Tennessee School Health Laws

Office of Coordinated School Health

Tennessee Department of Education | August 2018

This document includes laws that are related to Coordinated School Health and has been adapted from:

TENNESSEE CODE ANNOTATED

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49-10-1101: Establishment of program – Homebound Instruction

Chapter 1, Part 4: Mandatory Child Abuse Reports

T.C.A. § 37-1-408

(a) By January 1, 2019, the department of children's services shall develop guidelines on the best practices for identifying and reporting signs of child abuse, child sexual abuse, and human trafficking in which the victim is a child. The department of education shall use the guidelines to identify child abuse training programs appropriate for teachers. The programs identified by the department of education must train teachers on the common signs of child abuse, child sexual abuse, and human trafficking in which the victim is a child; how to identify children at risk of abuse, sexual abuse, or human trafficking; maintenance of professional and appropriate relationships with students; and the requirements for reporting suspected child abuse and sexual misconduct.

(b) Beginning with the 2019-2020 school year, each LEA and each public charter school shall ensure its teachers complete a child abuse training program identified by the department of education pursuant to subsection (a), or a training program that meets the guidelines established by the department of children's services pursuant to subsection (a), as part of the teacher's annual in-service training. Each LEA and each public charter school shall annually report its compliance with this section to the department of education.

Chapter 1, Part 10: State Administration – Connie Hall Givens Coordinated School Health Improvement Act

T.C.A. § 49-1-1001

This part shall be known and may be cited as the "Connie Hall Givens Coordinated School Health Improvement Act."

T.C.A. § 49-1-1002: Guidelines and Standards – Requirements

(a) The commissioner of education, in consultation with the department of health and in accordance with its duties under title 68, chapter 1, part 12, shall develop guidelines based on the federal centers for disease control and prevention model for the implementation of a coordinated school health program. It is the intent that these guidelines serve as a model for LEAs in addressing the health needs of their students and improving student opportunities for academic achievement. Components of a coordinated school health program shall include, but not be limited to, health services, health education, school nutrition services, physical education, healthy school environment, school counseling, school psychological and social services, staff health and wellness, and family and community involvement to enhance student health. In formulating this program, the commissioner shall consider existing local school/local health departments and community collaborations to promote and support student health and wellness, as well as other state and local programs and initiatives in this area.

(b) In developing the guidelines and standards, the following components must be included, notwithstanding the fact that the centers for disease control model for the implementation of a coordinated school health program contains such requirements:

(1) Section 49-6-1005(a) [repealed] and the family life curriculum contained in chapter 6, part 13 of this title shall continue to be observed;

(2) A parent shall have the same right to exempt that parent's child from participation as provided for in §§ 49-6-1005(a) [repealed] and [former] 49-6-1303 [repealed]; and

(3) To the extent permitted by state or federal law, any aspect of family planning or contraception shall be governed by § 68-1-1205 and the policies set by the local boards of education.

T.C.A. § 49-1-1003: State Grant Program

(a) Subject to available funding, the department of education shall establish the Connie Hall Givens coordinated school health grant program to assist LEAs in implementing a coordinated school health program. In order to qualify for a coordinated school health grant, an LEA shall submit a detailed plan of how the agency currently addresses the health needs of school children, who would serve as school health coordinator, and how the agency would use the state grant to augment what it is currently doing.

(b) The plan shall give priority to school health as a means to assist in meeting the education performance indicators of § 49-1-211(a)(3). The plan shall be developed in accordance with the guidelines for a coordinated school health program developed by the commissioner. In developing the guidelines for the program, the commissioner is requested to consult with appropriate organizations involved in the areas of student health, health care and fitness. The guidelines and any proposed forms for applications shall be offered to the education committee of the senate and the education administration and planning committee of the house of representatives for review and comment. Copies of local education plans may be offered to the education committee of the senate and the education administration and planning committee of the house of representatives for informational purposes. The goal of the grant program shall be to help the LEAs establish a bona fide coordinated school health program that improves the overall health and wellness of students.

(c) The annual report on school health to the governor and general assembly required by § 49-5-415(a)(4) [transferred to § 49-50-1602] shall include information on progress toward the goal.

T.C.A. § 49-1-1004: Amount and Availability of Funds

(a) The amount in the Connie Hall Givens coordinated school health grant program shall be limited to the amount appropriated and shall be available to LEAs based on the guidelines developed by the commissioner of education.

(b) The amount that each LEA is eligible to receive shall be subject to a local match, following the funding model set forth in § 49-6-4302(c)(2).

(c) Any grants made to an LEA shall be expended in addition to any funds already expended as school health programs. For this purpose, expenditures of components enumerated in § 49-1-1002 for the 1998-1999 fiscal year shall be considered the base expenditure on school health, and any LEA receiving grant funds shall maintain this base.

T.C.A. § 49-1-1005: Authorized Uses for Funds

(a) State grants are only for coordination and improvement of school health programs in accordance with the detailed plan submitted in accordance with § 49-1-1003.

(b) The department of education and the department of health shall coordinate existing school health programs, grants and initiatives. To the extent possible in light of existing contracts and waiver requirements, funding, including TennCare funding, shall likewise be coordinated. Schools should be encouraged and permitted to perform health screening services under TennCare contracts.

T.C.A. § 49-1-1006: Funds Subject to Audit

The use of grant funds shall be subject to audit by the office of the comptroller of the treasury.

T.C.A. § 49-1-1007: Report – Publication

By July 1, 2017, and each July 1 thereafter, the department shall provide a report to the education committee of the senate and the education instruction and programs committee of the house of representatives, regarding the physical education programs and activity for each LEA. The department shall publish the report on the department's web site. Upon the release of the report, the department shall encourage each school to use the results of the report and comparison to other schools in helping develop the school's overall wellness plan. In compiling the data used in the report, the department may use assessments developed by a nationally recognized nonprofit heart association.

Chapter 2, Part 1: Local Administration – General Provisions

T.C.A. § 49-2-120: Prohibition Against Hazing

(a) As used in this section, unless the context otherwise requires, "hazing" means any intentional or reckless act in this state, on or off LEA property, by one (1) student acting alone or with others, that is directed against any other student, that endangers the mental or physical health or safety of that student or that induces or coerces a student to endanger that student's mental or physical health or safety. "Hazing" does not include customary athletic events or similar contests or competitions and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization.

(b) The governing body of each LEA shall adopt a written policy prohibiting hazing by any student or organization operating under the sanction of the LEA. The policy shall be distributed or made available to each student at the beginning of each school year. During the first month of each new school year, time shall be set aside to specifically discuss the policy and its ramifications as a criminal offense and the penalties that may be imposed by the LEA.

T.C.A. § 49-2-121: Inspection and Evaluation Program for Indoor Air Quality in Schools

(a) Each LEA is encouraged to conduct an inspection and evaluation program, such as the environmental protection agency's indoor air quality tools for schools program, for its facilities. Such program may include, but shall not be limited to, the following measures:

(1) Ensuring that an adequate amount of outdoor air is being supplied;

(2) Testing for radon;

(3) Separating students and staff from construction and renovation areas;

(4) Reducing use of products, such as adhesives, floor-care products and pesticides that require ventilation during use; and

(5) Maintaining relative humidity to an appropriate level during hot and humid summers.

(b) School districts and schools shall encourage:

(1) The scheduling of maintenance, cleaning, and repair projects and other works that trigger indoor air pollutants, environmental safety and other pollution concerns in schools at times when students and teachers will not be impacted through chemicals, fumes, exhaust fumes from cars and school buses, room fresheners, aerosol sprays and other chemicals and health damaging elements and particulate matter;

(2) The application of products in a manner that conforms to regulations and safety recommendations; and

(3) The protection of children from the exposure of health harming substances and chemicals at school.

T.C.A. § 49-2-122: Placement of Automated External Defibrillator (AED) Devices in Schools

(a)

(1) All public high schools shall have automated external defibrillator (AED) devices placed within the school.

(2) All public middle and elementary schools are encouraged, within existing budgetary limits, to place AED devices within the school.

(b) All schools required, or electing, pursuant to subsection (a) to place AED devices in schools, shall comply with all provisions of title 68, chapter 140, part 4, relative to:

(1) Training;

(2) Establishment of a written plan that complies with § 68-140-404;

(3) Notification;

(4) Maintenance and testing of the AEDs to ensure that the devices are in optimal operating condition in compliance with § 68-140-404; and

(5) Any other requirements.

(c) Each placement of an AED shall be supervised and endorsed by a physician with an unrestricted license to practice medicine or osteopathy in this state. When a school receives its first AED, it shall place the AED in a location that may be accessed readily from any area of the school, which may include those areas of the school that are used for physical education or activity. Subsequently, additional AEDs shall be placed in locations that are accessible during emergency situations. AEDs shall not be placed in an office that is not accessible to any person who might need to use the AED or in any location that is locked during times that students, parents or school employees are present at school or school events.

(d) AEDs placed in schools shall be registered with local emergency medical services providers as required by §§ 68-140-403(2) and 68-140-404(6).

(e) LEAs and schools responsible for an AED program pursuant to § 68-140-404(1) shall not be liable for any civil liability for any personal injury that results from an act or omission that does not amount to willful or wanton misconduct or gross negligence if the applicable provisions and program established under § 68-

140-404 and the rules adopted by the department pursuant to § 68-140-405 have been met by the LEA and school and have been followed by the individuals using the AED.

(f) A teacher, school employee or other person employed by the LEA responsible for an AED program pursuant to § 68-140-404(1) shall not be liable for any civil liability for any personal injury that results from an act or omission that does not amount to willful or wanton misconduct or gross negligence if the applicable provisions and program established under § 68-140-404 and the rules adopted by the department pursuant to § 68-140-405 have been met by the LEA and school and have been followed by the individuals using the AED.

(g) Misuse or abuse of any AED device on school property by a student is disorderly conduct and the student shall be subject to disciplinary action.

T.C.A. § 49-2-124: Universal Mental Health or Socioemotional Screening

(a) As used in this section:

(1) "Mental health screening" or "socioemotional screening" means, for the purposes of this chapter, the use of one (1) or more brief, structured questionnaires designed to identify the possibility that an individual has a mental health problem;

(2) "Psychotropic medication" means a drug that exercises a direct effect upon the central nervous system and that is capable of influencing and modifying behavior. Psychotropic medication includes, but is not limited to:

(A) Antipsychotics;

(B) Antidepressants;

(C) Agents for control of mania and depression;

(D) Antianxiety agents;

(E) Psychomotor stimulants; and

(F) Hypnotics; and

(3) "Universal mental health or socioemotional screening" means, for the purposes of this chapter, any mental health screening program in which a group of individuals is automatically screened without regard to whether there was a prior indication of a mental health problem.

(b) Universal mental health or socioemotional screening is only permitted under the following circumstances:

(1) A parent, guardian, legal custodian or caregiver under the Power of Attorney for Care of a Minor Child Act, compiled in title 34, chapter 6, part 3, of a child under sixteen (16) years of age has provided written, active, informed and voluntarily signed consent that may be withdrawn at any time by the parent, guardian, legal custodian or caregiver under the Power of Attorney for Care of a Minor Child Act;

(2) A court requires the mental health evaluation, examination or testing;

(3) Emergency screening, evaluation, examination or testing of an individual under the Power of Attorney for Care of a Minor Child Act or screening done in connection with a disaster or epidemic; or

(4) Screening required pursuant to the early periodic screening, diagnosis, and treatment (EPSDT) program

with active, written, informed, voluntarily signed consent as outlined in subdivision (b)(1) that may be withdrawn at any time by the parent, legal guardian, custodian or caregiver under the Power of Attorney for Care of a Minor Child Act who gave the consent.

(c) Notwithstanding any law to the contrary, a local education agency (LEA) may not use the parent's refusal to consent to administration of a psychotropic medication to a student or to a mental health screening, evaluation, testing or examination of a child or student as grounds for prohibiting the child from attending class or participating in a school-related activity or as the basis of reporting or charging child abuse, child neglect, educational neglect or medical neglect. An LEA shall not use nor threaten use of school sanctions to a student to coerce parental consent to a mental health screening, evaluation, testing or examination. A person employed by an LEA may not require that a student be evaluated or treated with any psychotropic medication or for a particular mental health diagnosis. Only the following LEA personnel may perform an evaluation for psychiatric diagnosis or treatment, or both, with written, informed, voluntarily signed consent as outlined in subdivision (b)(1) that may be withdrawn at any time by the parent, legal guardian, custodian or caregiver under the Power of Attorney for Care of a Minor Child Act who gave the consent:

(1) A psychiatrist;

(2) A physician with expertise in psychiatry as determined by training, education or experience;

(3) An advanced practice registered nurse with special certification in mental health or psychiatric nursing;

(4) An advanced practice registered nurse with expertise in mental health or psychiatric nursing as determined by training, education or experience;

(5) A psychologist with health service provider designation;

(6) A senior psychological examiner;

(7) A licensed professional counselor;

(8) A licensed clinical social worker; or

(9) A school psychologist.

(d) Written, informed, active, voluntary consent as outlined in subdivision (b)(1) that may be withdrawn at any time by the parent, legal guardian, custodian or caregiver under the Power of Attorney for Care of a Minor Child Act must also be obtained before proceeding with any psychiatric treatment recommendations resulting from any mental health screening, evaluation, testing or examination.

(e) Subsections (b) and (c) shall not be construed to:

(1) Prevent an appropriate referral under the child find system required under 20 U.S.C. § 1412, with appropriate parental consent procedures as required under 20 U.S.C. § 1414(a)(1)(D)(i);

(2) Prohibit an LEA employee from discussing any aspect of a child's behavior or academic progress with the child's parent or guardian or another appropriate school district employee, consistent with federal and state law, including the requirement of prior parental consent for the disclosure of any education records. Nothing in this subdivision (e)(2) shall be construed to modify or affect parental notification requirements for programs authorized under the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001, Public Law 107-110;

(3) Prohibit an LEA employee from referring a child to LEA personnel specified in subsection (c);

(4) Prohibit referrals, counseling or support in the event of an emergency or urgent situation to include, but not be limited to, the death, suicide, attempted suicide, murder, attempted murder, serious injury or serious illness of a student, teacher, staff, member of the administration, director of schools or any other school personnel or significant individual; or

(5) Prohibit testing that is a part of a course of treatment, rehabilitation or service plan for children in the legal custody of a state agency or required by federal law applicable to such children, or as otherwise authorized under title 37, including, but not limited to, child protective services assessments or evaluations.

(f) Each LEA shall inform each parent, legal guardian, custodian or caregiver of their rights pursuant to this section and shall provide a copy of the LEA policy on the rights of parents and students as required in § 49-2-211 and a copy of the Protection of Pupil Rights (20 U.S.C. § 1232h), commonly referred to as the Tiahrt Amendment, as amended by the Parents Rights Restoration Amendment to Goals 2000, March 31, 1994, Public Law 103-227, § 1017, and included in the No Child Left Behind Law (20 U.S.C. § 6301 et seq.).

(g) The local board of education of each LEA shall adopt policies that may be reasonable and necessary to ensure implementation and enforcement of this section.

(h) An LEA or school shall notify parents or legal guardians prior to any student participating in any mental health screening. The written notice shall include:

(1) The purpose for the mental health screening;

(2) The provider or contractor providing the mental health screening;

(3) The date and time at which the mental health screening is scheduled; and

(4) The length of time the mental health screening may last.

(i) Pursuant to § 49-1-704, a parent or legal guardian has a right to inspect and review the parent or guardian's child's education records.

T.C.A. § 49-2-133: Development of Policy to Implement Program to Reduce Potential Sources of Lead Contamination in Drinking Water in Public Schools-Periodic Testing. [Effective January 1, 2019.]

(a)

(1) Each local board of education shall develop a policy to implement a program to reduce the potential sources of lead contamination in drinking water in public schools that incorporates, at a minimum, periodic, not to exceed biennial, testing of lead levels in drinking water sources at school facilities that were constructed prior to January 1, 1998, utilizing samples consisting of the first two hundred fifty milliliters (250 mL) drawn of water that has been standing in plumbing overnight to identify lead levels. School facilities that were constructed on or after January 1, 1998, may conduct periodic testing under this section.

(2) If the result of a lead level test conducted under subdivision (a)(1) exceeds fifteen parts per billion (15 ppb) but is less than twenty parts per billion (20 ppb), the school shall conduct lead level tests on an annual basis until retesting confirms that the level is less than fifteen parts per billion (15 ppb).

(3) If the result of a lead level test conducted under subdivision (a)(1) is equal to or exceeds twenty parts per billion (20 ppb), the school shall:

(A) Immediately remove the drinking water source from service. The drinking water source shall remain unavailable for use until subsequent retesting under subdivision (a)(3)(C) confirms the lead level of water from the source does not exceed twenty parts per billion (20 ppb);

(B) Notify:

(i) The commissioner of environment and conservation, the commissioner of health, the local department of health, the local governing body, and the department of education within twenty-four (24) hours of the test result; and

(ii) The parents and guardians of students enrolled at the school, in accordance with a notification policy developed by the local board of education, within five (5) business days of the test result; and

(C) Retest the lead level of the drinking water source within ninety (90) days of any corrective action.

(b) Each LEA shall comply with the policy created by its local board of education under subsection (a).

Chapter 2, Part 2: Local Administration – Boards of Education

T.C.A. § 49-2-211: Policy for Student Surveys, Analyses or Evaluations

(a) Every LEA shall develop a policy setting forth the rights of parents and students and guidelines for teachers and principals with respect to the administration of surveys, analyses or evaluations of students.

(b) (1) The policy set forth in subsection (a) shall allow a parent or legal guardian access to review all surveys, analyses or evaluations, prior to being administered to the parent or legal guardian's child. The policy shall enable a parent or legal guardian to opt their student out of participating in a survey, analysis, or evaluation.

(2) Notwithstanding subdivision (b)(1), the policy shall require a parent, legal guardian or student, in the case of students eighteen (18) years of age or older, to provide written consent before the collection of individual student biometric data.

(c) The LEA shall also disclose to the parent or legal guardian of the student the purpose for the survey, analysis, or evaluation materials as well as who will have access to the results.

Chapter 3, Part 3: Finances – Tennessee Education Act of 1977

T.C.A. § 49-3-359. BEP Funding for Teacher's Supplies, Duty-free Lunch Periods, and School Nurses

(a) There is included in the Tennessee BEP an amount of money sufficient to pay two hundred dollars ($200) for every teacher in kindergarten through grade twelve (K-12). This money shall be used by the teachers for instructional supplies. One hundred dollars ($100) shall be given to each teacher by October 31 of each school year so that the teacher may spend it at any time during that school year on instructional supplies as determined necessary by the teacher. The second one hundred dollars ($100) shall be pooled with all such teachers in a school and spent as determined by a committee of the teachers for such purpose. The purpose of this pool is to permit purchase of items or equipment that may exceed an individual teacher's allocation, for the benefit of all teachers at the school and the enhancement of the instructional program, and shall not be used for basic building needs such as HVAC, carpets, furniture, items or equipment for the teachers' lounge, or the like. Each LEA that does not disperse the money as described in this subsection (a) to teachers by the date prescribed in this subsection (a) shall send a written detailed explanation to the education committee of the senate, the education administration and planning committee of the house of representatives, and the commissioner of education as to the reasons why the LEA has not complied with the law.

(b) Each LEA shall be entitled to receive funding of no less than two dollars ($2.00) per ADM in kindergarten through grade twelve (K-12) to be used for the purpose of providing a duty-free lunch period for each teacher.

(c) (1) There is included in the Tennessee BEP an amount of money sufficient to fund one (1) full-time public school nurse position for each three thousand (3,000) students or one (1) full-time position for each LEA, whichever is greater. An LEA may use the funds to directly employ a public school nurse or to contract with the Tennessee public school nurse program, created by § 68-1-1201(a), for provision of school health services; provided, that after the BEP is fully funded, an LEA must use the funds to directly employ or contract for a public school nurse as provided for in this subsection (c) or must advise the department of education that the LEA has affirmatively determined not to do so, in which case the LEA shall notify the department of the election against providing the service and the alternative arrangement that the LEA has made to meet the health needs of its students.

(2) Each public school nurse employed by or provided to an LEA, pursuant to subsection (a), shall meet or exceed the minimum qualifications and standards established pursuant to § 68-1-1204(a), and shall perform the duties and responsibilities enumerated within § 68-1-1202. Each public school nurse employed by an LEA shall maintain current certification through a certifying cardiopulmonary resuscitation course consistent with the scientific guidelines of the American Heart Association in collaboration with the International Liaison Committee on Resuscitation.

(d) The amounts provided in this section may be reduced pro rata by the commissioner during any year in which the BEP appropriation is insufficient to fully fund the program.

Chapter 5, Part 4: Personnel – Employment and Assignment of Personnel

T.C.A. § 49-5-414. Emergency First-aid Personnel -- Employee Volunteers -- Training

Every public elementary and secondary school in this state is encouraged to have in its employ, or as a volunteer, at least one (1), preferably more, persons who are currently certified by the American Red Cross or another qualified certifying agency approved by the department of education, as qualified to administer emergency first aid and cardiopulmonary resuscitation (CPR). The local board of education is authorized to allocate up to six and one half (61/2) hours a year of in-service days established pursuant to § 49-6-3004 to conduct training programs for teachers and other personnel who have expressed an interest in becoming qualified to administer emergency first aid and CPR.

Chapter 6, Part 3: Elementary, Middle, and Secondary Schools Generally

T.C.A. § 49-6-303. School Counselors

(a) (1) Each LEA shall employ or contract with school counselors for pre-kindergarten through grade twelve (pre-K-12).

(2) The school counseling program shall be established and operated under guidelines adopted by the state board of education.

(3) The state board of education shall report on the implementation and effectiveness of the program in its annual report to the general assembly.

(b) School counselors shall provide preventive and developmental counseling to school students in order to prepare them for their school responsibilities and their social and physical development. In providing these services, school counselors shall:

(1) Aid children in academic development through the use and interpretation of test scores, improved pupil self-concept and early identification and attention to problems that are deterrents to learning and development;

(2) Act in a consultative role to teachers relative to the use of test scores and improvement of the learning environment, use of out-of-school resources and agencies and development of a home-school liaison;

(3) Offer services related to the identification and placement of children with handicapping conditions;

(4) Serve in a consultative role to parents, in a liaison capacity, as a resource in understanding growth and development problems and as an aid in understanding how some nonschool factors affect learning and achievement of children;

(5) Serve as a resource in decreasing discipline problems through an understanding of peer relations, teacher-pupil relations, social awareness and drug awareness;

(6) Aid in improving school attendance and retention by implementing an early identification and prevention program for potential attendance and retention problems;

(7) Serve as a resource in decreasing the incidence of juvenile delinquency by early intervention through guidance and counseling services;

(8) Act as a resource and consultant to teachers in implementing a career development program that, at the elementary school level, includes self-awareness, job awareness and prevocational orientation;

(9) Provide an available source for youngsters needing someone to just listen to their problems or concerns; and

(10) Serve as a resource and consultant to teachers in implementing an intervention program that utilizes conflict resolution and decision-making strategies aimed at preventing occurrences of disruptive acts by students within the school and on school property.

(c) The minimum requirement to be employed as a school counselor shall be an appropriate license granted by the state board of education.

(d) The school counselor may refer or help facilitate a referral of a parent or legal guardian's student to a counselor or therapist for mental health assessments or services. If a school counselor refers a student to a counselor or other mental health provider, neither the LEA nor the school counselor shall bear the cost of such services provided to the student.

T.C.A. § 49-6-304. Toll-free Number for Reports of Child Abuse -- Posting in Area Visible to All Students -- Other Signage Requirements

(a) Every elementary and secondary school shall post in a clearly visible location in a public area of the school that is readily accessible to students a sign that contains the toll-free telephone number operated by the department of children's services to receive reports of child abuse or neglect.

(b) The sign shall be written using a format and language that is clear, simple, and understandable to students. The sign shall additionally also instruct students to call 911 for emergencies and provide directions for accessing the department of children's services web site for more information on reporting abuse, neglect, and exploitation.

(c) Schools shall post the sign at each school campus in at least one (1) high-traffic, highly and clearly visible public area that is readily accessible to and widely used by students. The sign shall be on paper of eight and one-half inches (81/2") by eleven inches (11") or larger in large print and placed at eye level to the student for easy viewing. Additionally, the current toll-free department of children's services abuse telephone number shall be in bold print.

Chapter 6, Part 8: Schools against Violence in Education (SAVE) Act

T.C.A. § 49-6-801. Short Title

This part shall be known and may be cited as the "Schools Against Violence in Education Act" or the "SAVE Act."

T.C.A. § 49-6-802. State-level Safety team -- Template for Safety and Emergency Response Plans

(a) The commissioner of education shall establish a state-level safety team, which shall assist LEAs and schools with compliance with this part as reasonably necessary. As part of the assistance, the state-level safety team shall publish a template for use by districts in preparing their district-level safety plans and building-level emergency response plans, which template shall outline the responsibilities of the LEAs and individual schools in complying with this part. The state-level safety team shall regularly review and update the template.

(b) The commissioner shall appoint the members of the state-level safety team, including:

(1) A representative of the department of safety;

(2) A representative of the Tennessee bureau of investigation;

(3) A representative of homeland security;

(4) A representative of the department of mental health and substance abuse services;

(5) A representative of the emergency medical services of the department of health;

(6) A representative of the state board of education;

(7) A representative of the Tennessee association of school resource officers; and

(8) A representative of the department of intellectual and developmental disabilities.

