

PUBLIC CHAPTER NO. 1053

HOUSE BILL NO. 2720

By Representatives Fincher, Lynn, Maggart, Hardaway, Hensley

Substituted for: Senate Bill No. 2764

By Senators Burks, Black

AN ACT to amend Tennessee Code Annotated, Section 49-6-3051, relative to school attendance.

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

SECTION 1. Tennessee Code Annotated, Section 49-6-3051, is amended by deleting the section in its entirety and substituting instead the following:

(a) Notwithstanding any law to the contrary, if a student has at any time been adjudicated delinquent for any offense listed in subsection (b) of this section, the parents, guardians, or legal custodians, including the department of children's services acting in any capacity, and a school administrator of any school having previously received the same or similar notice from the juvenile court or another source shall provide to a school principal, or a principal's designee, the abstract provided under § 37-1-153 or § 37-1-154 or other similar written information when any such student:

- (1) Initially enrolls in an LEA;
- (2) Resumes school attendance after suspension, expulsion, or adjudication of delinquency; or
- (3) Changes schools within the state of Tennessee.

(b) The parents, guardians, or legal custodians, including the department of children's services acting in any capacity, shall provide notification as required by subsection (a) if the student has been adjudicated delinquent for:

- (1) An offense involving:
 - (A) First degree murder;
 - (B) Second degree murder;
 - (C) Rape;
 - (D) Aggravated rape;
 - (E) Rape of a child;

- (F) Aggravated rape of a child;
- (G) Aggravated robbery;
- (H) Especially aggravated robbery;
- (I) Kidnapping;
- (J) Aggravated kidnapping;
- (K) Especially aggravated kidnapping;
- (L) Aggravated assault;
- (M) Felony reckless endangerment;
- (N) Aggravated sexual battery; or

(2) A violation of:

- (A) Voluntary manslaughter, as defined in § 39-13-211;
- (B) Criminally negligent homicide, as defined in § 39-13-212;
- (C) Sexual battery by an authority figure, as defined in § 39-13-527;
- (D) Statutory rape by an authority figure, as defined in § 39-13-532;
- (E) Prohibited weapon, as defined in § 39-17-1302;
- (F) Unlawful carrying or possession of a firearm, as defined in § 39-17-1307;
- (G) Carrying weapons on school property, as defined in § 39-17-1309;
- (H) Carrying weapons on public parks, playgrounds, civic centers, and other public recreational buildings and grounds, as defined in § 39-17-1311;
- (I) Handgun possession, as defined in § 39-17-1319;
- (J) Providing handguns to juveniles, as defined in § 39-17-1320; or
- (K) Any violation of § 39-17-417 that constitutes a Class A or Class B felony.

(c) When the principal or the principal's designee is notified of the student's adjudication pursuant to subsection (a), the principal or the principal's designee may convene a meeting to develop a plan to set out a list of goals to provide the child an opportunity to succeed in school and provide for school safety, a schedule for completion of the goals and the personnel who will be responsible for working with the child to complete the goals.

(d) The abstract and information shall be shared only with the employees of the school having responsibility for classroom instruction of the child and the school counselor, social worker or psychologist who is involved in developing a plan for the child while in the school, and with the school resource officer, and any other person notified pursuant to the provisions of this section. The information is otherwise confidential and shall not be shared by school personnel with any other person or agency, except as may otherwise be required by law. The abstract or other similar information provided pursuant to subsection (a) of this section and the plan shall not become a part of the child's student record.

(e) Notwithstanding any other state law to the contrary, the department of children's services shall develop a written policy consistent with federal law detailing the information to be shared by the department with the school for children in its legal custody when notification is required.

(f) It is an offense for any school personnel to knowingly share information provided pursuant to subsection (a) with any person other than those listed in subsection (d). A violation of this subsection is a Class C misdemeanor, punishable by a fine only.

(g) It is an offense for a parent or guardian to knowingly fail to provide notification as required by subsection (a). A violation of this subsection is a Class C misdemeanor, punishable by a fine only. For purposes of this subsection (g), parent or legal guardian does not include the department of children's services.

(h) If it becomes apparent that any employee of the department of children's services knowingly failed to notify the school, as required by subsection (a), the commissioner of the department of children's services shall be notified and take appropriate action against such employee.

SECTION 2. This act shall take effect July 1, 2008, the public welfare requiring it.

PASSED: May 13, 2008



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY, SPEAKER
SENATE OF THE SENATE

APPROVED this 28th day of May 2008



PHIL BREDESEN, GOVERNOR