



## **Administrative Regulation 4560 MANDATORY REPORTING – Child Abuse, Neglect, Corporal Punishment**

**Responsible Office:** Office of Student Services

### **PURPOSE**

This administrative regulation establishes the procedures related to mandatory reporting requirements of all staff and school volunteers of the Washoe County School District ("District" or "WCSD") of alleged or suspected abuse or neglect of a child, corporal punishment of a student, or the neglect or abuse of a vulnerable person.

### **REGULATION**

1. In accordance with Board Policy 4510, Protection of Students – Background Checks and Mandatory Reporting, all District staff members and volunteers are mandatory reporters of suspected child abuse, child neglect, and corporal punishment.
2. All District staff and school volunteers shall be aware of and comply with the legal, professional, and ethical reporting obligations established under District policy as well as state laws and regulations. This document details mandatory reporting requirements, and instances where the disclosure of student information is permissible when required by law.
3. Following are offenses which require reporting under Nevada's mandatory reporting laws (NRS Chapter 432B):
  - a. Suspected abuse or neglect of a child caused or allowed by a person responsible for his/her welfare under circumstances which indicate that the child's health or welfare is harmed or threatened with harm includes:
    - i. Physical or mental injury of a non-accidental nature;
    - ii. Sexual abuse or sexual exploitation; or,
    - iii. Negligent treatment or maltreatment of a child.
  - b. Corporal Punishment by a District employee or volunteer;
  - c. Sexual conduct between a District employee or volunteer and a student (See also Administrative Regulation 4430, Sexual Harassment and Misconduct by Staff); and/or
  - d. Luring of a child by a District employee or volunteer.

#### 4. Reporting Requirements

- a. Any District staff member or volunteer who, in his/her professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:
  - i. File a report with the Washoe County Human Services Agency's Child Protective Services (CPS); or
  - ii. The law enforcement agency which has jurisdiction (e.g. jurisdiction over the address where the student lives or where the alleged or suspected incident(s) may have occurred).
- b. Any District staff member or volunteer who, in his/her professional or occupational capacity, knows or has reasonable cause to believe that a child has been subjected to abuse, neglect, sexual conduct, or luring by another employee of or volunteer of the District shall:
  - i. File a report with the Washoe County Human Services Agency's Child Protective Services (CPS); and
  - ii. School Police or the law enforcement agency which has jurisdiction (e.g. jurisdiction over the address where the student lives or where the alleged or suspected incident(s) may have occurred).
- c. Any District staff member or volunteer who, in his/her professional or occupational capacity, knows or has reasonable cause to believe that a student has been subjected to corporal punishment by a staff member or volunteer shall file a report with the Washoe County Human Services Agency's Child Protective Services (CPS).

#### 5. Reporting Procedures

- a. The report must be made **as soon as reasonably practicable** but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused, neglected, or subjected to corporal punishment.
  - i. A person has "reasonable cause to believe" if, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred." (NRS 432B.121)
  - ii. A person has acted "as soon as reasonably practicable" if, in light of all the surrounding facts and circumstances which are known or

which reasonably should be known to the person at the time, a reasonable person would act within approximately the same period under those facts and circumstances." (NRS 432B.121)

- b. A school counselor or nurse may be consulted to assist with reporting. However, reports must be made by the person with the actual information.
- c. Staff shall not attempt to investigate the matter and shall only report information which is already known or suspected. School personnel do not have responsibility or authority for determining whether protective care is needed. Child Protective Services, in cooperation with law enforcement, will determine if protective care is needed in accordance with Child Protective Services' policies.
- d. The report may be made to Child Protective Services by telephone or by any other means of oral, written or electronic communication. The report shall contain the following information, if available.
  - i. The name, address, age, and sex of the child;
  - ii. The name and address of the child's parents or other person responsible for the care of the child;
  - iii. The nature and extent of the abuse or neglect of the child;
  - iv. Any evidence of previously known or suspected abuse or neglect of the child or the child's siblings;
  - v. The name, address and relationship, if known, of the person who is alleged to have abused or neglected the child; and
  - vi. Any other information known to the person making the report that Child Protective Services or law enforcement considers necessary.
- e. The school administrator should be notified after contacting Child Protective Services.
- f. Law Enforcement Notification
  - i. WCSO School Police or local law enforcement shall be contacted related to any actual, suspected, possible, or potential abuse or neglect, sexual contact, luring, or inappropriate relationship, interaction, or communication, to include grooming behaviors, between a staff member or volunteer and a student. "Grooming" is generally defined as the process of creating an emotional

connection with a child for the purpose of sexual abuse or exploitation.

- ii. This includes when an employee or volunteer suspects: physical or sexual abuse to the child has occurred; the child is a victim of sex trafficking; or the child may be endangered if the child returns home.
  - iii. Where appropriate, school police shall inform local law enforcement who will conduct the investigation.
- g. Parent/Guardian Notification. Staff shall NOT notify a parent/guardian of a report to Child Protective Services regarding suspected abuse or neglect that may have occurred outside of school hours. In the event that a parent/guardian contacts staff regarding a report of suspected abuse or neglect, inquiries shall be referred to Child Protective Services and the local law enforcement agency as applicable.