(c) The commissioner may also appoint a representative from each of the following:

(1) Directors of schools;

(2) Members of local boards of education;

(3) The Tennessee alternative education association;

(4) Public school teachers;

(5) The Tennessee association of mental health organizations;

(6) School counselors and psychologists;

(7) Parents of students enrolled in public schools;

(8) Tennessee students between sixteen (16) and twenty-four (24) years of age; and

(9) The Tennessee school health coalition.

T.C.A. § 49-6-803. Direction of Safety Team

The state-level safety team shall be directed by the director of the Tennessee school safety center established in § 49-6-4302.

T.C.A. § 49-6-804. Adoption of Comprehensive Plans

(a) Each LEA shall adopt a comprehensive district-wide school safety plan and building-level school safety plans regarding crisis intervention, emergency response and emergency management. The plans shall be developed by a district-wide school safety team and a building-level school safety team established pursuant to this part and shall follow the template developed by the state-level safety team. An LEA having only one (1) school building shall develop a single building-level school safety plan, which shall also fulfill all requirements for development of a district-wide plan.

(b) Any meeting concerning school security, the district-wide school safety plans or the building-level school safety plans shall not be subject to the open meetings laws compiled in title 8, chapter 44. Though closed to the general public, reasonable notice shall be provided to the general public prior to such a meeting. The board shall not discuss or deliberate on any other issues or subjects during such a meeting.

(c) Each LEA shall provide to the local law enforcement agency with jurisdiction the LEA's plans regarding school security, district-wide school safety plans and building-level school safety plans, as well as information, records, and plans that are related to school security.

T.C.A. § 49-6-805. Template Minimum Requirements

At a minimum, the template prepared by the state-level safety team shall include:

(1) The designation of an emergency response team;

(2) Policies and procedures for communication with law enforcement officials, parents and guardians in the event of emergencies and incidents of or threats of violence;

(3) Policies and procedures relating to school building security, including, where appropriate, the use of school resource officers, security devices or security procedures, and addressing, where appropriate, the use of the building by the public for events other than school activities and the impact the other use may have on building security;

(4) Procedures for assuring that crisis response and law enforcement officials have access to floor plans, blueprints, schematics or other maps of the school interior, school grounds and road maps of the immediate surrounding area;

(5) Procedures for coordination of the school safety plan with the resources available through the department of mental health and substance abuse services, the department of intellectual and developmental disabilities or a similar local agency to assure that the school has access to federal, state or local mental health resources in the event of a violent incident;

(6) Appropriate violence prevention and intervention strategies such as:

(A) Collaborative arrangements with state and local law enforcement officials, designed to ensure that school resource officers and other security personnel are adequately trained, including being trained to de-escalate potentially violent situations, and are effectively and fairly recruited;

(B) Dissemination of informative materials regarding the early detection and identification of potentially threatening behaviors and violent acts to teachers, administrators, school personnel, parents or guardians and students;

(C) Nonviolent conflict resolution training programs;

(D) Peer mediation programs and youth courts;

(E) Extended day and other school safety programs; and

(F) Comprehensive school counseling and mental health programs;

(7) Policies and procedures for annual school safety training for all students, teachers, and other school personnel; and

(8) Policies and procedures for the safe evacuation of all students, teachers, other school personnel and visitors to the school in the event of a serious violent incident or other emergency.

T.C.A. § 49-6-806. Appointments to District-wide and Building-level School Safety Teams

(a) Each district-wide school safety team shall be appointed by the district's director of schools and shall include, but not be limited to, representatives of the school board, representatives of student, teacher, administrator and parent organizations, and school personnel including school safety personnel.

(b) Each building-level school safety team shall be appointed by the building principal, in accordance with regulations or guidelines prescribed by the district's director of schools. Such building-level teams shall include, but not be limited to, representatives of teacher, administrator and parent organizations, and school personnel including school safety personnel, as well as community members, local law enforcement officials, local ambulance or other emergency response agencies, and any other representatives the district's director of schools deems appropriate.

T.C.A. § 49-6-807. Annual Review of Safety Plans -- Updates

Each school safety team shall conduct at least one (1) armed intruder drill annually. The drill shall be conducted in coordination with the appropriate local law enforcement agency. The results of the drill shall be maintained by each school for a minimum of five (5) years and shall be made available to the department of education upon request.

T.C.A. § 49-6-808. Hearings on Safety Plans -- Filing of Plan and Amendments -- Confidentiality

(a) Each LEA shall make each district-wide and building-level school safety plan available for public comment at least thirty (30) days prior to its adoption; provided, that only a summary of each building-level emergency response plan shall be made available for public comment. The district-wide and building-level plans may be adopted by the LEA only after at least one (1) public hearing that provides for the participation of school personnel, parents, students and any other interested parties.

(b) Each LEA shall file a copy of its district-wide comprehensive safety plan with the commissioner and all amendments to the plan shall be filed with the commissioner no later than thirty (30) days after their adoption. A copy of each building-level safety plan and any amendments to the plan shall be filed with the appropriate local law enforcement agency and with the department of safety within thirty (30) days of its adoption.

(c) Building-level emergency response plans shall be confidential and shall not be subject to any open or public records requirements.

(d) If the LEA fails to file the plan as required by subsection (b), the commissioner may withhold state funds, in an amount determined by the commissioner, from the LEA until the LEA is in compliance.

T.C.A. § 49-6-810. Annual Report to Governor and General Assembly

Annually on or before February 1 of each year, the commissioner of education shall report to the governor and the general assembly on implementation of and compliance with this part.

T.C.A. § 49-6-811. Grant Funding

An LEA may seek grant funding from the school safety center to assist with compliance with this part according to § 49-6-4302.

T.C.A. § 49-6-812. Consistency with Harassment and Bullying Policies

Each LEA shall ensure that the district-wide safety plans and building-level emergency response plans required by this part are developed in such a manner as to be consistent with the district's harassment and bullying policies developed pursuant to § 49-6-4503.

T.C.A. § 49-6-813. County and Municipal Appropriations

The legislative body of any county or municipality may appropriate funds for the purpose of providing resources for district-wide school safety plans, building-level school safety plans and district-wide school safety teams. Federal, state and local funds designated for such purposes may be used to provide funds for the purpose of providing resources for district-wide school safety plans, building-level school safety plans and district-wide school safety teams.

T.C.A. § 49-6-814. Rules and Regulations

The commissioner of education is authorized to promulgate rules and regulations to effectuate the purposes of this part and § 49-6-4301(c)-(e). All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

T.C.A. § 49-6-815. People Permitted to Possess and Carry a Firearm on School Grounds

(a) Notwithstanding § 39-17-1309 or any other provision of title 39, chapter 17, part 13 to the contrary, the following people are permitted to possess and carry a firearm on the grounds of the school at which they are assigned:

(1) A person employed by an LEA as a faculty or staff member at a school within the LEA; or

(2) A person assigned to a school in accordance with a memorandum of understanding between the chief of the appropriate law enforcement agency and the LEA.

(b) In order to possess and carry a firearm on the grounds of the school pursuant to subsection (a), the person must:

(1) Be authorized to possess and carry a firearm pursuant to § 39-17-1351;

(2) Have the joint written authorization of the director of schools in conjunction with the principal of the school to carry or possess a firearm on school property; and

(3) Be a law enforcement officer, or have prior service as a law enforcement officer, as defined in § 39-11-106, and be in compliance with all laws, rules and regulations of the peace officer standards and training (POST) commission, and have successfully completed forty (40) hours in basic training in school policing as required by § 49-6-4217. Any such training shall be approved by the LEA and the cost of the training, firearm and ammunition shall be at the expense of the person seeking authorization and not the LEA.

(c) (1) Within ten (10) days after the director of schools has authorized a person to carry or possess a firearm on school property pursuant to subdivision (a)(1) or (a)(2), the director shall notify the chief of the appropriate law enforcement agency of each such authorization.

(2) The notification pursuant to this subsection (c) shall contain basic information about each such person including name, address, contact information and whether the person is authorized under subdivision (a)(1) or (a)(2).

(d) The joint written authorization of the director of schools and the principal of the school given pursuant to subdivision (b)(2), the notification transmitted to the chief of the appropriate law enforcement agency pursuant to subdivision (c)(1), the names and contact information of any person authorized to carry or possess a firearm on school property pursuant to subdivision (c)(2), any listing or compilation of names or

individual names of persons who are authorized to carry or possess a firearm on school property, whether the director of schools and the principal of the school have or have not issued joint written authorization to carry or possess a firearm on school property, or any other document, file, record, information or material relating to the carrying or possessing of a firearm on school property pursuant to this section that is received by, transmitted to, maintained, stored or compiled by the director of schools, the principal of the school, any LEA, or city, county or municipal law enforcement agency, shall be confidential and not open for public inspection.

(e) Nothing in § 49-3-315 shall be construed to require an LEA or a law enforcement agency of the county to assign or provide funding for a school resource officer as defined in § 49-6-4202 to any city school system within that county on the basis of the WFTEADA as defined by § 49-3-302. The providing of security or school resource officers by a sheriff shall be considered a law enforcement function and not a school operation or maintenance purpose that requires the apportionment of funds pursuant to § 49-3-315.

T.C.A. § 49-6-816. Authorization of Employee to Carry Concealed Weapon on School Property in Distressed Rural County

(a) As used in this section:

(1) "Distressed rural county" means any county that qualifies as an "eligible county" under § 67-6-104, for the apportionment of sales and use tax revenue for commercial development districts, and has a population of not less than seventeen thousand (17,000) nor more than seventeen thousand one hundred (17,100), or a population of not less than five thousand (5,000) nor more than five thousand one hundred (5,100), according to the 2010 federal census or any subsequent federal census; and

(2) "Employee" means a person employed full time to work in a public kindergarten through grade 12 (K-12) school, including as a teacher, principal, vice principal, or other staff member.

(b) (1) Notwithstanding § 39-17-1309 or any other provision of title 39, chapter 17, part 13, to the contrary, in addition to persons who are authorized to possess a firearm on school property under any other law, the local board of education in a distressed rural county may adopt a policy allowing the director of schools, in consultation with the principal of each school, to authorize and select employees who may carry a concealed handgun within and on the grounds of the school to which the person is assigned.

(2) If the director of schools authorizes one (1) or more employees to carry a concealed handgun as provided in subdivision (b)(1), the maximum number of employees that may be authorized is one (1) employee for each one hundred (100) students enrolled in the school.

(c) No employee shall be disciplined or otherwise suffer adverse employment consequences if the employee does not volunteer to be trained to carry a concealed handgun pursuant to this section.

(d) (1) The director of schools shall not select an employee to carry a concealed handgun pursuant to this section unless the employee:

(A) Possesses and maintains a valid handgun carry permit issued by this state pursuant to § 39-17-1351;

(B) Is not prohibited from carrying a handgun under the laws of this state or federal law;

(C) Prior to carrying the concealed handgun on school property, successfully completes at least forty (40) hours of handgun instruction administered and taught by a local law enforcement agency. The handgun instruction curriculum shall be taken by the law enforcement agency from an existing curriculum that has been approved by the peace officers standards and training (POST) commission for use in training school

resource officers and other law enforcement officers; and

(D) On an annual basis, completes at least sixteen (16) hours of continuing handgun instruction administered and taught by a local law enforcement agency.

(2) Any handgun instruction curriculum that a law enforcement agency uses for school employees as provided in subdivision (d)(1)(C) shall include instruction designed to:

(A) Emphasize strategies for preventing school shootings and for securing the safety of potential victims of school shootings;

(B) Educate the employee about legal issues relating to the use of force or deadly force in the protection of others;

(C) Introduce the employee to effective school safety strategies and techniques;

(D) Improve the employee's proficiency with a handgun; and

(E) Enable the employee to respond to an emergency situation requiring deadly force, such as a situation involving an active shooter.

(3) It is the duty of the employee to send to the director of schools a certificate evidencing successful completion of the initial forty-hour handgun training instruction and the annual sixteen-hour continuing handgun training instruction. No director of schools may select an employee to carry a concealed handgun on the property of the school to which the employee is assigned without proof of successful completion of the training requirements and a valid handgun carry permit.

(e) The cost of the handgun carry permit, additional firearms training, and the handgun and ammunition the employee will be carrying, shall be at the expense of the employee who has been authorized to carry a concealed handgun pursuant to this section. The LEA assumes no financial responsibility for a handgun possessed by an employee pursuant to this section. Nothing in this subsection (e) shall prohibit an LEA from paying a portion or all of the costs associated with the required training or handgun carry permit fees.

(f) For the safety of law enforcement officers, other first responders, faculty and staff, students, and the employee carrying the concealed handgun pursuant to this section:

(1) Within ten (10) days after the director of schools has authorized an employee to carry or possess a concealed handgun on school property pursuant to subdivision (b)(1), the director shall notify the chief of

the appropriate local law enforcement agency of each such authorization; and

(2) Each employee authorized by the director of schools to carry a concealed handgun at an interscholastic athletic event pursuant to this section, other than a law enforcement officer, shall wear appropriate insignia or clothing that clearly identifies the employee as a school security officer or otherwise as being in lawful and authorized possession of a handgun.

(g) An employee's authorization to carry a concealed handgun pursuant to this section shall become ineffective upon the:

(1) Expiration, suspension, or revocation of the employee's handgun carry permit pursuant to § 39-17-1351; or

(2) Termination of the employee's employment with the school.

(h) The board of education and director of schools may, at their sole discretion, revoke an employee's authorization to carry a concealed handgun on school property with or without cause.

(i) The notification transmitted to the chief of the appropriate local law enforcement agency pursuant to subdivision (f)(1), the names and contact information of any employee authorized to carry or possess a concealed handgun on school property pursuant to subdivision (b)(1), any listing or compilation of names or individual names of persons who are authorized to carry or possess a firearm on school property, whether the director of schools and the principal of the school have or have not authorized an employee to carry or possess a firearm on school property, or any other document, file, record, information, or material relating to the carrying or possessing of a handgun on school property pursuant to this section that is received by, transmitted to, maintained, stored, or compiled by the director of schools, the principal of the school, any LEA, or county or municipal law enforcement agency, shall be confidential and not open for public inspection under title 10, chapter 7.

(j) Nothing in § 49-3-315 shall require an LEA or a law enforcement agency of the county to assign or provide funding for a school resource officer, as defined in § 49-6-4202, to any city school system within that county on the basis of the WFTEADA, as defined in § 49-3-302. The providing of security or school resource officers by a sheriff shall be considered a law enforcement function and not a school operation or maintenance purpose that requires the apportionment of funds pursuant to § 49-3-315.

(k) This section shall only apply to a public school located in a distressed rural county. If a county is removed from the distressed rural counties list and one (1) or more of the employees of the public school system within that county was authorized to carry a concealed handgun on school property pursuant to this

section, the authorization shall expire thirty (30) days after the county is removed from the list.

Chapter 6, Part 10: Curriculum Generally

T.C.A. § 49-6-1002. Use of School time for Athletics -- Teacher Salaries

(a) It is unlawful for any president, principal or teacher of any educational institution under the control of the state board of education or any local board of education to dismiss the school or any group of students or pupils of the school for the purpose of permitting them to practice or play baseball, football, basketball or any other similar game within the regular school hours of any school day of the week, without written permission from the governing board of the institution.

(b) Nothing in this section shall be construed to preclude regular physical training lessons as a part of the daily program of the school.

(c) A local education agency, local school board, school, educator, or employee or the employee's representative may not require a student to attend a school athletic event, or event related to participation on a school athletic team, if the event is on an official school holiday, observed day of worship, or religious holiday. The parent or legal guardian of a student participating in a school athletic event may provide written notice that the student will not be in attendance to the coach or administrator of the athletic event at least three (3) full school days prior to the event. Prior written notice to the coach or administrator of the school athletic event may not be required if the absence is due to an unforeseen emergency.

(d) The salaries of the teachers are left to the discretion of and are to be set by the local board of education.

T.C.A. § 49-6-1007. Character Education

(a) The course of instruction in all public schools shall include character education to help each student develop positive values and improve student conduct as students learn to act in harmony with their positive values and learn to become good citizens in their school, community and society. Public schools are urged to include the use of nonviolence as a means of conflict resolution within character education.

(b) (1) The department of education shall provide the appropriate method of instruction in kindergarten through grade twelve (K-12), in conformity with the elementary school curriculum provided for in subsection (c).

(2) Local boards of education may implement additional courses and materials in character education at their discretion.

(c) Each LEA shall provide the character education curriculum set forth in the curriculum provided by the department or a comparable program approved by the department.

(d) (1) The department shall annually appear before the education committee of the senate and the education instruction and programs committee of the house of representatives to report the following:

(A) The number of schools in which character education was an integral part of the curriculum in the most recent academic year;

(B) The number of students receiving character education in the most recent academic year;

(C) A sample teaching method of character education used in the most recent academic year; and

(D) A summary of the effectiveness of such teaching methods.

(2) Based upon the findings of the annual report required by subdivision (d)(1), the department of education shall institute a program to recognize those schools that have developed model instructional methods and administrative policies for the delivery of character education and provide professional development opportunities for the dissemination of these best practices to LEAs statewide. The department will utilize existing resources in the implementation of this subdivision (d)(2).

(e) Human resource agencies created pursuant to title 13, chapter 26 may serve as the service delivery system for the character education program.

(f) Local education agencies are authorized and encouraged to adopt as their course of instruction in character education the Congressional Medal of Honor Character Development Program. This program may be adopted for the appropriate grade levels and integrated into a number of academic subjects, including, but not limited to, government, contemporary issues, history, sociology, psychology, language arts, leadership, and mathematics.

T.C.A. § 49-6-1008. AIDS Education Programs -- Prevention of AIDS or Other Sexually Transmitted Diseases

(a) All material that includes information pertaining to the prevention of acquired immune deficiency syndrome (AIDS) or other sexually transmitted diseases that is written, published, distributed or used by any public entity or is paid for, in whole or in part, with any public moneys, and that is directed to children in kindergarten through grade twelve (K-12), shall place primary emphasis on abstinence from premarital intimacy and on the avoidance of drug abuse in controlling the spread of AIDS.

(b) Adoption of any program of AIDS education shall be permissive and shall not be required in any LEA until adopted by the local board of education.

T.C.A. § 49-6-1021. Opportunities for Physical Activity. (Effective until July 1, 2019.)

(a) In accordance with § 49-6-1022, it shall be the duty of each LEA to integrate:

(1) For elementary school students, a minimum of one hundred thirty (130) minutes of physical activity per full school week; and

(2) For middle and high school students, a minimum of ninety (90) minutes of physical activity per full school week.

(b) Physical activity may include walking, jumping rope, playing volleyball, or other forms of physical activity that promote fitness and well-being; however, walking to and from class shall not be considered physical activity for purposes of this section. To satisfy the requirements of subdivision (a)(1), an LEA shall offer elementary students at least one fifteen-minute (15) minute period of physical activity per day.

(c) The office of coordinated school health in the department of education shall provide an annual report by October 1, to the education administration and planning committee of the house of representatives, the education instruction and programs committee of the house of representatives, and the education committee of the senate on the implementation of subsection (a). The report shall contain at least the following information:

(1) The percentage of public schools that integrate the required physical activity into the instructional school day in compliance with subsection (a);

(2) The types of physical activities that are used to meet the physical activity requirement;

(3) Any barriers that have limited full compliance with the physical activity requirement;

(4) Innovative methods that schools use to comply with the physical activity requirement;

(5) The ranking of Tennessee schools in providing physical activity and physical education as compared to other states;

(6) Relevant data or studies that link physical activity or physical education to academic performance in students;

(7) Relevant data or studies showing whether increased physical activity or physical education lead to

better health outcomes;

(8) The annual percentage of increase or decrease in compliance with the physical activity requirement in school districts with average daily membership of twenty-five thousand (25,000) or more students; and

(9) An overall summary and a set of recommendations to promote active living in the youth of this state, including, but not limited to, suggestions for increasing compliance with the physical activity requirement that can be implemented with minimal cost.

(d) Nothing in this section shall prevent an LEA from integrating more student physical activity for elementary, middle, and high school students during the school week than required in subsection (a). The requirements of subsection (a) may work in conjunction with the school's physical education program, but subsection (a) shall not replace the current physical education program in a school.

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(c) The office of coordinated school health in the department of education shall provide an annual report by October 1, to the education administration and planning committee of the house of representatives, the education instruction and programs committee of the house of representatives, and the education committee of the senate on the implementation of subsection (a). The report shall contain at least the following information:

(1) The percentage of public schools that integrate the required physical activity into the instructional school day in compliance with subsection (a);

(2) The types of physical activities that are used to meet the physical activity requirement;

(3) Any barriers that have limited full compliance with the physical activity requirement;

(4) Innovative methods that schools use to comply with the physical activity requirement;

(5) The ranking of Tennessee schools in providing physical activity and physical education as compared to other states;

(6) Relevant data or studies that link physical activity or physical education to academic performance in students;

(7) Relevant data or studies showing whether increased physical activity or physical education lead to better health outcomes;

(8) The annual percentage of increase or decrease in compliance with the physical activity requirement in school districts with average daily membership of twenty-five thousand (25,000) or more students; and

(9) An overall summary and a set of recommendations to promote active living in the youth of this state, including, but not limited to, suggestions for increasing compliance with the physical activity requirement that can be implemented with minimal cost.

(d) Nothing in this section shall prevent an LEA from integrating more student physical activity for elementary, middle, and high school students during the school week than required in subsection (a). The requirements of subsection (a) may work in conjunction with the school's physical education program, but subsection (a) shall not replace the current physical education program in a school.

(e)

(1) In addition to the integration of physical activity into the instructional school day according to subsection (a), each LEA shall require each student in elementary school to participate in a physical education class that meets at least two (2) times per full school week during the school year. The total physical education class time each full school week shall be no less than sixty (60) minutes.

(2) The physical education class shall meet the needs of students of all physical ability levels, including students with disabilities who shall participate in moderate physical activity to the extent appropriate as determined by the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et seq.), Section 504 of the Rehabilitation Act (29 U.S.C. § 701 et seq.), or the student's individualized education program. An accommodation or alternative physical activity shall be provided for children with disabilities, if necessary.

(3) The physical education class required by this subsection (e) shall be taught by a licensed teacher with an endorsement in physical education or by a specialist in physical education.

(4) A student shall be excused from a physical education class for medical reasons. The LEA may require a parent or legal guardian to provide documentation of a student's reason for being excused from the physical education class.

(5)

(A) This subsection (e) shall not apply to any county having a population of not less than thirty-eight thousand three hundred (38,300) nor more than thirty-eight thousand four hundred (38,400), according to the 2010 federal census or any subsequent federal census, until the 2021-2022 school year; and

(B) This subsection (e) shall not apply to any county having a population of not less than fifty-seven thousand four hundred (57,400) nor more than fifty-seven thousand five hundred (57,500), according to the 2010 federal census or any subsequent federal census, until the 2021-2022 school year.

(f) Each LEA shall file an annual report with the commissioner of education verifying that the LEA has met the physical education requirements of this section.

T.C.A. § 49-6-1022. School Health Program -- School Health Coordinator and Specialist in Physical Education

(a) Each LEA is authorized to implement a coordinated school health program under the guidelines developed by the commissioner of education, in consultation with the department of health, pursuant to § 49-1-1002, during the 2006-2007 school year, and shall implement the program by the 2007-2008 school year.

(b) To assist with the implementation and support of coordinated school health programs, there are created in the department of education the positions of school health coordinator and specialist in physical education. The school health coordinator shall coordinate and oversee the implementation of coordinated school health programs in LEAs, provide continuing support for coordinated school health programs and perform other duties that may be assigned by the commissioner. The specialist in physical education shall serve as a resource and support person for any LEA with regard to implementation of physical education programs, provide information to LEAs relating to physical education and relating to professional development for physical education instructors and perform other duties that may be assigned by the commissioner.

T.C.A. § 49-6-1024. Instruction in School Safety Issues

(a) In reviewing the lifetime wellness standards, the department of education shall consider including instruction in current and appropriate school safety issues, to include drugs, alcohol, weapons, bomb threats, emergency evacuations and violent school incidents.

(b) The department is encouraged to collaborate with the University of Tennessee in developing school safety instructional materials and course objectives.

(c) The department shall review the United States department of homeland security's guidelines and other topically-relevant issues for inclusion in school safety programs.

T.C.A. § 49-6-1027. Gang Awareness Education

Each LEA, in consultation with local law enforcement, shall annually evaluate the threat to and influence on school children by gangs in the community. If the LEA finds that there is a substantial threat to or influence on school children by gangs, then the LEA shall institute gang awareness education for elementary and middle school students and their parents in schools in neighborhoods with gang activity or the potential for gang activity. The purpose of such curriculum shall be to strengthen students' abilities to resist engagement in gangs and gang-like activities and to help parents guide their children away from gangs and gang influence by providing information and understanding of gangs and gang activities. The curriculum for elementary and middle school students shall be a part of the regular curriculum of such schools. The department of education shall assist LEAs in development of curricula appropriate to each LEA's circumstances.

T.C.A. § 49-6-1032. Program to Promote Participation of K-12th grade Students in Community Gardening -- Elective Credit Permitted

In cooperation and consultation with the department of health and the department of finance and administration, the state board of education shall develop and implement a program to promote the participation of students in kindergarten through grade 12 (K-12) in the development and maintenance of community gardens, as defined in § 43-24-102. Such program may include, but is not limited to, offering elective credits for students' participation in community gardening.

