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

MTL # 0507 – 11072019
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FROM: Kathryn Roose, Deputy Administrator, Division of Child and Family Services

POLICY DISTRIBUTION

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

This policy is/was effective: 11/04/2019

- This policy is new. Please review the policy in its entirety
- This policy replaces the following policy(s): MTL # 0507-020411 Policy Name: Corporal Punishment in Public Schools
- 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://dcfs.nv.gov/Policies> Please check the table of contents on this page for the link to the chapter you are interested in.

0507 School Investigations

Policy Approval Clearance Record

<input checked="" type="checkbox"/> Statewide Policy <input type="checkbox"/> Administrative Policy <input type="checkbox"/> DCFS Rural Region Policy	<input type="checkbox"/> New Policy <input type="checkbox"/> Modified Policy <input checked="" type="checkbox"/> This policy supersedes: Corporal Punishment in Public Schools
Date Policy Effective:	11/04/2019
Attorney General Representative Review:	07/10/2019
DCFS Deputy Administrator Approval	11/04/2019
DMG Original Approval	10/15/2010
DMG Approved Revisions	11/04/2019

STATEMENT OF PURPOSE

Policy Statement and Purpose: Child Welfare Agencies are required to investigate reports of abuse or neglect, sexual conduct in violation of [NRS. 201.540](#), luring in violation of [NRS 201.560](#) or corporal punishment in violation of [NRS 392.4633](#) or [NRS 394.366](#) on the property of public or private schools, or an activity sponsored by such schools or on a school bus being used by such schools for official and school-related purpose, by a school employee or volunteer.

The School Investigations policy is created to provide guidance to Agencies which provide Child Welfare Services regarding their roles and responsibilities in responding to reports that may be received.

AUTHORITY

NRS: [NRS 201.520](#); [NRS 201.540](#); [NRS 201.560](#); [NRS 392.345](#); [NRS 392.4633](#); [NRS 394.366](#); [NRS 392.303](#) – [NRS 392.385](#);

Other: [SB 184\(2019\)](#)

DEFINITIONS

Agency which provides Child Welfare Services: In a county whose population is less than 100,000, the agency is a 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. May also be referred to as “Agency” or “Child Welfare Agency”.

Appeal: A procedure afforded to an individual who has a substantiated finding of abuse and/or neglect documented in the Central Registry which provides the individual with notice of the decision and an opportunity to have a higher authority hear their request to overturn the decision.

CCDFS: Clark County Department of Family Services

Central Registry: The Nevada Statewide Central Registry for the collection of information concerning the substantiated report of abuse or neglect of a child (NRS 432.100). The Central Registry is a time-limited program within the UNITY system that collects specific case information which may be released under certain circumstances to an employer.

Corporal Punishment: NRS 392.4633 defines and prohibits corporal punishment in public school for all pupils:

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.

NRS 394.366 defines corporal punishment in private schools: "Corporal punishment" means the intentional infliction of physical pain, including, without limitation, hitting, pinching, or striking.

NRS 394.354 defines aversive intervention to include corporal punishment, and NRS 394.366 prohibits aversive interventions in private schools on a pupil with a disability.

Luring: (partial excerpt from NRS 201.560)

1. 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.
2. A person commits the crime of luring a person with mental illness if the person knowingly contacts or communicates with a person with mental illness with the intent to persuade, lure or transport the person with mental illness away from his or her home or from any location known to any person legally responsible for the person with mental illness to a place other than where the person with mental illness is located:
 - a. For any purpose that a reasonable person under the circumstances would know would endanger the health, safety or welfare of the person with mental illness;
 - b. Without the express consent of the person legally responsible for the person with mental illness; and
 - c. With the intent to avoid the consent of the person legally responsible for the person with mental illness.
3. A person who violates or attempts to violate the provisions of this section through the use of a computer, system or network:
 - a. With the intent to engage in sexual conduct with the child, person believed to be a child or person with mental illness or to cause the child, person believed to be a child or person with mental illness to engage in sexual conduct.
 - b. By providing the child, person believed to be a child or person with mental illness with material that is harmful to minors or requesting the child, person believed to be a child or person with mental illness to provide the person with material that is harmful to minors
4. The provisions of this section do not apply if the contact or communication is made or attempted with the intent to prevent imminent bodily, emotional or psychological harm to the child, person believed to be a child or person with mental illness.

Person in a Position of Authority: A person who is 18 years of age or older and is or was employed by a public or private school, or volunteering at a public or private school during the time of the allegation. This includes but is not limited to: school district employees or volunteers who are likely to have

unsupervised or regular contact with children; adults that the child trusts; adults who may have influence on the child's actions.

Preponderance of Evidence: The standard of proof in most civil cases in which the party bearing the burden of proof must present evidence which is more credible and convincing than that presented by the other party or which shows that the fact to be proven is more probable than not.

