

**BOARD OF TRUSTEES  
HUMBOLDT COUNTY SCHOOL DISTRICT**

**Regulation #4100**

**PERSONNEL**

**MANDATORY REPORTING OF SUSPECTED CHILD ABUSE AND NEGLECT**

**PROCEDURES**

**1. Mandatory reporting under Nevada state law.** Under NRS 432B, all employees and volunteers who, in their professional or occupational capacities, know or have reasonable cause to believe that a child under age 18 has been abused or neglected must report the abuse or neglect to an agency which provides child welfare services or to a law enforcement agency.

**2. Mandatory reporters under school district policy.** It is the policy of the Humboldt County School District that reports of child abuse or neglect must be made by all school employees and volunteers who, in their professional or occupational capacities, know or have reasonable cause to believe that a child has been abused or neglected.

Any person who is required to make a report pursuant to NRS 432B.220 may not invoke any of the privileges set forth in Chapter 49 of NRS.

**3. Offenses requiring a report.** Nevada's mandatory reporting laws (NRS Chapter 432B and NRS Chapter 392):

**a.** Abuse or neglect of a child, including (1) abuse or neglect caused or allowed by a person responsible for the child's welfare under circumstances which indicate that the child's health or welfare is harmed or threatened with harm, and (2) abuse or neglect caused by a District employee or volunteer. Abuse or neglect includes:

- i.** Physical or mental injury of a non-accidental nature, including excessive corporal punishment;
- ii.** Sexual abuse or sexual exploitation; and
- iii.** Negligent treatment or maltreatment of a child.

**b.** Corporal punishment by a District employee or volunteer, including corporal punishment as defined by NRS 392.4633, used on any student and corporal punishment as defined by NRS 394.356 used as an aversive intervention on a student with a disability;

**c.** Sexual conduct between a District employee or volunteer and a student; and,

**d.** Luring of a child by a District employee or volunteer.

**4. Reporting procedures.** If a school district employee or volunteer knows or has reasonable cause to believe that a child has been abused or neglected, the employee or volunteer must take the following steps:

**a. Notification to principal/designee.** The employee or volunteer must immediately notify the principal/designee of the school where the child is enrolled. Regardless of when or how the

principal/designee is notified, the employee or volunteer remains directly responsible to report child abuse or neglect to the local child welfare agency or law enforcement agency within 24 hours.

**b. Mandatory report to law enforcement or child welfare agency; timing of report.** The employee or volunteer must report to a local law enforcement agency (Winnemucca Police Department or Humboldt County Sheriff's Office) or the child welfare agency (Division of Child and Family Services (DCFS)) as soon as reasonably practicable but not later than 24 hours after the employee or volunteer knows or has reasonable cause to believe that a child has been abused or neglected.

The employee or volunteer may request that a principal/designee be present when a report is made, but any delay in making such an arrangement does not excuse a failure to report directly to the local child welfare agency or law enforcement agency as soon as reasonably practicable but not later than 24 hours after the employee or volunteer knows or has reasonable cause to believe that a child has been abused or neglected.

**c. Form of report.** The employee or volunteer shall use *Form 4100 - Child Abuse and Neglect Reporting Form* to assist in making a verbal report of suspected child abuse or neglect, directly to one of the following agencies:

<b>Winnemucca Police Department</b> <b>25 W. Fifth Street</b> <b>Winnemucca, NV 89445</b> <b>(775) 623-6396</b>	<b>DCFS</b> <b>Child Protective Services</b> <b>475 Haskell Street</b> <b>Winnemucca NV 89445</b> <b>(775) 623-6555</b>	<b>Humboldt County Sheriff's Office</b> <b>50 West Fifth Street</b> <b>Winnemucca, NV 89445</b> <b>(775) 623-6419</b>
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Reports must be made verbally, by telephone or in person. District employees are not to leave a voicemail or message with a report of abuse or neglect.

**5. Investigating reports of child abuse and neglect.** No district employee is expected or authorized to contact non-school district individuals or agencies in order to investigate or obtain additional information or to verify report information.

**6. Failure to report.** Any employee or volunteer who fails to report child abuse or neglect as provided by this regulation will be subject to discipline. Any employee or volunteer who knowingly and willfully violates the provisions of NRS 432B.220 concerning reports of child abuse or neglect is guilty of a misdemeanor (see NRS 432B.240).

**7. Immunity from civil and criminal liability.** Immunity from civil or criminal liability extends to school district employees and volunteers who in good faith make mandatory reports or perform other acts set forth under NRS 432.

**8. Confidentiality of report.** Humboldt County School District Employees are not permitted to disclose the contents of a report made in accordance with this Regulation to any persons not authorized by NRS 432B.280.

## REFERENCES

Nevada Revised Statutes Chapters 200, 201, 392, 394 and 432B

## SPECIFIC DEFINITIONS

Abuse or neglect of a child defined. (NRS 432B.020)

1. "Abuse or neglect of a child" means, except as otherwise provided in subsection 2:

- (a) Physical or mental injury of a nonaccidental nature;
- (b) Sexual abuse or sexual exploitation; or
- (c) Negligent treatment or maltreatment as set forth in NRS 432B.140.