T.C.A. § 49-6-1035. Domestic Violence Awareness Education Programs

Each LEA, in consultation with local law enforcement, is strongly encouraged to institute domestic violence awareness education programs for middle and high school students. The domestic violence awareness programs shall provide information on and understanding of domestic violence prevention to increase awareness of resources available to victims of domestic violence. An LEA shall ensure that each program instituted is developmentally appropriate for the age and maturity levels of the students who will take part in the program. LEAs instituting domestic violence programs are strongly encouraged to provide opportunities for participation by all middle and high school students in at least one (1) domestic violence awareness program per year.

Chapter 6, Part 12: Junior and Senior High Schools -- Curriculum

T.C.A. § 49-6-1206. Reserve Officer Training

In high schools offering programs of reserve officer training, a student may, at the student's discretion, substitute credit earned in the reserve officer training program for required credit in lifetime wellness.

Chapter 6, Part 13: Family Life Curriculum

T.C.A. § 49-6-1301. Part Definitions

As used in this part, unless the context otherwise requires:

(1) "Abstinence" means not participating in any activity that puts an individual at risk for pregnancy or a sexually transmitted disease;

(2) (A) "Abstinence-based" or "abstinence-centered" means an approach that promotes sexual risk avoidance, or primary prevention, and teaches vital life skills that empower youth to identify healthy and unhealthy relationships, accurately understand sexually transmitted diseases and contraception, set goals, make healthy life decisions, and build character;

(B) Abstinence-centered education is a holistic approach that addresses the physical, social, emotional, psychological, economic and educational consequences of nonmarital sexual activity;

(3) "Abstinence-centered curriculum" means that the majority of the content of a curriculum promotes sexual risk avoidance as the primary goal. Supplemental topics in the curriculum, such as healthy relationships and substance abuse, reinforce the goal of primary prevention;

(4) "Age-appropriate" means designed to teach concepts, information and skills based on the social, cognitive, emotional and experience level of most students at a particular age level;

(5) "Evidence-based approach" means an approach:

(A) That has a clear theoretical base that integrates research findings with practical implementation expertise that is relevant to the field;

(B) That matches the needs and desired outcomes for the intended audience; and

(C) That if implemented well, demonstrates improved outcomes for the intended audience;

(6) "Family life education" means an abstinence-centered sex education program that builds a foundation of knowledge and skills relating to character development, human development, decision making, abstinence, contraception and disease prevention;

(7) "Gateway sexual activity" means sexual contact, as defined in subdivision (12), that could precipitate engagement in a nonabstinent behavior. A person promotes a gateway sexual activity by encouraging, advocating, urging or condoning gateway sexual activities;

(8) "Medically accurate" means information that is grounded in evidence-based, peer-reviewed science and research;

(9) (A) "Puberty" means a developmental stage during which the pituitary gland triggers the production of testosterone in boys and the production of estrogen and progesterone in girls;

(B) Puberty typically begins in girls between nine (9) and twelve (12) years of age, and in boys between eleven (11) and fourteen (14) years of age;

(C) Puberty is the period during which adolescents become capable of reproduction and experience various bodily changes;

(10) "Risk avoidance" means an approach that encourages the prevention of participation in risk behaviors as opposed to merely reducing the consequences of those risk behaviors;

(11) "Sexual activity" means sexual penetration or sexual contact, or both;

(12) "Sexual contact" means sexual contact as defined under § 39-13-501;

(13) "Sexual intercourse" means that a male reproductive organ is inserted into any bodily orifice; and

(14) "Sexually transmitted disease" (STD) means a disease that is caused by bacteria, virus or parasite that is transmitted from one person to another during sexual contact. A sexually transmitted disease is also referred to as a sexually transmitted infection (STI).

T.C.A. § 49-6-1302. Curriculum for Family Life Education

(a) (1) Beginning with the 1991-1992 school year, if the most recent, annual data maintained by the department of health, state center for health statistics, indicate that pregnancy rates in any county exceeded nineteen and five tenths (19.5) pregnancies per one thousand (1,000) females fifteen (15) through seventeen (17) years of age, then every LEA within the county shall locally devise, adopt, and implement a program of family life education in conformance with the curriculum guidelines established for such programs by this section.

(2) Each LEA that offers a program, course or instruction in sex education shall locally develop and adopt a family life curriculum in compliance with the requirements of this part, or shall adopt the family life curriculum adopted by the state board of education.

(3) Each LEA shall prescribe policies and procedures for the implementation, evaluation, and periodic review of the family life curriculum.

(4) Notwithstanding any other law to the contrary, failure of an LEA to comply with this subsection (a) shall subject the LEA to the withholding of state funds by the commissioner.

(b) The state board of education shall adopt a complete family life curriculum suitable for implementation by an LEA that fails to develop, adopt, and implement a local curriculum of family life under subsection (a).

(c) (1) Prior to adopting a family life curriculum adopted by the LEA or the state board of education, each LEA shall conduct at least one (1) public hearing, at which time the program shall be explained to members of the public and the public shall have the opportunity to speak and express their opinions and concerns. The LEA shall schedule a public hearing not less than once each September.

(2) Each LEA shall undertake appropriate measures, whether in a public hearing or in parent conferences, to ensure and maintain the highest level of community and parental support for family life.

T.C.A. § 49-6-1303. Assistance in Teaching Family Life

(a) Nothing in this part shall prohibit an LEA from utilizing the services of a qualified healthcare professional or social worker to assist in teaching family life.

(b) An LEA shall not utilize the services of any individual or organization to assist in teaching family life if that individual or organization endorses student nonabstinence as an appropriate or acceptable behavior, or if that individual or organization promotes gateway sexual activity.

T.C.A. § 49-6-1304. Family Life Instruction

(a) A family life curriculum shall, to the extent that the topic and the manner of communication is age-appropriate:

(1) Emphatically promote only sexual risk avoidance through abstinence, regardless of a student's current or prior sexual experience;

(2) Encourage sexual health by helping students understand how sexual activity affects the whole person including the physical, social, emotional, psychological, economic and educational consequences of nonmarital sexual activity;

(3) Teach the positive results of avoiding sexual activity, the skills needed to make healthy decisions, the advantages of and skills for student success in pursuing educational and life goals, the components of healthy relationships, and the social science research supporting the benefits of reserving the expression of human sexual activity for marriage;

(4) Provide factually and medically-accurate information;

(5) Teach students how to form pro-social habits that enable students to develop healthy relationships, create strong marriages, and form safe and stable future families;

(6) Encourage students to communicate with a parent, guardian, or other trusted adult about sex or other risk behaviors;

(7) Assist students in learning and practicing refusal skills that will help them resist sexual activity;

(8) Address the benefits of raising children within the context of a marital relationship and the unique challenges that single teen parents encounter in relation to educational, psychological, physical, social, legal, and financial factors;

(9) Discuss the interrelationship between teen sexual activity and exposure to other risk behaviors such as smoking, underage drinking, drug use, criminal activity, dating violence, and sexual aggression;

(10) Educate students on the age of consent, puberty, pregnancy, childbirth, sexually transmitted diseases, including but not limited to HIV/AIDS, and the financial and emotional responsibility of raising a child;

(11) Teach students how to identify and form healthy relationships, and how to identify and avoid unhealthy relationships; and

(12) Notwithstanding § 49-6-1302(a)(1), inform students, in all LEAs, concerning the process of adoption and its benefits. The state board of education, with the assistance of the department of education, shall develop guidelines for appropriate kindergarten through grade twelve (K-12) instruction on adoption, what adoption is, and the benefits of adoption. The guidelines shall be distributed by the department of education to each LEA by the start of the 2015-2016 school year; and

(13) Provide instruction on the detection, intervention, prevention, and treatment of child sexual abuse, including such abuse that may occur in the home, in accordance with the declarations and requirements of §§ 37-1-601(a) and 37-1-603(b)(3).

(b) Instruction of the family life curriculum shall not:

(1) Promote, implicitly or explicitly, any gateway sexual activity or health message that encourages students to experiment with noncoital sexual activity;

(2) Provide or distribute materials on school grounds that condone, encourage or promote student sexual activity among unmarried students;

(3) Display or conduct demonstrations with devices specifically manufactured for sexual stimulation; or

(4) Distribute contraception on school property; provided, however, that medically-accurate information about contraception and condoms may be provided so long as it is presented in a manner consistent with the preceding provisions of this part and clearly informs students that while such methods may reduce the risk of acquiring sexually transmitted diseases or becoming pregnant, only abstinence removes all risk.

T.C.A. § 49-6-1305. Notification of Parents and Legal Guardians -- Excusing Students from Family Life Instruction

(a) Not less than thirty (30) days prior to commencing instruction of the family life curriculum, each LEA shall notify parents or legal guardians of students whom the LEA anticipates will be present for instruction in sex education that:

(1) The LEA is using a family life curriculum that meets the requirements of state law; and

(2) The parent or legal guardian shall have the right to examine the grade level instructional materials and confer with the student's instructor, school counselor or principal, as designated by the LEA, regarding any or all portions of family life.

(b) A parent or guardian who wishes to excuse a student from any portion of family life shall submit a request, in writing, to the student's instructor, school counselor, or principal. A parent or guardian who wishes to excuse a student from all portions of family life shall submit a request in writing to the student's principal. A student who is excused from any or all portions of family life shall not be penalized for grading purposes if the student satisfactorily performs alternative health lessons.

T.C.A. § 49-6-1306. Complaint by Parent or Legal Guardian – Cause of Action by Parent or Guardian

(a) Notwithstanding any other law to the contrary, a parent or legal guardian of a student enrolled in family life may file a complaint with the director of schools if the parent or legal guardian believes that a teacher, instructor, or representative of an organization has not complied with the requirements of this part. The director shall investigate the complaint and report such director's findings, along with any recommendations for disciplinary action, to the local board for further action. The local board shall file, in a timely manner, a report with the commissioner regarding any action or inaction taken. On an annual basis, the commissioner shall transmit those filings to the chair of the education committee of the senate and the chair of the education instruction and programs committee of the house of representatives.

(b) (1) If a student receives instruction by an instructor or organization that promotes gateway sexual activity or demonstrates sexual activity, as prohibited under this part, then the parent or legal guardian shall have a cause of action against that instructor or organization for actual damages plus reasonable attorney's fees and court costs; provided, however, that this subsection (b) shall not apply to:

(A) Instruction provided by teachers employed by the LEA; or

(B) Instruction provided by instructors employed by an LEA-approved organization, or by LEA-approved instructors, that is limited to the detection, intervention, prevention, and treatment of child sexual abuse, including such abuse that may occur in the home, in accordance with §§ 37-1-601(a), 37-1-603(b)(3), and 49-6-1303(b). Any LEA-approved organization, instructor employed by an LEA-approved organization, or LEA-approved instructor who promotes any gateway sexual activity, demonstrates sexual activity, or teaches student nonabstinence as an appropriate or acceptable behavior, as prohibited under this part, shall be subject to a cause of action by a parent or legal guardian pursuant to this subdivision (b)(1).

(2) If the parent or legal guardian is the prevailing party to the action, the court may impose a civil fine in an amount not to exceed five hundred dollars ($500).

(3) An action brought under this subsection (b) shall be commenced within one (1) year after the alleged violation occurred.

(c) This section shall not apply to instruction by any teacher, instructor, or organization, who, with respect to a course or class otherwise offered in accordance with the requirements of this part, verbally answers in good faith any question, or series of questions, germane and material to the course, asked of the instructor and initiated by a student or students enrolled in the course.

T.C.A. § 49-6-1307. Instruction of Sexual Education to Comply with Part -- Scientific Study of Reproductive System Permitted

Notwithstanding any other law to the contrary, and regardless of the title or designated name of a particular class or course, any instruction in sex education or sexual activity shall comply with the requirements of this part; provided, however, that nothing in this part shall be construed so as to prohibit the scientific study of the sexual reproductive system through coursework in biology, physiology, anatomy, health, or physical education.

Chapter 6, Part 14: Children at Risk for Obesity

T.C.A. § 49-6-1401. Implementation of Program -- Requirements -- Reporting of Data

(a) LEAs are authorized to implement a program that identifies public school children who are at risk for obesity. Those schools systems that choose to carry out such a program shall:

(1) Have sufficient number of current school staff or school volunteers trained in taking a body mass index (BMI) to meet the requirements of this part. The department of health shall develop and provide training materials to the LEAs;

(2) Complete a body mass index for age (BMI-for-age), as defined by the centers for disease control and prevention, on every child enrolled for classes in the school system whose parents or guardians have not requested exclusion from the testing; and

(3) Provide each student's parents or guardians with a confidential health report card that represents the result of the child's BMI-for-age screening, along with basic educational information on what the results mean and what the parents or guardians should do with the information.

(b) School systems that carry out the program shall transmit the results of the testing for each student to the department of health.

T.C.A. § 49-6-1402. Program Components

(a) The department of health, with the assistance of the department of education, shall provide a framework for LEAs to use in developing a program that shall include, but not be limited to:

(1) Providing standard practices for maintaining confidentiality;

(2) Providing necessary information to LEAs annually, explaining the method for determining a BMI-for-age and the tables that should be used to determine if a child may be at risk of being overweight, or if the child is overweight or underweight based upon the BMI-for-age.

(3) Developing and disseminating to LEAs annually a form that should be used to report the student results from individual schools and from the LEA to the department of health;

(4) Developing and disseminating a sample notification to all LEAs that can be used as the model for the health report card to notify parents or guardians of the child's BMI results, along with basic educational information on what the results mean, the applicable health risks for a child who is overweight and what the parents or guardians should do with the information; and

(5) Working with representatives from the department of education, state health professional associations and national health related organizations in the design of the form and sample notification.

T.C.A. § 49-6-1403. Tabulation and Reporting of Results

(a) The department of health is authorized to accept and tabulate the results of any BMI screenings completed by school systems and to distribute only aggregate results at a grade, school, county or statewide level.

(b) The department of health shall provide the governor's office, the speaker of the senate and the speaker of the house of representatives a report of the aggregate results of all BMI screenings performed in the previous calendar year by January 31st of each year.

T.C.A. § 49-6-1404. Nutrition and Physical Activity Programs in Schools Where Aggregate Data Suggests High Rates of Obesity

Schools where aggregate data suggests that high rates of overweight children may be a problem are encouraged to expand existing or implement new school-based nutrition and physical activity programs designed to reduce those rates. The effectiveness of these results could be determined by completing a BMI-for-age on the school's students whose parents or guardians have not requested exclusion from the testing at the end of the school year.

Chapter 6, Part 19: Suicide Prevention

T.C.A. § 49-6-1901. Training for Teachers and Principals

All employees of each LEA shall attend the annual in-service training in suicide prevention required to be provided to teachers and principals in accordance with ง 49-6-3004(c)(1) or other equivalent training.

T.C.A. § 49-6-1902. Adoption of Policies -- Establishment of Model Policy

(a) Each LEA shall adopt a policy on student suicide prevention. The policies shall be developed in consultation with school and community stakeholders, school-employed mental health professionals, and suicide prevention experts, and shall, at a minimum, address procedures relating to suicide prevention, intervention, and postvention.

(b) To assist LEAs in developing policies for student suicide prevention, the department of education shall establish a model policy in consultation with the office of crisis services and suicide prevention of the department of mental health and substance abuse services and the department of health. An LEA may develop its own policy or adopt the model policy.

T.C.A. § 49-6-1903. Cause of action -- Imposition of Duty of Care

(a) No person shall have a cause of action for any loss or damage caused by any act or omission resulting from the implementation of this part or resulting from any training, or lack thereof, required by this part.

(b) The training required by this part, or the lack thereof, shall not be construed to impose any specific duty of care.

Chapter 6, Part 23: Tennessee School Nutrition Standards Act

T.C.A. § 49-6-2302. Establishment of Nutritional Breakfast and Lunch Programs

(a) Unless a waiver is granted pursuant to § 49-6-2303(10), and only to the extent federal funds are available for free or reduced price meals:

(1) Each school board shall establish a school lunch program in every school under its jurisdiction in accordance with rules and regulations established under § 49-6-2303; and

(2) Each school board shall establish a school breakfast program in the following schools based on the cumulative analysis of school lunch participation for the month of April of the preceding school year:

(A) Every school that contains kindergarten through grade eight (K-8) in which twenty-five percent (25%) or more of the students participated in the school lunch program at a free or reduced price; and

(B) In every school that does not contain a kindergarten through grade eight (K-8) in which forty percent (40%) or more of the students participated in the school lunch program at a free or reduced price.

(b) Each LEA operating a school breakfast program pursuant to this part shall be reimbursed by the state for any additional expenses to that agency that are incurred as a result of implementation of this part.

(c) The school breakfast program shall automatically terminate if federal funding for such program ceases.

T.C.A. § 49-6-2303. Rules and Regulations

The commissioner of education shall recommend and the state board of education shall adopt rules that:

(1) Establish minimum nutrition requirements for school breakfast and school lunch programs;

(2) Establish standards of income eligibility for free or reduced price meals for disadvantaged children;

(3) Prescribe uniform methods for determining eligibility for free or reduced price meals;

(4) Require that each school board establish a method to regularly notify students and parents of the availability of free or reduced price meals and to encourage participation in the breakfast program;

(5) Establish a uniform reporting system for the collection and compilation of data on the administration of this part, including a report on each individual school, regardless of its participation;

(6) Require each local school board to submit to the commissioner a plan for compliance with this part sixty (60) days prior to the beginning of the school year. For each subsequent school year, require each local school board to submit modifications to the plan sixty (60) days prior to the beginning of the school year. The plan for compliance shall:

(A) Require that availability of local agriculture products, freshness and transportation cost be considered;

(B) Allow flexible bidding processes to assist farmers to bid competitively on portions of a given nutrition plan, rather than an entire nutrition plan; and

(C) Require that all food provided for public school use meet or exceed food safety standards for commercial food operations;

(7) Require each local school board to certify to the commissioner compliance with the plan as submitted or modified within thirty (30) days after the beginning of the school year;

(8) Provide that compliance with the standards and requirements of the federal National School Lunch Act (42 U.S.C. §§ 1751-1769), and the federal Child Nutrition Act of 1966 (42 U.S.C. §§ 1771-1789), shall be deemed compliance with these requirements;

(9) Permit, in accordance with federal requirements, reimbursement for supervision of students

participating in a meals program required by this part;

(10) Allow the local school board to waive the requirements of § 49-6-2302(a)(2), for any individual school for each year that the board determines at a public meeting of the board, with notice and right to be heard, to any person who has, in writing, requested to be notified of the consideration of such waivers:

(A) That the implementation of a school breakfast program would cause an unavoidable and unreasonable disruption of schedule that would substantially impair the ability of the school to maintain a proper educational program;

(B) The cumulative annualized participation in the school breakfast program is less than fifty (50) students and the school has complied with § 49-6-2302(a)(2); or

(C) That the implementation of the program would cause the expenditure of state or local education funds for which reimbursement under the federal Child Nutrition Act of 1966 is unavailable or inadequate;

(11) Not permit the limitation of the full six and one half (61/2) hours instructional school time required by statute; and

(12) Provide that the established work day of licensed personnel shall not, without compensation, be lengthened as a result of this part and that the principal not be in charge of the lunch program in any county where a system-wide school food service manager is available, unless the local board of education specifically provides for a principal to be in charge of the lunch program.

T.C.A. § 49-6-2304. Review of Compliance with Laws and Regulations -- Report to General Assembly

(a) Within thirty (30) days prior to the beginning of the school year, the commissioner shall review each plan and subsequent modifications submitted under § 49-6-2303(7) and determine whether the plan complies with this part.

(b) The commissioner shall investigate and promptly act upon any allegation of noncompliance within this part or the rules and regulations established under this part.

(c) In January of each year, the commissioner shall make a report to the education committee of the senate and the education administration and planning committee of the house of representatives, detailing for each individual school whether that school participates in the programs required under this part, if not, the reason for not participating and, if a waiver was granted, the reason for the waiver, along with the number and percentage of student participation for each school participating.

T.C.A. § 49-6-2305. Reserve Fund

(a) Each LEA that operates a child nutrition program may maintain a three-month reserve fund for operating expenses. The revenue for the reserve fund shall come from the unexpended balance of the program.

(b) The LEA shall project the reserve fund for the child nutrition program at its annual budgetary planning meeting. LEAs can recover indirect costs only from the reserve fund that exceeds three (3) months' operating expenses.

T.C.A. § 49-6-2306. Eligibility of School Nutrition Program Supervisors for Career Ladder Program

(a) State licensed school nutrition program supervisors shall be eligible for participation in the career ladder program as part of the state model for special groups.

(b) This section shall not be construed to reduce the compensation of any school nutrition program employee, nor exclude the employee from any future salary increase or improvement.

(c) The department of education shall promulgate all necessary rules and regulations to effectuate the purposes of this section. The rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

T.C.A. § 49-6-2307. Minimum Nutritional Standards for Individual Food Items

(a) The state board of education, in consultation and cooperation with the department of education and the department of health, shall promulgate rules to establish minimum nutritional standards for individual food items sold or offered for sale to pupils in pre-kindergarten through grade eight (pre-K-8) through vending machines or other sources, including school nutrition programs.

(b) The rules shall address, but shall not be limited to, the following:

(1) The establishment of minimum nutritional standards and nutritionally sound portion sizes for individual food items sold or offered for sale to pupils in pre-kindergarten through grade eight (pre-K-8) and standards governing the time, place and circumstances of any such sale or offer to sell; and

(2) A requirement that a noncompliant vendor, individual or entity shall reimburse a school nutrition program for any penalties assessed against the school nutrition program for any violation of the rules committed by the noncompliant vendor, individual or entity.

(c) Nothing in this section, or any rule promulgated pursuant to this section, shall be construed to prohibit a school nutrition program from selling or serving federally reimbursable meals to pupils in pre-kindergarten through grade eight (pre-K-8).

(d) Nothing in this section, or any rule promulgated under § 49-6-2303, shall be construed to prevent an LEA or a school from utilizing a request for proposals for any proposed contract for vending machines or vending services, pursuant to school board policy.

Chapter 6, Part 30: Attendance

T.C.A. § 49-6-3002. State Attendance Guidelines -- No Penalty for Period of Hospital or Homebound Instruction

(a) The state board of education shall promulgate rules, in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, that prescribe guidelines for use by local boards of education in establishing standards and policies governing student attendance, subject to availability of funds. The guidelines shall include, but not be limited to, the following stipulations:

(1) Attendance policies shall be firm but fair so that each student has a reasonable opportunity to meet the minimum requirements;

(2) Effective accounting and reporting procedures shall be developed to keep parents or guardians informed of a student's absence from class;

(3) Policies shall accommodate extenuating circumstances created by emergencies over which the student has no control;

(4) Appeal procedures shall be included to assure the student's right of due process; and

(5) Alternative programs shall be established to provide educational options for any student who severely fails to meet minimum attendance requirements.

(b) Notwithstanding any law to the contrary, if a student is unable to attend regular classes because of illness, injury or pregnancy and if the student has participated in a program of hospital or homebound instruction administered or approved by the LEA, then the student shall not be penalized for grading purposes nor be denied course completion, grade level advancement or graduation solely on the basis of the student's absence from the regular classroom during the period of the hospital or homebound instruction.

(c) (1) Notwithstanding any law to the contrary, if a student is unable to attend regular classes pursuant to a summons, subpoena, court order, statute or rule, then the student's absence shall be an excused absence and the student shall be afforded the opportunity to complete all assignments missed for this purpose.

(2) Subdivision (c)(1) shall not apply if a student's absence is:

(A) The result of a commission of a delinquent act and notice of intent to transfer the student to criminal court has been provided pursuant to § 37-1-134; or

(B) For detention purposes pursuant to § 37-1-114(c).

T.C.A. § 49-6-3004. School Term

(a) Each public school system shall maintain a term of no less than two hundred (200) days, divided as follows:

(1) One hundred eighty (180) days for classroom instruction;

(2) Ten (10) days for vacation with pay for a two hundred-day term, eleven (11) days for vacation with pay for a two hundred twenty-day term, and twelve (12) days for vacation with pay for a two hundred forty-day term;

(3) Five (5) days for in-service education;

(4) One (1) day for teacher-parent conferences;

(5) Four (4) other days as designated by the local board of education upon the recommendation of the director of schools; and

(6) In the event of a natural disaster or serious outbreaks of illness affecting or endangering students or staff during a school year, the commissioner of education may waive for that school year the requirement under subdivision (a)(1) of one hundred eighty (180) days of classroom instruction, if a request is submitted to the commissioner by the director of schools. The waiver request may be for the entire LEA or for individual schools within the LEA.

(b) Vacation days shall be in accordance with policies recommended by the local director of schools and adopted by the local board of education.

(c) (1) In-service days shall be used according to a plan recommended by the local director of schools in accordance with this section and other applicable statutes and adopted by the local board of education, a copy of which plan shall be filed with the commissioner of education on or before June 1 of the preceding school year and approved by the commissioner. The commissioner shall require that in-service training include the teaching of the components of the Juvenile Offender Act, compiled in title 55, chapter 10, part 7, to all teachers and principals in grades seven through twelve (7-12). The commissioner shall require that in-service training include at least two (2) hours of suicide prevention education for all teachers and principals each school year. This education may be accomplished through self-review of suitable suicide prevention materials. The commissioner shall also encourage the use of two (2) of the in-service training days to provide training to teachers, principals and other school personnel, and, to the extent possible, school board members, on issues of prevention and intervention strategies for students in the area of

behavioral/emotional disorders. The training shall place an emphasis on understanding the warning signs of early-onset mental illness in children and adolescents and may be conducted by school counseling personnel, such as psychologists, social workers, guidance counselors or health faculty, by mental health clinicians or by approved personnel from mental health advocacy organizations using curricula approved by the departments of education and mental health and substance abuse services. In addition to other training and resources authorized by this chapter, the department of education shall, within available resources, collaborate with institutions of higher education to formally address dyslexia and similar reading disorders by providing kindergarten through twelfth grade (K-12) educators and teachers web-based or in-person training providing effective instruction for teaching students with dyslexia using appropriate scientific research and brain-based multisensory intervention methods and strategies.