Private School: Private schools are also known as independent schools. They are not administered by local, state or federal governments. Private schools have the right to select their students and are funded in whole or in part by charging their students tuition. They do not rely on government funding.

Public School: 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.

Sexual Conduct: NRS 201.540 prohibits sexual contact between certain employees or volunteers at a school and pupil:

1. A person who is 21 years of age or older;
2. 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
3. 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:
 - a. 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
 - b. With whom the person has had contact in the course of performing his or her duties as an employee or volunteer.
4. 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.
5. The provisions of this section must not be construed to apply to sexual conduct between two pupils.

State: An alternate word for the Division of Child and Family Services (DCFS) or Family Programs Office (FPO).

Substantiated: A report made pursuant to NRS 432B.220 was investigated and that the preponderance of evidence is supportive of the abuse or neglect, sexual conduct, luring, and/or corporal punishment. (NAC 432B.170(7)(a) requires credible evidence; however, agencies are maintaining a stricter guideline with preponderance of evidence.)

UNITY: Unified Nevada Information Technology for Youth is Nevada's electronic Comprehensive Child Welfare Information System (CCWIS). This system is a mandatory tool for collecting data and reporting case management services provided to children and families.

Volunteer: Any person 18 years of age or older, who through participation in activities, events, programs, or other business, is reasonably viewed by the public as an employee, agency, or representative. A volunteer is someone who habitually performs a service at schools and/or events, and who may have regular supervised or unsupervised contact with students.

WCHSA: Washoe County Human Services Agency

STANDARDS/PROCEDURES

Intake Screening Decisions

1. Reports meeting the following criteria for investigations in schools must be assigned:
 - a. Alleged victim is a child in a public or private school; and alleged perpetrator is or was a school employee or volunteer; and one of the following:
 - i. Abuse or neglect;
 1. Factors to consider for Neglect reports include:
 - a. Severity of maltreatment,
 - b. Vulnerability of the child,

- c. An identified perpetrator or the capability to identify a perpetrator,
 - d. Neglect or refusal to provide care, control or supervision to the child,
 - e. Immediate concerns for safety.
 - ii. Allegations of corporal punishment as defined by [NRS 392.4633](#) or [NRS 394.366](#);
 - iii. Sexual conduct as defined by [NRS 201.540](#);
 - iv. Sexual luring as defined by [NRS 201.560](#)
2. Child Welfare Agencies must use reasonable caution when screening out referrals and be prudent to gather information when determining the allegations do not meet the criteria. For additional information refer to statewide [506 Intake](#) policy.

Investigation

1. Once the report is assigned to be investigated, the assigning supervisor should make a referral to law enforcement at the onset of the investigation. Law enforcement should be consulted immediately, if the report involves injury, sexual abuse or other behavior that could result in serious harm.
2. Parents/legal guardian/custodian (of the alleged child victim) must be informed of the report and that an investigation is being conducted. The Agency must obtain parental consent prior to interviewing or photographing the alleged victim. The Child Welfare Agency may release information to the alleged victim, parent or guardian, and an attorney for the child if reasonably necessary to promote the safety, permanency, and well-being of the child who is subject of the report, excluding the identity of any child witness and reporting source.
3. 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.
4. School investigations in public schools must include, at a minimum, the actions listed below:
 - a. Meeting assigned response times by means of telephone and/or face-to-face contact or attempted contact with the victim, caregivers and, if needed other involved parties.
 - b. Conducting separate interviews with the alleged victim identified in the report and other witnesses who may have witnessed the alleged incident.
 - c. Photographing physical evidence of the alleged incident (if applicable).
 - d. Gathering information from the parents/legal guardian/custodian of the alleged victim.
 - e. Collateral contacts are used to gain additional information regarding the allegation.
 - f. Conducting an interview with the alleged perpetrator as per each Agency's internal policies.
 - g. Informing the alleged perpetrator of their due process rights and that a substantiated finding will result in his or her name being placed in the Central Registry for abuse and neglect in accordance with the Agency's internal policies.
 - h. Reaching a case determination based on the evidence obtained in the school investigation.
5. If the investigation indicates that the allegation does not rise to the level of substantiation the reason why it did not meet the criteria must be documented.

