



Administrative Policies and Procedures: 21.18

Subject:	Notification to School Principals of Certain Delinquent Adjudications
Authority:	TCA § 37-5-105 (3); 37-5-106; 37-1-131 and 37-1-153; 37-1-154 and 49-6-3051
Standards:	None
Application:	All Department of Children's Services Employees
Policy Statement:	
The Department of Children's Services, "acting in any capacity", shall report directly to school principals certain adjudications as required by Tennessee Law.	
Purpose:	
To ensure that school principals are notified of certain adjudications of children/youth who attend public schools as required by State law.	
Procedures:	
A. Children/youth who should have adjudications reported	<p>The following children/youth should have adjudications reported:</p> <ul style="list-style-type: none"> ◆ Any child/youth in the legal custody of DCS, whether or not they are committed as dependent and neglected, unruly or delinquent; ◆ Any youth on aftercare; and ◆ Any youth on state probation
B. Reporting Adjudications to be reported	<ol style="list-style-type: none"> 1. Family Services Workers (FSWs)/Juvenile Service Workers (JSWs)/Juvenile Probation Officers (JPOs) must report students with specific adjudications to the regional Education Specialists. The regional Education Specialist then notifies the school principal as required by Tennessee law. 2. School principals must be notified of students who have been adjudicated delinquent for any of the following offenses in this state, or in another state, for equivalent offenses as determined by the elements of the offense: <ul style="list-style-type: none"> ◆ First degree murder, as defined in § TCA 39-13-202; ◆ Second degree murder, as defined in § TCA 39-13-210; ◆ Rape, as defined in § TCA 39-13-503;

	<ul style="list-style-type: none"> ◆ Aggravated rape, as defined in § TCA 39-13-502 ◆ Rape of a child; aggravated rape of a child as defined in § TCA 39-13-522; 39-13-531; ◆ Aggravated robbery, especially aggravated robbery, as defined in § TCA 39-13-402;39-13-403; ◆ Kidnapping, aggravated kidnapping, especially aggravated kidnapping, as defined in § TCA 39-13-303;39-13-304;39-13-305; ◆ Aggravated assault, as defined in § TCA 39-13-102; ◆ Felony reckless endangerment, as defined in § TCA 39-13-103; ◆ Aggravated sexual battery, as defined in § TCA 39-13-504; or <p>2. Report students who have been adjudicated delinquent in this state for any of the following offenses:</p> <ul style="list-style-type: none"> ◆ Voluntary manslaughter, as defined in § TCA 39-13-211; ◆ Criminally negligent homicide as defined in § TCA 39-13-212; ◆ Sexual battery by an authority figure, as defined in § TCA 39-13-527; ◆ Statutory rape by an authority figure, as defined in § TCA 39-13-532; ◆ Prohibited weapon, as defined in § TCA 39-17-1302; ◆ Unlawful carrying or possession of a firearm, as defined in § TCA 39-17-1307; ◆ Carrying weapons on school property, as defined in § TCA 39-17-1309; ◆ Carrying weapons on public parks, playgrounds, civic centers, and other public recreational buildings and grounds, as defined in § TCA 39-17-1311; ◆ Handgun possession, as defined in § TCA 39-17-1319; ◆ Providing handguns to juveniles, as defined in § TCA 39-17-1320; ◆ Any violation of § TCA 39-17-417 that constitutes a Class A or Class B felony drug offense. <p>3. Adjudications must be reported no matter how long ago the adjudication occurred or how many new adjudications have occurred since.</p> <p>4. Under current law, PENDING charges cannot be reported. Only adjudications, <i>i.e.</i>, “<i>guilty</i>” or “<i>true to the petition</i>” findings can be reported by DCS without a specific court order that gives DCS the authority to do so (TCA 37-1-131).</p>
<p>C. Documentation</p>	<p>1. Form CS-0703, Adjudication Notification to School Principals is used when providing the required information to school principals. Update the form or complete a new and/or additional form every time there is a new adjudication.</p>

Subject: Notification to School Principals of Certain Delinquent Adjudications 21.18