(2) The needs of apprentice teachers shall be given priority in the planning of in-service activities. Apprentice teachers shall be assisted by supervising teachers in the development of competencies required by the local board of education.

(3) The plan shall also give priority to staff development activities. Staff development activities shall include an assessment of teacher and administrator evaluations made previously by the local school system. Career level III teachers and career level III supervisors shall be assigned to aid those teachers seeking to improve teaching competencies.

(d) The state board of education shall develop a policy governing professional development activities during in-service education within the guidelines adopted by the general assembly.

(e) (1) A local board of education or private or church-related school that exceeds the full six and one half (61/2) hours instructional time required by law by one half (1/2) hour daily for the full academic year shall be credited with the additional instructional time. The excess instructional time shall be accumulated in amounts up to, but not exceeding, thirteen (13) instructional days each year, and applied toward meeting instructional time requirements missed due to dangerous or extreme weather conditions. Upon approval by the commissioner, the excess instructional time may be used in case of natural disaster, serious outbreaks of illness affecting or endangering students or staff or dangerous structural or environmental conditions rendering a school unsafe for use. This excess accumulated instructional time may be used for early student dismissal for faculty professional development under rules promulgated by the board of education. Such time may be used in whole day (six and one half (61/2) hour) increments and may be used for faculty professional development, M-team meetings, S-team meetings, parent-teacher conferences or other similar meetings. The board shall consult with the commissioner in developing the rules. All proposals for use of excess time for professional development shall be approved by the commissioner. Additionally, the commissioner is authorized to approve directly proportional variations from the one-half-hour extension of the school day and the corresponding accumulation of thirteen (13) days of adjustments to the instructional

time requirements.

(2) Any unused accumulated days for excess instructional time shall not carry over to a school year other than the year in which the time was accumulated.

(f) Beginning with the 2010-2011 school year and every year thereafter, LEAs shall commence the school year no earlier than August 1 unless the LEA's board of education votes by a majority of its membership to establish a year-round or alternative calendar for all or any of the schools within its jurisdiction in accordance with department of education attendance policies.

(g) The length of term selected by a local board, and the length of the school day corresponding to that term, shall not affect either the amount or timing of payments made to the LEA under the basic education program (BEP) or otherwise, if the LEA operates for the full chosen term. Equally, the length of term and the length of day shall not affect the compensation of any teacher employed for the length of that term.

(h) Any LEA operating a virtual school or virtual education program shall make available the same length of time for learning opportunities per academic year as required under this section to any student participating in its program. The LEA shall, however, also permit a student to move at the student's own pace. The student shall demonstrate mastery, competency and completion of a course or subject area to be given credit for the course or subject area. If a student successfully completes a course or grade level more than thirty (30) days before the end of the term, the student shall begin work in the next appropriate course or grade. The academic program shall continue until the end of the academic year.

T.C.A. § 49-6-3005. Children Excused from Compulsory Attendance

(a) The following classes of children between six (6) and seventeen (17) years of age, both inclusive, shall be temporarily excused from complying with this part, the local board of education to be sole judge in all such cases involving children who are enrolled in a public school and, as to children enrolled in a nonpublic school, as defined by § 49-6-3001(c)(3), the director of schools of the school to be the sole judge in all such cases:

(1) Children mentally or physically incapacitated to perform school duties, such disability to be attested by a duly licensed physician in all cases;

(2) Children who have completed high school and hold a high school diploma;

(3) Children temporarily excused from attendance in school under rules and regulations promulgated by the state board of education, which rules and regulations shall not be in conflict with § 50-5-103 or any other law governing child labor in this state;

(4) Children six (6) years of age or under whose parent or guardian have filed a notice of intent to conduct a home school as provided by § 49-6-3001 or who are conducting a home school as provided by § 49-6-3050; and

(5) Children who have attained their seventeenth birthday and whose continued compulsory attendance, in the opinion of the board of education in charge of the school to which the children belong and are enrolled, results in detriment to good order and discipline and to the instruction of other students and is not of substantial benefit to the children.

(b) In all cases described in subsection (a), the board shall first obtain the recommendation in writing from the director of schools of the system and the principal of the school to which the child or children belong.

(c) No child who is refused attendance in a school nearer to the child's residence having equivalent grade levels and curriculum shall be required to attend public or nonpublic school as provided in § 49-6-3001.

(d) In addition to the categories of children specified in subsection (a), the local board of education may excuse children from attendance in accordance with guidelines developed by the state board of education for this purpose. The state board of education shall have the guidelines approved by the education committee of the senate and the education administration and planning committee of the house of

representatives before implementation.

T.C.A. § 49-6-3006. Attendance Teachers

[Effective on July 1, 2018. See the version effective until July 1, 2018.]

(a) The sole responsibility and authority for the enforcement of the compulsory attendance laws, compiled in this part, are placed in the local board of education and its designated employees and officers.

(b) To facilitate the enforcement of this part, the director of schools shall designate at least one (1) qualified employee who shall be identified as the system attendance supervisor. The duties of an attendance supervisor shall include, but shall not be limited to, assisting the board, under the direction of the director of schools, with the enforcement of the compulsory attendance laws of the state and to discharge such other duties that are necessary to effectuate enforcement of laws and local policies related to absenteeism and truancy. The attendance supervisor may also be directed to devise and recommend to the director of schools, for board approval, a progressive truancy intervention plan consistent with the provisions of this part.

(c) Any local school system that, because of its size, the paucity of its school population or other good cause, does not need the services of a full-time attendance teacher, may, with the approval of the commissioner, employ either a part-time attendance teacher or join with a neighboring school system in the joint employment of an attendance teacher, as authorized by the commissioner of education; provided, that no such authorization shall be valid for a longer period than one (1) year, but it may be renewed as often as conditions justify.

(d) (1) Each local board of education shall fix the compensation of each attendance teacher employed, payable from the school funds of the school system, and shall prescribe the duties of the attendance teacher and make rules and regulations for the performance of the duties not inconsistent with law or the rules and regulations of the state board of education that will promote the purposes of this part.

(2) Two (2) or more school systems, served by one (1) attendance teacher, shall jointly fix the compensation of the attendance teacher, payable from the school funds of the school systems concerned. The local boards of education shall prescribe the duties of the attendance teacher, jointly employed, and make rules and regulations for the performance of the duties that are not in conflict with law or with the rules and regulations of the state board of education.

(e) Training, certification and employment qualifications of attendance teachers shall be in compliance with rules and regulations prescribed by the commissioner and approved by the state board.

(f) Attendance teachers appointed under this part or other persons authorized to serve under this section shall have all the powers and duties now vested, or that hereafter may be vested, in attendance teachers by the compulsory attendance laws of this state.

(g) In the discharge of the duties of their office, attendance teachers or other persons authorized to serve

under this section shall work under the direction and supervision of the director of schools and shall comply with the rules and regulations of the local board of education and of the commissioner, as approved by the state board of education.

(h) Attendance teachers employed under this part shall have the same status with respect to tenure and teacher retirement as other public school personnel under the laws of this state.

(i) Local school systems participating in the state equalizing funds may, with the approval of the commissioner, include attendance teachers in the minimum program under the rules and regulations prescribed by the state board of education.

T.C.A. § 49-6-3014. Attendance - Children Lacking Clothing or Food

(a) If it is ascertained by any local board of education that any child who is required under this part to attend a school under the control of the board is unable to do so on account of lack of clothing or food, such case shall be reported to the welfare agency in the school district.

(b) Any worthy case not receiving immediate relief shall be reported by the board to the officials having charge of such work for investigation and relief.

T.C.A. § 49-6-3051. Parental or Guardian Notice to School of Child's Criminal Offenses -- List of Goals -- Confidentiality -- Violations and Penalties

(a) Notwithstanding any law to the contrary, if a student has at any time been adjudicated delinquent for any offense listed in subsection (b), 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 ง 37-1-153 or ง 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 this state.

(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; or

(N) Aggravated sexual battery;

(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; or

(3) An offense not listed in this subsection (b) for which a court has ordered school notification based on the circumstances surrounding the offense.

(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 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) 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 (f) 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 (g) 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 children's services shall be notified and take appropriate action against the employee.

Chapter 6, Part 34: Suspension of Students

T.C.A. § 49-6-3401. Suspension of Students -- Expulsion of Students -- Exception for Self-Defense

(a) Any principal, principal-teacher or assistant principal of any public school in this state is authorized to suspend a pupil from attendance at the school, including its sponsored activities, or from riding a school bus, for good and sufficient reasons. Good and sufficient reasons for suspension include, but are not limited to:

(1) Willful and persistent violation of the rules of the school;

(2) Immoral or disreputable conduct or vulgar or profane language;

(3) Violence or threatened violence against the person of any personnel attending or assigned to any public school;

(4) Willful or malicious damage to real or personal property of the school, or the property of any person attending or assigned to the school;

(5) Inciting, advising or counseling of others to engage in any of the acts enumerated in subdivisions (a)(1)-(4);

(6) Marking, defacing or destroying school property;

(7) Possession of a pistol, gun or firearm on school property;

(8) Possession of a knife and other weapons, as defined in § 39-17-1301 on school property;

(9) Assaulting a principal, teacher, school bus driver or other school personnel with vulgar, obscene or threatening language;

(10) Unlawful use or possession of barbital or legend drugs, as defined in § 53-10-101;

(11) One (1) or more students initiating a physical attack on an individual student on school property or at a school activity, including travel to and from school or a school activity;

(12) Making a threat, including a false report, to use a bomb, dynamite, any other deadly explosive or destructive device, including chemical weapons, on school property or at a school sponsored event;

(13) Any other conduct prejudicial to good order or discipline in any public school; and

(14) Off campus criminal behavior that results in the student being legally charged with an offense that would be classified as a felony if the student was charged as an adult or if adjudicated delinquent for an offense that would be classified as a felony if the student was an adult, or if the student was convicted of a felony, and the student's continued presence in school poses a danger to persons or property or disrupts the educational process. Notwithstanding § 37-1-131 or any other law to the contrary, the principal of the school in which the student is enrolled and the director of schools shall determine the appropriate educational assignment for the student released for readmission.

(b) (1) Any principal, principal-teacher or assistant principal may suspend any pupil from attendance at a specific class, classes or school-sponsored activity without suspending the pupil from attendance at school pursuant to an in-school suspension policy adopted by the local board of education. Good and sufficient reasons for in-school suspension include, but are not limited to, behavior:

(A) That adversely affects the safety and well-being of other pupils;

(B) That disrupts a class or school sponsored activity; or

(C) Prejudicial to good order and discipline occurring in class, during school-sponsored activities or on the school campus.

(2) In-school suspension policies shall provide that pupils given an in-school suspension in excess of one (1) day from classes shall attend either special classes attended only by students guilty of misconduct or be placed in an isolated area appropriate for study. Students given in-school suspension shall be required to complete academic requirements.

(c) (1) Except in an emergency, no principal, principal-teacher or assistant principal shall suspend any student until that student has been advised of the nature of the student's misconduct, questioned about it and allowed to give an explanation.

(2) Upon suspension of any student other than for in-school suspension of one (1) day or less, the principal shall, within twenty-four (24) hours, notify the parent or guardian and the director of schools or the director of schools' designee of:

(A) The suspension, which shall be for a period of no more than ten (10) days;

(B) The cause for the suspension; and

(C) The conditions for readmission, which may include, at the request of either party, a meeting of the parent or guardian, student and principal.

(3) If the suspension is for more than five (5) days, the principal shall develop and implement a plan for improving the behavior, which shall be made available for review by the director of schools upon request.

(4) (A) If, at the time of the suspension, the principal, principal-teacher or assistant principal determines that an offense has been committed that would justify a suspension for more than ten (10) days, the person may suspend a student unconditionally for a specified period of time or upon such terms and conditions as are deemed reasonable.

(B) The principal, principal-teacher or assistant principal shall immediately give written or actual notice to the parent or guardian and the student of the right to appeal the decision to suspend for more than ten (10) days. All appeals must be filed, orally or in writing, within five (5) days after receipt of the notice and may be filed by the parent or guardian, the student or any person holding a teaching license who is employed by the school system if requested by the student.

(C) The appeal from this decision shall be to the board of education or to a disciplinary hearing authority appointed by the board. The disciplinary hearing authority, if appointed, shall consist of at least one (1) licensed employee of the LEA, but no more than the number of members of the local board.

(D) The hearing shall be held no later than ten (10) days after the beginning of the suspension. The local board of education or the disciplinary hearing authority shall give written notice of the time and place of the hearing to the parent or guardian, the student and the school official designated in subdivision (c)(4)(A) who ordered the suspension. Notice shall also be given to the LEA employee referred to in subdivision (c)(4)(B) who requests a hearing on behalf of a suspended student.

(5) After the hearing, the board of education or the disciplinary hearing authority may affirm the decision of the principal, order removal of the suspension unconditionally or upon such terms and conditions as it deems reasonable, assign the student to an alternative program or night school or suspend the student for a specified period of time.

(6) If the decision is determined by a disciplinary hearing authority, a written record of the proceedings, including a summary of the facts and the reasons supporting the decision, shall be made by the disciplinary hearing authority. The student, principal, principal-teacher or assistant principal may, within five (5) days of the decision, request review by the board of education; provided, that local school board policy may require an appeal to the director of schools prior to a request for review to the board. Absent a timely appeal, the

decision shall be final. The board of education, based upon a review of the record, may grant or deny a request for a board hearing and may affirm or overturn the decision of the hearing authority with or without a hearing before the board; provided, that the board may not impose a more severe penalty than that imposed by the hearing authority without first providing an opportunity for a hearing before the board. If the board conducts a hearing as a result of a request for review by a student, principal, principal-teacher or assistant principal, then, notwithstanding any provision of the open meetings laws compiled in title 8, chapter 44, or other law to the contrary, the hearing shall be closed to the public, unless the student or student's parent or guardian requests in writing within five (5) days after receipt of written notice of the hearing that the hearing be conducted as an open meeting. If the board conducts a hearing as a result of a request for review by a student, principal, principal-teacher, or assistant principal that is closed to the public, then the board shall not conduct any business, discuss any subject or take a vote on any matter other than the appeal to be heard. Nothing in this subdivision (c)(6) shall act to exclude the department of children's services from the disciplinary hearings when the department is exercising its obligations under § 37-1-140. The action of the board of education shall be final.

(d) In the event the suspension occurs during the last ten (10) days of any term or semester, the pupil may be permitted to take final examinations or submit required work that is necessary to complete the course of instruction for that semester, subject to the action of the principal, or the final action of the board of education upon any appeal from an order of a principal continuing a suspension.

(e) Students under in-school suspension shall be recorded as constituting a part of the public school attendance in the same manner as students who attend regular classes.

(f) Nothing in this title shall require an LEA to enroll a student who is under suspension or expelled in an LEA either in Tennessee or another state. The director of schools for the school system in which the suspended student requests enrollment shall make a recommendation to the local board of education to approve or deny the request. The recommendation shall occur only after investigation of the facts surrounding the suspension from the former school system. If the recommendation is to deny admission and if the local board approves the director of schools' recommendation, the director of schools shall, on behalf of the board of education, notify the commissioner of the decision. Nothing in this subsection (f) shall affect children in state custody or their enrollment in any LEA. Any LEA that accepts enrollment of a student from another LEA may dismiss the student if it is determined subsequent to enrollment that the student had been suspended or expelled by the other LEA.

(g) Notwithstanding this section or any other law to the contrary, a pupil determined to have brought to school or to be in unauthorized possession on school property of a firearm, as defined in 18 U.S.C. § 921, shall be expelled for a period of not less than one (1) calendar year, except that the director may modify this expulsion on a case-by-case basis. In addition to the other provisions of this part, a student committing

aggravated assault as defined in § 39-13-102 upon any teacher, principal, administrator, any other employee of an LEA or school resource officer, or unlawfully possessing any drug including any controlled substance, as defined in §§ 39-17-403 -- 39-17-415, controlled substance analogue, as defined by § 39-17-454, or legend drug, as defined by § 53-10-101, shall be expelled for a period of not less than one (1) calendar year, except that the director may modify this expulsion on a case-by-case basis. For purposes of this subsection (g), "expelled" means removed from the pupil's regular school program at the location where the violation occurred or removed from school attendance altogether, as determined by the school official. Nothing in this section shall be construed to prohibit the assignment of such students to an alternative school. Disciplinary policies and procedures for all other student offenses, including terms of suspensions and expulsions, shall be determined by local board of education policy.

(h) The commissioner of education shall report on a semi-annual basis to the education committee of the senate and the education administration and planning committee of the house of representatives regarding disciplinary actions in Tennessee schools. The reports shall include the reason for the disciplinary action, the number of such students suspended or expelled and the number of such students who have been placed in an alternative educational setting. Data shall be sorted by school as well as by various demographic factors, including grade, race and sex.

(i) Notwithstanding subsection (a) or (b) or any other law to the contrary, if a pupil is determined, via a fair and thorough investigation made by the principal or the principal's appointed representative, to have acted in self-defense under a reasonable belief that the student, or another to whom the student was coming to the defense of, may have been facing the threat of imminent danger of death or serious bodily injury, which the student honestly believed to be real at that time, then, at the principal's recommendation, the student may not face any disciplinary action.

Chapter 6, Part 40: Student and Employee Safe Environment Act of 1996

T.C.A. § 49-6-4002. Formulation and Administration of Behavior and Discipline Codes

(a) The governing body of each LEA shall be responsible for formulating a code of acceptable behavior and discipline to apply to the students in each school operated by the LEA.

(b) The director of schools or other administrative head of the LEA shall be responsible for overall implementation and supervision, and each school principal shall be responsible for administration and implementation within that school.

(c) In formulating the behavior and discipline codes, the governing body of each LEA shall seek recommendations from parents, employees, law enforcement personnel and youth-related agencies in the community.

T.C.A. § 49-6-4003. Code Contents

(a) Each code shall contain the type of behavior expected from each student, the consequences of failure to obey the standards, and the importance of the standards to the maintenance of a safe learning environment where orderly learning is possible and encouraged. Each code shall address the topics of language used by students, respect for all school employees, fighting, threats, weapons on school property or at school functions, damage to the property or person of others, misuse or destruction of school property, drug or alcohol abuse, the sale or distribution of drugs or alcohol, student conduct on school property, conduct in classes and on school buses and other subjects that the local governing body chooses to include.

(b) Each code shall state that a teacher, principal, school employee or school bus driver may use reasonable force in compliance with § 49-6-4107.

T.C.A. § 49-6-4004. Uniform and Fair Application of Codes

The principal of each school shall apply the code uniformly and fairly to each student at the school without partiality or discrimination.

T.C.A. § 49-6-4005. Different Codes for Different Classes of Schools

The governing body of the LEA may choose to adopt different but consistent codes of behavior and discipline to apply to different classes of schools, such as elementary, middle, junior high and senior high, under its jurisdiction. The codes shall be uniform to the extent of maximum consideration for the safety and well-being of students and employees.

T.C.A. § 49-6-4006. Civil Liability

(a) In addition to criminal penalties provided by law, there is created a civil cause of action for an intentional assault, personal injury or injury to the personal property of students or school employees when the assault occurs during school hours, on school property or during school functions, including travel to and from school on school buses. A person who commits such an assault or injury shall be liable to the victim for all damages resulting from the assault, including compensatory and punitive damages. Upon prevailing, the victim shall be entitled to treble damages and reasonable attorney fees and costs.

(b) It is a defense against a civil action for damages under this section that a teacher, principal, school employee or school bus driver in the exercise of the person's lawful authority used reasonable force under § 49-6-4107 that was necessary to restrain the student or to prevent bodily harm or death to another person.

T.C.A. § 49-6-4007. Code Distribution and Posting

When a code of behavior and discipline has been adopted by the governing body of an LEA, a copy of the code shall be posted at each school, and school counselors shall be supplied copies for discussion with students. The code shall be referenced in all school handbooks. All teachers, administrative staff and parents shall be provided copies of the code.

T.C.A. § 49-6-4008. Policy Regarding Teacher's Ability to Relocate Student for Safety Reasons

(a) Each local board of education shall adopt a complete policy regarding a teacher's ability to relocate a student from the student's present location to another location for the student's safety or the safety of others. The use of reasonable or justifiable force, as defined in งง 39-11-603, 39-11-609, 39-11-610, 39-11-612, 39-11-613, 39-11-614, 39-11-621, and 39-11-622, if required to accomplish this task due to the unwillingness of the student to cooperate, is allowed. If steps beyond the use of reasonable or justifiable force are required, the student shall be allowed to remain in place until such a time as local law enforcement officers or school resource officers can be summoned to relocate the student or take the student into custody until such a time as a parent or guardian can retrieve the student. This policy shall also cover teachers' authorization to intervene in a physical altercation between two (2) or more students, or between a student and LEA employees using reasonable or justifiable force upon a student, if necessary to end the altercation by relocating the student to another location.

(b) This policy shall be in effect on school property, as well as at official school functions, including, but not limited to, sporting events and approved field trips, taking place away from the local school property. Those covered by this policy shall include LEA employees who are directly responsible for the student's education or who otherwise interact with the student on a professional basis while acting within the scope of their assigned duties, including, but not limited to, administrators, teachers, school support staff, bus drivers, cafeteria workers, and school resource officers.

(c) The policy shall require a teacher to file a brief report with the principal detailing the situation that required the relocation of the student. Either the report shall be kept in a student discipline file and shall not become a part of the student's permanent record or it shall be filed in the student's permanent record, if the student's behavior violated the LEA's zero tolerance policy. The student is then subject to additional disciplinary action that may include suspension or expulsion from the school. The principal or the principal's designee shall notify the teacher involved of the actions taken to address the behavior of the relocated student.

(d) Each principal shall fully support the authority of every teacher in the principal's school to relocate a student under this section. Each school principal shall implement the policies and procedures of the local board of education relating to the authority of every teacher to relocate a student and shall disseminate such policies and procedures to the students, faculty, staff, and parents or guardian of students. The policy shall comply with state and federal laws regarding the placements of students.

T.C.A. § 49-6-4009. Student Discipline Code to Include Provision Prohibiting Indecent Clothing

(a) An LEA shall include in its student discipline code a provision prohibiting students from wearing, while on the grounds of a public school during the regular school day, clothing that exposes underwear or body parts in an indecent manner that disrupts the learning environment.

(b) An LEA shall specify in its student discipline code the disciplinary actions that shall be taken against a student for a violation of subsection (a).

(c) Subsection (a) shall not be enforced in a manner that discriminates against a student on the basis of race, color, religion, sex, disability, or national origin.

Chapter 6, Part 42: School Security Act of 1981

T.C.A. § 49-6-4202. School Security Act of 1981 - Part Definitions

As used in this part, unless the context otherwise requires:

(1) "Dangerous weapon" or "weapon" means any dangerous instrument or substance that is capable of inflicting any injury on any person;

(2) "Drug" means any controlled substance, controlled substance analogue, marijuana, alcohol, legend drug or any other substance the possession or use of which is regulated in any manner by any governmental authority, including the school system;

(3) "Drug paraphernalia" means all equipment, products and materials of any kind that are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a drug, as defined in subdivision (2). An electronic pager in the possession of a student shall be included in this definition if used or intended for use as defined by this subdivision (3);

(4) "School" means all public schools that conduct classes in any grade from kindergarten through grade twelve (K-12);

(5) "School principal" or "principal" means the administrative head of a public school, by whatever title the person may be known;

(6) "School resource officer" means a law enforcement officer, as defined under § 39-11-106, who is in compliance with all laws, rules and regulations of the peace officers standards and training commission and who has been assigned to a school in accordance with a memorandum of understanding between the chief of the appropriate law enforcement agency and the LEA;

(7) "Student" means any person, regardless of age, enrolled in the public school; and

(8) "Visitor" means any person who is on school property, except for certificated personnel employed by the state or local board of education.

T.C.A. § 49-6-4203. Legislative Intent

(a) It is the intent of the general assembly in enacting this part to secure a safe environment in which the education of the students of this state may occur.

(b) The general assembly recognizes the position of the schools in loco parentis and the responsibility this places on principals and teachers within each school to secure order and to protect students from harm while in their custody.

(c) It is the intent of this part to extend further, rather than limit, the authority of principals and teachers to secure order and provide protection of students within each school.

(d) The general assembly further recognizes that a rising level of violent activity and use of drugs is occurring in some public schools, especially in urban areas, and that these activities threaten the well-being of all students in those schools.

(e) The general assembly further finds that:

(1) The removal of dangerous weapons, drug paraphernalia and drugs from school property is necessary to lessen hazards to students and that removal can only be accomplished by searches of areas of the school buildings or grounds where those materials may be stored;

(2) On occasions when the use of dangerous weapons or drugs has reached a life or health threatening level, searches of students themselves may be necessary to protect the larger student body, and that often the searches must be conducted in emergency situations;

(3) Individual circumstances and local particularities require that individual principals must be relied on to exercise their professionally trained judgments in determining what action is appropriate within this part; and

(4) The presence on school property of students with drugs in their bodies may pose a threat to the safety and well-being of that student and other students, may be disruptive of school classes and other programs and may interfere with the educational opportunities and progress of all students.

