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# School Health Laws

Division of Coordinated School Health

Tennessee Department of Education | November 2024

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# Table of Contents

**2024 Legislative Session: New or Amended Laws..... 1**

**Title 29, Chapter 20, Part 1: Governmental Tort Liability..... 2**

    Tenn. Code Ann. § 29-20-107 Definition of Government Employee for Tort Liability Purposes.....2

**Title 37, Chapter 1, Part 4: Mandatory Child Abuse Reports ..... 5**

    Tenn. Code Ann. § 37-1-408 Development of Guidelines for Identifying and Reporting Signs of Child Abuse, Child Sexual Abuse, and Human Trafficking of Children – Annual Child Abuse Training Program for Teachers .....5

**Title 38, Chapter 3, Part 1: Public Officer Preventing Commission of Offenses..... 6**

    Tenn. Code Ann. § 38-3-118 Policies and Guidelines Regarding Use of Marked Law Enforcement Vehicles by Off-Duty Law Enforcement Officers for Travel to and from Vulnerable Locations .....6

**Title 39, Chapter 13, Part 1: Assaultive Offenses ..... 7**

    Tenn. Code Ann. § 39-13-114 Communicating a Threat Concerning a School Employee or Student .....7

**Title 39, Chapter 16, Part 5: Interference with Government Operations ..... 8**

    Tenn. Code Ann. § 39-16-517 Threat of Mass Violence on School Property or at School-Related Activity .....8

**Title 39, Chapter 17, Part 3: Disorderly Conduct and Riots ..... 10**

    Tenn. Code Ann. § 39-17-308 Harassment .....10

**Title 39, Chapter 17, Part 15: Prevention of Youth Access to Tobacco and Vapor Products Act ..... 13**

    Tenn. Code Ann. § 39-17-1502 Purpose and Intent.....13

    Tenn. Code Ann. § 39-17-1503 Part Definitions .....13

    Tenn. Code Ann. § 39-17-1504 Sale or Distribution to Underage Persons Unlawful — Proof of Age Requirement.....15

    Tenn. Code Ann. § 39-17-1505 Prohibited Purchases or Possession by Minors - Penalties.....15

**Title 39, Chapter 17, Part 16: Children’s Act for Clean Indoor Air ..... 17**

    Tenn. Code Ann. § 39-17-1604 Places Where Smoking and Use of Vapor Products is Prohibited .....17

**Title 49, Chapter 1, Part 1: General Provisions..... 18**

    Tenn. Code Ann. § 49-1-107 Annual Written Notification of Funds Available for Mental Health Services .....18

**Title 49, Chapter 1, Part 2: Department of Education..... 19**

    Tenn. Code Ann. § 49-1-208 Form for Student to Report Allergy .....19

    Tenn. Code Ann. § 49-1-214 Safe Schools – Advisory Guidelines .....19

    Tenn. Code Ann. § 49-1-219 Advisory Guidelines for Reporting DUI-related deaths of Minors.....19

    Tenn. Code Ann. § 49-1-223 Asthma – Development of Comprehensive State Plan – Report .....20

