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Manual Transmission Letter (MTL)
Family Programs Office: Statewide Child Welfare Policy Manual

MTL # 0507-020411

02/04/2011

TO: Tom Morton, Director – Clark County Department of Family Services
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POLICY DISTRIBUTION:

Enclosed find the following policy for distribution to all applicable staff within your organization:

- 0507 Corporal Punishment in Public Schools

This policy is/was effective: 02/04/2011

☒ This policy is new. Please review the policy in its entirety

☐ This policy replaces the following policy(s): MTL # _____-_____ Policy Name: _____

☐ This policy has been revised. Please see below for the type of revision:

- ☐ This is a significant policy revision. Please review this policy in its entirety.
- ☐ This is a minor policy revision: (List page number & summary of change):
  - _____
- ☐ A policy form has been revised: (List form, page number and summary of change):
  - _____

NOTE:

- Please read the policy in its entirety and note any areas that are additionally required by your agency to be in compliance with the policy enclosed.
- This is an **All STAFF MEMO** and it is the responsibility of the person listed above to disseminate the policy enclosed to appropriate staff within his/her organization and to ensure compliance.
- The most current version of this policy is posted on the DCFS Website at the following address: http://www.dcfs.state.nv.us/DCFS_Policies_CW.htm. Please check the table of contents on this page for the link to the chapter you are interested in.

0507.0 Corporal Punishment in Public Schools

0507.1 Policy Approval Clearance Record

☒ **Collaborative Policy**	This policy supersedes: N/A	Number of pages in Policy: 6 Date Policy Effective: 01/31/11
PART Recommendation Date:	10/06/2010	Policy Lead: D.Flowers, SSPSIII & K.Navarro, SSPSII
DMG Approval Date:	10/15/2010	Policy Lead: D.Flowers, SSPSIII & K.Navarro, SSPSII
Review by Representative from the Office of the Attorney General:	07/23/2010	Signature: ON FILE
DCFS Administrator Approval:	07/26/2010	Signature: ON FILE

0507.2 Statement of Purpose

0507.2.1 **Policy Statement:** Pursuant to NRS 392.4633, corporal punishment must not be administered upon a pupil in any public school. A person may report the use of corporal punishment on a pupil to the agency which provides child welfare services in the county in which the school district is located.

0507.2.2 **Purpose:** The Corporal Punishment in Public Schools policy is created to provide guidance to agencies which provide child welfare services regarding their roles and responsibilities in responding to complaints of corporal punishment in schools that may be received. The policy has been developed due to the 2009 amendment to NRS 392.4633 and its effect on agencies which provide child welfare services.

0507.3 Authority

NRS 392.4633, NRS 239.080

0507.4 Definitions

0507.4.1 **Agency which provides Child Welfare Services:** In a county whose population is less than 100,000, the local office of the Division of Child and Family Services; or In a county whose population is 100,000 or more, the agency of the county, which provides or arranges for necessary child welfare services.

0507.4.2 **Appeal:** For purposes of this policy means the opportunity afforded to a school employee to challenge a substantiated finding of corporal punishment in schools.

0507.4.3 **Charter Schools:** Means a public school that is formed pursuant to the provisions of NRS 386.500 to 386.610, inclusive.

0507.4.4 **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.

0507.4.5 **Credible evidence:** Means evidence that is worthy of belief.

0507.4.6 **Department:** For the purposes of this policy this means the Department of Education.

0507.4.7 **Initiate Corporal Punishment Investigation:** This refers to the agency beginning or opening an investigation by means of contact or attempted contact with the victim, caregivers and other involved parties by telephone and/or face-to-face contact.

0507.4.8 **Priority Response Time:** The investigative response required based on the screening determination.

0507.4.9 **Public School:** Means all kindergartens and elementary schools, junior high schools and middle schools, high schools, charter schools and any other schools, classes and educational programs which receive their support through public taxation and, except for charter schools, whose textbooks and course of study are under the control of the State Board of Education.

0507.4.10 **State:** The Family Programs Office (FPO) at the Division of Child and Family Services (DCFS).

0507.4.11 **Substantiated Corporal Punishment:** Means credible evidence exists to support an agency's decision that corporal punishment occurred as defined by 0507.4.4.

0507.4.12 **UNITY:** Unified Nevada Information Technology for Youth (Nevada's child welfare computer tracking system).

0507.4.13 **Unsubstantiated Corporal Punishment:** Means no credible evidence exists to support an agency's decision that corporal punishment occurred as defined by 0507.4.4.

0507.5 Procedures

0507.5.1 Intake Screening Decisions

A. Complaints meeting the following criteria for corporal punishment in schools **must** be investigated:

1. Alleged victim is child in a public school and of school age;
2. Allegations of intentional infliction of physical pain upon or the physical restraint of a pupil for disciplinary purposes;
3. Alleged perpetrator is a school employee.

