

## **MANDATORY REPORTING PROCEDURES FOR CRIMINAL OFFENSES (INCLUDING CHILD ABUSE AND NEGLECT AND CHILD SEXUAL ABUSE)**

### **I. PURPOSE**

To provide guidelines for reporting criminal offenses, including reporting suspected incidences of child abuse and neglect and child sexual abuse, committed by or perpetrated against students to the appropriate school district personnel and/or law enforcement agency.

### **II. SCOPE**

This policy applies to all SCS employees.

### **III. DEFINITIONS**

Reportable Criminal Offenses – criminal offenses committed by or against students which require immediate reporting to law enforcement and SCS security (see attached definitions of Reportable Criminal Offenses).

Serious personal/bodily injury – bodily injury that involves (a) a substantial risk of death; (b) protracted unconsciousness; (c) extreme physical pain; (d) protracted or obvious disfigurement; or (e) protracted loss or substantial impairment of a function of a bodily member, organ or mental faculty.

Weapon – any firearm, explosive, explosive weapon, bowie knife, hawk bill knife, ice pick, dagger, slingshot, leaded cane, switchblade knife, blackjack, knuckles or any other weapon of like kind, which includes razors and razor blades, except those used solely for personal shaving, and any sharp pointed or edged instrument, except unaltered nail files and clips and tools used solely for preparation of food, instruction and maintenance.

Child abuse or neglect - For the purposes of reporting, exists when a person under the age of eighteen (18) is suffering from, has sustained, or may be in immediate danger of suffering from or sustaining a wound, injury, disability or physical or mental condition caused by brutality, neglect or other actions or inactions of a parent, relative, guardian or caretaker.

Child sexual abuse – means the commission of any act involving the unlawful sexual abuse, molestation, fondling or carnal knowledge of a child under thirteen (13) years of age that constitutes certain criminal offenses and acts as provided in TCA § 37-1-602(a)(3)(A)-(C). Additionally, for the purposes of the reporting, investigation, and treatment provisions of TCA §§ 37-1-603 through 615, “child sexual abuse” *also* means the commission of any act specified

in TCA § 37-1-602 (a)(3)(A)-(C) against a child thirteen (13) years of age through seventeen (17) years of age if such act is committed against the child by a parent, guardian, relative, person residing in the child's home, or other person responsible for the care and custody of the child.

#### **IV. POLICY STATEMENT**

The Shelby County Schools Board is responsible for taking every reasonable step to promote a safe and secure teaching and learning environment. The Board recognizes that students may engage in or be the victims of behavior that constitutes a criminal offense under Tennessee State law. When such behavior occurs, SCS policy and/or the law imposes reporting obligations on principals, teachers and/or other district staff who have knowledge of or reasonable suspicion to believe a criminal offense has been or is being committed by a student or against a student.

Shelby County Schools personnel shall follow all mandatory reporting requirements set forth in SCS policy and state law upon notice of a reportable criminal offense and/or serious personal/bodily injury resulting from said violation or criminal offense. Additionally, district personnel shall follow any other reporting requirements and procedures as set forth below.

##### **A. Child Abuse, Neglect and Child Sexual Abuse**

This section is specific to State statutory requirements regarding children who are suspected victims of child abuse or child sexual abuse. The District's responsibility to appropriately respond to allegations of sexual harassment consistent with federal prohibitions against sex discrimination shall be in accordance with Title IX guidance and policy 6046 Harassment, Sexual Harassment, Discrimination, Intimidation, Bullying or Cyberbullying.

For the purpose of this section any reference to "school staff" shall mean a school teacher, school official, or other school personnel.

