STATE OF TENNESSEE
DEPARTMENT OF EDUCATION

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GOVERNOR

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KEVIN S. HUFFMAN
COMMISSIONER

TO: Directors of School

FROM: Christy Ballard, General Counsel

DATE: July 28, 2014

RE: Reminder of Department of Children's Services (DCS) Background Check Requirements

This memorandum is a reminder of the changes to state law made in 2013 regarding DCS background checks for school employees. Please note that Tenn. Code Ann. §49-5-413(e)(1)states that, "The department of education, the state board of education, and local boards of education 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..."

Previously, the law only prohibited **hiring** any individual DCS indicated as a perpetrator of child abuse but did not require checks of current staff. Chapter 381 of the Tennessee Public Acts of 2013 amended the law to include currently **retained** employees. Therefore, all current employees of department of education, the state board of education, and local boards of education must have verification, through the department of children services' database, stating the employee has not 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.

Please remind your human resources offices to take action to ensure all current employees of your school district have verification, from DCS, stating the employee has not been found by DCS 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.

The normal employment verification process should be followed to conduct verification of all current employees. However, it is understandable that the volume of names that will require verification at once could necessitate additional staff being approved by DCS to assist in the process. If you need permission for additional employees to conduct verification for your district you may contact Colette.Crawley-Martin@tn.gov at DCS.

In addition to other policies local boards of education might have requiring employees to report arrests and criminal convictions, every local education agency should have a policy requiring employees to notify the director of schools immediately if DCS has named them as an indicated perpetrator of child abuse.

If you have other questions regarding this matter please contact Youlonda Smith, legal assistant for the department of education's office of general counsel, at 615-741-2921 or Youlonda.Smith@tn.gov.