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DEPARTMENT OF EDUCATION
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PENNY SCHWINN
COMMISSIONER

TO: Tennessee Non-public Schools
FROM: Marcy Tidwell, director of school choice
DATE: March 4, 2019
RE: Reminder of Educator's Legal Obligation to Report Suspected Child Abuse

This memorandum provides information regarding the mandatory child abuse reporting statutes you may use to remind staff of their obligations under the law as the school year begins. Tenn. Code Ann. §37-1-403 and Tenn. Code Ann. §37-1-605 require all persons to make a report when they suspect abuse, neglect, or exploitation of children.

Common Misconception Regarding the Law:

In the past, the law did not prohibit school districts from having policies requiring all reports of abuse to be made by one designated person within a school and this was the procedure in many school districts. However, please note that the current law imposes an obligation on the individual who suspects the abuse to report the abuse. While schools may still develop a specific procedure for internally tracking, reporting, or otherwise monitoring a report made by a member of the organization's staff, including requiring a member of the organization's staff who makes a report to provide a copy of or notice concerning the report to the organization, the procedure may not inhibit, interfere with, or otherwise affect the duty of a person to make a report as required under the law.

Additional Reporting Requirements in the Law:

In addition to the general requirement to report suspected child abuse, the law requires school officials to notify the department of children's services of a report or investigation of employee misconduct on the part of any employee of the school district that in any way involves known or alleged child abuse, including, but not limited to, child physical or sexual abuse or neglect.

Furthermore, if school districts have reasonable cause to suspect a child may be a victim of abuse that occurred on school grounds or while the child was under the supervision or care of the school, the school is required by law to verbally notify the parent or legal guardian of the child that a report of suspected child abuse has been made and must provide other information relevant to the future wellbeing of the child while under the supervision or care of the school. The verbal notice must be made in coordination with the department of children's services to the parent or legal guardian within twenty-four (24) hours from the time the school, school teacher, school official or other school personnel reports the abuse to the department of children's services, judge, or law enforcement; provided, that in no event may the notice be later than twenty-four (24) hours from the time the report was made. The notice shall not be given to any parent or legal guardian if there is reasonable cause to believe that the parent or legal guardian may be the perpetrator or in any way responsible for the child abuse or child sexual abuse.

Failure to report

Failure to report abuse is a violation of the law and a Class A misdemeanor, carrying a sentence of up to three months imprisonment, a fine or both. Those who report and "act in good faith" are immune from any civil or criminal charges, which may result. The reporter has the right to remain confidential and anonymous.

Child Abuse Reporting Resources:

Tennessee Child Abuse Hotline

Call: 877-237-0004

The department of children's services website provides helpful information regarding the reporting of child abuse: <https://www.tn.gov/dcs/article/report-child-abuse>. By clicking on the links along the left panel of the page, you may access FAQs about child abuse reporting, the child abuse reporting hotline, and an online training module on child abuse reporting that can be used to train staff.