



State of Tennessee

PUBLIC CHAPTER NO. 935

SENATE BILL NO. 2011

By Gresham, Haile, Gardenhire, Hensley, Tate, Crowe, Dickerson, Kelsey, Lundberg, Ketron

Substituted for: House Bill No. 2009

By Goins, Harry Brooks

AN ACT to amend Tennessee Code Annotated, Title 8 and Title 49, relative to state administration of K-12 education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-5-417, is amended by adding the following language as a new subsection:

(1) A director of schools, director of a public charter school, or director of a nonpublic school who learns of the conviction of a licensed educator employed by the LEA, charter school, or nonpublic school, respectively, for any offense listed in § 39-13-532, § 39-17-417, and § 40-35-501(i)(2) must report the conviction to the state board. The state board shall set the time frame within which the director shall report a conviction of a licensed educator. The state board may specify other offenses that a director is required to report upon learning of a conviction of a licensed educator for such offense.

(2) A director of schools, director of a public charter school, or director of a nonpublic school shall report to the state board licensed educators employed by the LEA, charter school, or nonpublic school, respectively, who have been suspended or dismissed, or who have resigned, following allegations of conduct, including sexual misconduct, which, if substantiated, would warrant consideration for license suspension or revocation under state board of education rule.

(3)(A) The department of education, in consultation with the state board, shall develop forms to be used by directors of schools, directors of charter schools, and directors of nonpublic schools for reporting offenses and instructions and procedures to be used in filling out and filing the forms. The department shall provide the form, instructions, and procedures at least annually at the beginning of each school year. The department may provide the forms, instructions, and procedures electronically.

(B) The forms and instructions shall state when the directors have a duty to report under this subsection and the time frame in which the required report is to be filed pursuant to state board rule.

(4) The state board may issue a public reprimand if a director fails to make a report as required by this part or by the state board. The state board shall send a copy of the reprimand to the director and a copy to the local board of education, charter school governing body, or nonpublic school governing body as applicable.

(5) As used in this section, "sexual misconduct" means any sexually related behavior with a child or student, regardless of the age of the child or student, whether verbal, nonverbal, written, physical, or electronic that is designed to establish a sexual relationship with the child or student, including, but not limited to, behaviors such as:

(A) Making sexual jokes, sexual remarks, or sexually suggestive comments;

(B) Engaging in sexual kidding, sexual teasing, sexual innuendo, or sexualized dialog;

(C) Dating or soliciting dates or sexual favors;

(D) Engaging in inappropriate physical contact or touching, groping, grabbing, or kissing; or

(E) Committing an offense under title 39, chapter 13, part 5, against a child or student.

SECTION 2. Tennessee Code Annotated, Section 49-1-302(a)(5)(A)(iv), is amended by deleting the subdivision and substituting instead:

Discipline of licensed personnel for misconduct by formal reprimand or by the suspension and revocation of licenses and certificates;

SECTION 3. The state board of education is authorized to promulgate rules to effectuate the purposes of this act. The rules shall be promulgated in accordance with title 4, chapter 5.

SECTION 4. Section 1 of this act shall take effect July 1, 2018, the public welfare requiring it. Sections 2 and 3 of this act shall take effect upon becoming a law, the public welfare requiring it.

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PASSED: April 19, 2018



RANDY McNALLY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 15th day of May 2018



BILL HASLAM, GOVERNOR