental health training program and suicide risk referral protocol, and (ii) prior school year compliance with requirements of this section.** The Department of Public Instruction may also audit K-12 school units at appropriate times to ensure compliance with the requirements of this section. The Department shall report the information it receives pursuant to this subsection to the Joint Legislative Education Oversight Committee and the Joint Legislative Oversight Committee on Health and Human Services by December 15 of each year.
- SECTION 1.(c) G.S. 115C-218.75 is amended by adding a new subsection to read: Senate Bill 476 Session Law 2020-7 Page 3 "(h) A charter school shall adopt a school-based mental health plan, including a mental health training program and suicide risk referral protocol, in accordance with [G.S. 115C-376.5](#)."

[Please rate the clarity of this guidance document for OCS purposes.](#)