1. Mandatory Reporters of Child Abuse, Neglect and Child Sexual Abuse <sup>10, 11, 19, 25</sup>
  - a. Any person with reasonable cause to believe a child is being abused or neglected has a duty under State law to immediately notify the Tennessee Department of Children's Services (DCS), local law enforcement, or a judge having juvenile jurisdiction over the child.
  - b. Members of specific professions such as nurses; health or mental health professionals; school teachers or other school officials or personnel; social workers; residential or institutional workers have an additional legal duty to report any knowledge or reasonable cause to suspect that a child may be a victim of child abuse, neglect or child sexual abuse (hereafter referred to as "child abuse") to DCS and law enforcement.

Any person who knowingly fails to make a report of child abuse, neglect, or sexual abuse as provided by law commits a Class A misdemeanor.

2. School District Child Abuse Coordinator <sup>25</sup>

To ensure the well-being of students, the Superintendent shall designate a school child abuse coordinator and an alternate child abuse coordinator at each school who will serve

as a liaison between the school, DCS and law enforcement in child abuse investigations and fulfill other duties as assigned by law.

### 3. Reporting Procedures

#### a. School Staff <sup>25</sup>

In accordance with State law, school staff must immediately notify the school child abuse coordinator and report to DCS and law enforcement whenever he/she has knowledge or reasonable cause to suspect that a student may be a victim of child abuse. When filing the report, school staff may seek assistance from the school child abuse coordinator. However, notifying the school child abuse coordinator shall not exempt the school staff from his/her mandated responsibility to report any knowledge or reasonable suspicion of child abuse to DCS and law enforcement.

Additionally, school staff must adhere to the following procedures.

##### 1) Voluntary Disclosure by a Child

If a child voluntarily discloses information about possible abuse to school staff 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;
- Allow the child to say what happened in the child's own words;
- Avoid conducting an investigation by asking the child detailed questions;
- Make every effort to write down the child's exact words;
- 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.

##### 2) Disclosure by a Third Party

When a third party informs school staff of a reasonable suspicion that a child at the school may be the victim of child abuse, school staff must encourage the third party to report the suspicion to the department and law enforcement.

##### 3) School Staff Personal Observation

School staff should be observant of any bruising, injury, markings, or other unusual behavior that may be the result of child abuse. The Superintendent shall provide school staff with sample indicators of child abuse.

#### b. Child Abuse Coordinator

##### 1) Internal Reporting

The school child abuse coordinator must notify the school principal and SCS Office of Security when a report is filed with DCS and law enforcement.

If the suspected abuse involved a school or District employee, the principal shall be responsible for reporting information to the District's department responsible for human resources/labor relations and other district-level administrators as required.

Any report of suspected abuse occurring under the jurisdiction of the District as defined by law must be reported by the District's Office of Security to the Title IX Coordinator.

2) External Reporting

The school child abuse coordinator must ensure that school staff reports to DCS and law enforcement if he/she knows or reasonably suspects that a student is a victim of child abuse. The school child abuse coordinator may assist school staff in reporting the information, however, this shall not inhibit, interfere with, or otherwise affect the duty of school staff to make a report as required by law.

4. Photographs

Under no circumstance shall school staff take any photographs of the bruises, injuries, or markings on a student that he/she has knowledge of or reasonably suspects may be a victim of child abuse.

1. Child Abuse Report<sup>10</sup>

A child abuse report shall include, to the extent known by the person filing the report, the following:

- Name, address, telephone number and age of the child;
- Name, address, and telephone number of the person responsible for the care of the child;
- Facts requiring the report; and
- Any other pertinent information.

2. Confidentiality of Information and Child's File

School staff must maintain confidentiality of all information regarding any child abuse report. The school child abuse coordinator must maintain all information regarding the suspected child abuse in a confidential file separate from the child's educational file.

3. Informing Parents of Reports of Child Abuse

a. Child Abuse Occurring While Not Under the Jurisdiction of the School District

In accordance with State statute, school child abuse coordinators and school staff shall not provide any information relevant to the suspected child 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 DCS.

b. Child Abuse Occurring While Under the Jurisdiction of the School

It shall be the policy of the District for the Superintendent or his/her designee (e.g., principal) to verbally notify the student's parent/legal guardian that a report pursuant to state statute was filed if the known or suspected child abuse

- (1) occurred while the student was under the supervision or care of the school; and/or
- (2) when the alleged perpetrator was a school employee, volunteer, or other student.