Tenn. Code Ann. § 49-1-225 School Safety Alert Grant Pilot Program – Appropriations and Awarding of Funds – Report to the General Assembly .....	20
Tenn. Code Ann. § 49-1-230 Development of Training Programs for Adverse Childhood Experiences .....	21
Tenn. Code Ann. § 49-1-231 Student Support Collaborative.....	22
<b>Title 49, Chapter 1, Part 4: Tennessee Drug Abuse Resistance Education Act of 1989 .....</b>	<b>23</b>
Tenn. Code Ann. § 49-1-402 Implementation of Program – Methods and Materials .....	23
Tenn. Code Ann. § 49-1-403 Training of Law Enforcement Officers .....	23
Tenn. Code Ann. § 49-1-404 State Board of Education – Powers .....	23
Tenn. Code Ann. § 49-1-405 Similar and Comparable Programs .....	23
Tenn. Code Ann. § 49-1-406 Use of Funds.....	24
Tenn. Code Ann. § 49-1-407 Duties of Department of Safety – Drug Abuse Programs .....	24
Tenn. Code Ann. § 49-1-408 Statewide DARE Club Established – Purpose .....	24
<b>Title 49, Chapter 1, Part 10: State Administration– Connie Hall Givens Coordinated School Health Improvement Act .....</b>	<b>25</b>
Tenn. Code Ann. § 49-1-1002 Guidelines and Standards – Requirements .....	25
Tenn. Code Ann. § 49-1-1003: Connie Hall Givens Coordinated School Health Program .....	25
Tenn. Code Ann. § 49-1-1005: Coordination of School Health Programs, Grants, and Initiatives — Coordination of Funding — Performance of Health Screening Services Under TennCare Contracts. ....	26
Tenn. Code Ann. § 49-1-1007: Report – Publication .....	26
<b>Title 49, Chapter 2, Part 1: Local Administration– General Provisions.....</b>	<b>27</b>
Tenn. Code Ann. § 49-2-115 Family Resource Centers.....	27
Tenn. Code Ann. § 49-2-116 School Safety Zones.....	28
Tenn. Code Ann. § 49-2-118 Conflict Resolution Intervention Programs .....	28
Tenn. Code Ann. § 49-2-120: Prohibition Against Hazing .....	28
Tenn. Code Ann. § 49-2-121 Inspection and Evaluation Program for Indoor Air Quality in Schools .....	29
Tenn. Code Ann. § 49-2-122 Placement of Automated External Defibrillator (AED).....	30
Tenn. Code Ann. § 49-2-124 Universal Mental Health or Socioemotional Screening.....	32
Tenn. Code Ann. § 49-2-129 Information on Firearm Ownership by Student, Parent, Teacher, or LEA Employee.....	35
Tenn. Code Ann. § 49-2-133 Development of Policy to Implement Program to Reduce Potential Sources of Lead Contamination in Drinking Water in Public Schools-Periodic Testing.....	35
Tenn. Code Ann. § 49-2-137 Stop the Bleed Program — Bleeding Control Kits .....	36
<b>Title 49, Chapter 2, Part 2: Local Administration– Boards of Education.....</b>	<b>38</b>
Tenn. Code Ann. § 49-2-203 Duties and Powers .....	38
Tenn. Code Ann. § 49-2-211: Policy for Student Surveys, Analyses or Evaluations .....	47