Findings and Notification

1. Upon completion of interviews a determination of substantiated or unsubstantiated must be made regarding the allegation.
2. If the report is substantiated, the Agency shall comply with the following and all requirements in NRS 392.1337:
 - a. Forward written notification of the outcome of the investigation to the Department of Education (<http://www.doe.nv.gov/Contact/Contact/>), the board of trustees of the school district in which the school is located or the governing body of the charter school or private school, as applicable, and the appropriate local law enforcement agency within the county and the district attorney's office within the county for further investigation.
 - i. Written notification must include the date of alleged incident, date of investigation conclusion, and allegation being substantiated

- b. Provide written notification to the person who is named in the report as allegedly causing the abuse or neglect of the child or violating [NRS 201.540](#), [NRS 201.560](#), [NRS 392.4633](#) or [NRS 934.366](#), which includes statement indicating that:
 - i. The report made against the person has been substantiated and the Agency which provides Child Welfare Services intends to place the person's name in the Central Registry pursuant to paragraph (a); and
 - ii. The person may request an administrative appeal of the substantiation of the report and the Agency's intention to place the person's name in the Central Registry by submitting a written request to the Agency which provides Child Welfare Services within the time required by [NRS 392.345](#).
 - c. Provide to the parent or guardian of the child who is the subject of the report:
 - i. A written summary of the outcome of the investigation of the allegations in the report which must not identify the person who made the report, and child witnesses to the allegations in the report or any collateral sources and reporting parties, and including, without limitation, whether the name of such person will be placed in the Central Registry.
 - d. After the conclusion of any administrative appeal pursuant to [NRS 392.345](#) or the expiration of the time period prescribed by that section for requesting an administrative appeal, whichever is later, report to the Central Registry:
 - e. In the case of an identified ICPC placement, written notification should be in the monthly supervision report.
2. If the report is unsubstantiated, the Child Welfare Agency must advise that the report will not be substantiated by notifying:
- a. The alleged perpetrator;
 - b. The school of the alleged perpetrator;
 - c. The school of the alleged victim (if different from the school of the alleged perpetrator);
 - d. The parent of the alleged victim;
 - e. In the case of an identified ICPC placement written notification should be in the monthly supervision report.

Record Retention

- 1. 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 school investigation unless there is a sexual abuse allegation. Sexual abuse cases are substantiated and retained for a period of fifty (50) years in the Nevada State Archives.

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

Timelines for Priority Response Times: This matrix is based on response from the time that a report is received by the intake worker. If a report is received less than twenty-four (24) hours prior to a scheduled school break or school holiday, the response time of P3 should be utilized.

Coding	Identified Danger	Initiation of Investigation: Time Frame	Response Type
Priority 2	Sexual luring, sexual conduct, imminent threat of harm, imminent access of alleged victim to alleged perpetrator.	within 24 hours	Initiate face-to-face and/or telephone contact by Child Welfare Agency with the parent or guardian.
Priority 3	Disclosure with no imminent access of alleged victim to the alleged perpetrator and no imminent threat of harm to the child is indicated.	within 7 calendar days	Initiate face-to-face and/or telephone contact by Child Welfare Agency with the parent or guardian.

Timelines for School Investigation Policy

Requirement	Starting Date	Deadline	Responsible Party	Actions to be Taken
Commence school investigation	Upon receipt of corporal punishment report	P2 – Within 24 hours P3 – Within 72 hours	Assigned Child Welfare Caseworker	Child Welfare caseworker to initiate school investigation
Complete the school investigation	Date of initial contact	Within 45 calendar days of initial contact	Assigned Child Welfare Caseworker	1) Provide appropriate parties written notification of investigation findings per Agency policy; 2) Substantiated or Unsubstantiated finding in UNITY.
Letter of Findings	Upon completion of approved investigation and approval by the supervisor	Within 10 business days of school investigation findings approval by the supervisor	Assigned Child Welfare Caseworker	Provide written notification via certified letter (with return receipt requested to the person determined responsible.

Documentation:

Case File Documentation (paper)

File Location	Data Required
<ul style="list-style-type: none"> Primary File 	<ul style="list-style-type: none"> Records of all written communication not contained in UNITY will be kept in the case file.

UNITY Documentation (electronic)

Applicable UNITY Screen	Data Required
<ul style="list-style-type: none"> Each child welfare agency will use UNITY 3.0 Intake/NIA screens until additional modifications are made to the UNITY screens. 	<ul style="list-style-type: none"> Referral Detail, Supervisor Disposition, Investigation Notes, Final Disposition, Notifications, Case Notes

JURISDICTIONAL ACTION

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

Supervisory Responsibility: Supervisors have the responsibility for consulting, analyzing, and providing assistance in investigations regarding reports of abuse and neglect in schools. This shall include assuring notification of substantiated findings are forwarded to appropriate parties in a timely manner and within the guidelines of this policy.

STATE RESPONSIBILITIES

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

POLICY CROSS REFERENCE

Policies: [0506 Intake and Priority Response Times](#)

History and Updates: This policy supersedes Corporal Punishment in Public Schools effective 10/15/2010.

ATTACHMENTS

[FPO 0507A – Resource and Referral Brochure](#)