

HOUSE BILL 2433

By White M

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 1; Title 49, Chapter 2; Title 49, Chapter 5 and Title 49, Chapter 6, relative to sexual misconduct.

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 2, Part 1, is amended by adding the following language as a new section:

(a) An LEA is prohibited from entering into, or requiring an opposing party to enter into, a non-disclosure agreement during a settlement, or as a prerequisite to settlement, for any act of sexual misconduct, including, but not limited to, sexual harassment or sexual assault.

(b) Except as provided by subsection (c), other than the routine transmission of administrative and personnel files, LEA employees are prohibited from assisting a school employee, contractor, or agent in obtaining a new job if the employee knows, or has probable cause to believe, that the person seeking a job change engaged in sexual misconduct regarding a minor or student.

(c) Subsection (b) shall not apply if:

(1) The information giving rise to probable cause to believe sexual misconduct has occurred has been reported to the appropriate law enforcement agency; and

(2) The matter has been officially closed in one (1) of the following ways:

(A) The prosecutor or police have investigated the allegations and notified school officials that there is insufficient information to establish probable cause;

(B) The employee, contractor, or agent has been charged and either acquitted or exonerated; or

(C) The case remains open, and there have been no charges or indictment filed within four (4) years of the date the information was reported to the law enforcement agency.

(d) For the purposes of determining if sexual misconduct has occurred, an LEA may request a personnel file regarding any person seeking employment in the LEA from any LEA in which the person seeking employment worked previously. An LEA receiving such request shall provide the file to the requesting LEA within ten (10) business days.

(e) The director of schools shall develop procedures to enforce this section.

SECTION 2. This act shall take effect July 1, 2018, the public welfare requiring it.