<b>Title 49, Chapter 2, Part 3: Local Administration – County Administration .....</b>	<b>48</b>
Tenn. Code Ann. § 49-2-305: Development and Adoption of Program to Promote Involvement of Parents and Guardians .....	48
<b>Title 49, Chapter 3, Part 3: Finances – Tennessee Education Act of 1977 .....</b>	<b>50</b>
Tenn. Code Ann. § 49-3-359. TISA Funding for Teacher's Supplies and School Nurses or School Health Services.....	50
<b>Title 49, Chapter 3, Part 4: Personnel – Employment and Assignment of Personnel .....</b>	<b>51</b>
Tenn. Code Ann. § 49-5-414 Emergency First-aid Personnel - Employee Volunteers - .....	51
<b>Title 49, Chapter 3, Part 5: K-12 Mental Health Trust Fund.....</b>	<b>52</b>
Tenn. Code Ann. § 49-3-501 K-12 Mental Health Endowment Fund .....	52
<b>Title 49, Chapter 5, Part 1: Qualifications Generally .....</b>	<b>54</b>
Tenn. Code Ann. § 49-5-106 Temporary Teaching Permits – Limited License to Continue Teaching Pursuant to Current Temporary Permit.....	54
<b>Title 49, Chapter 6, Part 3: Elementary, Middle, and Secondary Schools Generally .....</b>	<b>58</b>
Tenn. Code Ann. § 49-6-303 School Counselors .....	58
Tenn. Code Ann. § 49-6-304 Toll-free Number for Reports of Child Abuse – Posting in Area Visible to All Students – Other Signage Requirements.....	59
Tenn. Code Ann. § 49-6-317 Beyond Ordinary Learning Opportunities (BOLO) Act [Repealed effective July 1, 2025] .....	60
<b>Title 49, Chapter 6, Part 4: Junior and Senior High Schools Generally .....</b>	<b>61</b>
Tenn. Code Ann. § 49-6-417 Provision of Feminine Hygiene Products for Student Use .....	61
<b>Title 49, Chapter 6, Part 8: Schools against Violence in Education (SAVE) Act .....</b>	<b>62</b>
Tenn. Code Ann. § 49-6-802 State-level Safety team - Template for Safety and Emergency Response Plans.....	62
Tenn. Code Ann. § 49-6-803 Direction of Safety Team.....	62
Tenn. Code Ann. § 49-6-804 Adoption of Comprehensive Plans.....	62
Tenn. Code Ann. § 49-6-805 Template Minimum Requirements .....	64
Tenn. Code Ann. § 49-6-806 Appointments to District-wide and Building-level School Safety Teams .....	65
Tenn. Code Ann. § 49-6-807. Annual Drills.....	66
Tenn. Code Ann. § 49-6-808. Hearings on Safety Plans - Filing of Plan and Amendments .....	67
Tenn. Code Ann. § 49-6-809 Policy Authorizing Off-Duty Law Enforcement Officers to Serve as Armed School Security Officers – Memorandum of Understanding – List of Qualified Officers – Funding – Report.....	68
Tenn. Code Ann. § 49-6-810 Annual Report to Governor and General Assembly .....	70
Tenn. Code Ann. § 49-6-811 Grant Funding .....	70
Tenn. Code Ann. § 49-6-812 Consistency with Harassment and Bullying Policies .....	70
Tenn. Code Ann. § 49-6-813 County and Municipal Appropriations .....	70

Tenn. Code Ann. § 49-6-814 Rules and Regulations.....	71
Tenn. Code Ann. § 49-6-815 People Permitted to Possess and Carry a Firearm on School Grounds.....	71
Tenn. Code Ann. § 49-6-816 Authorization of Employee to Carry Concealed Weapon on School Property in Distressed Rural County.....	75
Tenn. Code Ann. § 49-6-817 School Building Entrances Required to be Locked.....	77
Tenn. Code Ann. § 49-6-818 School Buildings Constructed or Remodeled After July 1, 2023.....	80
Tenn. Code Ann. § 49-6-819 De-Escalation Training – Creation of Training – Annual Training.....	81
Tenn. Code Ann. § 49-6-820 Assignment of Law Enforcement Officer as School Resource Officer – Notification to Director of Schools – LEA Interference Prohibited.....	81
<b>Title 49, Chapter 6, Part 10: Curriculum Generally.....</b>	<b>82</b>
Tenn. Code Ann. § 49-6-1002 Use of School time for Athletics - Teacher Salaries .....	82
Tenn. Code Ann. § 49-6-1007. Character Education.....	82
Tenn. Code Ann. § 49-6-1008 AIDS Education Programs – Prevention of AIDS or Other Sexually Transmitted Diseases .....	83
Tenn. Code Ann. § 49-6-1016 Firearms Safety and Storage Training – Age Appropriate Instruction – Instruction Requirements – Brand Affiliation Prohibited .....	83
Tenn. Code Ann. § 49-6-1017 Sexual Violence Awareness Curriculum.....	84
Tenn. Code Ann. § 49-6-1021 Opportunities for Physical Activity.....	85
Tenn. Code Ann. § 49-6-1022 School Health Program – School Health Coordinator and Specialist in Physical Education .....	86
Tenn. Code Ann. § 49-6-1024. Instruction in School Safety Issues.....	86
Tenn. Code Ann. § 49-6-1032 Program to Promote Participation of K-12th grade Students in Community Gardening -- Elective Credit Permitted .....	87
Tenn. Code Ann. § 49-6-1035 Domestic Violence Awareness Education Programs .....	87
<b>Title 49, Chapter 6, Part 12: Junior and Senior High Schools– Curriculum.....</b>	<b>87</b>
Tenn. Code Ann. § 49-6-1206 Reserve Officer Training .....	88
Tenn. Code Ann. § 49-6-1208 Cardiopulmonary Resuscitation (CPR) Program for Junior or Senior High Schools Curriculum.....	88
<b>Title 49, Chapter 6, Part 13: Family Life Curriculum.....</b>	<b>89</b>
Tenn. Code Ann. § 49-6-1301 Part Definitions .....	89
Tenn. Code Ann. § 49-6-1302 Curriculum for Family Life Education – Curriculum on Sex Education or Human Sexuality in Accordance with Curriculum Guidelines for Family Life Education .....	90
Tenn. Code Ann. § 49-6-1303 Assistance in Teaching Family Life.....	91
Tenn. Code Ann. § 49-6-1304 Family Life Instruction.....	92
Tenn. Code Ann. § 49-6-1305 Notification of Parents and Legal Guardians – Excusing Students from Family Life Instruction.....	94

