
Standards for School Administered Child Care Programs Rule 0520-12-01-.10 Health and Safety

The Background:

T.C.A. §§ 49-1-1101 – 1109 allows the Tennessee State Board of Education (SBE) to set rules for all school-administered child care programs. This includes all public and private school-administered infant/toddler, preschool, before- and after-school programs, approved Montessori programs, school-based and community-based Lottery Education Afterschool Programs, and 21st Century Community Learning Centers. These programs must comply with Standards for School Administered Child Care Programs Rule 0520-12-01 adopted by the SBE, and be certified by the Department of Education (TDOE) and verified through inspection by the TDOE's child care program evaluators.

This item revises child abuse reporting requirements contained in Rule 0520-12-01-.10 Health and Safety to align with new state law. In 2020, the General Assembly revised T.C.A. § 49-6-1601 relative to child abuse reporting. The new law outlines procedures that schools must follow if a school official has knowledge or reasonable cause to suspect a child may be a victim of child abuse. The law also requires schools to designate a child abuse coordinator for each school and requires the coordinator to receive additional training in identifying and reporting child abuse. The definition of school in this legislation includes child care programs as defined in T.C.A. § 49-1-1102.

A rulemaking hearing was held on this rule in December 2020. No comments were offered.

Changes between first and final reading include clerical revisions to streamline rule language so that “child abuse” refers to instances of child abuse, neglect, or child sexual abuse. Revisions were also made to clarify that the child abuse coordinator shall not inhibit or interfere with an individual’s duty to report child abuse to the Department of Children’s Services and law enforcement.

The Fiscal Analysis Impact:

T.C.A. § 49-1-212 requires that the Department prepare a fiscal analysis of any policy, rule, or regulation proposed to the State Board of Education. This item has no financial impact on an LEA.

The Recommendation:

The Department of Education recommends approval of this item on final reading. The SBE staff concurs with this recommendation.