B. Upon receipt of a complaint meeting policy specifications, the intake worker **MUST** enter the appropriate demographics and allegations into the corporal punishment UNITY screens provided. Supervisors or their agency designees, (or lead workers, based on jurisdictional preference), must review the corporal punishment complaint provided by the intake worker as soon as possible.

C. If more than one alleged perpetrator is identified, the intake worker must create a separate corporal punishment complaint for each alleged perpetrator**.**

D. Child welfare agencies must use reasonable caution when screening out corporal punishment referrals and be prudent to gather information when determining the allegations do not meet the criteria. A supervisor or designee should make at least one collateral contact prior to making the decision to screen out a complaint of corporal punishment.

E. When making the decision to screen in or to screen out complaints of corporal punishment in schools, inform the complainant of the decision. If the complainant is a parent/legal guardian/custodian they should be informed of laws regarding corporal punishment in public schools, provided a copy of FPO 507A: Resource and Referral Brochure and encouraged to pursue concerns with school administration, principal and/or designee regarding school discipline that does not exceed the established legal guidelines.

0507.5.2 Timelines for Priority Response Times

Table 0507.1 Timelines for Priority Response Times

This matrix is based on response from the time that a report is received by the intake worker.

Coding	Identified Danger	Initiation of Investigation: Time Fame	Response Type
Priority 1	Injuries	within 24 hours	Initiate face-to-face and/or telephone contact by child welfare agency
Priority 2	Disclosure without injuries	within 7 calendar days	Initiate face-to-face and/or telephone contact by child welfare agency

0507.5.3 Investigation

A. If the corporal punishment complaint is to be investigated, the assigned investigator should make a decision whether or not to involve law enforcement at the onset of the investigation or to forward the information at the end of the investigation. If the complaint involves injury, sexual abuse or other behavior that could result in serious harm, law enforcement should be consulted immediately.

B. Parents/legal guardian/custodian (of the alleged child victim) must be informed of the complaint and that an investigation is being conducted. The agency must obtain parental consent prior to interviewing the child. This **MUST** include providing information about laws regarding corporal punishment in public schools as well as the child welfare agency's investigative role in these types of complaints.

C. If child witnesses are identified, their parents/legal guardians/custodians must be contacted to obtain permission and to arrange for an interview with the child.

D. Corporal Punishment investigations in public schools must include, at a minimum, the actions listed below:

1. Meeting assigned response times.

2. Securing parental consent to interview the alleged victim child and signed releases of information from the parent/legal guardian/custodian of the alleged victim child, to obtain copies of any incident reports relating to the investigation.

3. Determining the school administrator/principal/designee knowledge of the allegations in the report. The assigned investigator shall share only general information about the complaint. The assigned investigator should not provide specific information about the corporal punishment complaint that would identify the reporter.

4. Conducting separate interviews with the child(ren) alleged to have been punished and other witnesses who may have witnessed the alleged corporal punishment.

5. Photographing physical evidence of the alleged incident (if applicable).

6. Interviewing the parents/legal guardian/custodian of the alleged victim children.

7. Making a collateral contact to determine whether or not the disciplinary action was a result of reasonable and necessary force:

(1) To quell a disturbance that threatens physical injury to any person or the destruction of property;

(2) To obtain possession of a weapon or other dangerous object within a pupil's control;

(3) For the purpose of self-defense or the defense of another person; or

(4) To escort a disruptive pupil who refuses to go voluntarily with the proper authorities.

8. Conducting an interview with the alleged perpetrator as per each agency's internal policies.

9. Informing the alleged perpetrator of their due process rights and that a substantiated finding of corporal punishment will not result in his or her name being placed in the Central Registry for abuse and neglect in accordance with the agency's internal policies.

10. Reaching a case determination based on the evidence obtained in the corporal punishment investigation.

11. Notifying parents/legal guardians/custodians of the results of the corporal punishment investigation.

E. If the investigation indicates that the discipline may be a result of reasonable and necessary force, the allegation of corporal punishment should then be unsubstantiated. The reason why it did not meet the criteria for corporal punishment investigation must be documented. In addition, the investigator should contact the family of the alleged victim child and inform them of other resources available to them.

0507.5.4 Findings and Notification

A. Upon completion of interviews a determination must be made whether or not the complaint is "substantiated" for Corporal Punishment, pursuant to NRS 392.4633. If the agency determines that the corporal punishment complaint is substantiated, the agency shall forward the report to the Department of Education, the appropriate local law enforcement agency within the county and the district attorney's office within the county for further investigation.

Each child welfare agency must follow their agency policy regarding notification of substantiated findings.

Notifications must include:

- That a substantiated corporal punishment finding will not result in his or her name being placed in the Central Registry for Abuse and Neglect and;
- Information about the individual's right to appeal the substantiated corporal punishment finding in accordance with the child welfare agency's internal appeal process.