Tenn. Code Ann. § 49-6-1306 Complaint by Parent or Legal Guardian – Cause of Action by Parent or Guardian .....	94
Tenn. Code Ann. § 49-6-1307 Instruction of Sexual Education to Comply with Part – Scientific Study of Reproductive System Permitted .....	95
Tenn. Code Ann. § 49-6-1308 Notification of Instruction of Orientation Curriculum or Gender Identity Curriculum – Written Request for Excusal for Curriculum .....	95
<b>Title 49, Chapter 6, Part 14: Children at Risk for Obesity .....</b>	<b>97</b>
Tenn. Code Ann. § 49-6-1401 Implementation of Program - Requirements - Reporting of Data .....	97
Tenn. Code Ann. § 49-6-1402 Program Components .....	97
Tenn. Code Ann. § 49-6-1403 Tabulation and Reporting of Results .....	98
Tenn. Code Ann. § 49-6-1404 Nutrition and Physical Activity Programs in Schools Where Aggregate Data Suggests High Rates of Obesity .....	98
Tenn. Code Ann. § 49-6-1405 Funding .....	98
<b>Title 49, Chapter 6, Part 16: Child Abuse or Child Sexual Abuse on School Grounds .....</b>	<b>99</b>
Tenn. Code Ann. § 49-6-1601 Procedures to follow if knowledge or reasonable cause to suspect child abuse — Completion of child abuse training program — Child abuse coordinator .....	99
<b>Title 49, Chapter 6, Part 19: Suicide Prevention .....</b>	<b>102</b>
Tenn. Code Ann. § 49-6-1901 Training for Teachers and Principals .....	102
Tenn. Code Ann. § 49-6-1902 Adoption of Policies – Establishment of Model Policy .....	102
Tenn. Code Ann. § 49-6-1903 Cause of Action – Imposition of Duty of Care .....	102
Tenn. Code Ann. § 49-6-1904 Save Tennessee Students Act .....	102
<b>Title 49, Chapter 6, Part 20: School Property .....</b>	<b>103</b>
Tenn. Code Ann. § 49-6-2008 Persons Improperly on School Premises – Assault Upon Educational Personnel .....	103
<b>Title 49, Chapter 6, Part 21: Transportation .....</b>	<b>104</b>
Tenn. Code Ann. § 49-6-2101 Power of Boards to Provide Transportation .....	104
Tenn. Code Ann. § 49-6-2102 Rules and Regulations .....	105
The state board of education is directed to formulate rules and regulations governing school transportation as needed to protect the lives and welfare of school children. ....	105
Tenn. Code Ann. § 49-6-2103 Transportation Free .....	105
Tenn. Code Ann. § 49-6-2104 Payments in Lieu of Transportation .....	105
Tenn. Code Ann. § 49-6-2105 Maximum Time in Transit .....	105
No pupil shall be allowed to remain in transit to or from school on a school bus more than one and one-half (1½) hours in the morning or one and one-half (1½) hours in the afternoon. ....	105
Tenn. Code Ann. § 49-6-2106 Approval of Routes .....	105