T.C.A. § 49-6-4204. Search of Lockers, Vehicles, and Other Property

(a) When individual circumstances in a school dictate, a principal may order that vehicles parked on school property by students or visitors, containers, packages, lockers or other enclosures used for storage by students or visitors, and other areas accessible to students or visitors be searched in the principal's presence or in the presence of other members of the principal's staff.

(b) Individual circumstances requiring a search may include incidents on school property, including school buses, involving, but not limited to, the use of dangerous weapons, drugs or drug paraphernalia by students that are known to the principal or other staff members, information received from law enforcement, juvenile or other authorities indicating a pattern of drug dealing or drug use by students of that school, any assault or attempted assault on school property with dangerous weapons or any other actions or incidents known by the principal that give rise to reasonable suspicion that dangerous weapons, drugs or drug paraphernalia are held on school property by one (1) or more students.

(c) A notice shall be posted in the school that lockers and other storage areas, containers, and packages brought into the school by students or visitors are subject to search for drugs, drug paraphernalia, dangerous weapons or any property that is not properly in the possession of the student.

(d) A notice shall be posted where it is visible from the school parking lot that vehicles parked on school property by students or visitors are subject to search for drugs, drug paraphernalia or dangerous weapons.

T.C.A. § 49-6-4205. Search of Students

(a) A student may be subject to physical search because of the results of a locker search, or because of information received from a teacher, staff member, student or other person if such action is reasonable to the principal.

(b) All of the following standards of reasonableness shall be met:

(1) A particular student has violated school policy;

(2) The search will yield evidence of the violation of school policy or will lead to disclosure of a dangerous weapon, drug paraphernalia or drug;

(3) The search is in pursuit of legitimate interests of the school in maintaining order, discipline, safety, supervision and education of students;

(4) The search is not conducted for the sole purpose of discovering evidence to be used in a criminal prosecution; and

(5) The search shall be reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student, as well as the nature of the infraction alleged to have been committed.

T.C.A. § 49-6-4206. Policy Authorizing School Security Officer to Patrol

(a) As used in this section, "school security officer" means an individual who is employed exclusively by the local school board or LEA for the purpose of:

(1) Maintaining order and discipline;

(2) Preventing crime;

(3) Investigating violations of school board policies;

(4) Returning students who may be in violation of the law, school board, or LEA policies to school property or to a school-sponsored event until the officer can place the student into the custody of the school administrator or the administrator's designee, the school resources officer, or the appropriate law enforcement officer; and

(5) Ensuring the safety, security, and welfare of all students, faculty, staff, and visitors in an assigned school.

(b) Each LEA may develop and adopt, in consultation with the appropriate local law enforcement agency, a policy that authorizes a school security officer employed by the LEA to patrol within a one-mile radius of the security officer's assigned school, but not to exceed the boundaries of the assigned school's LEA.

(c) If an LEA adopts a policy pursuant to subsection (a) then the LEA shall file a copy of the policy with the appropriate local chief law enforcement officer.

(d) In patrolling the one-mile radius of the school, the school security officer shall:

(1) Only patrol for violations of the law that involve minors, including truancy; and

(2) Immediately notify the appropriate local law enforcement agency of any violation of the law if the school security officer reasonably believes the individual committing the act to be a minor.

T.C.A. § 49-6-4207. Use of Metal Detectors

To facilitate a search that is found to be necessary of students, school visitors, containers or packages, metal detectors and other devices designed to indicate the presence of dangerous weapons, drug paraphernalia or drugs may be used in searches, including hand-held models that are passed over or around a student's or visitor's body, and students, visitors, containers and packages may be required to pass through a stationary detector.

T.C.A. § 49-6-4208. Use of Animals

To facilitate a search that is found to be necessary, dogs or other animals trained to detect drugs or dangerous weapons by odor or otherwise may be used in conducting searches, but the animals shall be used only to pinpoint areas needed to be searched and shall not be used to search the persons of students or visitors.

T.C.A. § 49-6-4209. Report of Reasonable Suspicion by Principal to Law Enforcement Officer

(a) It is the duty of a school principal who has reasonable suspicion to believe, either as a result of a search or otherwise, that any student is committing or has committed any violation of title 39, chapter 17, part 4, ง 39-17-1307, or ง 39-17-1309 upon the school grounds or within any school building or structure under the principal's supervision, to report the reasonable suspicion to the appropriate law enforcement officer.

(b) School personnel have the duty to report any reasonable suspicion that a student is committing or has committed any violation of title 39, chapter 17, part 4 or ง 39-17-1307 to the principal, or, if the principal is not available, to the principal's designee. If neither the principal nor the designee is available, school personnel may report violations of title 39, chapter 17, part 4 or ง 39-17-1307 committed on school property to the appropriate authorities.

T.C.A. § 49-6-4210. Disposal of Contraband

Any dangerous weapon or drug located by the principal or other staff member in the course of a search shall be turned over to the appropriate law enforcement officer for proper disposal.

T.C.A. § 49-6-4212. Training Program for School Principals -- Notice of Policies to Parents and Students

(a) The LEA and the local law enforcement agency shall establish and maintain an orientation and training program designed to familiarize school principals with this part and with local policies and procedures for implementing and enforcing this part.

(b) The LEA shall provide parents and students with reasonable notice of the local policies and procedures.

T.C.A. § 49-6-4213. Testing of Students for Drugs -- Referral Information and Assistance for Students Testing Positive

(a) (1) A student may be subject to testing for the presence of drugs in the student's body in accordance with this section and the policy of the LEA if there are reasonable indications to the principal that such student may have used or be under the influence of drugs. The need for testing may be brought to the attention of the principal through a search authorized by § 49-6-4204 or § 49-6-4205, observed or reported use of drugs by the student on school property, or other reasonable information received from a teacher, staff member or other student. All of the following standards of reasonableness shall be met:

(A) A particular student has violated school policy;

(B) The test will yield evidence of the violation of school policy or will establish that a student either was impaired due to drug use or did not use drugs;

(C) The test is in pursuit of legitimate interests of the school in maintaining order, discipline, safety, supervision and education of students;

(D) The test is not conducted for the sole purpose of discovering evidence to be used in a criminal prosecution; and

(E) Tests shall be conducted in the presence of a witness. Persons who shall act as witnesses shall be designated in the policy of the local board of education.

(2) A student participating in voluntary extracurricular activities may be subject to random drug testing in the absence of individualized reasonable suspicion provided the standards set forth in subdivisions (a)(1)(B)-(E) are met.

(b) As used in this section and § 49-6-4203, "drugs" means:

(1) Any scheduled drug as specified in §§ 39-17-405 -- 39-17-416; and

(2) Alcohol.

(c) Before a drug testing program is implemented in any LEA, the local board of education in that LEA shall establish policies, procedures and guidelines to implement this section within that LEA. The state board of education shall prepare a model policy, procedure and guidelines that may be adopted by local boards of education.

(d) Tests shall be conducted by properly trained persons in circumstances that ensure the integrity, validity and accuracy of the test results but are minimally intrusive and provide maximum privacy to the tested student. All tests shall be performed by an accredited laboratory. Specimens confirmed as positive shall be retained for at least ten (10) days for possible retesting or reanalysis.

(e) Students shall be advised in writing at the time of their enrollment that they are subject to testing. Notice to each student shall include grounds for testing, the procedures that will be followed and possible penalties. Students shall be advised of their right to refuse to undergo drug testing and the consequences of refusal.

(f) (1) A parent of the student or a person legally responsible for the student shall be notified before any drug test is administered to the student.

(2) If an LEA adopts a policy permitting random drug testing of students in voluntary extracurricular activities, then, prior to a student participating in an extracurricular activity, the LEA shall notify the parents and guardians of any such student that the student may be subjected to random drug testing. A parent or guardian of a student participating in a volunteer extracurricular activity shall provide written consent for random drug testing prior to the student participating in the voluntary extracurricular activity.

(g) The LEA shall pay the cost of any testing required under this section.

(h) In any school where LEA or school policy allows tests provided for by this section, in-service training of principals and teachers will be conducted in signs and symptoms of student drug use and abuse and in the school policy for handling of these students. The department of mental health and substance abuse services shall cause qualified trainers to be available to the schools to conduct this training.

(i) Test reports from laboratories shall include the specimen number assigned by the submitting LEA, the drug testing laboratory accession number and results of the drug tests. Certified copies of all analytical results shall be available from the laboratory when requested by the LEA or the parents of the student. The laboratory shall not be permitted to provide testing results verbally by telephone.

(j) (1) All specimens testing negative on the initial screening test or negative on the confirmatory test shall be reported as negative.

(2) If a student is tested and the results of the test are negative, all records of the test, request for a test or indication a student has been tested shall be expunged from all records, including school records.

(k) (1) If a student is tested in a drug testing program and the results of the test are positive, all records of the test, request for a test or indication a student has been tested shall be confidential student records in accordance with § 10-7-504(a)(4)(A).

(2) No student who is tested under a random drug testing program and who tests positive shall be suspended or expelled from school solely as the result of the positive test.

(3) The principal or school counselor of the school in which a student who tests positive in a drug testing program is enrolled shall provide referral information to the student and to the student's parents or guardian. The information shall include information on inpatient, outpatient and community-based drug and alcohol treatment programs.

(l) Each LEA participating in the drug testing of students authorized in subsection (a) shall promulgate policies and procedures to ensure that those students testing positive receive the assistance needed. The assistance shall include an assessment to determine the severity of the student's alcohol and drug problem and a recommendation for referral to intervention or treatment resources as appropriate. Nothing in this section shall be construed to require LEAs to administer drug tests to students. Any system that elects to participate shall supply the testing materials and any subsequent counseling within existing local funds.

(m) Malicious use of authority granted by this section may be grounds for dismissal of the person so acting.

T.C.A. § 49-6-4215. Activities of Criminal Gangs on School Property -- Promulgation of Rules and Regulations

(a) The LEAs of this state are authorized to promulgate and adopt rules and regulations to prohibit the activities of criminal gangs on school property. The rules and regulations may prohibit students in grades six through twelve (6-12) from:

(1) Wearing, while on school property, any type of clothing, apparel or accessory that denotes the students' membership in or affiliation with any criminal gang;

(2) Any activity that encourages participation in a criminal gang or facilitates illegal acts of a criminal gang; and

(3) Any conduct that is seriously disruptive to the educational process or endangers persons or property.

(b) The local law enforcement agency shall advise the local board, upon request, of criminal gangs and associated criminal gang activity.

(c) As used in this section, "criminal gang" means a formal or informal ongoing organization, association or group consisting of three (3) or more persons that has:

(1) As one (1) of its activities the commission of criminal acts; and

(2) Two (2) or more members who, individually or collectively, engage in or have engaged in a pattern of criminal gang activity.

T.C.A. § 49-6-4216. School Policies and Procedures -- Contents -- Notice to Students and Parents

(a) Each local and county board of education shall file annually with the commissioner of education written policies and procedures developed and adopted by the board:

(1) To ensure safe and secure learning environments free of drugs, drug paraphernalia, violence and dangerous weapons; and

(2) To impose swift, certain and severe disciplinary sanctions on any student:

(A) Who brings a drug, drug paraphernalia or a dangerous weapon onto a school bus, onto school property or to any school event or activity;

(B) Who, while on a school bus, on school property or while attending any school event or activity:

(i) Is under the influence of a drug;

(ii) Possesses a drug, drug paraphernalia or dangerous weapon; or

(iii) Assaults or threatens to assault a teacher, student or other person; or

(C) Who transmits by an electronic device any communication containing a credible threat to cause bodily injury or death to another student or school employee and the transmission of such threat creates actual disruptive activity at the school that requires administrative intervention.

(b) (1) It is the legislative intent that any rule or policy designated as a zero tolerance policy means that violations of that rule or policy will not be tolerated, and that violators will receive certain, swift and reasoned punishment. Reasoned punishment may include a spectrum of disciplinary measures designed to correct student misbehavior and promote student respect and compliance with codes of conduct and board policies. A zero tolerance violation shall not necessarily result in a presumptive one (1) calendar year expulsion except for those types of student misconduct set forth in § 49-6-3401(g). It is the legislative intent that the local school boards shall retain responsibility for development of disciplinary policies and student codes of conduct including assurances that students are afforded fair due process procedures. Nothing in this section shall be construed to prohibit assignment to an alternative school for those students under suspension or expulsion including students engaging in misconduct set forth in § 49-6-3401(g).

(2) Nothing in this section shall be construed to alter, diminish or supersede the director's authority to

modify expulsion on a case-by-case basis under § 49-6-3401(g).

(c) At the beginning of fall classes each school year, each local and county board of education shall provide students and their parents with written notification of the policies and procedures. Additionally, each school shall conspicuously post a summary of the policies and procedures within each school.

(d) (1) The state board of education shall develop a standard form for collection of statistical information relative to zero tolerance violations in local school systems. In developing the form, the state board of education shall consult the local school boards, the Tennessee school board association, the office of research and education accountability and the department of education.

(2) The form shall include, but shall not be limited to, grade level, age, gender, race, offense, disposition of each zero tolerance violation and any modification in penalty.

(3) The form shall be completed annually by the director of schools of each school system or the director's designee, and copies of the form shall be filed with the department of education and the state board of education by July 1 of each school year.

(4) [Deleted by 2016 amendment.]

(e) The department of education shall track all students expelled from their home school and report on their progress.

T.C.A. § 49-6-4218. Posting of Speed Limits on School Grounds and Parking Lots

Each LEA is encouraged to cause proper signs to be posted on school grounds and school parking lots that prohibit any person from operating or driving a motor vehicle or truck at a rate of speed in excess of ten miles per hour (10 mph).

Chapter 6, Part 43: Reporting Student Offenses

T.C.A. § 49-6-4301. School Officials to Report Student Offenses

(a) Every teacher observing or otherwise having knowledge of an assault and battery or vandalism endangering life, health or safety committed by a student on school property shall report such action immediately to the principal of the school. Every principal having direct knowledge of an assault and battery or vandalism endangering life, health or safety committed by a student on school property or receiving a report of such action shall report the action immediately to the municipal or metropolitan police department or sheriff's department having jurisdiction. Any fight not involving the use of a weapon as defined in § 39-17-1309, or any fight not resulting in serious personal injury to the parties involved, shall be reported only to the school administrator.

(b) The report made to the law enforcement agency shall include, if known, the name and address of the offender, and the name and address of the victim, if any. The report shall also contain a description of the action and whatever additional information is requested by the law enforcement agency.

(c) The commissioner of education, in conjunction with the commissioner of safety, shall establish a statewide uniform violent incident reporting system that all LEAs shall follow. The uniform violent incident reporting system shall require all LEAs to report annually to the commissioner in a form and by a date prescribed by the commissioner, the following information concerning violent and disruptive incidents, as defined by the commissioner, that occurred in the prior school year:

(1) The type of offenders;

(2) If an offender is a student, the age and grade of the student;

(3) The location at which the incident occurred;

(4) The type of incident;

(5) Whether the incident occurred during or outside of regular school hours;

(6) Where the incident involved a weapon, whether the weapon was a firearm, knife or other weapon;

(7) The actions taken by the school in response to the incident, including when the incident was reported to law enforcement officials and whether disciplinary action was taken against the offenders by law enforcement;

(8) Any student discipline or referral action taken against a student offender and the duration of the

action; and

(9) The nature of the victim and the victim's age and grade where appropriate.

(d) The commissioner shall require a summary of the information from subsection (c) to be included, in a form prescribed by the commissioner, in the annual report published by the commissioner each year pursuant to § 49-1-211.

(e) Annually on or before February 1 of each year, the commissioner shall report to the governor and the general assembly concerning the prevalence of violent and disruptive incidents in the public schools and the effectiveness of school programs undertaken to reduce violence and assure the safety and security of students and school personnel. The report shall summarize the information available from the incident reporting system and identify specifically the schools and school districts with the least and greatest incidence of violent incidents and the least and most improvement since the previous year or years.

T.C.A. § 49-6-4302. Tennessee School Safety Center

(a) The department of education shall establish a Tennessee school safety center to develop and evaluate training materials and guidelines on school safety issues, including behavior, discipline and violence prevention.

(b) The Tennessee school safety center shall be responsible for the collection and analysis of data related to school safety, including alleged violent or assaultive acts against school employees and students. Analysis of data shall include the number of arrests, the charges and whether civil damages were pursued by the injured party or school system. The center shall make periodic reports to the education committee of the senate and the education administration and planning committee of the house of representatives on the status of school safety efforts.

(c) (1) The Tennessee school safety center, within the limit of appropriations for the center, may establish grants to LEAs for the development of innovative violence prevention programs, conflict resolution, disruptive or assaultive behavior management, improved school security, peer mediation and training for employees on the identification of possible perpetrators of school related violence.

(2) The grants provided for in subdivision (c)(1) shall be distributed as follows:

(A) Funding would be available to each LEA in the same percentage that the LEA's share of basic education program (BEP) funding bears to statewide BEP funding.

(B) Funding would be subject to a twenty-five percent (25%) match by the LEA, adjusted for the LEA's fiscal capacity under the BEP formula. The match requirement could be satisfied by local or contributed funds or by personnel or other in-kind expenses assumed by the LEA.

(C) State funding would also be subject to submission by the LEA to the school safety center of a proposed plan of expenditures to accomplish one (1) or more of the provisions specified in subdivision (c)(1) and approval of that plan by the center. The center should not unreasonably withhold funding, but should allow LEAs adequate flexibility to experiment so long as the basic requirements of this section are satisfied.

(D) Any funds appropriated for this program in any fiscal year and not expended shall be carried forward for such purposes in future fiscal years. Any allocation for an LEA that is not applied for or is not successfully applied for in any fiscal year shall not be carried forward for the benefit of that LEA in subsequent fiscal years, but shall be carried forward for future expenditures under this program in future fiscal years.

(d) LEAs are authorized to act in partnership with local law enforcement agencies for the purpose of hiring

school resource officers under the state grant program set forth in § 38-8-115.

Chapter 6, Part 45: Harassment, Intimidation, Bullying and Cyber-Bullying

T.C.A. § 49-6-4501. Legislative Findings -- Safety and Civility

The general assembly finds and declares that:

(1) A safe and civil environment is necessary for students to learn and achieve high academic standards;

(2) Harassment, intimidation, bullying or cyber-bullying, like other disruptive or violent behavior, is conduct that disrupts a student's ability to learn and a school's ability to educate its students in a safe environment;

(3) Students learn by example. School administrators, faculty, staff and volunteers who demonstrate appropriate behavior, treating others with civility and respect and refusing to tolerate harassment, intimidation, bullying or cyber-bullying, encourage others to do so as well; and

(4) The use of telephones, cellular phones or other wireless telecommunication devices, personal digital assistants (PDAs), computers, electronic mail, instant messaging, text messaging, and web sites by students in a manner that is safe and secure is essential to a safe and civil learning environment and is necessary for students to successfully use technology.

T.C.A. § 49-6-4502. Part Definitions

(a) As used in this part:

(1) "Cyber-bullying" means bullying undertaken through the use of electronic devices;

(2) "Electronic devices" include, but are not limited to, telephones, cellular phones or other wireless telecommunication devices, personal digital assistants (PDAs), computers, electronic mail, instant messaging, text messaging, and web sites;

(3) "Harassment, intimidation or bullying" means any act that substantially interferes with a student's educational benefits, opportunities or performance; and:

(A) If the act takes place on school grounds, at any school-sponsored activity, on school-provided equipment or transportation or at any official school bus stop, the act has the effect of:

(i) Physically harming a student or damaging a student's property;

(ii) Knowingly placing a student or students in reasonable fear of physical harm to the student or damage to the student's property;

(iii) Causing emotional distress to a student or students; or

(iv) Creating a hostile educational environment; or

(B) If the act takes place off school property or outside of a school-sponsored activity, it is directed specifically at a student or students and has the effect of creating a hostile educational environment or otherwise creating a substantial disruption to the education environment or learning process.

T.C.A. § 49-6-4503. Adoption of Policy Prohibiting Harassment, Intimidation, Bullying or Cyber-bullying by the School District

(a) Each school district shall adopt a policy prohibiting harassment, intimidation, bullying or cyber-bullying. School districts are encouraged to develop the policy after consultation with parents and guardians, school employees, volunteers, students, administrators and community representatives.

(b) School districts shall include in the policies:

(1) A statement prohibiting harassment, intimidation, bullying or cyber-bullying;

(2) A definition of harassment, intimidation, bullying or cyber-bullying;

(3) A description of the type of behavior expected from each student;

(4) A statement of the consequences and appropriate remedial action for a person who commits an act of harassment, intimidation, bullying or cyber-bullying;

(5) A procedure for reporting an act of harassment, intimidation, bullying or cyber-bullying, including a provision that permits a person to report an act of harassment, intimidation, bullying or cyber-bullying anonymously. Nothing in this section may be construed to permit formal disciplinary action solely on the basis of an anonymous report;

(6) A procedure for the prompt and immediate investigation when an act of harassment, intimidation, bullying, or cyber-bullying is reported to the principal, the principal's designee, teacher, or school counselor. The principal or the principal's designee shall initiate the investigation within forty-eight (48) hours of receipt of the report, unless the need for more time is appropriately documented, and the principal or the principal's designee shall initiate an appropriate intervention within twenty (20) calendar days of receipt of the report, unless the need for more time is appropriately documented;

(7) A statement of the manner in which a school district shall respond after an act of harassment, intimidation, bullying or cyber-bullying is reported, investigated and confirmed;

(8) A statement of the consequences and appropriate remedial action for a person found to have committed an act of harassment, intimidation, bullying or cyber-bullying;

(9) A statement prohibiting reprisal or retaliation against any person who reports an act of harassment, intimidation, bullying or cyber-bullying and stating the consequences and appropriate remedial action for a

person who engages in such reprisal or retaliation;

(10) A statement of the consequences and appropriate remedial action for a person found to have falsely accused another of having committed an act of harassment, intimidation, bullying or cyber-bullying as a means of reprisal or retaliation or as a means of harassment, intimidation, bullying or cyber-bullying;

(11) A statement of how the policy is to be publicized within the district, including a notice that the policy applies to behavior at school-sponsored activities;

(12) The identification by job title of school officials responsible for ensuring that the policy is implemented;

(13) A procedure for discouraging and reporting conduct aimed at defining a student in a sexual manner or conduct impugning the character of a student based on allegations of sexual promiscuity; and

(14) A procedure for a referral for appropriate counseling and support services for students involved in an act of harassment, intimidation, bullying, or cyber-bullying, when deemed necessary by the principal. The counseling and support services may be conducted by school counseling personnel who are appropriately trained, such as psychologists, social workers, school counselors, or any other personnel or resources available.

(c) (1) Each LEA shall, at the beginning of each school year, provide teachers and school counselors a copy of the policy along with information on the policy's implementation, bullying prevention and strategies to address bullying and harassment when it happens. In addition, each LEA shall provide training to teachers and counselors regarding the policy and appropriate procedures relative to implementation of the policy. The department of education shall provide guidelines for such training and provide recommendations of appropriate, available and free bullying and harassment prevention resources.

(2) Each LEA shall also:

(A) At the beginning of the school year, make available to students and parents information relative to bullying prevention programs to promote awareness of the harmful effects of bullying and to permit discussion with respect to prevention policies and strategies;

(B) Beginning August 1, 2016, and annually thereafter, complete and submit a report to the department of education. The report shall be in a format provided by the department and shall include:

(i) The number of harassment, intimidation, bullying, or cyber-bullying cases brought to the attention

of school officials during the preceding year;

(ii) The number of harassment, intimidation, bullying, or cyber-bullying cases where the investigation supported a finding that bullying had taken place;

(iii) The number of harassment, intimidation, bullying, or cyber-bullying case investigations not initiated within forty-eight (48) hours of the receipt of the report and the reason the investigation was not initiated within forty-eight (48) hours;

(iv) The number of harassment, intimidation, bullying, or cyber-bullying cases where an appropriate intervention was not initiated within twenty (20) calendar days of receipt of the report and the reason the intervention took longer than twenty (20) calendar days to initiate; and

(v) The type of harassment, intimidation, bullying, or cyber-bullying identified and manner in which the harassment, intimidation, bullying, or cyber-bullying cases were resolved, including any disciplinary action against the student who was harassing, intimidating, bullying, or cyber-bullying.

(3) The department shall annually submit a report to the education administration and planning committee of the house of representatives, the education instruction and programs committee of the house of representatives, and the education committee of the senate updating membership on the number of harassment, intimidation, bullying, or cyber-bullying cases reported statewide, the number of LEAs implementing this part, the status of any investigations, including disciplinary actions against students, and any other information relating to the subjects of harassment, intimidation, bullying, or cyber-bullying as will be helpful to the committees in establishing policy in this area.

(d) (1) The principal of a middle school, junior high school, or high school, or the principal's designee, shall investigate harassment, intimidation, bullying or cyber-bullying when a student reports to any principal, teacher or guidance counselor that physical harm or a threat of physical harm to such student's person or property has occurred.

(2) The principal, or the principal's designee, shall immediately inform the parent or legal guardian of a student involved in an act of harassment, intimidation, bullying, or cyber-bullying. The principal or the principal's designee shall inform the parents or legal guardians of the students of the availability of counseling and support services that may be necessary.

(3) Following any investigation required by this part, the principal or such principal's designee shall report the findings, along with any disciplinary action taken, to the director of schools and the chair of the local

board of education.

