

EUREKA COUNTY SCHOOL DISTRICTMANDATORY REPORTING OF CHILD ABUSE OR NEGLECTPURPOSE

Eureka County School District staff and volunteers, by virtue of close proximity to and/or frequent interaction with students, are in a position to assist in identifying the potential abuse and/or neglect of children.

As a result, and in accordance with Nevada state law, all District staff members and volunteers are mandatory reporters of child abuse and/or neglect. This includes abuse and neglect defined under NRS 432B, as well as certain offenses involving sexual conduct, luring, and corporal punishment caused by a District employee or volunteer as set forth under NRS 392.

PROCEDURES

1. All District staff members and volunteers are mandatory reporters of suspected child abuse, child neglect, sexual conduct, luring, and use of corporal punishment as more specifically defined under paragraph 3.
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 and NRS Chapter 392). See Appendix A for specific definitions of these offenses.
  - 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.

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- 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 Requirements

The local office for Child Protective Services may be contacted at:

Division of Child and Family Services  
740 Park Avenue  
Ely, NV 89301  
775-289-1640

The local law enforcement agency may be contacted at:

Eureka County Sheriff's Office  
411 N. Main Street  
Eureka, NV 89316  
775-237-5330

- 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 subjected to abuse or neglect as defined under 3.a. *by a person responsible for the child's welfare* shall:
  - i. File a report with Child Protective Services (CPS); or
  - ii. File a report with a school police officer or a 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 or neglect as defined under 3.a., sexual conduct, or luring *by another employee of or volunteer of the District* shall:
  - i. File a report with Child Protective Services (CPS); and
  - ii. File a report with a school police officer or a 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 as defined under 3.b. *by another employee of or volunteer of the District* shall file a report with 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 or neglected, or subjected to sexual conduct, luring or 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, NRS 392.297.1)
  - 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, NRS 392.297.1)
- b. An administrator, counselor, or nurse may be consulted to assist with reporting. However, reports must be made directly by the mandatory reporter (staff members and volunteers) to Child Protective Services (CPS) and/or a law enforcement agency. Notifying a supervisor or administrator does not fulfill the obligation of mandatory reporters.
- c. Staff and volunteers shall not attempt to investigate the matter and shall only report information which is already known or suspected.
- d. When a report is required to be made to Child Protective Services (CPS) and/or a school police officer or law enforcement agency, the report may be made by telephone or by any other means of oral, written, or electronic communication. The report shall contain the following information if obtainable and to the extent applicable:
  - i. The name, address, age, and sex of the child, and the school in which the child is enrolled;
  - 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, or the sexual conduct, luring or corporal punishment to which the child was subjected, as applicable to the circumstances;
  - iv. The name, address and relationship, if known, of the person who is alleged to have abused or neglected, engaged in sexual contact with, lured or administered corporal punishment to the child; and
  - v. Any evidence of previously known or suspected abuse or neglect of the child or the child's siblings;
  - vi. Any other information known to the person making the report that Child Protective Services (CPS) considers necessary.
- e. If the report is made orally, the person who receives the report must reduce it to writing as soon as reasonable practicable. The Child Abuse and Neglect Reporting Form is included as Appendix B to this policy. A copy of the completed Child Abuse and Neglect Reporting Form must be forwarded to the Director of Special Services to be maintained in the Director's confidential files. Records of reports, or copies of reports, are not to be maintained within an individual school file.
- f. The School administrator should be notified after a District staff member or volunteer contacts Child Protective Services and/or a law enforcement agency. This notification should occur on the same day a verbal report is made to Child Protective Services and/or a law enforcement agency, or as soon thereafter as reasonably practicable.
- g. Parent/Guardian Notification. Staff shall NOT notify a parent/guardian of a report to Child Protective Services or a law enforcement agency 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/or the local law enforcement agency as applicable.

## 6. Notice

- a. Staff. All staff members shall receive training regarding their reporting obligations during orientation upon being hired, and annually thereafter.
- b. Volunteers. School volunteers shall be notified and acknowledge receipt of such notices of his/her status as a mandatory reporter of suspected child abuse and/or neglect through the Volunteer application process, and annually thereafter.

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7. 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.
8. 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.

**Legal References**

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

APPENDIX A  
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

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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](#);

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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:

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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](#).

APPENDIX B  
CHILD ABUSE AND NEGLECT REPORTING FORM

<b>REPORTING PARTY</b>	Name and Title	School	School Address
	Phone Number	Date of Report	Time of Report
	Signature of Reporting Party		

  

<b>REPORT SENT TO</b>	Eureka County Sheriff's Office 411 N. Main Street Eureka, NV 89316 (775)237-5330 Official Contact: _____ Date/Time: _____	<input type="checkbox"/> Division of Child and Family Services 740 Park Avenue Ely, NV 89301 (775)289-1640 Official Contact: _____ Date/Time: _____
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<b>CHILD</b>	Name (Last, First, Middle)	DOB/Age
	Address	Sex
	School in which the child is enrolled	

  

<b>PARENT OR OTHER PERSON RESPONSIBLE FOR CARE</b>	Name	Relationship	Phone Number
	Address		
	Name	Relationship	Phone Number
	Address		

  

<b>INCIDENT INFORMATION</b>	<input type="checkbox"/> If necessary, attach extra sheet. Check box if there are additional attachments.		
	Alleged Perpetrator	Place of Incident	Phone Number
	Relationship	Address	
	Narrative Description – Describe nature and extent of abuse or neglect, or sexual conduct, luring or corporal punishment to which child was subjected.		
	Describe any evidence of previously known or suspected abuse or neglect of the child or the child's siblings.		
	Other information requested by CPS if applicable.		