Tenn. Code Ann. § 49-6-2107 Certification of Drivers and Equipment .....	105
Tenn. Code Ann. § 49-6-2108 Drivers – Physical and Mental Examinations .....	107
Tenn. Code Ann. § 49-6-2109 Equipment – Commercial Advertising.....	107
Tenn. Code Ann. § 49-6-2110 Safe Operation of Buses .....	109
Tenn. Code Ann. § 49-6-2111 School Bus Insurance .....	109
No school bus shall be operated to transport pupils to and from school unless the school bus is insured for liability and property damage according to rules and regulations of the state board of education. ....	109
Tenn. Code Ann. § 49-6-2112 School Bus Tax Exemption .....	109
Tenn. Code Ann. § 49-6-2113 Penalty for Violations .....	109
A willful violation of this part is a Class C misdemeanor. ....	109
Tenn. Code Ann. § 49-6-2114 Tennessee Children with Disabilities Transportation Act .....	109
Tenn. Code Ann. § 49-6-2115 Compliance with School Bus and Motor Vehicle Safety Standards .....	110
Tenn. Code Ann. § 49-6-2116 Transportation Supervisor – Transportation Policy Relative to Safe Transport of Students.....	110
Tenn. Code Ann. § 49-6-2117 Prohibition Against Nonpublic Schools Employing or Permitting Driver Convicted of Violations.....	111
Tenn. Code Ann. § 49-6-2118 Policies and Procedures for Students Exiting School Bus at Stop Other than Regular Stop – Bus Drivers’ Responsibilities – Unruly Students .....	112
Tenn. Code Ann. § 49-6-2119 Policy for Parents to View Photographs or Video Footage from Cameras on School Buses.....	112
<b>Title 49, Chapter 6, Part 23: Tennessee School Nutrition Standards Act.....</b>	<b>114</b>
Tenn. Code Ann. § 49-6-2302 Establishment of Nutritional Breakfast and Lunch Programs.....	114
Tenn. Code Ann. § 49-6-2303 Rules. ....	114
Tenn. Code Ann. § 49-6-2304 Review of Compliance with Laws and Regulations.....	116
Tenn. Code Ann. § 49-6-2305 Reserve Fund.....	116
Tenn. Code Ann. § 49-6-2306 Minimum Nutritional Standards for Individual Food Items .....	116
Tenn. Code Ann. § 49-6-2307 Whole Milk for Healthy Kids Act.....	117
<b>Title 49, Chapter 6, Part 24: Tennessee Community Schools Act .....</b>	<b>118</b>
Tenn. Code Ann. § 49-6-2402 Legislative Findings.....	118
The general assembly finds and declares that: .....	118
Tenn. Code Ann. § 49-6-2403 Part Definitions .....	118
Tenn. Code Ann. § 49-6-2404 Authority to Form Community Consortia to Establish Community Schools – Centers of Communities – Designation of Individual to Lead Implementation of Programming – Eligibility for Community School Grant .....	119
Tenn. Code Ann. § 49-6-2405 Board and Department to Support and Encourage LEAs in Creation of	



