



Administrative Policies and Procedures: 21.18

Subject:	Notification to School Principals of Certain Delinquent Adjudications
Authority:	TCA § 37-1-131 and 37-1-153; 37-1-154 and 49-6-3051
Standards:	None
Application:	All Department of Children's Services Employees

Policy Statement:

The Department of Children's Services, "acting in any capacity", shall report directly to school principals certain adjudications as required by Tennessee Law.

Purpose:

To ensure that school principals are notified of certain adjudications of children/youth who attend public schools as required by State law.

Procedures:

A. Who should report?	DCS Family Services Workers must report these adjudications to the regional Education Specialists. The Education Specialists shall then report these to school principals as required by Tennessee Law.
B. Which child/youth should have adjudications reported?	<ol style="list-style-type: none"> 1. Any child/youth in the legal custody of DCS, whether or not they are committed as dependent and neglected, unruly or delinquent; 2. Any youth on aftercare 3. Any youth on state probation
C. Which adjudications must be reported?	<ol style="list-style-type: none"> 1. Report students who have been adjudicated delinquent for an offense involving: <ol style="list-style-type: none"> a) First degree murder, b) Second degree murder, c) Rape, d) Aggravated rape, e) Rape of a child; aggravated rape of a child

	<ul style="list-style-type: none"> f) Aggravated robbery, especially aggravated robbery, g) Kidnapping, aggravated kidnapping, especially aggravated kidnapping, h) Aggravated assault, i) Felony reckless endangerment. j) Aggravated sexual battery, or <p>2. Report students who have been adjudicated delinquent for a violation of:</p> <ul style="list-style-type: none"> a) Voluntary manslaughter, as defined in § TCA 39-13-211; b) Criminally negligent homicide as defined in § TCA 39-13-212; c) Sexual battery by an authority figure, as defined in § TCA 39-13-527; d) Statutory rape by an authority figure, as defined in § TCA 39-13-532; e) Prohibited weapon, as defined in § TCA 39-17-1302; f) Unlawful carrying or possession of a firearm, as defined in § TCA 39-17-1307; g) Carrying weapons on school property, as defined in § TCA 39-17-1309; h) Carrying weapons on public parks, playgrounds, civic centers, and other public recreational buildings and grounds, as defined in § TCA 39-17-1311; i) Handgun possession, as defined in § TCA 39-17-1319; j) Providing handguns to juveniles, as defined in § TCA 39-17-1320; k) Any violation of § TCA 39-17-417 that constitutes a Class A or Class B felony drug offense. <p>3. Reporting includes “attempted”, “solicitation of” and/or “conspiracy to commit” as an adjudication in any of the offenses listed in 1 or 2 of this section.</p> <p>4. Adjudications must be reported no matter how long ago the adjudication occurred or how many new adjudications have occurred since.</p> <p>5. Under current law, PENDING charges cannot be reported. Only adjudications, <i>i.e.</i>, “<i>guilty</i>” or “<i>true to the petition</i>” findings can be reported by DCS without a specific court order that gives DCS the authority to do so (TCA 37-1-131).</p>
<p>D. What should be used to report these adjudications?</p>	<ul style="list-style-type: none"> 1. Form CS-0703, Adjudication Notification to School Principals shall be used when providing the required information to school principals. Update the form or complete a new and/or additional form every time there is a new adjudication. 2. Keep a copy of all the old forms in the child/youth’s case file in the Education portion of the child/youth’s case file and not in the Education Passport. 3. No court order, law enforcement records, or proof of such adjudication other than the form itself shall be included with the form <u>since it is a violation of law to otherwise provide such documents without a court order</u> (TCA 37-1-153)