Aversive intervention prohibited. (NRS 394.366) A person employed by a private school or any other person shall not use any aversive intervention on a pupil with a disability. Corporal punishment is an aversive intervention, and means the intentional infliction of physical pain, including, without limitation, hitting, pinching or striking. (NRS 394.356)

Corporal punishment prohibited. (NRS 392.4633)

1. Corporal punishment must not be administered upon a pupil in any public school.
2. Subsection 1 does not prohibit any person from defending himself or herself if attacked by a pupil.
3. As used in this section, "corporal punishment" means the intentional infliction of physical pain upon or the physical

restraint of a pupil for disciplinary purposes. The term does not include the use of reasonable and necessary force:

- (a) To quell a disturbance that threatens physical injury to any person or the destruction of property;
- (b) To obtain possession of a weapon or other dangerous object within a pupil's control;
- (c) For the purpose of self-defense or the defense of another person; or
- (d) To escort a disruptive pupil who refuses to go voluntarily with the proper authorities.

Excessive corporal punishment may constitute abuse or neglect. (NRS 432B.150) Excessive corporal punishment may result

in physical or mental injury constituting abuse or neglect of a child under the provisions of this chapter.

Luring children. (NRS 201.560) Definitions; exceptions; penalties.

1. Except as otherwise provided in subsection 3, a person commits the crime of luring a child if the person knowingly contacts

or communicates with or attempts 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 or guardian or other person legally responsible for the child to a place other than where the child is located, for any purpose:

- (1) Without the express consent of the parent or guardian or other person legally responsible for the child; and

- (2) With the intent to avoid the consent of the parent or guardian or other person legally responsible for the child; or

- (b) Another person whom he or she believes to be a child who is less than 16 years of age and at least 5 years younger than

he or 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.

Physical injury defined. (NRS 432B.090) "Physical injury" includes, without limitation:

1. A sprain or dislocation;
2. Damage to cartilage;
3. A fracture of a bone or the skull;
4. An intracranial hemorrhage or injury to another internal organ;
5. A burn or scalding;
6. A cut, laceration, puncture or bite;
7. Permanent or temporary disfigurement; or
8. Permanent or temporary loss or impairment of a part or organ of the body.

Mental injury defined. (NRS 432B.070) "Mental injury" means an injury to the intellectual or psychological capacity or the

emotional condition of a child as evidenced by an observable and substantial impairment of the ability of the child to function

within a normal range of performance or behavior.

Negligent treatment or maltreatment. NRS 432B.140. 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.

Sexual abuse defined. (NRS 432B.100) "Sexual abuse" includes acts upon a child constituting:

1. Incest under NRS 201.180;
2. Lewdness with a child under NRS 201.230;
3. Sado-masochistic abuse under NRS 201.262;
4. Sexual assault under NRS 200.366;
5. Statutory sexual seduction under NRS 200.368;
6. Open or gross lewdness under NRS 201.210; and
7. Mutilation of the genitalia of a female child, aiding, abetting, encouraging or participating in the mutilation of the genitalia of a female child, or removal of a female child from this State for the purpose of mutilating the genitalia of the child under NRS 200.5083.

Sexual conduct defined. (NRS 201.520) "Sexual conduct" means:

1. Ordinary sexual intercourse;
2. Anal intercourse;
3. Fellatio, cunnilingus or other oral-genital contact;
4. 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;
5. 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;
6. Masturbation or the lewd exhibition of unclothed genitals;
7. Sado-masochistic abuse; or
8. Any lewd or lascivious act upon or with the body, or any part or member thereof, of another person.

Sexual conduct between certain employees of school or volunteers at school and pupil: Penalty; exception. (NRS 201.540)

1. Except as otherwise provided in subsection 2, a person who:

- (a) Is 21 years of age or older;
- (b) Is or was employed by a public school or private school in a position of authority or is or was volunteering at a public or private school in a position of authority; and
- (c) Engages in sexual conduct with a pupil who is 16 years of age or older, who has not received a high school diploma, a general educational development certificate or an equivalent document and:
  - (1) Who is or was enrolled in or attending the public school or private school at which the person is or was employed or volunteering; or

(2) With whom the person has had contact in the course of performing his or her duties as an employee or volunteer,

is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. The provisions of this section do not apply to a person who is married to the pupil at the time an act prohibited by this section is committed.

3. The provisions of this section must not be construed to apply to sexual conduct between two pupils.

Sexual exploitation defined. (NRS 432B.110) "Sexual exploitation" includes forcing, allowing or encouraging a child:

1. To solicit for or engage in prostitution;

2. To view a pornographic film or literature; and

3. To engage in:

(a) Filming, photographing or recording on videotape; or

(b) Posing, modeling, depiction or a live performance before an audience,

which involves the exhibition of a child's genitals or any sexual conduct with a child, as defined in NRS 200.700.