

SENATE BILL 2390

By Gresham

AN ACT to amend Tennessee Code Annotated, Title 49,
relative to school employee misconduct.

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 5, Part 4, is amended by
adding the following as a new section:

(a) As used in this section:

(1) "Misconduct" means:

(A) Committing any act of child abuse, including, but not limited
to, aggravated child abuse, severe child abuse, and child sexual abuse,
as defined in titles 37 and 39;

(B) Committing any act of child endangerment, including, but not
limited to, aggravated child endangerment, as defined in titles 37 and 39;

(C) Committing any sexual act with a student or soliciting a sexual
act from a student;

(D) Engaging in or permitting harassment of a student that would
violate a state or federal law; or

(E) Soliciting, encouraging, or consummating an inappropriate
written, verbal, electronic, or physical relationship with a student;

(2) "School" means any public school that conducts classes in any grade
from kindergarten through grade twelve (K-12) and includes any public charter
school authorized pursuant to chapter 13 of this title; and

(3) "Student" means any person, regardless of age, enrolled in a school.

(b) No school, LEA employee, director of schools, or member of a local board of education, charter school employee, or member of a governing body of a public charter school shall assist a current or former school employee in obtaining a job at another school for any position that involves direct contact with minors or students, if the school, director of schools, local board of education, or governing body of a public charter school is on notice, or has reasonable cause to suspect, that the current or former school employee has committed an act of misconduct. Nothing in this section prohibits the transmission of administration and personnel files to another school.

(c) Each school, local board of education, and governing body of a public charter school shall create and maintain, as part of a school employee's personnel file, a written record of all incidences of misconduct reported against that school employee. The record must specify, in accordance with § 10-7-504 and the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g):

(1) The date and nature of the misconduct reported;

(2) The action taken by the school, director of schools, local board of education, or governing body of a public charter school in response to the report;

(3) Whether, and to what extent, a report of misconduct was investigated;
and

(4) The outcome, if any, of any investigation conducted in response to the report of misconduct, including the outcome, if known, of any investigation conducted by a law enforcement agency, child protective services agency, or any other state or local agency.

(d) Any school, LEA employee, director of schools, member of a local board of education, charter school employee, or member of a governing body of a public charter school that provides information or records to another school, director of schools, local board of education, or governing body of a public charter school regarding incidences of misconduct reported against a current or former school employee shall be immune from

liability for disclosing the information or records, unless the person or entity knowingly provided false information or records. The immunity granted pursuant to this subsection (d) shall be in addition to, and not in limitation of, any other immunity provided by law.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.