

SENATE BILL 2088

By Haile

AN ACT to amend Tennessee Code Annotated, Title 37
and Title 49, Chapter 6, relative to child abuse
reporting.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-6-1601, is amended by deleting the section and substituting instead the following:

(a) Notwithstanding § 37-5-107 or § 37-1-612, if a school teacher, school official, or any other school personnel has knowledge or reasonable cause to suspect that a child who attends the school may be a victim of child abuse or child sexual abuse sufficient to require reporting pursuant to § 37-1-403 or § 37-1-605, then the school teacher, school official, or other school personnel must follow the procedures in subsection (d).

(b) Each LEA and each public charter school shall ensure all school officials and other school personnel annually complete the child abuse training program required by § 37-1-408.

(c) Each LEA and each public charter school shall designate a child abuse coordinator and an alternate child abuse coordinator for each school within the LEA and public charter school. The child abuse coordinator and the alternate child abuse coordinator must:

(1) Have access to an area providing privacy and access to a telephone for reporting suspected child abuse and child sexual abuse;

(2) Receive training in regard to:

(A) Mandatory reporting;

- (B) Multidisciplinary protocols;
- (C) Advocacy centers;
- (D) The importance of limited interviews; and
- (E) Indications of child abuse;

(3) Be available for school personnel to share information about suspected child abuse and child sexual abuse;

(4) Assist school personnel in reporting suspected child abuse and child sexual abuse to law enforcement or the department of children's services;

(5) Serve as a liaison between the school, the department, and law enforcement in child abuse and child sexual abuse investigations;

(6) Assist law enforcement and department personnel by sharing available information regarding suspected child abuse and child sexual abuse, and providing a private area within the school for law enforcement and department personnel to meet with the child and the reporting school personnel; and

(7) Maintain confidential files in accordance with § 37-5-107 and § 37-1-612 regarding all reported suspicions of child abuse and child sexual abuse.

(d)

(1)

(A) If a child voluntarily discloses information about possible abuse to a school teacher, school official, or other school personnel, the child must be provided a quiet and private place to speak and the person receiving the information must listen openly and speak at the child's level in a positive, non-judgmental tone.

(B) The person receiving the information from the child must:

(i) Attempt to limit any questions to:

(a) What happened;

(b) Who did it;

(c) Where were you when it happened; and

(d) When did it happen;

(ii) Make every effort to write down the child's exact words;

(iii) Refrain from making any statements to the child about the alleged abuse, the alleged abuser, or the consequences of the child reporting the alleged abuse; and

(iv) Immediately notify the school child abuse coordinator and report the information to the department or law enforcement.

(2) School teachers, school officials, and other school personnel should be observant of any bruising, injury, markings, or other unusual behavior that may be the result of child abuse or neglect, and immediately report any suspicions to the school's child abuse coordinator. Photographs of any bruising, injury, or markings must not be taken by any school child abuse coordinator, teacher, official, or other school personnel. Upon receiving a report of suspicion of child abuse or child sexual abuse, the child abuse coordinator:

(A) May ask the child the four (4) questions in subdivision

(d)(1)(B)(i); and

(B) Must, along with the reporting school personnel, report any suspected child abuse or child sexual abuse to law enforcement or the department.

(3) If a third party informs a school teacher, school official, or other school personnel of a reasonable suspicion that a child at the school may be the victim of child abuse or child sexual abuse, then the school teacher, school official, or other school personnel must:

(A) Encourage the third party to report the suspicion to the department or law enforcement;

(B) Notify the school's child abuse coordinator; and

(C) Report all information received from the third party to the department or law enforcement.

(4) School teachers, school officials, and other school personnel must maintain confidentiality of all information regarding any child abuse or child sexual abuse report made pursuant to this section and all information regarding the suspected child abuse or child sexual abuse must be maintained by the school child abuse coordinator in a confidential file separate from the child's educational file.

(5) School child abuse coordinators, teachers, officials, and other school personnel must not provide any information relevant to the suspected child abuse or child sexual abuse to the child's parent or guardian, and must refer any questions from the child's parent or guardian to the investigating law enforcement agency and the department.

(e) For purposes of this section, "school" means any public or privately operated child care agency, as defined in § 71-3-501, child care program as defined in § 49-1-1102, preschool, nursery school, kindergarten, elementary school, or secondary school.

(f) Each LEA and public charter school shall publish the requirements of this section in the LEA's and public charter school's policies and procedures manual.

SECTION 2. Tennessee Code Annotated, Section 37-1-403, is amended by deleting subdivisions (i)(2), (i)(3), and (i)(4) in their entireties and substituting instead the following:

(2) Notwithstanding § 37-5-107 or § 37-1-612, if a school teacher, school official, or other school personnel has knowledge or reasonable cause to suspect that a child

who attends the school may be a victim of child abuse or child sexual abuse sufficient to require reporting pursuant to this section, then the school teacher, school official, or other school personnel must follow the procedures outlined in § 49-6-1601.

(3) For purposes of this subsection (i), "school" means any public or privately operated child care agency, as defined in § 71-3-501, child care program as defined in § 49-1-1102, preschool, nursery school, kindergarten, elementary school, or secondary school.

SECTION 3. Tennessee Code Annotated, Section 37-1-605, is amended by deleting subsection (d) in its entirety and substituting instead the following:

(1) Notwithstanding § 37-5-107 or § 37-1-612, if a school teacher, school official, or other school personnel has knowledge or reasonable cause to suspect that a child who attends the school may be a victim of child abuse or child sexual abuse sufficient to require reporting pursuant to this section, then the school teacher, school official, or other school personnel must follow the procedures outlined in § 49-6-1601.

(2) For purposes of this subsection (d), "school" means any public or privately operated child care agency, as defined in § 71-3-501, child care program as defined in § 49-1-1102, preschool, nursery school, kindergarten, elementary school, or secondary school.

SECTION 4. This act shall take effect July 1, 2020, the public welfare requiring it.