

<b>TENNESSEE PUBLIC CHARTER SCHOOL COMMISSION</b>		
<b>CHILD ABUSE, NEGLECT, AND CHILD SEXUAL ABUSE</b>		<b>6409</b>
<b>ADOPTED:</b> <b>April 9, 2021</b>	<b>REVISED:</b> <b>July 29, 2022</b>	<b>MONITORING:</b> <b>Review: Annually</b>

**Posting of DCS Phone Number.** Each authorized charter school shall post the toll-free telephone number operated by the Department of Children’s Services (DCS) to receive reports of child abuse or neglect in at least one (1) high-traffic, highly and clearly visible, public location that is readily accessible to students. The sign shall be on paper of eight and one-half inches (8 ½") by eleven inches (11") or larger. The current toll-free DCS abuse telephone number shall be in large, bold print and placed at eye level to the student for easy viewing. Additionally, the sign shall instruct students to call 911 for emergencies and provide directions for accessing the DCS website for more information on reporting abuse, neglect, and exploitation.<sup>1</sup> Each authorized charter school shall, at the beginning of each school year, but no later than September 30, submit the contact information of the school’s child abuse coordinator and alternative child abuse coordinator to the Department of Children’s Services.<sup>2</sup> Each authorized charter school shall copy the Commission on its notification to the Department of Children’s Services.

**Duty to Report.** All personnel of authorized charter schools shall be alert for any evidence of child abuse, neglect, or child sexual abuse.<sup>3</sup> Charter school personnel having knowledge or suspicion shall report such harm immediately in accordance with this policy. A person has the duty to immediately report suspected child abuse, neglect, or child sexual abuse when the following occur:

- (1) The person has knowledge of or is called upon to render aid to any child who is suffering from or has sustained any wound, injury, disability, or physical or mental condition which reasonably indicate that it has been caused by brutality, abuse, or neglect or that, on the basis of available information, reasonably appears to have been caused by brutality, abuse, or neglect, or<sup>4</sup>
- (2) The person knows or has reasonable cause to suspect that a child has been sexually abused, regardless of whether such person knows or believes that the child has sustained any apparent injury as a result of the sexual abuse.<sup>3,5</sup>

The report shall be made immediately to at least one of the following offices:

- (1) The judge having juvenile jurisdiction over the child (for schools located in Davidson County, reports may be made to the Juvenile Court of Metropolitan Nashville and Davidson County; for schools located in Shelby County, reports may be made to the Juvenile Court of Memphis and Shelby County); or
- (2) To the county office of DCS by way of the statewide hotline (1-877-237-0004), or the [DCS website](#); or
- (3) The sheriff of the county where the child resides; or
- (4) To the chief law-enforcement official of the municipality where the child resides.<sup>4</sup>

The report shall include, to the extent known by the reporter:<sup>6</sup>

- (1) The name, address, telephone number, and age of the child;
- (2) The name, address, and telephone number of the parents or persons responsible for care the child; and
- (3) The facts requiring the report and any other facts pertinent to the report.

By law, anyone making a report in good faith shall be immune from any civil or criminal action and the identity of the person reporting shall remain confidential except when the juvenile court determines otherwise.<sup>7</sup>

The employee making the report shall document the report. If made by phone, the employee shall document the nature of the referral, including who they spoke with, the date, and any other pertinent information. If made via fax or online, the reporter shall keep a record of receipt of the fax or printout from the website submission. The employee making the report shall also notify the school leader or his/her designee of the report and provide to the school leader the documentation of the report. The school leader or his/her designee shall maintain documentation of all referrals in a secure location. An authorized charter school may include in school policies or procedures that the school leader should be notified and assist the employee in making the report; however, if the school leader is not available to participate in the making of the report, the employee must nevertheless make the report without delay.

The school shall develop detailed reporting procedures in accordance with this policy including sample indicators of child abuse, neglect, and sexual abuse, and shall disseminate the procedures to all school personnel.<sup>8</sup> Schools shall provide annual training to school staff regarding application of this policy and the school's policies and procedures on this subject.

**Abuse, Neglect, or Child Sexual Abuse on School Grounds or Under School Supervision/Notice to Parents or Legal Guardians.**<sup>9</sup> 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, neglect, or child sexual abuse and that the abuse occurred on school grounds or while the child was under the supervision or care of the school (or that other school personnel has failed to report suspected child abuse), then the employee shall immediately report to the proper office as noted in the Duty to Report section of this policy above, and shall also report such suspicion to the school leader or his/her designee. In coordination with DCS, the school leader or his/her designee shall verbally notify the parent or legal guardian of the child that a report has been made within twenty-four (24) hours of such report being made and shall provide other information relevant to the future well-being of the child while under the supervision or care of the school. The school leader shall protect otherwise confidential information including the name of the reporting employee, any person whose life or safety may be endangered by the disclosure, and any information protected by federal or state law.<sup>10</sup> 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.

The charter school shall immediately suspend an employee, contractor, or volunteer accused of child abuse, neglect, or child sexual abuse pending the results of the DCS or law enforcement

investigation. After the investigation has concluded, any employee, contractor, or volunteer found to have committed child abuse, neglect, or child sexual abuse shall be terminated from employment or have their contract terminated. Any volunteer shall be banned from school grounds.

The school leader of the authorized charter school shall report the suspension and any further employment action against an employee with a state educator license to the Office of Educator Licensing in accordance with Commission rules.<sup>11</sup>

**Investigations.** School personnel are not to investigate cases in which abuse, neglect, or child sexual abuse are suspected unless DCS and/or law enforcement has given the school authorization to proceed with an internal investigation. DCS or law enforcement will conduct all interviews as part of their investigation. School administrators and employees have a duty to cooperate and provide assistance and information in child abuse investigations as permitted by federal and state laws, including permitting child abuse review teams to conduct interviews while the child is at school.<sup>12</sup> Except in cases where school employees are suspected of being the perpetrator, the school is regarded as an appropriate neutral setting for conducting such interviews. The school leader and other school personnel will accommodate DCS and law enforcement personnel concerning student access and interviewing both students and school personnel. The school leader and/or school personnel shall only permit review of student records in accordance with federal and state law.

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Legal References:

<sup>1</sup> T.C.A. § 49-6-304

<sup>2</sup> T.C.A. 49-6-1601(g)

<sup>3</sup> T.C.A. § 37-1-412; T.C.A. § 37-1-602; T.C.A. § 37-1-605

<sup>4</sup> T.C.A. § 37-1-605

<sup>5</sup> T.C.A. § 37-1-403(a)(2)

<sup>6</sup> T.C.A. § 37-1-403(b)

<sup>7</sup> T.C.A. § 37-1-409(a)(1)

<sup>8</sup> TRR/MS 0520-01-03-.08(2)(e)

<sup>9</sup> T.C.A. § 49-6-1601

<sup>10</sup> T.C.A. § 10-7-504; T.C.A. § 49-6-1601

<sup>11</sup> TRR/MS 0520-02-03-.09

<sup>12</sup> T.C.A. § 37-1-611(b)

Cross References:

LEA Policy 1801 Special Education

LEA Policy 1802 ADA and Section 504

LEA Policy 6304 Discrimination, Harassment and Hazing

LEA Policy 5106 Application and Employment