



OFFICE OF THE  
**DISTRICT ATTORNEY**  
COUNTY OF SHASTA

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*District Attorney*

**NO CHARGES AGAINST ANDERSON TEACHER'S AIDE**

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**FOR IMMEDIATE RELEASE**  
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District Attorney Stephen Carlton announced today that criminal charges will not be filed against Elena Marie Atchley, a teacher's aide at Meadow Lane Preschool in Anderson for an incident occurring on March 7, 2013.

Ms. Atchley physically put a four-year-old child in a time out chair who refused to take part in a school activity and was causing a disturbance in the classroom. The child was not injured and did not complain of pain.

While corporal punishment is prohibited in a school setting, a teacher or teacher's aide "shall not be subject to criminal prosecution or criminal penalties for the exercise, during the performance of his/her duties, of the same degree of physical control over a pupil that a parent would be legally privileged to exercise." In this case Ms. Atchley physically put a child in a chair, order was restored, and the teacher was able to proceed with the activity. Ms. Atchley's action did not amount to corporal punishment as there was no intent to cause pain and pain did not occur. There was no abuse as the child was not injured.

Section 49001 of the Education Code defines corporal punishment in this setting as the willful infliction of or willfully causing the infliction of physical pain on a pupil. Clearly Ms. Atchley was not willfully trying to cause pain to the four-year-old student. The witnesses to this incident all indicated that the child was causing a disturbance of the class because she did not want to take part in the activity. Ms. Atchley was trying to stop the disturbance by placing her in the time out chair. She did this in a manner that did not cause pain or injury to the child. Her conduct was not criminal.