Disclosure of any additional information shall be prohibited pursuant to State statute. Any questions from the child's parent or guardian must be referred to the investigating law enforcement agency and DCS.

Additional provisions may apply under Title IX (see policy 6046 Harassment, Sexual Harassment, Discrimination, Intimidation, Bullying or Cyberbullying).

9. Immunity from Liability and Prohibition of Retaliatory Actions<sup>13, 14, 23, 24</sup>

Any person making a report of child abuse shall be immune from liability and his/her identity shall remain confidential except when the juvenile court determines otherwise. In addition, there shall be no retaliation by school staff against a person who reports child abuse.

10. Investigations

School administrators and employees have a duty to cooperate and provide assistance and information in child abuse investigations including permitting child abuse review teams to conduct interviews while the child is at school. The principal may control the time, place and circumstances of the interview, but may not insist that a school employee be present, even if the suspected abuser is a school employee or another student. The principal shall not be in violation of any laws by failing to inform parents that the child is to be interviewed, even if the suspected abuser is not a member of the child's household. The principal also cannot insist that a parent be present.

11. Reasonable Accommodation During Investigation of Child Sexual Abuse

If a student is the suspected victim of child sexual abuse as defined by TCA 37-1-602(a)(3) and the alleged abuse occurred while the student was under the supervision or care of the school, then the school shall make reasonable accommodations to separate the alleged victim of child sexual abuse from the alleged perpetrator.

12. Reassignment of Victim of Child Sexual Abuse

If available and appropriate, the Board shall, upon request of the parent of the victim of child sexual abuse, reassign the student victim when:

- a. The abuse occurred while the student was under the supervision or care of the school; and
- b. The perpetrator of the abuse is:
  - 1) Substantiated by the department of children's services;
  - 2) Adjudicated by a juvenile court to have committed the child sexual abuse; or
  - 3) Criminally charged.

13. Training

The District shall ensure that all school staff annually complete the statutorily required child abuse training program.

**B. Other Mandatory Reportable Criminal Offenses to Law Enforcement**

1. Violent Criminal Offenses

Principals must report the criminal offenses identified below immediately first directly to law enforcement and promptly thereafter to SCS Office of Security if,

- a. the alleged offense occurred or there is reasonable suspicion to believe the offense occurred; and
- b. the offense occurred while the student was attending school or a school-sponsored activity during school hours or traveling to or from school on a school bus.

The criminal offenses as identified in state law are:

- Aggravated arson
- Aggravated assault\* (fighting with serious bodily injury)
- Aggravated child abuse and neglect (serious bodily injury or use of weapon is involved)
- Aggravated kidnapping
- Aggravated rape
- Aggravated robbery
- Aggravated sexual battery
- Aggravated spousal rape
- Assault and battery endangering life, health or safety\*
- Spousal rape
- Spousal sexual battery
- Aggravated vehicular homicide
- Carjacking
- Criminally negligent homicide
- Especially aggravated burglary
- Especially aggravated kidnapping
- Especially aggravated robbery
- First degree murder
- Incest
- Kidnapping
- Rape
- Rape of a child
- Reckless homicide
- Second degree murder
- Sexual battery by an authority figure
- Sexual battery
- Stalking
- Statutory rape
- Vandalism that endangers life, health or safety
- Vehicular assault
- Voluntary manslaughter
- Possession or use of a weapon
- Possession/concealment/use/sale/distribution of explosive devices and firearms
- Possession/sale of drugs

\*Any fight not involving the use of a weapon or any fight not resulting in serious personal/bodily injury to the parties involved shall be reported only to the school administrator.

Principals must follow the guidelines regarding alleged victims of criminal offenses listed in both the policy on Unsafe School Choice (6062) and this policy.

