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Sequence Number: 10-01-08
Rule ID(s): 3408
File Date: 10/01/2008
Effective Date: 03/15/2009

Emergency or Public Necessity Rule(s) Filing Form

Emergency and Public Necessity rules are effective from date of filing for a period of up to 165 days.

Agency/Board/Commission:	Department of Human Services
Division:	Adult and Family Services
Contact Person:	Janice Y. Brown
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Rule Type :

___ Emergency Rule
_X_ Public Necessity Rule

Revision Type (check all that apply):

_X_ Amendment
___ New
___ Repeal

Statement of Necessity:

2008 Tenn. Pub. Acts 1032 was enacted on May 28, 2008 in order to amend Tennessee Code Annotated, Title 71, Chapter 3, Part 5, relative to programs and services for children. The act expressly authorizes the Department of Human Services to implement this act by public necessity rules to become effective on October 1, 2008, regarding this requirement for the personal safety curriculum.

For a complete copy of these public necessity rules, contact: Janice Y. Brown, Assistant General Counsel, Department of Human Services, Citizens Plaza Building, 400 Deaderick Street, 10th Floor, Nashville, TN, 37243-1403, telephone number (615) 313-4731.

Virginia T. Lodge
Commissioner
Tennessee Department of Human Services

Chapter Number	Chapter Title
1240-04-01	Standards for Group Child Care Homes
Rule Number	**Rule Title**
1240-04-01-.05	Program

Chapter 1240-04-01
Standards for Group Child Care Homes

Amendments

Rule 1240-04-01-.05 Program, is amended by adding a new paragraph (5), which shall read as follows:

(5) Personal Safety Curriculum.

(a) For ages three (3) through school-age, the curriculum shall include instruction in personal safety as needed, but at least once a year.

(b) The personal safety curriculum shall include a Department-recognized component on the prevention of child abuse, including child sexual abuse, based upon Department curriculum guidelines provided to the child care provider in any suitable format. The child care provider may choose terminology and instructional methods for this curriculum with a goal of providing clear, effective and appropriate instruction to the children in personal safety, including the prevention of child abuse.

(c) Beginning October 1, 2008 the personal safety curriculum used by a child care agency shall be made available by the child care agency to parents and legal guardians for review. The child care agency shall use a standard notification form developed by the Department that will be provided to the parents or legal guardians by the child care agency to confirm their review of the personal safety curriculum.

(d) The record of each enrolled child shall include a copy of the signed notification form acknowledging that parents/legal guardians have been provided an opportunity to review the agency's personal safety curriculum, and have been notified of the sexual abuse/personal safety curriculum for their child.

(e) If parents/legal guardians have questions regarding the personal safety component of the curriculum a representative of the child care agency shall meet with the parent/legal guardian to discuss the personal safety component of the curriculum.

(f) For school-age children the curriculum shall include instruction on reporting physical, verbal or sexual abuse.

Authority: T.C.A. §§ 4-5-209; 71-3-502; 2008 Tenn. Pub. Acts 1032.

I certify that this is an accurate and complete copy of emergency or public necessity rules, lawfully promulgated and adopted.

Date: September 18, 2008

Signature: Janice Y. Brown

Name of Officer: Janice Y. Brown

Assistant General Counsel

Title of Officer: Tennessee Department of Human Services

DEBRA E. BATTS
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY
My Commission Expires May 22, 2010

Subscribed and sworn to before me on: September 18, 2008

Notary Public Signature: Debra E. Batts

My commission expires on: May 22, 2010

All emergency or public necessity rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

R E Cooper Jr

Robert E. Cooper, Jr.
Attorney General

9-24-08

Date

Department of State Use Only

Filed with the Department of State on: 10/1/08

Effective for: 165 *days

Effective through: 3/15/09

** Temporary rules may be effective for up to 165 days from the date of filing.*

Riley C Darnell

Riley C. Darnell
Secretary of State

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