T.C.A. § 49-6-4504. Adoption of Policy Prohibiting Harassment, Intimidation, Bullying or Cyber-bullying by LEA

(a) Each LEA shall adopt a policy prohibiting harassment, intimidation, bullying or cyber-bullying and transmit a copy of the policy to the commissioner of education by January 1, 2006.

(b) Each LEA is encouraged to review the policy prohibiting harassment, intimidation, bullying, or cyber-bullying at least once every three (3) years. Each LEA shall transmit a copy of any changes in the policy to the commissioner in a timely manner.

T.C.A. § 49-6-4505. Reprisal or Retaliation Prohibited -- Reporting Harassment, Intimidation, Bullying or Cyber-bullying -- Immunity from Damages

(a) A school employee, student or volunteer may not engage in reprisal or retaliation against a victim of, witness to, or person with reliable information about an act of harassment, intimidation, bullying or cyber-bullying.

(b) A school employee, student or volunteer who witnesses or has reliable information that a student has been subjected to an act of harassment, intimidation, bullying or cyber-bullying is encouraged to report the act to the appropriate school official designated by the school district's policy.

(c) A school employee who promptly reports an act of harassment, intimidation, bullying or cyber-bullying to the appropriate school official in compliance with the procedures set forth in the school district's policy is immune from a cause of action for damages arising from any failure to remedy the reported act.

(d) Notwithstanding subsections (b) and (c), a school employee, student or volunteer who witnesses or possesses reliable information that a student has transmitted by an electronic device any communication containing a credible threat to cause bodily injury or death to another student or school employee, as prohibited by ง 49-6-4216, shall report such information to the appropriate school official designated by the policy of the school district. Such school official shall make a determination regarding the administration of the report.

T.C.A. § 49-6-4506. Task Forces, Programs or Other Initiatives

School districts are encouraged to form harassment, intimidation, bullying or cyber-bullying prevention task forces, programs and other initiatives involving school employees, students, administrators, volunteers, parents, guardians, law enforcement and community representatives.

Chapter 6, Part 50: Immunization of School Children

T.C.A. § 49-6-5001. General Provisions

(a) The commissioner of health is authorized, subject to the approval of the public health council, to designate diseases against which children must be immunized prior to attendance at any school, nursery school, kindergarten, preschool or child care facility of this state.

(b) (1) It is the responsibility of the parents or guardian of children to have their children immunized, as required by subsection (a).

(2) In the absence of an epidemic or immediate threat of an epidemic, this section shall not apply to any child whose parent or guardian files with school authorities a signed, written statement that the immunization and other preventive measures conflict with the parent's or guardian's religious tenets and practices, affirmed under the penalties of perjury.

(c) (1) No children shall be permitted to attend any public school, nursery school, kindergarten, preschool or child care facility until proof of immunization is given the admissions officer of the school, nursery school, kindergarten, preschool or child care facility except as provided in subsection (b).

(2) No child shall be denied admission to any school or school facility if the child has not been immunized due to medical reasons if the child has a written statement from the child's doctor excusing the child from the immunization.

(3) No child or youth determined to be homeless shall be denied admission to any school or school facility if the child or youth has not yet been immunized or is unable to produce immunization records due to being homeless. The enrolling school shall comply with any and all federal laws pertaining to the educational rights of homeless children and youth, including the McKinney-Vento Homeless Assistance Act (42 U.S.C. ง 11431 et seq.).

(d) Each child attending any school, nursery school, kindergarten, preschool or child care facility without furnishing proof of immunization or exception under subsection (b) or (e), shall not be counted in the average daily attendance of students for the distribution of state school funds.

(e) Any immunization specified under this part shall not be required if a qualified physician certifies that administration of the immunization would be in any manner harmful to the child involved.

(f) The commissioner shall promulgate rules and regulations necessary to carry out this section.

(g) By October 1 of each year, the commissioner shall report the number of children in the state during the

preceding school year who were determined to be homeless and who enrolled in public schools without being immunized or being able to produce immunization records and the average length of time required for these children to be immunized or to obtain their immunization records. The report shall be submitted to the education committee of the senate and the education administration and planning committee of the house of representatives.

T.C.A. § 49-6-5002. Certificate of Immunization

(a) Proof of immunization shall be established by a certificate of immunization listing all immunizations that a child has received. The certificates shall be signed by a physician or a health care provider administering immunizations. All certificates of immunization shall be on forms furnished by the department of health.

(b) The certificate of immunizations required of any child who has not received all immunizations required by the commissioner of health under ง 49-6-5001(a) shall be forwarded to the commissioner. The commissioner shall be responsible for monitoring the health records and notifying the student's legal guardian or guardians and the local school system in the case of noncompliance with immunization requirements.

T.C.A. § 49-6-5003. Hepatitis B Immunization

(a) The department of health shall create a plan to protect young Tennesseans against Hepatitis B by immunization and to prevent the spread of the disease.

(b) The department shall also promulgate the necessary rules to add Hepatitis B to the schedule of immunizations required for kindergarten entry.

T.C.A. § 49-6-5004. Promotion of Eye, Hearing and Dental Care Awareness

(a) Upon registration or as early as is otherwise possible and appropriate, public schools, nursery schools, kindergartens, preschools or child care facilities are encouraged to make reasonable efforts to apprise parents of the health benefits of obtaining appropriate eye, hearing and dental care for children.

(b) A health care professional is authorized to indicate the need for an eye, hearing or dental examination on any report or form used in reporting the immunization status for a child as required under this part. Health care professionals shall provide a copy of the report or form to the parents or guardians indicating the need to seek appropriate examinations for the child.

(c) If the parent or guardian of a child with a need for an eye or hearing examination is unable to afford the examination, an LEA of a county or municipality may use revenues from gifts, grants and state and local appropriations to provide the eye or hearing examinations.

(d) LEAs are encouraged to seek free or reduced-cost eye examinations from optometrists or ophthalmologists and free or reduced-cost hearing examinations from physicians or audiologists willing to donate their services for children who are unable to afford the eye or hearing examinations.

(e) The commissioner shall promulgate rules and regulations in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, that are necessary to carry out this section.

T.C.A. § 49-6-5005. Information about Meningococcal Disease and Influenza and the Effectiveness of Vaccination

(a) LEAs shall ensure that schools provide parents and guardians with information about meningococcal disease and the effectiveness of vaccination against meningococcal disease at the beginning of every school year. This information shall include the causes, symptoms and means by which meningococcal disease is spread and the places where parents and guardians may obtain additional information and vaccinations for their children. Nothing in this subsection (a) shall be construed to require an LEA or school to provide or purchase vaccine against meningococcal disease.

(b) LEAs shall ensure that schools provide parents and guardians with information about influenza disease and the effectiveness of vaccination against influenza at the beginning of every school year. This information must include the causes, symptoms, and means by which influenza is spread and the places where parents and guardians may obtain additional information and vaccinations for their children. Nothing in this subsection (b) requires an LEA or school to provide or purchase vaccine against influenza. The department of education, in consultation with the department of health, shall provide information to LEAs to assist in the implementation of this subsection (b).

Chapter 10, Part 11: Relative to homebound instruction.

T.C.A. § 49-10-1101. Establishment of Program

(a) Each LEA shall establish a program of homebound instruction for each student who qualifies. A student qualifies for homebound instruction if the student's treating physician certifies in writing that the student has a medical condition that prevents the student from attending regular classes.

(b) If a student qualifies for homebound instruction, then the student's LEA shall offer the student homebound instruction for a minimum of three (3) hours per week. The LEA shall determine how long the student may receive homebound instruction on a case-by-case basis and shall take into consideration the recommendations of the student's treating physician.

(c) If, at the conclusion of any period of homebound instruction, the student's treating physician recertifies in writing that the student's medical condition continues to prevent the student from returning to regular classes, then the LEA shall continue to offer the student three (3) hours of homebound instruction per week, subject to periodic recertification as required by the LEA.

Chapter 50, Part 16: Self-Administration of Prescribed Medications and Other Treatments

T.C.A. § 49-50-1601. Self-administration of Pancreatic Enzymes

(a) As used in this section:

(1) "Emergency care plan" (ECP) means a child-specific action plan to facilitate quick and appropriate responses for an individual emergency in the school setting;

(2) "Individualized healthcare plan" (IHP) means a written plan of care developed at the local level to outline the provision of student healthcare services intended to achieve specific student outcomes. The IHP is part of the nursing process that is detailed in the National Association of School Nurses Position Statement: Individualized Healthcare Plans, The Role of the School Nurse (2013);

(3) "Pancreatic insufficiency" means a disorder of the digestive system. Pancreatic insufficiency may include the diagnosis of cystic fibrosis, a chronic disease that affects the lungs and digestive system.

(b) Self-administration in accordance with this section shall permit a student diagnosed with pancreatic insufficiency or cystic fibrosis to self-manage prescribed pancreatic enzyme therapy in the manner directed by the licensed healthcare provider without additional assistance or direction.

(c) An emergency care plan (ECP) may be a component of a student's individualized healthcare plan (IHP). The ECP shall specify when the emergency number (911) will be called and describe a plan of action when the student is unable to self-administer medication or self-manage treatment as prescribed.

(d) (1) An IHP under this section shall be developed by a registered nurse (RN) in collaboration with the family, student, student's healthcare providers, and school personnel for the management of pancreatic insufficiency or cystic fibrosis while in school, participating in school-sponsored activities, and in transit to or from school or school-sponsored activities.

(2) The IHP shall be child-specific and shall address or include:

(A) A written format for nursing assessment that includes health status, risks, concerns, and strengths;

(B) Nursing diagnoses;

(C) Interventions;

(D) Delegation;

(E) Training;

(F) Expected outcomes; and

(G) Goals to:

(i) Meet the healthcare needs of a student with pancreatic insufficiency or cystic fibrosis; and

(ii) Protect the safety of all students from the misuse or abuse of medication.

(e) With written authorization from the healthcare provider and parent, a student with pancreatic insufficiency or cystic fibrosis shall be allowed to carry and self-administer prescribed pancreatic enzymes.

T.C.A. § 49-50-1602. Assistance in Self-administration of Medications -- Administration of Glucagons and Anti-seizure Medications by Volunteers -- Possession and Self-Administration of Asthma-reliever Inhalers -- Diabetes Care

(a) Notwithstanding any law, policy or guideline to the contrary, a local board of education or a governing board for a nonpublic school may permit an employee or a person under contract to the board to assist in self-administration of medications, under the following conditions:

(1) **(A)** The student must be competent to self-administer nonprescription or prescription medication with assistance;

(B) The student's condition, for which the medication is authorized or prescribed, must be stable;

(C) The self-administration of the medication must be properly documented;

(D) Guidelines, not inconsistent with this section, for the assistance in self-administration of nonprescription or prescription medications by personnel in the school setting, developed by the departments of health and education and approved by the board of nursing, must be followed;

(E) The student's parent or guardian must give permission in writing for school personnel to assist with self-administration of medications. The written permission shall be kept in the student's school records; and

(F) Assistance with self-administration shall primarily include storage and timely distribution of medication.

(2) Health care procedures including administration of medications to students during the school day or at related events shall be performed by appropriately licensed health care professionals in accordance with applicable guidelines of their respective regulatory boards and in conformity with policies and rules of local boards of education or governing boards of nonpublic schools. The student's parent or guardian must give permission in writing for appropriately licensed health care professionals to perform health care procedures and administer medications. The written permission shall be kept in the student's school records.

(3) Any person assisting in self-administration of medication or performing health care procedures, including administration of medications under this section, and any local board of education or governing board for a nonpublic school authorizing the self-administration of medications or the performance of health care procedures shall not be liable in any court of law for injury resulting from the reasonable and

prudent assistance in the self-administration of such medication or the reasonable performance of the health care procedures, including administration of medications, if performed pursuant to the policies and guidelines developed by the departments of health and education and approved by applicable regulatory or governing boards or agencies.

(4) The departments of education and health shall jointly compile an annual report of self-administered medications and health care procedures, including administration of medications as provided for in this part, to students served in all public and nonpublic accredited schools in this state. This report shall be provided to the governor and the general assembly by October 31 of each year and shall include recommendations for meeting the needs for comprehensive school health.

(b) In addition to assistance with self-administration of medications provided for in subsection (a), school personnel who volunteer under no duress or pressure and who have been properly trained by a registered nurse employed or contracted by the LEA may administer glucagon in emergency situations and may administer daily insulin to a student based on that student's individual health plan (IHP). However, if a public school nurse is available and on site, the nurse shall provide this service to the student. The public school nurse may train as many school personnel as volunteer and are willing to assist with the care of students with diabetes but should seek to ensure at least two (2) volunteers are available. The nurse shall be under no duress to qualify any volunteer unless such volunteer is trained and deemed by the nurse to be competent. In addition, in order to reduce the number of syringes present in schools, the nurse may encourage the use of an insulin pen, when available and deemed medically appropriate by the student's treating physician. The public school nurse employed or contracted by the LEA shall be responsible for updating and maintaining each IHP. The department of health and the department of education shall jointly amend current Guidelines for Use of Health Care Professionals and Health Procedures in a School Setting to reflect the appropriate procedures for use by registered nurses in training volunteer school personnel to administer glucagon and insulin. The board of nursing shall be afforded the opportunity to review and comment on the guidelines before they take effect and any training begins. The guidelines developed shall be used uniformly by all LEAs that choose to allow volunteer school personnel to administer glucagon and insulin. Training pursuant to subdivision (d)(3) to administer glucagon and insulin shall be repeated annually and competencies shall be documented at least twice a year in the employee's personnel file. The provisions of subdivision (a)(3) regarding protection from liability shall apply also to the volunteers who provide services pursuant to this subsection (b) and the registered nurses who provide their training.

(c) Notwithstanding any provision of this title or any other law or rule to the contrary:

(1) An LEA must permit possession and self-administration of a prescribed, metered dosage asthma-reliever inhaler by any asthmatic student if the student's parent or guardian:

(A) Provides to the school written authorization for student possession and self-administration of the inhaler; and

(B) Provides a written statement from the prescribing health care practitioner that the student suffers from asthma and has been instructed in self-administration of the prescribed, metered dosage asthma-reliever inhaler. The statement must also contain the following information:

(i) The name and purpose of the medication;

(ii) The prescribed dosage;

(iii) The time or times the prescribed inhaler is to be regularly administered, as well as any additional special circumstances under which the inhaler is to be administered; and

(iv) The length of time for which the inhaler is prescribed;

(2) The statements required in subdivision (c)(1) shall be kept on file in the office of the school nurse or school administrator;

(3) The LEA shall inform the student's parent or guardian that the school and its employees and agents shall incur no liability as a result of any injury sustained by the student or any other person from possession or self-administration of the inhaler. The student's parent or guardian shall sign a statement acknowledging that the school shall incur no liability and the parent or guardian shall indemnify and hold harmless the school and its employees against any claims relating to the possession or self-administration of the inhaler. Nothing in this subsection (c) shall be construed to relieve liability of the school or its employees for negligence;

(4) The permission for self-administration of the prescribed, metered dosage asthma-reliever inhaler shall be effective for the school year in which it is granted and must be renewed each following school year upon fulfilling the requirements of subdivisions (c)(1) and (3). The LEA may suspend or revoke the student's possession and self-administration privileges if the student misuses the inhaler or makes the inhaler available for usage by any other person; and

(5) Upon fulfilling the requirements of subdivision (c)(1), an asthmatic student may possess and use the prescribed, metered dose asthma-reliever inhaler when at school, at a school-sponsored activity or before or after normal school activities while on school properties, including school-sponsored child care or after-school programs.

(d) (1) Notwithstanding any law, policy, or guideline to the contrary, a local board of education or a governing board for a nonpublic school may permit school personnel to volunteer to assist with the care of students with diabetes under the following conditions:

(A) The student's parent or guardian and the student's personal health care team must have developed a medical management plan that lists the health services needed by the student at school and is signed by the student's physician, nurse practitioner or physician assistant;

(B) The student's parent or guardian shall have given permission for the school's trained volunteer or school nurse to participate in the care of the student with diabetes. The written permission shall be kept in the student's school records.

(C) Assistance in the care of students with diabetes must be documented in accordance with this subsection (d); and

(D) The department of education and the department of health shall, after considering recommendations from national organizations involved with diabetes care, jointly amend current "Guidelines for Use of Health Care Professionals and Health Care Procedures in a School Setting" to reflect the appropriate procedures for use by the school registered nurse (RN) in training school personnel who volunteer to assist with the care of students with diabetes. The guidelines may not take effect and no training under the guidelines may take place until the board of nursing has been afforded an opportunity to review and comment on the guidelines. The guidelines must be used uniformly by all LEAs that choose to allow school personnel to volunteer to assist with the care of students with diabetes.

(2) The guidelines for assistance with the care of students with diabetes must include the following:

(A) Guidelines for recognition, management and treatment of hypoglycemia and hyperglycemia;

(B) Guidelines for understanding the individual health plan (IHP) for a student with diabetes with regard to blood glucose level target ranges, schedules for meals and snacks and actions to be taken in the case of schedule disruption; and

(C) Guidelines for performing blood glucose monitoring, ketone checking and recording the results and also for performing insulin and glucagon administration.

(3) All school nurses must be educated in diabetes care and must have knowledge of the guidelines. School personnel, who volunteer under no duress to assist with the care of students with diabetes, must receive training pursuant to the guidelines from a school RN. The school RN may use certified diabetes

educators and licensed nutritionists to assist with the training. All training must be renewed on an annual basis and competency must be noted in the personnel file. No school personnel shall be required to volunteer for the training. School personnel may not be reprimanded, subject to any adverse employment action or punished in any manner for refusing to volunteer.

(4) If a school nurse is on-site and available to assist, the school nurse must provide any needed diabetes assistance rather than other trained school personnel volunteering to assist the student. In addition, a school RN has primary responsibility for maintaining all student health records.

(5) The following persons shall not be liable in any court of law for injury resulting from reasonable assistance with the care of students with diabetes if performed pursuant to the guidelines developed by the departments of health and education:

(A) Any school RN who provides the training;

(B) Any person who is trained and whose competency is indicated in the person's personnel file as required in subdivision (d)(3); and

(C) Any local board of education or governing board for a nonpublic school that authorizes school personnel to volunteer to assist with the care of students with diabetes.

(6) The activities set forth in this subsection (d) shall not constitute the practice of professional nursing unless performed by an individual licensed by the board of nursing.

(7) Upon written request of the parent or guardian, and if included in the student's medical management plan and in the IHP, a student with diabetes shall be permitted to perform blood glucose checks, administer insulin, treat hypoglycemia and hyperglycemia and otherwise attend to the care and management of the student's diabetes in any area of the school or school grounds and at any school-related activity, and shall be permitted to possess on the student's person at all times all necessary diabetes monitoring and treatment supplies, including sharps. Any sharps involved in diabetes care and management for a student shall be stored in a secure but accessible location, including on the student's person, until use of the sharps is appropriate. Use and disposal of sharps shall be in compliance with the guidelines set forth by the Tennessee occupational safety and health administration (TOSHA).

(8) An LEA shall not assign a student with diabetes to a school other than the school for which the student is zoned or would otherwise regularly attend because the student has diabetes.

(9) School RNs who provide training to volunteers under this subsection (d) shall not be subject to any

disciplinary or other adverse licensing action by the board of nursing for injury resulting from assistance with the care of students with diabetes if performed pursuant to the guidelines developed by the departments of health and education.

(e) (1) A student with anaphylaxis is entitled to possess and self-administer prescription anaphylaxis medication while on school property or at a school-related event or activity if:

(A) The prescription anaphylaxis medication has been prescribed for that student as indicated by the prescription label on the medication;

(B) The self-administration is done in compliance with the prescription or written instructions from the student's physician or other licensed health care provider; and

(C) A parent of the student provides to the school:

(i) Written authorization, signed by the parent, for the student to self-administer prescription anaphylaxis medication while on school property or at a school-related event or activity;

(ii) A written statement, signed by the parent, in which the parent releases the school district and its employees and agents from liability for an injury arising from the student's self-administration of prescription anaphylaxis medication while on school property or at a school-related event or activity, except in cases of wanton or willful misconduct; and

(iii) A written statement from the student's physician or other licensed health care provider, signed by the physician or provider, that:

(a) Supports a diagnosis of anaphylaxis;

(b) Identifies any food or other substances to which the student is allergic;

(c) Describes any prior history of anaphylaxis, if appropriate;

(d) Lists any medication prescribed for the child for the treatment of anaphylaxis;

(e) Details emergency treatment procedures in the event of a reaction;

(f) Lists the signs and symptoms of a reaction;

(g) Assesses the student's readiness for self-administration of prescription medication; and

(h) Provides a list of substitute meals that may be offered by school food service personnel.

(2) The physician's statement must be kept on file in the office of the school nurse of the school the student attends or, if there is not a school nurse, in the office of the principal of the school the student attends.

(3) If a student uses the medication in a manner other than prescribed, the student may be subject to disciplinary action under the school codes.

(f) (1) The department of education, in conjunction with the department of health, shall develop and make available guidelines for the management of students with life-threatening food allergies to each LEA. The guidelines shall include, but need not be limited to:

(A) Education and training for school personnel on the management of students with life-threatening food allergies, including training related to the administration of medication with a cartridge injector;

(B) Procedures for responding to life-threatening allergic reactions to food;

(C) Procedures for the maintenance of a file by the school nurse or principal for each student at risk for anaphylaxis;

(D) Development of communication strategies between individual schools and local providers of emergency medical services, including appropriate instructions for emergency medical response;

(E) Development of strategies to reduce the risk of exposure to anaphylactic causative agents in classrooms and common school areas such as the cafeteria;

(F) Procedures for the dissemination of information on life threatening food allergies to school staff, parents and students, if appropriate by law;

(G) Procedures for authorizing school personnel to administer epinephrine when the school nurse is not immediately available;

(H) Procedures for the timely accessibility of epinephrine by school personnel when the nurse is not immediately available;

(I) Development of extracurricular programs related to anaphylaxis, such as nonacademic outings and field trips, before and after school programs and school-sponsored programs held on weekends;

(J) Creation of an individual health care plan tailored to the needs of each individual child at risk for anaphylaxis, including any procedures for the self-administration of medication by the children in instances where the children are capable of self-administering medication and where such self-administration is otherwise in accordance with this title; and

(K) Collection and publication of data for each administration of epinephrine to a student at risk for anaphylaxis.

(2) Each LEA shall implement a plan based on the guidelines developed pursuant to subdivision (f)(1) for the management of students with life-threatening food allergies enrolled in the schools under its jurisdiction.

(3) (A) It is the intent of the general assembly that schools, both public and nonpublic, be prepared to treat allergic reaction in the event a student's personal epinephrine auto-injector is not available or the student is having a reaction for the first time.

(B) Each school in an LEA and each nonpublic school is authorized to maintain at the school in at least two (2) unlocked, secure locations, including, but not limited to, the school office and the school cafeteria, epinephrine auto-injectors so that epinephrine may be administered to any student believed to be having a life-threatening allergic or anaphylactic reaction.

(C) Notwithstanding any provision of title 63 to the contrary, a physician may prescribe epinephrine auto-injectors in the name of an LEA or nonpublic school to be maintained for use in schools when necessary.

(D) When a student does not have an epinephrine auto-injector or a prescription for an epinephrine auto-injector on file, the school nurse or other trained school personnel may utilize the LEA or nonpublic school supply of epinephrine auto-injectors to respond to an anaphylactic reaction, under a standing protocol from a physician licensed to practice medicine in all its branches.

(E) If a student is injured or harmed due to the administration of epinephrine that a physician has prescribed to an LEA or nonpublic school under this subdivision (f)(3), the physician shall not be held responsible for the injury unless the physician issued the prescription or standing protocol with intentional disregard for safety.

(F) Similarly, if a student is injured or harmed due to administration of epinephrine to the student by a school nurse or other trained school personnel under this subdivision (f)(3), the school nurse or school employee shall not be held responsible for the injury unless the school nurse or school employee administered the epinephrine injection with an intentional disregard for safety.

(g) (1) In addition to the assistance with self-administration of medications provided for in subsection (a), public and nonpublic school personnel who volunteer under no duress or pressure and who have been properly trained by a registered nurse employed or contracted by the LEA or governing board for a nonpublic school may administer anti-seizure medications, including diazepam gel, to a student in an emergency situation based on that student's IHP; however, if a school nurse is available, on site, and able to reach the student within the time limit for administration specified in the IHP, then the nurse shall provide this service to the student. All public schools are subject to all requirements in this subsection (g). Nonpublic schools whose governing boards choose to allow volunteer administration of anti-seizure medications are subject to all requirements of this subsection (g) except those in subdivisions (g)(2) and (7).

(2) A nurse employed or contracted by the LEA shall be responsible for updating and maintaining each IHP.

(3) The department of health and the department of education shall jointly amend current guidelines for use of health care professionals and health procedures in a school setting to reflect the appropriate procedures for use by registered nurses in training volunteer school personnel to administer anti-seizure medications, including diazepam gel, to a student in an emergency situation. The board of nursing and the Epilepsy Foundations of Tennessee shall be afforded the opportunity to review and comment on the guidelines before they take effect and any training begins. The guidelines developed shall be used uniformly by all LEAs and the governing boards of nonpublic schools that choose to allow volunteer school personnel to administer anti-seizure medications. In addition, the guidelines shall require at least one (1) school employee to serve as a witness on any occasion a volunteer administers anti-seizure medication during an emergency situation, unless a witness is not available within the time limit for administration specified in the IHP.