Community Schools – Funding – Qualifications for Community School Grant – Duties of Grant Recipients .....	120
Tenn. Code Ann. § 49-6-2407 Community of Schools – Formation of Community Consortia – Services for Persons of All Ages – Rights, Privileges, and Obligations .....	122
Tenn. Code Ann. § 49-6-2408 Adoption of Holistic Programs of Positive Behavior .....	122
Tenn. Code Ann. § 49-6-2409 Central Headquarters for Neighborhoods – Establishment of Internet Network Architecture – Provisions of Literacy Classes and Other Programs .....	123
Tenn. Code Ann. § 49-6-2410 Identification of Opportunities to Support Formation and Effective Administration of Community Schools .....	124
<b>Title 49, Chapter 6, Part 27: Threat Assessment .....</b>	<b>125</b>
Tenn. Code Ann. § 49-6-2701 Threat Assessment Team .....	125
Tenn. Code Ann. § 49-6-2702 Request for Law Enforcement or Court Records Upon Determination that Individual Poses Threat or Exhibits Significantly Disruptive Behavior or Need for Assistance - Use of Information - Disclosure of Student's Education Record .....	126
Tenn. Code Ann. § 49-6-2703 Immunity of Threat Assessment Team .....	127
<b>Title 49, Chapter 6, Part 30: Attendance .....</b>	<b>128</b>
Tenn. Code Ann. § 49-6-3002 State Attendance Guidelines -- No Penalty for Period of Hospital or Homebound Instruction .....	128
Tenn. Code Ann. § 49-6-3004 School Term .....	129
Tenn. Code Ann. § 49-6-3005 Children Excused from Compulsory Attendance .....	134
Tenn. Code Ann. § 49-6-3006 Attendance Supervisor .....	135
Tenn. Code Ann. § 49-6-3014 Children Lacking Clothing or Food .....	135
Tenn. Code Ann. § 49-6-3051 Parental or Guardian Notice to School of Child's Criminal Offenses -- List of Goals -- Confidentiality -- Violations and Penalties .....	135
<b>Title 49, Chapter 6, Part 34: Suspension of Students .....</b>	<b>138</b>
Tenn. Code Ann. § 49-6-3401 Suspension of Students - Expulsion of Students - .....	138
<b>Title 49, Chapter 6, Part 36: Safe Stars Act .....</b>	<b>143</b>
Tenn. Code Ann. § 49-6-3601 Safety Standards for School Youth Athletic Activities – Code of Conduct for Coaches .....	143
Tenn. Code Ann. § 49-6-3602 Website Guidelines and Other Materials About Sudden Cardiac Arrest and EKG Testing – Sudden Cardiac Arrest Symptoms and Warning Signs Information Sheet .....	144
Tenn. Code Ann. § 49-6-3603 Acknowledgement Form – Informational Meeting or Video on Website .....	145
<b>Title 49, Chapter 6, Part 40: Student and Employee Safe Environment Act of 1996 .....</b>	<b>146</b>
Tenn. Code Ann. § 49-6-4002 Discipline Policy – Code of Conduct .....	146
Tenn. Code Ann. § 49-6-4003 Visitor Code of Conduct – Code Requirements – Posting and Supply of Code – Attorney Review of Code .....	147

