

Amendment No. 1 to HB1064

Brooks H
Signature of Sponsor

AMEND Senate Bill No. 922*

House Bill No. 1064

by deleting all language after the enacting clause of the printed bill and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-10-608, is deleted in its entirety.

SECTION 2. Tennessee Code Annotated, Section 49-5-413, is amended by adding the following language as a new, appropriately designated subsection:

(e)

(1) The department of education, the state board of education, local boards of education, and LEAs are prohibited from hiring or retaining any individual whom the department of children's services has found to have committed child abuse, severe child abuse, child sexual abuse, or child neglect pursuant to title 37, except that no individual or employee shall be reported as a perpetrator by the department of children's services unless the department of children's services has determined that the due process rights of the individual or employee were either offered but not accepted, or were fully concluded, pursuant to the department of children's services rules and regulations and state and federal law.

(2) Any individual who is currently employed with, or has been conditionally offered employment with, the department of education, any local board of education, or any LEA, and has ever been found by the department of children's services to have committed child abuse, severe child abuse, child sexual abuse, or child neglect, shall be offered due process rights. Once the due

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process rights of the individual or employee have either been offered but not accepted, or have been fully concluded and the finding upheld, the department of children's services shall disclose such finding to the department of education, local board of education, or LEA.

(3) If an individual is currently employed with, or has been conditionally offered employment with, the department of education, any local board of education, or any LEA, and the department of children's services has ever found the individual to have committed child abuse, severe child abuse, child sexual abuse, or child neglect, but the due process rights of the individual or employee have not yet been offered or are still pending, the department of children's services shall conduct an emergency file review to determine if the individual poses an immediate threat to the health, safety, or welfare of children. If the emergency file review results in a finding that the individual poses an immediate threat to the health, safety or welfare of children, the department of children's services shall disclose the threat to the department of education, local board of education, or LEA.

(4) If an individual is currently employed with, or has been conditionally offered employment with, the department of education, any local board of education, or any LEA, and the department of children's services has commenced an investigation of the individual that has not yet been concluded, the department of children's services shall conduct an emergency file review to determine if the individual poses an immediate threat to the health, safety, or

welfare of children. If the emergency file review results in a finding that the individual poses an immediate threat to the health, safety or welfare of children, the department of children's services shall disclose the threat to the department of education, local board of education, or LEA.

Upon the conclusion of the emergency file review, if the individual has been found to pose an immediate threat to the health, safety or welfare of children, the department of children's services shall disclose the threat to the department of education, local board of education, or LEA.

(5) If due process proceedings have been stayed due to a pending criminal charge against an individual who is currently employed or has been conditionally offered employment by the department of education, any local board of education, or any LEA, the department of children's services shall notify the department of education, local board of education, or LEA of the pending criminal charge.

(6) The department of education, the state board of education and the department of children's services, in consultation, shall develop a procedure whereby local boards of education or LEAs may submit to the department of children's services the names of current employees and individuals who have been conditionally offered employment with the local board of education or LEA, to determine if the employee or individual has been found by the department of children's services to have committed child abuse, severe child abuse, child sexual abuse, or child neglect, or to pose an immediate threat to the health, safety, or welfare of children. Upon submission by the local board of education or LEA of the names of current employees and individuals who have been conditionally offered employment, the department of children's services shall

timely provide the local board of education or LEA with the information described in subdivisions (2) through (5).

(7) The department of education, local board of education, and LEAs shall not hire or retain any individual whose name has been placed on the state's vulnerable person's registry or the state's sex offender registry.

(8) The department of children's services is authorized to promulgate as emergency rules the procedures described in subdivisions (2) through (5) and shall promulgate such rules within sixty (60) days of the effective date of this act.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.