(4) Once a public or private school has determined to allow volunteer staff to administer anti-seizure medication in an emergency situation, the training referenced in subdivision (g)(3) shall be conducted as soon as possible, and shall be repeated annually thereafter. In addition, competencies to administer anti-seizure medications shall be documented in the personnel file of all volunteer school personnel. All volunteers trained to administer anti-seizure medications shall also be trained in cardiopulmonary resuscitation (CPR).

(5) Upon the decision of a trained volunteer to administer diazepam gel, school officials shall immediately

summon local emergency medical services to the school to provide necessary monitoring or transport to safeguard the health and condition of the student.

(6) Trained volunteer school personnel administering anti-seizure medications under this subsection (g), any registered nurse who provides training to administer such medications and any local board of education or governing board for a nonpublic school authorizing the same shall not be liable in any court of law for injury resulting from the reasonable and prudent assistance in the administration of such medications, if performed pursuant to the policies and guidelines developed by the departments of health and education and approved by applicable regulatory or governing boards or agencies.

(7) An LEA shall not assign a student with epilepsy or other seizure disorder to a school other than the school for which the student is zoned or would otherwise regularly attend because the student has a seizure disorder.

(8) Prior to administration of an anti-seizure medication to a student by volunteer school personnel or a school nurse in an emergency situation, the student's parent or guardian shall provide:

(A) The school with a written authorization to administer the medication at school;

(B) A written statement from the student's health care practitioner, which statement shall contain the student's name, the name and purpose of the medication, the prescribed dosage, the route of administration, the frequency that the medication may be administered, and the circumstances under which the medication may be administered; and

(C) Prior to its date of expiration, the prescribed medication to the school in its unopened, sealed package with the intact label affixed by the dispensing pharmacy.

(9) The written authorization required by subdivision (g)(8)(A) shall be kept on file in the office of the school nurse or school administrator. Unless subsequently rescinded in writing, the authorization shall be effective for the entirety of the school year in which it is granted.

(10) The school nurse or school administrator shall check monthly the expiration date for each anti-seizure medication in possession of the school. At least one (1) month prior to the expiration date of each medication, the school nurse or administrator shall inform the student's parent or guardian of the expiration date.

(11) A student's parent or guardian who has given the student's school written authorization to administer anti-seizure medication shall, in accordance with the student's IHP, notify the school administrator or school

nurse if anti-seizure medication or prescription or over-the-counter medicines are administered to the student at a time at which the student is not present at school. The student's IHP shall set forth with specificity the requirements of reporting administration of medication and for the dissemination of such information to volunteer school personnel trained to administer anti-seizure medication. The notification shall be given after administration of medication before or at the beginning of the next school day in which the student is in attendance.

T.C.A. § 49-50-1603. Administration of Medicine that Treats Adrenal Insufficiency

(a) As used in this section, unless the context requires otherwise:

(1) "Adrenal crisis" means a sudden, severe worsening of symptoms associated with adrenal insufficiency, such as severe pain in the lower back, abdomen or legs, vomiting, diarrhea, dehydration, low blood pressure, or loss of consciousness;

(2) "Adrenal insufficiency" means a hormonal disorder that occurs when the adrenal glands do not produce enough adrenal hormones;

(3) "Nurse practitioner" means a nurse practitioner licensed under title 63, chapter 7; and

(4) "Physician" means a physician licensed under title 63, chapter 6 or 9.

(b) The state board of education, in consultation with the department of health, the board of nursing, the board of pharmacy, and the department of children's services, shall adopt:

(1) Rules for the administration of medication that treats adrenal insufficiency by school personnel trained in accordance with this section to any student on school premises whose parent or guardian has provided for the personnel the medication in accordance with subsection (e) and who the personnel believe in good faith is experiencing an adrenal crisis.

(2) Rules adopted under this subsection (b) must:

(A) Include guidelines on the designation and training of school personnel who will be responsible for administering medication; and

(B) Specify that a local education agency (LEA) is only required to train school personnel when the LEA has been notified by a parent or guardian that a student in a school of the LEA has been diagnosed with adrenal insufficiency.

(c) (1) Each local education agency board shall adopt policies and procedures that provide for the administration of medications that treat adrenal insufficiency.

(2) Policies and procedures adopted under subdivision (c)(1) shall be consistent with the rules adopted by the state board of education under subsection (b). An LEA board shall not require school personnel who

have not received appropriate training to administer medication.

(d) Educational training on the treatment of adrenal insufficiency, as required by this section, shall be conducted under the supervision of a physician or nurse practitioner. The training may be conducted by any other health care professional licensed under title 63 as delegated by a supervising physician or nurse practitioner. The curricula shall include, at a minimum, the following subjects:

(1) General information about adrenal insufficiency and the dangers associated with adrenal insufficiency;

(2) Recognition of the symptoms of a person who is experiencing an adrenal crisis;

(3) The types of medications that are available for treating adrenal insufficiency; and

(4) Proper administration of medications that treat adrenal insufficiency.

(e) A person who has successfully completed educational training in the treatment of adrenal insufficiency as described in subsection (d) may receive from the parent or guardian of a student a medication that treats adrenal insufficiency and that is prescribed by a health care professional who has appropriate prescriptive privileges and is licensed under title 63, as well as the necessary paraphernalia for administration. The person may possess the medication and administer the medication to the student for whom the medication is prescribed if the student is suffering an adrenal crisis in an emergency situation when a licensed health care professional is not immediately available.

(f) An LEA employee administering the medication or performing healthcare procedures related to the administration of medication that treats adrenal insufficiency and a board of education authorizing the administration of medications or the performance of healthcare procedures related to adrenal insufficiency shall not be liable in any court of law for injury resulting from the administration of such medication or the performance of any related healthcare procedure if administered or performed in accordance with this section.

T.C.A. § 49-50-1604. Guidelines Regarding Availability of Opioid Antagonist in Schools

(a) The state board of education, in consultation with the department of health, shall develop guidelines for the management of students presenting with a drug overdose for which administration of an opioid antagonist may be appropriate.

(b) Each LEA shall implement a plan based on the guidelines developed pursuant to subsection (a) for the management of students presenting with a drug overdose.

(c) (1) It is the intent of the general assembly that schools, both public and nonpublic, be prepared to treat drug overdoses in the event other appropriate healthcare responses are not available.

(2) Each school within an LEA and each nonpublic school is authorized to maintain an opioid antagonist at the school in at least two (2) unlocked, secure locations, including, but not limited to, the school office and the school cafeteria, so that an opioid antagonist may be administered to any student believed to be having a drug overdose.

(3) Notwithstanding any provision of title 63 to the contrary, a physician may prescribe an opioid antagonist in the name of an LEA or nonpublic school to be maintained for use in schools when necessary. An LEA also may utilize a statewide collaborative pharmacy practice agreement pursuant to ง 63-1-157 to obtain an opioid antagonist for administration.

(4) The school nurse, school resource officer, or other trained school personnel may utilize the LEA or nonpublic school supply of opioid antagonists to respond to a drug overdose, under a standing protocol from a physician licensed to practice medicine in all its branches.

(5) If a student is injured or harmed due to the administration of an opioid antagonist that a physician has prescribed to an LEA or nonpublic school under this subsection (c), the physician shall not be held responsible for the injury unless the physician issued the prescription or standing protocol with intentional disregard for safety.

(6) Similarly, if a student is injured or harmed due to the administration of an opioid antagonist to the student by a school nurse, school resource officer, or other trained school personnel under this subsection (c), the school nurse, school resource officer, or school employee shall not be held responsible for the injury unless the school nurse, school resource officer, or school employee administered the opioid antagonist with an intentional disregard for safety.

Title 56, Chapter 7, Part 10: Health and Accident Insurance

T.C.A. § 56-7-1002. Telehealth Services

(a) As used in this section:

(1) "Health insurance entity" has the same meaning as defined in ঌ 56-7-109 and includes managed care organizations participating in the medical assistance program under title 71, chapter 5;

(2) "Healthcare services" has the same meaning as defined in ঌ 56-61-102;

(3) "Healthcare services provider" means an individual acting within the scope of a valid license issued pursuant to title 63 or any state-contracted crisis service provider employed by a facility licensed under title 33;

(4) "Qualified site" means the office of a healthcare services provider, a hospital licensed under title 68, a facility recognized as a rural health clinic under federal Medicare regulations, a federally qualified health center, any facility licensed under title 33, or any other location deemed acceptable by the health insurance entity;

(5) "Store-and-forward telemedicine services":

(A) Means the use of asynchronous computer-based communications between a patient and healthcare services provider at a distant site for the purpose of diagnostic and therapeutic assistance in the care of patients; and

(B) Includes the transferring of medical data from one (1) site to another through the use of a camera or similar device that records or stores an image that is sent or forwarded via telecommunication to another site for consultation;

(6) "Telehealth":

(A) Means the use of real-time, interactive audio, video telecommunications or electronic technology, or store-and-forward telemedicine services by a healthcare services provider to deliver healthcare services to a patient within the scope of practice of the healthcare services provider when:

(i) Such provider is at a qualified site other than the site where the patient is located; and

(ii) The patient is at a qualified site, at a school clinic staffed by a healthcare services provider and equipped to engage in the telecommunications described in this section, or at a public elementary or

secondary school staffed by a healthcare services provider and equipped to engage in the telecommunications described in this section; and

(B) Does not include:

(i) An audio-only conversation;

(ii) An electronic mail message; or

(iii) A facsimile transmission; and

(7) "Telehealth provider" means a healthcare services provider engaged in the delivery of healthcare services through telehealth.

(b) Healthcare services provided through a telehealth encounter shall comply with state licensure requirements promulgated by the appropriate licensure boards. Telehealth providers shall be held to the same standard of care as healthcare services providers providing the same healthcare service through in-person encounters.

(c) A telehealth provider who seeks to contract with or who has contracted with a health insurance entity to participate in the health insurance entity's network shall be subject to the same requirements and contractual terms as a healthcare services provider in the health insurance entity's network.

(d) Subject to subsection (c), a health insurance entity:

(1) Shall provide coverage under a health insurance policy or contract for covered healthcare services delivered through telehealth;

(2) Shall reimburse a healthcare services provider for the diagnosis, consultation, and treatment of an insured patient for a healthcare service covered under a health insurance policy or contract that is provided through telehealth without any distinction or consideration of the geographic location or any federal, state, or local designation, or classification of the geographic area where the patient is located;

(3) Shall not exclude from coverage a healthcare service solely because it is provided through telehealth and is not provided through an in-person encounter between a healthcare services provider and a patient; and

(4) Shall reimburse healthcare services providers who are out-of-network for telehealth care services

under the same reimbursement policies applicable to other out-of-network healthcare services providers.

(e) A health insurance entity shall provide coverage for healthcare services provided during a telehealth encounter in a manner that is consistent with what the health insurance policy or contract provides for in-person encounters for the same service, and shall reimburse for healthcare services provided during a telehealth encounter without distinction or consideration of the geographic location, or any federal, state, or local designation or classification of the geographic area where the patient is located.

(f) Nothing in this section shall require a health insurance entity to pay total reimbursement for a telehealth encounter, including the use of telehealth equipment, in an amount that exceeds the amount that would be paid for the same service provided by a healthcare services provider in an in-person encounter.

(g) Any provisions not stipulated by this section shall be governed by the terms and conditions of the health insurance contract.

(h) Nothing in this section shall apply to accident-only, specified disease, hospital indemnity, plans described in ง 1251 of the Patient Protection and Affordable Care Act, Public Law 111-148, as amended and ง 2301 of the Health Care and Education Reconciliation Act of 2010, Public Law 111-152, as amended (both in 42 U.S.C. ง 18011), plans described in the Employee Retirement Income Security Act of 1974 (ERISA) (29 U.S.C. ง 1001 et seq.), Medicare supplement, disability income, long-term care, or other limited benefit hospital insurance policies.

Title 68, Chapter 1, Part 12: Public School Nurse Program

T.C.A. § 68-1-1201. Creation

(a) There is created within the department of health the Tennessee public school nurse program.

(b) The chief medical officer for the state, appointed pursuant to § 68-1-102(c), shall serve as executive director of the program.

(c) In order to attain the highest level of school attendance, to promote excellence of academic performance and achievement, and to significantly reduce school dropout rates, the executive director, acting through the program, shall strive to improve and safeguard the physical and mental health and well-being of the student population of Tennessee's public schools.

T.C.A. § 68-1-1202. Duties of Executive Director

It is the duty and responsibility of the executive director of the program to:

(1) Assist local education agencies (LEAs) in the development, implementation and coordination of student health policies with regard to first aid emergencies, medications, acute illnesses and infection control;

(2) Provide LEAs with information, advice and technical assistance pertaining to student and parental instruction on topics related to health and wellness, including, but not necessarily limited to:

(A) Family life education;

(B) Sexually transmitted diseases;

(C) Substance abuse;

(D) Nutrition;

(E) Infection control; and

(F) Depression;

(3) Assist LEAs in the provision of student health services, including, but not necessarily limited to:

(A) Medical screenings;

(B) Acute care;

(C) Health opinions for teacher referrals;

(D) Child abuse assessments;

(E) Counseling for students with chronic diseases; and

(F) Counseling for students who are engaging in, or who may be at risk of engaging in, behavioral patterns that jeopardize physical or mental health and well-being;

(4) Assist and encourage LEAs in developing and implementing efficient and effective policies and

procedures to ensure parental notification, knowledge and endorsement of school health services and programs, including, but not limited to, efficient and effective policies and procedures to require and obtain prior parental consent for student participation in the health services and programs offered by each LEA; to fully encourage and maximize parental interest and involvement in all matters pertaining to the physical and mental health and well-being of students; and to ensure full parental access to the school health records of their children;

(5) Promote the exchange of information and referrals between LEAs and physicians, health care professionals and sources of health care financial assistance;

(6) Assist the department of education in planning, developing and implementing the program of family life education technical support and assistance, as required by § 49-1-205;

(7) Assist the department of mental health and substance abuse services in providing suitable programs of alcohol and drug education and prevention for LEAs, as required by § 33-10-103;

(8) Report, on or before December 31 each year, to the governor, to each member of the general assembly, and to each member of the state board of education concerning implementation of this section, and also concerning issues and recommendations relating to the physical and mental health and well-being of the state's public school students;

(9) Promote and encourage awareness and involvement of parents, civic groups, community organizations, private businesses and religious institutions on matters pertaining to the physical and mental health and well-being of the state's public school students;

(10) Engage in such other activities to improve and safeguard physical and mental health and well-being as may be necessary in order to attain the highest level of school attendance, to promote excellence of academic performance and achievement, and to significantly reduce school dropout rates;

(11) (A) (i) Encourage and support public and nonprofit agencies in the development of model rural and urban comprehensive school health programs through a system of competitive, state administered grants.

(ii) The availability of grants during any fiscal year shall be subject to the ability of the executive director to raise sufficient funds from other than state sources, including, but not limited to, federal sources and private foundations. To qualify for receipt of any such competitive, state administered grant, each model comprehensive school health program must provide preventive and primary health care services designed to attain the goals set forth in § 68-1-1201(c), and must also conform to the policies set forth in § 68-1-1205. The staff of each model program must also include, at a minimum, a certified pediatric or family

nurse practitioner with adequate physician backup, and, when possible, should also include a certified health education specialist and a master social worker with adequate psychiatric backup. Each model program must also form a local advisory committee that includes, but is not necessarily limited to, representatives of the LEA and the local offices of the departments of health and children's services. Each advisory committee shall strongly encourage active participation of parents and community-based providers of children and adolescent services. Each advisory committee shall undertake appropriate activities to encourage coordination of services and continued support for the model program. Each model program shall adopt and implement policies and procedures to assure parental consent, confidentiality, quality assurance and program evaluation;

(B) (i) Organize and convene, acting jointly with the commission on children and youth, an interdepartmental committee to:

(a) Develop policies, procedures, and criteria to govern selection of model comprehensive school health programs;

(b) Undertake appropriate activities to solicit grant applications from qualified public and nonprofit agencies;

(c) Develop policies, procedures and criteria for ensuring that grant recipients fully utilize all available sources of federal, state and local financial assistance and assistance from private foundations; and

(d) Design and implement policies to assure collection and analysis of data needed to evaluate the efficiency and effectiveness of individual model programs as well as the efficiency and effectiveness of the grant program;

(ii) The interdepartmental committee shall include representation by the departments of mental health and substance abuse services, intellectual and developmental disabilities, education, children's services, labor and workforce development, the governor's council on physical fitness and health, the governor's drug-free task force, and the division of health access within the department of health, and shall also include one (1) citizen member who shall be a parent of a school-aged child, the citizen member to be appointed by the executive director of the public school nurse program, who, prior to making the appointment, shall receive recommendations pertaining to the appointment from interested persons and groups; and

(12) Make available to the department of education educational materials appropriate for distribution so that information about meningococcal disease and the effectiveness of vaccination against meningococcal disease can be provided to parents and guardians. This information shall include the causes, symptoms,

and the means by which meningococcal disease is spread and the places where parents and guardians may obtain additional information and vaccinations for their children. The department of education may provide this information, at its discretion, electronically or on its web site. Nothing in this subdivision (12) shall be construed to require the department of education to provide or purchase vaccine against meningococcal disease.

T.C.A. § 68-1-1203. New Positions

(a) As additional funding is made available for the school nurse program within the general appropriation acts, new school nurse positions may be created within the program. However, in order to ensure orderly, efficient, and effective development, expansion of the program shall occur incrementally and shall not, in any given year, exceed the level at which quality of service or standards of supervisory control may be lowered.

(b) (1) Nurses within the program shall be administratively attached and assigned to the various county and district health departments or local education agencies (LEAs) across the state; however, such nurses shall remain under the supervisory control and direction of the executive director of the school nurse program.

(2) Until such time as the program shall employ school nurses in sufficient numbers to adequately provide services, i.e., a ratio of at least one (1) permanent, full time, school nurse per three thousand (3,000) students, but in no case, less than one (1) permanent, full time, school nurse for each county-wide system, to all LEAs, the executive director shall give priority in the assignment of school nurses to those health departments or LEAs that serve counties that are plagued by problems of poverty, unemployment and underemployment and are medically underserved to the greatest degree.

(c) (1) In order to supplement the personnel resources otherwise available to the program, the executive director is authorized to enter into internship or residency agreements with any nursing school, accredited by the board of nursing, that offers a program of education and training for students preparing to become school nurses.

(2) In the event of any such agreement, the executive director shall formulate guidelines to ensure that the activities of the student nurses are appropriately supervised and reviewed by departmental personnel.

T.C.A. § 68-1-1204. Rules and Regulations -- Public School Nurse Advisory Council

(a) The commissioner of health, acting in consultation with the executive director of the program, is authorized to promulgate rules and regulations necessary to efficiently and effectively implement this part.

(b) (1) The rules and regulations shall include, but shall not necessarily be limited to, policies and procedures whereby a public school nurse advisory council may be created by a local education agency (LEA) with one (1) or more full-time school nurses.

(2) The primary purpose of the advisory council shall be to develop and submit recommendations to the executive director of the school nurse program and to the governing board of the LEA concerning the effective and efficient utilization and coordination of state and local school nurse personnel and resources.

(3) The membership of the advisory council shall include both locally employed school nurses and state employed school nurses.

(4) All rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

T.C.A. § 68-1-1205. Compliance with Laws Pertaining to Abortion or Birth Control Referrals or Information by Employees -- Abstinence

Each employee of the program, including each intern resident employed pursuant to § 68-1-1203(c), shall at all times remain in compliance with, and shall fully abide by, all applicable federal, state and local statutes, rules, regulations, ordinances and policies pertaining to abortion. Furthermore, each employee of the program, including each intern or resident employed pursuant to § 68-1-1203(c), shall at all times remain in compliance with and shall fully abide by all applicable federal, state and local statutes, rules, regulations, ordinances and policies pertaining to birth control devices and contraceptives. While present on the property or premises of any local education agency (LEA) or while otherwise engaged in the activities of the program, no such employee shall at any time make abortion referrals or otherwise advocate or encourage abortion nor prescribe any form of birth control device or contraceptive. It shall be the policy of the program, and of each employee engaged in the activities of the program, including each intern or resident employed pursuant to § 68-1-1203(c), to vigorously encourage and urge students to abstain from entering into any sexual relationship or activity.

T.C.A. § 68-1-1206. Local Agencies not Preempted

This part shall not be construed to terminate the ability of a local education agency (LEA) to locally employ and supervise school nurses who are not employees of the program.

Title 68, Chapter 6, Part 1: Sudden Cardiac Arrest Prevention

T.C.A. § 68-6-102. Chapter Definitions

As used in this chapter, unless the context otherwise requires:

(1) "Community-based youth athletic activity" or "youth athletic activity" means an athletic activity organized by a city, county, business, or nonprofit organization when the majority of the participants are under eighteen (18) years of age, and are engaging in an organized athletic game or competition against another team, club, or entity or in practice or preparation for an organized game or competition against another team, club, or entity. "Community-based youth athletic activity" does not include college or university activities or an activity which is entered into for instructional purposes only, an athletic activity that is incidental to a nonathletic program, or a lesson;

(2) "Department" means the department of health;

(3) "Health care provider" means a Tennessee licensed medical doctor (M.D.) or an osteopathic physician (D.O.);

(4) "Person" means any individual or governmental entity, corporation, association, organization, nonprofit institution, or other entity or such entities' representatives; and

(5) "School youth athletic activity" means a school or a local education agency organized athletic activity when the majority of the participants are under eighteen (18) years of age, and are engaging in an organized athletic game or competition against another team, club, or entity or in practice or preparation for an organized game or competition against another team, club, or entity. "School youth athletic activity" does not include college or university activities, an activity which is entered into for instructional purposes only, or an athletic activity that is incidental to a nonathletic program, or a lesson.

T.C.A. § 68-6-103. Requirements to be Met by Governing Authorities of Public and Nonpublic Schools for Prevention of Sudden Cardiac Arrest During School Youth Athletic Activities

(a) This section applies to school youth athletic activity.

(b) (1) The governing authority of each public and nonpublic elementary school, middle school, junior high school, and high school, working through guidance approved by the department of health and communicated through the department of education, shall at a minimum:

(A) Adopt guidelines and other pertinent information and forms as approved by the department of health to inform and educate coaches, school administrators, youth athletes, and their parents or guardians of the nature, risk, and symptoms of sudden cardiac arrest, including the risks associated with continuing to play or practice after experiencing any of the following symptoms:

(i) Fainting or seizures during exercise;

(ii) Unexplained shortness of breath;

(iii) Chest pains;

(iv) Dizziness;

(v) Racing heart rate; or

(vi) Extreme fatigue;

(B) Require annual completion by all coaches, whether the coach is employed or a volunteer, and by school athletic directors of a sudden cardiac arrest education program approved by the department. In developing the program, the department may use, at no cost to the state, materials and resources created by organizations, such as Simon's Fund, for the purpose of educating coaches about sudden cardiac arrest. The department shall make the sudden cardiac arrest education course program available on its web site for any school to access free of charge;

(C) Require that, on a yearly basis, a sudden cardiac arrest information sheet be signed and returned by each coach and athletic director and, if appointed, a licensed health care professional, to the lead administrator of a nonpublic school or, for a public school, the local education agency's director of schools prior to initiating practice or competition for the year;

(D) Require that, on a yearly basis, a sudden cardiac arrest information sheet be reviewed by each youth athlete and the athlete's parent or guardian. The information sheet shall be signed and returned by the youth athlete, if the youth athlete is eighteen (18) years of age or older, otherwise by the athlete's parent or guardian, prior to the youth athlete's initiating practice or competition, to confirm that both the parent or guardian and the youth athlete have reviewed the information and understand its contents;

(E) Maintain all documentation of the completion of a sudden cardiac arrest education course program and signed sudden cardiac arrest information sheets for a period of three (3) years;

(F) Establish as policy the immediate removal of any youth athlete who passes out or faints while participating in an athletic activity or immediately following an athletic activity, or who exhibits any of the following symptoms:

(i) Unexplained shortness of breath;

(ii) Chest pains;

(iii) Dizziness;

(iv) Racing heart rate; or

(v) Extreme fatigue; and

(G) Establish as policy that a youth athlete who has been removed from play shall not return to the practice or competition during which the youth athlete experienced symptoms consistent with sudden cardiac arrest and not return to play or participate in any supervised team activities involving physical exertion, including games, competitions, or practices, until the youth athlete is evaluated by a health care provider and receives written clearance from the health care provider for a full or graduated return to play.

(2) After a youth athlete who has experienced symptoms consistent with sudden cardiac arrest has been evaluated and received clearance for a graduated return to play from a health care provider, then a school may allow a licensed health care professional, if available, with specific knowledge of the youth athlete's condition to manage the youth athlete's graduated return to play based upon the health care provider's recommendations. The licensed health care professional, if not the youth athlete's health care provider, shall provide updates to the health care provider on the progress of the youth athlete, if requested.

(3) No licensed health care professional or other person acting in good faith within the authority

prescribed under this chapter shall be liable on account of any act or omission in good faith while so engaged; provided, that "good faith," as used in this chapter, shall not include willful misconduct, gross negligence, or reckless disregard.

(c) The local education agency, in consultation with the head of the school youth athletic activity, may establish the following minimum penalties for a coach found in violation of ignoring a youth athlete's sudden cardiac arrest symptoms or allowing the youth to return to the practice or competition during which the youth athlete experienced the symptoms without written clearance from the health care provider for a full or graduated return to play:

(1) For a first violation, suspension from coaching any school youth athletic activity for the remainder of the season;

(2) For a second violation, suspension from coaching any school youth athletic activity for the remainder of the season and the next season; and

(3) For a third violation, permanent suspension from coaching any school youth athletic activity.