	<ol style="list-style-type: none"> 2. Keep a copy of all the old forms in the child/youth's case file in the Education portion of the child/youth's case file and not in the Education Passport. 3. No court order, law enforcement records, or proof of such adjudication other than the form itself shall be included with the form <u>since it is a violation of law to otherwise provide such documents without a court order.</u> (TCA 37-1-153 and 37-1-154)
<p>D. When adjudications have to be reported</p>	<p>Adjudications have to be reported at the following intervals:</p> <ol style="list-style-type: none"> 1. When the child initially enrolls in a Local Education Agency (LEA). 2. BEFORE the child is re-enrolled at the former school or is enrolled in a new school after an adjudication of delinquency. 3. Immediately after each new adjudication of delinquency, even when the child has continually remained enrolled in the same school. 4. Each and every time the child/youth changes schools within the state of Tennessee even if the new school (including an alternative school) is in the same school system. <p>Note: A school need only be notified once for the same adjudication. For example, it is not necessary to notify the home school of the same adjudication for a second time if a child is returning from alternative school or is returning from an out of school expulsion or suspension.</p>
<p>E. Procedure and documentation for notifying principals</p>	<ol style="list-style-type: none"> 1. The child/youth's FSW/JSW/JPO completes and signs form CS-0703, Adjudication Notification to School Principals. The DCS Supervisor who also signs the form verifies that the student has been adjudicated on the charge listed. 2. The FSW/JSW/JPO reviews form CS-0703 with the Education Specialist. The Education Specialist ensures that the charge listed on the form is a reportable offense according to this policy. 3. The FSW/JSW/JPO addresses an envelope to the school and clearly marks the envelope with the following phrases: <p style="text-align: center;">"ATTENTION: Principal's Name"</p> <p style="text-align: center;">"CONFIDENTIAL–TO BE OPENED BY PRINCIPAL ONLY."</p> 4. The form is placed in the envelope and sealed with glue and tape to emphasize that the information is protected by law. 5. Whenever possible, the Education Specialist <u>hand delivers</u> the form to the principal and obtains his/her signature as proof of delivery. A <u>copy</u> of the signed form is returned by the Education Specialist to the FSW/JSW/JPO and placed in the Education portion of the child/youth's case file and not in the Education Passport. 6. If the Education Specialist is unable to hand-deliver the envelope and form, he/she mails the envelope via certified mail. The mailing receipt will be attached to a copy of the form by the Education Specialist and returned to the FSW/JSW/JPO to be placed in the Education portion of the child/youth's case file and not in the Education Passport.

	<ol style="list-style-type: none">7. Add the postal service proof of receipt by the school to the postal service proof of mailing and attach them to the copy of the form sent to the principal, so that all are in the Education portion of the child/youth's case file and not in the Education Passport.8. Form CS-0703, Adjudication Notification to School Principals must never be transmitted to the school via facsimile (fax) or email.9. Follow the above procedures each and every time the student attends a new school or re-enrolls in a former school. <p>Note: Current law states that if it becomes apparent that any employee of DCS knowingly failed to notify the school as required, the Commissioner of DCS shall be notified and take appropriate action against such employee.</p>
<p>F. Responsibility of the school</p>	<ol style="list-style-type: none">1. The report/form CS-0703, Adjudication Notification to School Principals cannot be kept in the child's regular cumulative file or special education file at the school. Violation of this is a Class C misdemeanor.2. Form CS-0703 must be kept confidentially with the principal.3. The principal cannot discuss adjudications with anyone whatsoever except for another principal, employees of the school having responsibility for classroom instruction of the child, the school counselor, the social worker or psychologist involved in developing a plan for the child (see #4), and the school resource officer.4. The school may choose to convene a meeting (that includes the parent) to develop a plan to set out a list of goals to provide the child an opportunity to succeed in school, provide for school safety, and schedule for completion the goals and the personnel who will be working with the child to complete the goals. A school's "behavior contract" alone is not an appropriate substitute for this plan because it does not contain the elements required by law. This plan shall NOT become part of the child's student record.5. During planning meetings convened by the school, DCS may share with school personnel the following factual information, which cannot be protected by statute except as provided in (g) below:<ol style="list-style-type: none">a) Behaviors interfering with the student's learning or the learning of others.b) Situational factors that predict/support the problem behavior and the need that is met by such behavior.c) Effective strategies for responding to problem recurrence.d) Previous (and effective) behavioral goals the student has had.e) Information included in the Education Passport, such as psycho-educational evaluations, IEPs, and school disciplinary records.f) General suggestions related to a delinquency adjudication that would cause danger to the child, to other children, or to school staff except that the name of a victim in a CPS investigation cannot be revealed. In

Subject: Notification to School Principals of Certain Delinquent Adjudications 21.18

	<p>addition, no protected medical information can be shared except as provided in (g) below.</p> <p>g) Clinical evaluations or specific treatment information about a child in DCS custody/guardianship, but <u>only</u> with the approval of DCS legal. A court may also order the release of a clinical evaluation to school personnel.</p>
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Forms:	<u>CS-0703, Adjudication Notification to School Principals</u>
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Collateral documents:	<i>None</i>
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