#### 6. Vulnerable persons

- a. The District encourages the reporting of the abuse, neglect, exploitation, isolation or abandonment of a vulnerable person, specifically of those students in the District who are aged 18 or over who:
  - i. suffer from a condition of physical or mental incapacitation because of a developmental disability, organic brain damage or mental illness; or
  - ii. Have one or more physical or mental limitations that restrict the ability of the person to perform the normal activities of daily living.

#### 7. Notice

- a. Staff. All staff members shall receive training regarding their reporting obligations during orientation upon being hired, and annually thereafter through the District's online training program.
- b. Volunteers. School volunteers shall be notified and acknowledge receipt of such notice of his/her status as a mandatory reporter of suspected child abuse and/or neglect through the Volunteer application process. Additional information shall be available in the District's Volunteer Procedures Manual. Volunteer applications and associated records shall be retained by the District for as long as the person serves as a volunteer in the District.

8. Immunity. In accordance with state law, immunity from civil or criminal liability shall be extended to any person who in good faith makes a report of suspected child abuse or neglect.
9. Failure to Report. A person who knowingly and willfully fails to report:
  - a. Shall be subject to disciplinary action in accordance with the District's discipline procedures; and
  - b. May be guilty of a misdemeanor under state law.

## DEFINITIONS

1. Abuse of a child means, ...: (a) Physical or mental injury of a non-accidental nature; (b) Sexual abuse or sexual exploitation; or (c) Negligent treatment or maltreatment as defined below. (NRS 432B.020).
2. Negligent treatment or maltreatment of a child occurs if a child has been subjected to harmful behavior that is terrorizing, degrading, painful or emotionally traumatic, has been abandoned, is without proper care, control or supervision or lacks the subsistence, education, shelter, medical care or other care necessary for the well-being of the child because of the faults or habits of the person responsible for the welfare of the child or the neglect or refusal of the person to provide them when able to do so. (NRS 432B.140)
3. Corporal punishment is the intentional infliction of physical pain upon or the physical restraint of a student for disciplinary purposes. This does not include the use of reasonable force to quell a disturbance that threatens physical injury or property destruction, to obtain possession of a weapon within the student's control, or for the purpose of self-defense or defense of another person. (NRS 392.4633)
4. Sexual conduct is defined as ordinary sexual intercourse; anal intercourse; fellatio, cunnilingus or other oral-genital contact; physical contact by a person with the unclothed genitals or pubic area of another person for the purpose of arousing or gratifying the sexual desire of either person; penetration, however slight, by a person of an object into the genital or anal opening of the body of another person for the purpose of arousing or gratifying the sexual desire of either person; masturbation or the lewd exhibition of unclothed genitals; sado-masochistic abuse; or any lewd or lascivious act upon or with the body, or any part or member thereof, of another person. (NRS 201.520)
5. Luring of a child is refers to a person knowingly contacting or communicating with or attempting to contact or communicate with:
  - a. A child who is less than 16 years of age and who is at least 5 years younger than the person with the intent to persuade, lure, or transport

the child away from the child's home or from any location known to the child's parent/guardian to a place other than where the child is located, for any purpose without the express consent of the parent/guardian and with the intent to avoid the consent of the parent/guardian; or

- b. Another person whom he/she believes to be a child who is less than 16 years of age and at least 5 years younger than he/she is, regardless of the actual age of that other person, with the intent to solicit, persuade or lure the person to engage in sexual conduct. (NRS 201.560)
6. A vulnerable person is a person over the age of 18 who suffers from a condition of physical or mental incapacitation because of a developmental disability, organic brain damage or mental illness; or has one or more physical or mental limitations that restrict the ability of the person to perform the normal activities of daily living. (NRS 200.50935)

### **DESIRED OUTCOMES**

1. Through this document, the District:
  - a. affirms its commitment to the safety, mental, and emotional well-being of all students and vulnerable adults, and
  - b. sets forth a comprehensive approach to recognizing and reporting suspected abuse and/or neglect of a child or vulnerable person.
2. The District shall work in collaboration with applicable government agencies (e.g. Child Protective Services (CPS)) and local law enforcement in this effort.

### **IMPLEMENTATION GUIDELINES & ASSOCIATED DOCUMENTS**

1. This administrative regulation reflects the goals of the District's Strategic Plan and aligns/complies with the governing documents of the District, to include:
  - a. Board Policy 4550, Staff Interactions with Students
  - b. Administrative Regulation 4430, Sexual Harassment and Misconduct by Staff
2. This administrative regulation aligns with Nevada Revised Statutes (NRS) and Nevada Administrative Code, to include:
  - a. Chapter 201, Crimes Against Public Decency and Good Morals, and specifically:
    - i. NRS 201.470 – 201.550, Sexual Conduct with Pupils and Students
    - ii. NRS 201.560, Luring Children or Persons with Mental Illness

- b. Chapter 392, Pupils, and specifically:
  - i. NRS 392.4633, Corporal punishment prohibited.
- c. Chapter 432B, Protection of Children From Abuse and Neglect

**REVIEW AND REPORTING**

1. This administrative regulation shall be reviewed as part of the bi-annual review and reporting process, following each regular session of the Nevada Legislature. The Board of Trustees shall receive notification of any required changes to the guiding policy as well as an audit of the accompanying governing documents.
2. Additional administrative regulations and/or other associated documents may be developed as necessary to implement and support this administrative regulation.

**REVISION HISTORY**

Date	Revision	Modification
9/4/2018	1.0	Adopted
10/9/2018	2.0	Revised to correct language related to when reports are made to law enforcement