T.C.A. § 68-6-104. Requirements to be Met by Organizers of Community-based Youth Athletic Activities for Prevention of Sudden Cardiac Arrest

(a) This section applies to community-based youth athletic activity.

(b) (1) Any city, county, business, or nonprofit organization that organizes a community-based youth athletic activity for which an activity fee is charged, working through guidance from the department of health, shall at a minimum:

(A) Adopt guidelines and other pertinent information and forms as developed by the department of health to inform and educate the director of the youth athletic activity, coaches, youth athletes, and their parents or guardians of the nature, risk, and symptoms of sudden cardiac arrest, including the risks associated with continuing to play or practice after experiencing any of the following symptoms:

(i) Fainting or seizures during exercise;

(ii) Unexplained shortness of breath;

(iii) Chest pains;

(iv) Dizziness;

(v) Racing heart rate; or

(vi) Extreme fatigue;

(B) Require annual completion by all coaches, whether the coach is employed or a volunteer, and, if appointed, the licensed health care professional of a sudden cardiac arrest education program approved by the department. In developing the program, the department may use, at no cost to the state, materials and resources created by organizations, such as Simon's Fund, for the purpose of educating coaches about sudden cardiac arrest. The department shall make the sudden cardiac arrest education course program available on its web site for any youth athletic activity operated by a city, county, business, or nonprofit organization to access free of charge;

(C) Require that, on a yearly basis, a sudden cardiac arrest information sheet be signed and returned by each coach to the head of the youth athletic activity prior to initiating practice or competition for the year;

(D) Require that, on a yearly basis, a sudden cardiac arrest information sheet be reviewed by each youth

athlete and the athlete's parent or guardian. The information sheet shall be signed and returned by the youth athlete, if the youth athlete is eighteen (18) years of age or older, otherwise by the athlete's parent or guardian, prior to the youth athlete's initiating practice or competition, to confirm that both the parent or guardian and the youth athlete have reviewed the information and understand its contents;

(E) Maintain all documentation of the completion of a sudden cardiac arrest education course program and signed sudden cardiac arrest information sheets for a period of three (3) years;

(F) Establish as policy the immediate removal of any youth athlete who passes out or faints while participating in an athletic activity or immediately following an athletic activity, or who exhibits any of the following symptoms:

(i) Unexplained shortness of breath;

(ii) Chest pains;

(iii) Dizziness;

(iv) Racing heart rate; or

(v) Extreme fatigue; and

(G) Establish as policy that a youth athlete who has been removed from play shall not return to the practice or competition during which the youth athlete experienced symptoms consistent with sudden cardiac arrest and not return to play or participate in any supervised team activities involving physical exertion, including games, competitions, or practices, until the youth athlete is evaluated by a health care provider and receives written clearance from the health care provider for a full or graduated return to play.

(2) After a youth athlete who has experienced symptoms consistent with sudden cardiac arrest has been evaluated and received clearance for a graduated return to play from a health care provider, then the organizer of the community-based youth athletic activity may allow a licensed health care professional, if available, with specific knowledge of the youth athlete's condition to manage the youth athlete's graduated return to play based upon the health care provider's recommendations. The licensed health care professional, if not the youth athlete's health care provider, shall provide updates to the health care provider on the progress of the youth athlete, if requested.

(3) No coach, head of any athletic activity, licensed health care professional, or other person acting in good faith within the authority prescribed under this chapter shall be liable on account of any act or omission in

good faith while so engaged; provided, that "good faith," as used in this chapter, shall not include willful misconduct, gross negligence, or reckless disregard.

(c) The head of the community-based youth athletic activity may establish the following minimum penalties for a coach found in violation of ignoring a youth athlete's sudden cardiac arrest symptoms or allowing the youth to return to the practice or competition during which the youth athlete experienced the symptoms without written clearance from the health care provider for a full or graduated return to play:

(1) For a first violation, suspension from coaching any community-based youth athletic activity for the remainder of the season;

(2) For a second violation, suspension from coaching any community-based youth athletic activity for the remainder of the season and the next season; and

(3) For a third violation, permanent suspension from coaching any community-based youth athletic activity.

Title 68, Chapter 34, Part 1: Family Planning Act of 1971

T.C.A. § 68-34-107. Contraceptives for Minors

Contraceptive supplies and information may be furnished by physicians to any minor who is pregnant, a parent, or married, or who has the consent of the minor's parent or legal guardian, or who has been referred for such service by another physician, a clergy member, a family planning clinic, a school or institution of higher learning, or any agency or instrumentality of this state or any subdivision of the state, or who requests and is in need of birth control procedures, supplies or information.

Title 68, Chapter 55, Part 5: Head and Spinal Cord Injury Information System

T.C.A. § 68-55-501. Part Definitions

As used in this part, unless the context otherwise requires:

(1) "Community-based youth athletic activity" or "youth athletic activity" means an athletic activity organized by a city, county, business or nonprofit organization where the majority of the participants are under eighteen (18) years of age, and are engaging in an organized athletic game or competition against another team, club or entity or in practice or preparation for an organized game or competition against another team, club or entity. "Community-based youth athletic activity" does not include college or university activities or an activity which is entered into for instructional purposes only, an athletic activity that is incidental to a nonathletic program or a lesson;

(2) "Department" means the department of health;

(3) "Health care provider" means a Tennessee licensed medical doctor (M.D.), osteopathic physician (D.O.), clinical neuropsychologist with concussion training, or physician assistant (P.A.) with concussion training who is a member of a health care team supervised by a Tennessee licensed medical doctor or osteopathic physician;

(4) "Person" means any individual or governmental entity, corporation, association, organization, nonprofit institution or other entity or such entities' representatives; and

(5) "School youth athletic activity" means a school or local education agency organized athletic activity where the majority of the participants are under eighteen (18) years of age, and are engaging in an organized athletic game or competition against another team, club or entity or in practice or preparation for an organized game or competition against another team, club, or entity. "School youth athletic activity" does not include college or university activities or an activity which is entered into for instructional purposes only, an athletic activity that is incidental to a nonathletic program or a lesson.

T.C.A. § 68-55-502. Application to School Youth Athletic Activity -- Minimum Requirements of School's Governing Authority

(a) This section applies to school youth athletic activity.

(b) (1) The governing authority of each public and nonpublic elementary school, middle school, junior high school and high school, working through guidance approved by the department of health and communicated through the department of education, shall at a minimum:

(A) Adopt guidelines and other pertinent information and forms as approved by the department of health to inform and educate coaches, school administrators, youth athletes and their parents or guardians of the nature, risk and symptoms of concussion and head injury, including continuing to play after concussion or head injury;

(B) Require annual completion by all coaches, whether the coach is employed or a volunteer, and by school athletic directors of a concussion recognition and head injury safety education course program approved by the department. In developing the program, the department may use any of the materials readily available from the centers for disease control and prevention, but shall include the centers' concussion signs and symptoms checklist which must be used by a licensed health care professional, coach or other designated person making a determination as to whether a youth athlete exhibits signs, symptoms or behaviors consistent with a concussion. The department shall make the concussion recognition and head injury safety education course program available on its web site for any school to access free of charge. The program shall include, but not be limited to:

(i) Current training in recognizing the signs and symptoms of potentially catastrophic head injuries, concussions and injuries related to second impact syndrome;

(ii) The necessity of obtaining proper medical attention for a person suspected of having sustained a concussion; and

(iii) The nature and risk of concussions, including the danger of continuing to play after sustaining a concussion and the proper method and statutory requirements that must be satisfied in order for a youth athlete to return to play in the athletic activity;

(C) Require that, on a yearly basis, a concussion and head injury information sheet be signed and returned by each coach and athletic director and, if appointed, a licensed health care professional to the lead administrator of a nonpublic school or, for a public school, the local education agency's director of schools prior to initiating practice or competition for the year;

(D) Require that, on a yearly basis, a concussion and head injury information sheet be reviewed by all youth athletes and an athlete's parent or guardian. The information sheet shall be signed and returned by the youth athlete, if the youth athlete is eighteen (18) years of age or older, otherwise by the athlete's parent or guardian, prior to the youth athlete's initiating practice or competition to confirm that both the parent or guardian and the youth athlete have reviewed the information and understand its contents. The information sheet shall include, but not be limited to:

(i) Written information related to the recognition of symptoms of head injuries;

(ii) The biology and the short-term and long-term consequences of a concussion written in layman's terminology;

(iii) A summary of state board of education rules and regulations relative to safety regulations for the student's participation in extracurricular athletic activities; and

(iv) The medical standard of care for post-concussion participation or participation in an extracurricular athletic activity;

(E) Maintain all documentation of the completion of a concussion recognition and head injury safety education course program and signed concussion and head injury information sheets for a period of three (3) years;

(F) Establish as policy the immediate removal of any youth athlete who shows signs, symptoms and behaviors consistent with a concussion from the activity or competition for evaluation by a licensed health care professional, if available, and, if not, by the coach or other designated person. In determining whether a youth athlete suffered from a possible concussion, the centers for disease control and prevention's concussion signs and symptoms checklist shall be utilized; and

(G) Establish as policy that a youth athlete who has been removed from play shall not return to the practice or competition during which the youth athlete suffered, or is suspected to have suffered, a concussion and not return to play or participate in any supervised team activities involving physical exertion, including games, competitions or practices, until the youth athlete is evaluated by a health care provider and receives written clearance from the health care provider for a full or graduated return to play. This subdivision (b)(1)(G) shall not apply if there is a legitimate explanation other than a concussion for the signs, symptoms or behaviors observed.

(2) After a youth athlete who has sustained a concussion or head injury has been evaluated and received

clearance for a graduated return to play from a health care provider, then a school may allow a licensed health care professional, if available, with specific knowledge of the youth athlete's condition to manage the youth athlete's graduated return to play based upon the health care provider's recommendations. The licensed health care professional, if not the youth athlete's health care provider, shall provide updates to the health care provider on the progress of the youth athlete, if requested.

(3) No licensed health care professional or other person acting in good faith within the authority prescribed under subdivisions (b)(1)(F) and (G) or subdivision (b)(2) shall be liable on account of any act or omission in "good faith" while so engaged; provided, that "good faith", as used in this subdivision (b)(3), shall not include willful misconduct, gross negligence or reckless disregard.

(4) Excluding health care providers, all licensed health care professionals, performing any of the functions required by this part, shall receive training in the evaluation and management of concussions. Each such licensed health care professional shall, at a minimum, complete the National Federation of State High School Association's (NFHS) training course on concussions in sports or review the CDC Concussion Toolkit for Physicians and shall also complete additional training as may be required by the department.

T.C.A. § 68-55-503. Application to Community-based Youth Athletic Activity -- Minimum Requirements of Organizations of Community-based Youth Athletic Activities

(a) This section applies to community-based youth athletic activity.

(b) (1) Any city, county, business or nonprofit organization that organizes a community-based youth athletic activity for which an activity fee is charged, working through guidance from the department of health, shall at a minimum:

(A) Adopt guidelines and other pertinent information and forms as developed by the department of health to inform and educate the director of the youth athletic activity, coaches, youth athletes and their parents or guardians of the nature, risk and symptoms of concussion and head injury, including continuing to play after concussion or head injury;

(B) Require annual completion by the director of the youth athletic activity, all coaches, whether a coach is employed or a volunteer, and, if appointed, the licensed health care professional of a concussion recognition and head injury safety education course program developed by the department. In developing the program, the department may use any of the materials readily available from the centers for disease control and prevention, but shall include the centers' concussion signs and symptoms checklist which must be used by a licensed health care professional, coach or other designated person making a determination as to whether a youth athlete exhibits signs, symptoms or behaviors consistent with a concussion. The department shall make the concussion recognition and head injury safety education course program available on its web site for any youth athletic activity operated by a city, county, business or nonprofit organization to access free of charge. The program shall include, but not be limited to:

(i) Current training in recognizing the signs and symptoms of potentially catastrophic head injuries, concussions and injuries related to second impact syndrome;

(ii) The necessity of obtaining proper medical attention for a person suspected of having sustained a concussion; and

(iii) The nature and risk of concussions, including the danger of continuing to play after sustaining a concussion and the proper method and statutory requirements that must be satisfied in order for a youth athlete to return to play in the athletic activity;

(C) Require that, on a yearly basis, a concussion and head injury information sheet be signed and returned by each coach to the head of the youth athletic activity prior to initiating practice or competition

for the year;

(D) Require that, on a yearly basis, a concussion and head injury information sheet be reviewed by all youth athletes and an athlete's parent or guardian. The information sheet shall be signed and returned by the youth athlete, if the youth athlete is eighteen (18) years of age or older, otherwise by the athlete's parent or guardian, prior to the youth athlete's initiating practice or competition to confirm that both the parent or guardian and the youth athlete have reviewed the information and understand its contents. The information sheet shall include, but not be limited to:

(i) Written information related to the recognition of symptoms of head injuries;

(ii) The biology and the short-term and long-term consequences of a concussion written in layman's terminology; and

(iii) The medical standard of care for post-concussion participation or participation in an athletic activity;

(E) Maintain all documentation of the completion of a concussion recognition and head injury safety education course program and signed concussion and head injury information sheets for a period of three (3) years;

(F) Establish as policy the immediate removal of any youth athlete who shows signs, symptoms, and behaviors consistent with a concussion from the activity or competition for evaluation by the licensed health care professional, if available, and, if not, by the coach or other designated person. In determining whether a youth athlete suffered from a possible concussion, the centers for disease control and prevention's concussion signs and symptoms checklist shall be utilized;

(G) Establish as policy that a youth athlete who has been removed from play shall not return to the practice or competition during which the youth athlete suffered, or is suspected to have suffered, a concussion and not return to play or participate in any supervised team activities involving physical exertion, including games, competitions or practices, until the youth athlete is evaluated by a health care provider and receives written clearance from the health care provider for a full or graduated return to play. This subdivision (b)(1)(G) shall not apply if there is a legitimate explanation other than a concussion for the signs, symptoms, or behaviors observed.

(2) After a youth athlete who has sustained a concussion or head injury has been evaluated and received clearance for a graduated return to play from a health care provider, then the organizer of the community-based youth athletic activity may allow a licensed health care professional, if available, with specific

knowledge of the youth athlete's condition to manage the youth athlete's graduated return to play based upon the health care provider's recommendations. The licensed health care professional, if not the youth athlete's health care provider, shall provide updates to the health care provider on the progress of the youth athlete, if requested.

(3) No licensed health care professional or other person acting in good faith within the authority prescribed under subdivisions (b)(1)(F) and (G) or subdivision (b)(2) shall be liable on account of any act or omission in "good faith" while so engaged; provided, that "good faith" as used in this subdivision (b)(3) shall not include willful misconduct, gross negligence or reckless disregard.

(4) Excluding health care providers, all licensed health care professionals, performing any of the functions required by this part, shall receive training in the evaluation and management of concussions. Each such licensed health care professional shall, at a minimum, complete the National Federation of State High School Association's (NFHS) training course on concussions in sports or review the CDC Concussion Toolkit for Physicians and shall also complete additional training as may be required by the department.

Title 68, Chapter 102, Part 1: Fire Prevention and Investigation

T.C.A. § 68-102-137. Public and Private Schools -- Institutions -- Fire Drills -- Doors to be Kept Unlocked -- Safety Drills

(a) It is the duty of the commissioner, or the commissioner's deputies and assistants, to require fire drills in educational and institutional occupancies.

(b) Fire drills requiring full evacuation in educational occupancies where such occupancies constitute the major occupancy of a building shall be held at least one (1) time every thirty (30) school days, with two (2) fire drills occurring during the first thirty (30) full days of the school year. Additionally, four (4) fire safety educational announcements will be conducted throughout the year. The LEA will develop the content of the educational announcements. Fire drills requiring full evacuation shall be held at least once every two (2) months in institutional occupancies where such occupancies constitute the major occupancy of a building. A record of all fire drills, including the time and date, shall be kept in the respective school or institutional offices, and shall be made available upon request to the state fire marshal, or the state fire marshal's deputies or assistants, for inspection and review.

(c) In educational occupancies, fire drills shall include complete evacuation of all persons from the building. In institutional occupancies, fire drills shall be conducted to familiarize operating personnel with their assigned position of emergency duty. Complete evacuation of occupants from the building at the time of the fire drill shall be required only where it is practicable and does not involve moving or disturbing persons under medical care.

(d) The state fire marshal, or the state fire marshal's deputies and assistants, shall avail themselves for the training of owners, tenants or their employees in methods of fire drills, to ensure the efficient and safe use of exit facilities in buildings and to prevent panic and in the coordination of the drills with fire alarm systems.

(e) All doors serving as an exit shall be kept unlocked during the periods that a building is occupied.

(f) In addition to the fire drills required by this section in educational occupancies, safety drills not requiring full evacuation of all persons from the building shall be conducted at least three (3) times during each school year. A record of all safety drills, including the time and date, shall be kept in the respective school offices, and shall be made available upon request to the state fire marshal, or the state fire marshal's deputies or assistants for inspection and review.

Title 68, Chapter 140, Part 4: Automated External Defibrillators

T.C.A. § 68-140-403. Use of AED Devices -- Training -- Maintenance -- Registration Encouraged

In order to ensure public health and safety:

(1) A person or entity that acquires an automated external defibrillator (AED) shall ensure that:

(A) Expected defibrillator users receive American Heart Association CPR and AED or an equivalent nationally recognized course in defibrillator use and cardiopulmonary resuscitation;

(B) The defibrillator is maintained and tested according to the manufacturer's operational guidelines; and

(C) Any person who renders emergency care or treatment on a person in cardiac arrest by using an AED activates the emergency medical services system as soon as possible.

(2) Any person or entity that acquires an AED shall, within a reasonable time after the placement of an AED, register the existence and location of the defibrillator with the emergency communications district or the ambulance dispatch center of the primary provider of emergency medical services where the AED is to be located.

T.C.A. § 68-140-404. Program for Use of AED

In order for an entity to use or allow the use of an automated external defibrillator, the entity shall:

(1) Establish a program for the use of an AED that includes a written plan that complies with subdivisions (2)-(6) and rules adopted by the department of health. The plan must specify:

(A) Where the AED will be placed;

(B) The individuals who are authorized to operate the AED;

(C) How the AED will be coordinated with an emergency medical service providing services in the area where the AED is located;

(D) The maintenance and testing that will be performed on the AED;

(E) Records that will be kept by the program;

(F) Reports that will be made of AED use;

(G) Other matters as specified by the department; and

(H) A plan of action for proper usage of the AED;

(2) Adhere to the written plan required by subdivision (1);

(3) Ensure that before using the AED, expected users receive appropriate training approved by the department in cardiopulmonary resuscitation and the proper use of an AED;

(4) Maintain, test, and operate the AED according to the manufacturer's guidelines and maintain written records of all maintenance and testing performed on the AED;

(5) Each time an AED is used for an individual in cardiac arrest, require that an emergency medical service is summoned to provide assistance as soon as possible and that the AED use is reported to the supervising physician or the person designated by the physician and to the department as required by the written plan; and

(6) Before allowing any use of an AED, provide to the emergency communications district or the primary

provider of emergency medical services where the defibrillator is located:

(A) A copy of the plan prepared pursuant to this section; and

(B) Written notice, in a format prescribed by department rules, stating:

(i) That an AED program is established by the entity;

(ii) Where the AED is located; and

(iii) How the use of the AED is to be coordinated with the local emergency medical service system.

T.C.A. § 68-140-405. Rules Relating to AED's -- Adoption -- Scope and Contents

The department of health shall adopt rules specifying the following:

(1) The contents of the written notice required by ง 68-140-404;

(2) Reporting requirements for each use of an AED;

(3) The contents of a plan prepared in accordance with ง 68-140-404 and requirements applicable to the subject matter of the plan;

(4) Training requirements in cardiopulmonary resuscitation and AED use that are consistent with the scientific guidelines of the American Heart Association for any individual authorized by an AED program plan to use an AED;

(5) Requirements for medical supervision of an AED program; and

(6) Performance requirements for an AED in order for the AED to be used in an AED program.

T.C.A. § 68-140-408. Training and Demonstration of Competence in CPR and Use of AED

For purposes of §§ 68-140-402 and 68-140-404 -- 68-140-409, expected AED users shall complete training and demonstrate competence in CPR and the use of an AED through a course of instruction approved by the Tennessee emergency medical services board.

Title 68, Chapter 140, Part 5: Epinephrine Auto-injectors

T.C.A. § 68-140-502. Prescribers of Epinephrine Auto-injectors -- Stock and Storage -- Training for Administration of Epinephrine Auto-injectors -- Training Programs -- Liability

(a) A health care prescriber may prescribe epinephrine auto-injectors in the name of an authorized entity for use in accordance with this part, and pharmacists and health care prescribers may dispense epinephrine auto-injectors pursuant to a prescription issued in the name of an authorized entity.

(b) An authorized entity may acquire and stock a supply of epinephrine auto-injectors pursuant to a prescription issued in accordance with subsection (a). Except as otherwise provided in subsection (g), if an authorized entity acquires and stocks a supply of epinephrine auto-injectors pursuant to this subsection (b), the authorized entity shall:

(1) Store epinephrine auto-injectors in a location readily accessible in an emergency, and in accordance with the epinephrine auto-injector's instructions for use and any rules promulgated by the department for the maintenance of epinephrine auto-injectors by an authorized entity; and

(2) Designate one or more employees or agents who have completed the training required by subsection (d) to be responsible for the storage, maintenance, control, and general supervision of the epinephrine auto-injectors.

(c) An employee or agent of an authorized entity who has completed the training required by subsection (d), or a layperson who is provided access to an EPAS in accordance with subsection (g), may:

(1) Provide an epinephrine auto-injector to a person who the employee, agent, or person believes in good faith is experiencing anaphylaxis, or to the parent, guardian, or caregiver of the person, for immediate administration to the person, regardless of whether the person has a prescription for an epinephrine auto-injector or has previously been diagnosed with an allergy; and

(2) Administer an epinephrine auto-injector to a person who the employee, agent, or person believes in good faith is experiencing anaphylaxis, regardless of whether the person has a prescription for an epinephrine auto-injector or has previously been diagnosed with an allergy.

(d) Before an employee or agent of an authorized agency is designated pursuant to subdivision (b)(2) or authorized to provide or administer an epinephrine auto-injector pursuant to subsection (c), the employee or agent shall complete an initial anaphylaxis training program and shall complete the training program at least every two (2) years thereafter. The training program shall be conducted by a nationally recognized organization experienced in training laypersons in emergency health treatment, by an entity or person

approved by the department, or as part of a class approved by the department. An employee or agent may complete the training required pursuant to this subsection (d) in a live setting or on the Internet.

(e) A training program conducted pursuant to subsection (d) shall include training on:

(1) Methods for recognizing signs and symptoms of severe allergic reactions, including anaphylaxis;

(2) Standards and procedures for the storage and administration of an epinephrine auto-injector; and

(3) Emergency follow-up procedures.

(f) An entity or person that conducts an anaphylaxis training program shall issue a certificate of completion to each person who successfully completes the training program. The department may create or approve a form for use in accordance with this subsection (f).

(g) An authorized entity that acquires a stock supply of epinephrine auto-injectors pursuant to subsection (b) may store a supply of epinephrine auto-injectors in an EPAS for the purpose of making the epinephrine auto-injectors available to a layperson under the remote supervision of a medical professional. A layperson may access an epinephrine auto-injector from an EPAS only upon remote authorization by a medical professional and after consultation with the medical professional by audio, televideo, or other similar means of electronic communication. A layperson who is provided access to an epinephrine auto-injector in accordance with this subsection (g) may administer or provide the epinephrine auto-injector to a person in accordance with subsection (c) regardless of whether the layperson has completed an anaphylaxis training program conducted pursuant to subsection (d).

(h) The following entities and persons are immune from civil liability in the absence of gross negligence for any action authorized by this section or the failure to take any action authorized by this section:

(1) An authorized entity that acquires, stocks, and makes available epinephrine auto-injectors;

(2) An employee or agent of an authorized entity, or a layperson, who administers or provides an epinephrine auto-injector;

(3) A health care prescriber who prescribes epinephrine auto-injectors to an authorized entity;

(4) A pharmacist or health care prescriber who dispenses epinephrine auto-injectors to an authorized entity;

(5) A third party that facilitates the availability of epinephrine auto-injectors to an authorized entity;

(6) A medical professional who maintains and supervises, and provides remote access to, an EPAS; and

(7) An organization, entity, or person that conducts a training program.

(i) An authorized entity located in this state is immune from civil liability for any injuries or related damages resulting from the provision or administration of an epinephrine auto-injector by an employee or agent of the authorized entity that occurs outside of this state if the authorized entity:

(1) Would not be liable for the injuries or related damages had the provision or administration of the epinephrine auto-injector occurred within this state; or

(2) Is not liable for the injuries or related damages under any applicable law of the state in which the provision or administration of the epinephrine auto-injector occurred.

(j) This section shall not be deemed to eliminate, limit, or reduce any other immunity or defense that may be available to an authorized entity or person under any applicable law of this state, including the provisions of § 63-6-218.

(k) An action authorized pursuant to this section shall not be deemed to be the practice of medicine or any other profession that otherwise requires licensure.

(*l*) An authorized entity that possesses and makes available epinephrine auto-injectors shall submit to the department a report of each incident on the premises of the authorized entity involving the administration or provision of an epinephrine auto-injector pursuant to subsection (c). The department may create or approve a form for use in accordance with this subsection (*l*).