

TO: Directors of School  
FROM: Christy Ballard, General Counsel  
DATE: October 11, 2022  
SUBJECT: **Procedures for LEAs for Reporting Cases of Suspected Child Abuse and Neglect and Training Requirements**

Chapter 781 of the Public Acts of 2022 (PC 781), which became effective on April 8, 2022, revises the child abuse reporting procedures when the alleged abuse involves someone employed by, previously employed by, or otherwise affiliated with the school. It further creates a new reporting requirement for local education agencies (LEAs) and public charter schools to report the names of the child abuse coordinators to the department of children's services at the beginning of each school year. This information can be submitted to the Department of Children's Services [here](#).

Chapter 841 of the Public Acts of 2022 (PC 841), which became effective on April 20, 2022, revises which employees are required to complete the child abuse training. This memorandum provides an overview of the new laws, but LEA and public charter schools should consult their local board attorneys for specific legal advice when implementing the law.

Provided below are the statutes that include revisions to the law made by PC 781 and PC 841.

***T.C.A. § 49-6-1601 Procedures to follow if knowledge or reasonable cause to suspect child abuse—Completion of child abuse training program — Child abuse coordinator.***

- (a) 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 § 37-1-403 or § 37-1-605, then the school teacher, school official, or other school personnel must follow the procedures outlined in subsection (d).
- (b) Each LEA and each public charter school shall ensure that all school officials and employees working directly with students of the respective LEA or public charter school annually complete the child abuse training program required in § 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 or public charter school. The designation of an alternative child abuse coordinator is not required when only one (1) adult is employed by or responsible for the care of children at a 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) signs, symptoms, or suspicions 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 and to the department of children's services;
  - (5) serve as a liaison between the school, the department of children's services, and law enforcement in child abuse and child sexual abuse investigations;

- (6) assist law enforcement and department of children's services personnel by sharing available information regarding suspected child abuse and child sexual abuse, and by providing a private area within the school for law enforcement and department personnel to meet with the child and the reporting school personnel as a group or individually if required; 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, then 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) allow the child to say what happened in the child's own words;
      - (ii) avoid conducting an investigation by asking the child detailed questions;
      - (iii) make every effort to write down the child's exact words;
      - (iv) 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
      - (v) immediately notify the school child abuse coordinator and report the information to the department of children's services and law enforcement; provided, however, when the alleged abuse involves someone employed by, previously employed by, or otherwise affiliated with the school, the report may be made directly to the department of children's services and law enforcement prior to notifying the school child abuse coordinator. This subdivision (d)(1)(B)(v) does not relieve a school teacher, school official, or other school personnel from the duty to report alleged abuse under federal law.
  - (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 must, along with the reporting school personnel who obtained the information from the child, report any suspected child abuse or child sexual abuse to law enforcement and the department of children's services.
  - (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 of children's services and law enforcement;
    - (B) notify the school's child abuse coordinator; and
    - (C) report all information received from the third party to the department of children's services and 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, school teachers, school officials, and other school personnel shall 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 of children's services.
- (e) For purposes of this section, "school" means any public or privately operated childcare 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.
- (g) (g) At the beginning of each school year, each LEA and public charter school shall submit the contact information of the LEA's or public charter school's child abuse coordinator and alternative child abuse coordinator to the department of children's services

***T.C.A. § 37-1-408. Development of guidelines for identifying and reporting signs of child abuse, child sexual abuse, and human trafficking of children — Annual child abuse training program for teachers.***

- (a)
  - (1) By January 1, 2019, the department of children's services shall develop guidelines on the best practices for identifying and reporting signs of child abuse, child sexual abuse, and human trafficking in which the victim is a child. The department of education shall use the guidelines to identify child abuse training programs appropriate for teachers. The programs identified by the department of education must train teachers on the common signs of child abuse, child sexual abuse, and human trafficking in which the victim is a child; how to identify children at risk of abuse, sexual abuse, or human trafficking; maintenance of professional and appropriate relationships with students; and the requirements for reporting suspected child abuse and sexual misconduct.
  - (2) The department of children's services shall publish the guidelines as provided in this subsection on the department's website.
- (b) Each LEA and each public charter school shall ensure that employees working directly with students of the respective LEA or public charter school complete a child abuse training program identified by the department of education pursuant to subsection (a), or a training program that meets the guidelines established by the department of children's services pursuant to subsection (a), as part of the employee's annual in-service training. Each LEA and each public charter school shall annually report its compliance with this section to the department of education.

For questions regarding the implementation of this law, please contact [Christy.Ballard@tn.gov](mailto:Christy.Ballard@tn.gov), General Counsel for TDOE or [Douglas.E.Dimond@tn.gov](mailto:Douglas.E.Dimond@tn.gov), General Counsel for DCS.