	<p>and 37-1-154).</p>
<p>E. When do these adjudications have to be reported?</p>	<ol style="list-style-type: none"> 1. When the child initially enrolls in a Local Education Agency (LEA). 2. BEFORE the child is re-enrolled at the former school or is enrolled in a new school after an adjudication of delinquency. 3. Immediately after each new adjudication of delinquency, even when the child has continually remained enrolled in the same school. 4. Each and every time the child/youth changes schools within the state of Tennessee even if the new school (including an alternative school) is in the same school system. 5. A school need only be notified once for the same adjudication. For example, it is not necessary to notify the home school of the same adjudication for a second time if a child is returning from alternative school or is returning from an out of school expulsion or suspension.
<p>F. How to convey the form to principals & document</p>	<ol style="list-style-type: none"> 1. The child/youth’s Family Service Worker shall complete the notification form and review it with the Education Specialist. Any corrections will be made at this time. 2. The Family Service Worker will address an envelope to the school and clearly mark the envelope with the following phrases: <p style="text-align: center;">“ATTENTION: Principal’s Name”</p> <p style="text-align: center;">“CONFIDENTIAL –TO BE OPENED BY PRINCIPAL ONLY.”</p> 3. The form must be placed in the envelope and sealed with glue and tape to emphasize that the information is protected by law. 4. Whenever possible, the Education Specialist will <u>hand deliver</u> the form to the principal and obtain his/her signature as proof of delivery. A <u>copy</u> of the signed form shall be returned by the Education Specialist to the Family Service Worker and placed in the Education portion of the child/youth’s case file and not in the Education Passport. 5. If the Education Specialist is unable to hand-deliver the envelope and form, he/she will mail the envelope via certified mail. The mailing receipt will be attached to a copy of the form by the Education Specialist and returned to the Family Service Worker to be placed in the Education portion of the child/youth’s case file and not in the Education Passport. 6. Add the postal service proof of receipt by the school to the postal service proof of mailing and attach them to the copy of the form sent to the principal, so that all are in the Education portion of the child/youth’s case file and not in the Education Passport. 7. This form must never be transmitted via facsimile (fax). 8. Follow this procedure each and every time the student attends a new school or re-enrolls in a former school. 9. Current law states that if it becomes apparent that any employee of DCS knowingly failed to notify the school as required, the Commissioner of DCS

	<p>shall be notified and take appropriate action against such employee.</p>
<p>G. Responsibility of the school</p>	<ol style="list-style-type: none"> 1. The report/form cannot be kept in the child’s regular cumulative file or special education file at the school. Violation of this is a Class C misdemeanor. 2. The form must be kept confidentially with the principal. 3. The principal cannot discuss this with anyone whatsoever except for another principal, employees of the school having responsibility for classroom instruction of the child, the school counselor, the social worker or psychologist involved in developing a plan for the child (see #4), and the school resource officer. 4. The school may choose to convene a meeting(that includes the parent) to develop a plan to set out a list of goals to provide the child an opportunity to succeed in school, provide for school safety, and schedule for completion the goals and the personnel who will be working with the child to complete the goals. A school’s “behavior contract” alone is not an appropriate substitute for this plan because it does not contain the elements required by the new law. This plan shall NOT become part of the child’s student record. 5. During planning meetings convened by the school, DCS may share with school personnel the following factual information, which cannot be HIPAA-protected information unless there is a release or order as in (g) or (h) below: <ol style="list-style-type: none"> a) Behaviors interfering with the student’s learning or the learning of others. b) Situational factors that predict/support the problem behavior and the need that is met by such behavior. c) Effective strategies for responding to problem recurrence. d) Previous (and effective) behavioral goals the student has had. e) Information included in the Education Passport, such as psycho-educational evaluations, IEPs, and school disciplinary records. f) Specific facts related to a delinquency adjudication that would cause danger to the child, to other children, or to school staff except that the name of a victim in a CPS investigation cannot be revealed. In addition, no protected medical information can be shared except as provided in (g) or (h) below. g) Clinical evaluations about a child NOT in full DCS guardianship, but <u>only</u> with the written consent of the parents. h) Clinical evaluations for a child in full DCS guardianship, but <u>only</u> by order of the court obtained for that specific purpose by DCS legal. i) Verbal information which relays <u>only</u> (1) where the child was treated, (2) that treatment there was concluded successfully, and (3) that the child is receiving continued follow up treatment in the community.

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Forms:	<u>CS-0703, Adjudication Notification to School Principals</u>
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Collateral documents:	<i>None</i>
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