If there is an appeal, parents/legal guardians/custodians should be advised of the final appeal decision.

B. DCFS Child Welfare Agencies (Rural Region) Process for Perpetrator Notification of Substantiated Corporal Punishment Finding.

1. The assigned investigator **MUST** provide written notification via certified letter, with return receipt requested to the person determined responsible for the corporal punishment in public school within 10 business days of corporal punishment findings approval by the supervisor.

The letter must include:

- The outcome of the corporal punishment investigation,
- That a substantiated corporal punishment finding will not result in his or her name being placed in the Central Registry for Abuse and Neglect,

- Information about the individual's right to appeal the substantiated corporal punishment finding in accordance with the child welfare agency's internal appeal process and
- An explanation that a substantiated corporal punishment findings will be forwarded to the Department of Education, the appropriate local law enforcement agency and the district attorney's office (within the county) pursuant to NRS.392.4633.

2. Parents/legal guardians/custodians should be advised of the final appeal decision.

3. If it is determined that corporal punishment was unsubstantiated, notification of the unsubstantiated findings must be sent to the alleged perpetrator via regular, US Parcel Post and the investigation should be closed as no further action is warranted.

0507.5.5 Record Retention

In accordance with NRS 239.080, agencies shall retain **ALL** records on referrals, reports and investigations of corporal punishment cases for no less than three (3) calendar years from the close of the corporal punishment investigation.

0507.5.6 Timelines:

Table 507.2: Timelines for Corporal Punishment Policy

Requirement	Deadline	Starting Date	Responsible Party	Actions to be Taken
Commence corporal punishment investigation	P1- Within 24 hours P2 – 7 calendar days	Upon receipt of corporal punishment complaint	Assigned Child Welfare Caseworker	Child Welfare caseworker to initiate corporal punishment investigation
Complete the corporal punishment investigation	Within 45 days of initial contact	Date of initial contact	Assigned Child Welfare Caseworker	1) Provide appropriate parties written notification of corporal punishment investigation findings per agency policy; 2) Substantiated or Unsubstantiated corporal punishment finding in the UNITY corporal punishment screens
Letter of corporal punishment Findings	Within 10 business days of corporal punishment findings approval by the supervisor	Upon completion of corporal punishment investigation and approval by the supervisor	Assigned Child Welfare Caseworker	Provide written notification via certified letter (with return receipt requested to the person determined responsible for the corporal punishment in public school

0507.5.7 Forms:

A. FPO 0507A: Resource and Referral Brochure

0507.6 Child Welfare Agency Action

0507.6.1 Development of Internal Policies: Agencies are expected to follow this policy as written and to develop internal policies as necessary.

0507.6.2 Timelines: Agencies are expected to meet the response time criteria as outlined in this policy.

0507.6.3 Tools & Forms: See 0507.5.7

0507.6.4 Documentation:

A. Case File Documentation (paper): Records of all written communication not contained in UNITY will be kept in the case file.

B. UNITY Documentation (electronic):

Table 0507.3 Unity Documentation for Corporal Punishment

Applicable Unity Screens	Data Required
CFS352	Corporal Punishment (CP) Referral Detail, Supervisor Disposition, Investigation Notes, Final Disposition, Notifications
CFS352I	Investigation Notes
CFS352N	Notification Notes
CFS353	CP Supervisor Review
CFS353R	CP Referral Reject Reason
CFS354	CP Investigator Review
CFS355	CP Referral Directory
CFS355F	Find CP Referral Window

0507.6.5 Supervisory Responsibility:

A. Supervisors have the responsibility for consulting, analyzing, and providing assistance in investigations regarding complaints of corporal punishment in schools. This shall include assuring notification of substantiated corporal punishment findings are forwarded to appropriate parties in a timely manner and within the guidelines of this policy.

0507.7 State Responsibilities

0507.7.1 Participants in Policy Development

A. FPO Staff: Social Services Program Specialist

B. Child Welfare Agency Representatives: DCFS-RR; WCDSS; CCDFS

C. Stakeholders: Office of the Attorney General; Clark County District Attorney Office; Legislative Counsel Bureau Staff, Assemblywoman Mastroluca and Speaker Barbara Buckley.

0507.7.2 Technical Assistance

A. Requesting Technical Assistance: N/A

B. Relaying TA Information: N/A

C. Evidenced Based Practice: N/A

0507.7.3 Clearance Process

A. PART: 10/06/2010

B. DMG: 10/15/2010

0507.7.4 State Oversight

A. The State has the responsibility to ensure that all Agencies follow this Policy as outlined.

0507.8 Policy Cross Reference

0506 Intake and Priority Response Times

0507.9 Attachments

FPO 0507A – Resource and Referral Brochure