**C. Reportable Criminal Offenses to Principal by Teachers and Other School Personnel**

Any of the criminal offenses identified in Section B above must be reported by teachers or other school personnel directly to the principal or principal’s designee immediately if,

1. the alleged offense occurred or there is reasonable suspicion to believe the offense occurred; and
2. the offense occurred while the student was attending school or a school-sponsored activity during school hours or traveling to or from school on a school bus.

As stated above, the principal must report the alleged criminal offense immediately to law enforcement and then to SCS Office of Security. Teachers or other school personnel shall report the criminal offenses identified in Section B above directly to local law enforcement and SCS Security only if the principal or his/her designee is not available.

Mandatory annual training on this policy shall be conducted for all principals and designated staff.

**V. RESPONSIBILITY**

- A. The office responsible for academic affairs is responsible for ensuring this policy is properly implemented.
- B. The offices responsible for student support and SCS security are responsible for developing and disseminating reporting procedures to all school personnel.
- C. School administrators and employees are responsible for reporting evidence of child abuse or neglect and for cooperating and providing assistance and information in child abuse investigations.
- D. Principals, teachers and other school personnel shall be responsible for complying with the provisions of this policy and all laws pertaining to student conduct.
- E. The Superintendent is responsible for determining if this policy is followed.

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Legal References:

1. No Child Left Behind Act of 2001, Section 9532
2. TCA 40-38-111(g)
3. Title 39, Chp. 17, part 4
4. TCA 39-17-1307
5. TCA 49-6-4209
6. TCA 49-6-4301

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Cross References:

1. 6062- Unsafe School Choice
2. ~~6017- Child Abuse and Neglect and Child Sexual Abuse~~
3. 6022 – Student Conduct
4. 6027 Searches and Interrogations
5. 6046 Harassment, Sexual Harassment, Discrimination, Intimidation, Bullying

7. TCA 39-17-1309
8. TCA 39-11-106
9. TCA 37-1-102
10. TCA 37-1-403
11. TCA 37-1-412
12. TCA 37-1-102(b)(1)
13. TCA 37-1-409
14. TCA 37-1-410
15. TRR/M 0520-1-3-.08(2)(e)
16. TCA 37-1-602
17. TCA 37-1-611
18. TCA 37-1-605
19. TCA 37-1-615
20. TCA 37-1-403(h)
21. TCA 37-1-611(b)
22. Tenn. Op. Atty. Gen. No. 87-101 (June 9, 1987)
23. TCA 37-1-613
24. TCA 37-1-612
25. TCA 49-6-1601
26. TCA 37-1-408
27. TCA 49-2-303(b)

## **Contact Numbers for Reporting Child Abuse and Neglect and Child Sexual Abuse**

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Known or suspected cases of child abuse and/or neglect can be reported to one of the following authorities:

### **Department of Children's Services (State Local Office)**

40 South Main Street, Suite 600  
Memphis, TN 38103  
(901) 578-4001/(901) 947-8956  
1-877-237-0004  
1-877-54ABUSE (1-877-542-2873)

### **Bartlett Police Department**

3730 Appling Road  
Bartlett, TN 38133  
(901) 385-5558

### **Collierville Police Department**

478 Keough Road  
Collierville, TN 38017  
(901) 853-3207

### **Germantown Police Department**

1930 S. Germantown Road  
Germantown, TN 38138  
(901) 754-7222

### **Memphis Police Department**

201 Poplar Avenue  
Memphis, TN. 38103  
(901) 636-3700

### **Millington Police Department**

4836 Navy Road  
Millington, TN 38053  
(901) 872-3333

### **Shelby County Government - Juvenile Court**

616 Adams Avenue  
Memphis, TN 38103  
(901) 222-0800/(SEE Department of Children's Services: 1-877-237-0004)

### **Shelby County Sheriff's Department**

201 Poplar Avenue, 9<sup>th</sup> Floor  
Memphis, TN 38103  
(901) 222-5500