Tenn. Code Ann. § 49-6-4004 Uniform and Fair Application of Codes.....	148
Tenn. Code Ann. § 49-6-4005 Adoption of Different but Consistent Discipline Policies or Codes of Conduct Applicable to Different Classes of Schools .....	148
Tenn. Code Ann. § 49-6-4006 Civil Liability.....	148
Tenn. Code Ann. § 49-6-4007 Posting and Distribution of Disciplinary Policy or Code of Conduct.....	149
Tenn. Code Ann. § 49-6-4009 Student Discipline Code to Include Provision Prohibiting Indecent Clothing	149
<b>Title 49, Chapter 6, Part 41: School Discipline Act.....</b>	<b>150</b>
Tenn. Code Ann. § 49-6-4102 Students Accountable for Conduct on School Bus.....	150
Tenn. Code Ann. § 49-6-4103 Corporal Punishment .....	150
Tenn. Code Ann. § 49-6-4104 Rules and Regulations .....	151
Tenn. Code Ann. § 49-6-4105 Arrest and Prosecution for Injury to Student.....	151
Tenn. Code Ann. § 49-6-4107 Use of Reasonable Force.....	151
Tenn. Code Ann. § 49-6-4108 Report Detailing Use of Corporal Punishment Required .....	151
Tenn. Code Ann. § 49-6-4109. Trauma-informed Discipline Policy.....	152
<b>Title 49, Chapter 6, Part 42: School Security Act of 1981 .....</b>	<b>153</b>
Tenn. Code Ann. § 49-6-4202 Part Definitions.....	153
Tenn. Code Ann. § 49-6-4203 Legislative Intent.....	153
Tenn. Code Ann. § 49-6-4204 Search of Lockers, Vehicles, and Other Property.....	154
Tenn. Code Ann. § 49-6-4205 Search of Students .....	155
Tenn. Code Ann. § 49-6-4206 Policy Authorizing School Security Officer to Patrol .....	155
Tenn. Code Ann. § 49-6-4207 Use of Metal Detectors .....	156
Tenn. Code Ann. § 49-6-4208 Use of Animals .....	156
Tenn. Code Ann. § 49-6-4209 Report of Reasonable Suspicion by Principal to Law Enforcement Officer....	156
Tenn. Code Ann. § 49-6-4210 Disposal of Contraband .....	157
Tenn. Code Ann. § 49-6-4211 Defense of School Personnel by LEA – Indemnity.....	157
Tenn. Code Ann. § 49-6-4212 Training Program for School Principals – Notice of Policies to Parents and Students .....	157
Tenn. Code Ann. § 49-6-4213 Testing of Students for Drugs – Referral Information and Assistance for Students Testing Positive .....	157
Tenn. Code Ann. § 49-6-4214 Nonpublic Schools – Resource Officers – Compliance – Contract Stipulations .....	160
Tenn. Code Ann. § 49-6-4215 Activities of Criminal Gangs on School Property -- .....	160
Tenn. Code Ann. § 49-6-4217 Employment Standards for School Resource Officers.....	161
Tenn. Code Ann. § 49-6-4218 Posting of Speed Limits on School Grounds and Parking Lots .....	161

Tenn. Code Ann. § 49-6-4219 Policy Regulating Use of Electronic Control Devices.....	161
<b>Title 49, Chapter 6, Part 43: Reporting Student Offenses .....</b>	<b>162</b>
Tenn. Code Ann. § 49-6-4301 School Officials to Report Student Offenses .....	162
Tenn. Code Ann. § 49-6-4302 Tennessee School Safety Center.....	163
<b>Title 49, Chapter 6, Part 44: School Discipline in Special School Districts .....</b>	<b>165</b>
Tenn. Code Ann. § 49-6-4401 Students Accountable for Conduct.....	165
Tenn. Code Ann. § 49-6-4402 Corporal Punishment .....	165
Tenn. Code Ann. § 49-6-4403 Rules and Regulations .....	165
Tenn. Code Ann. § 49-6-4404 Physical Examination of Student – Student’s Remedies .....	166
<b>Title 49, Chapter 6, Part 45: Harassment, Intimidation, Bullying and Cyber-Bullying .....</b>	<b>167</b>
Tenn. Code Ann. § 49-6-4501 Legislative Findings -- Safety and Civility .....	167
Tenn. Code Ann. § 49-6-4502 Part Definitions .....	167
Tenn. Code Ann. § 49-6-4503 Adoption of Policy Prohibiting Harassment, Intimidation, Bullying or Cyber-bullying by the School District .....	168
Tenn. Code Ann. § 49-6-4504 Adoption of Policy Prohibiting Harassment, Intimidation, Bullying or Cyber-bullying by LEA -- Review .....	171
Tenn. Code Ann. § 49-6-4505 Reprisal or Retaliation Prohibited -- Reporting Harassment, Intimidation, Bullying or Cyber-bullying -- Immunity from Damages .....	171
Tenn. Code Ann. § 49-6-4506. Task Forces, Programs or Other Initiatives.....	171
<b>Title 49, Chapter 6, Part 50: Immunization of School Children .....</b>	<b>172</b>
Tenn. Code Ann. § 49-6-5001 General Provisions .....	172
Tenn. Code Ann. § 49-6-5002 Certificate of Immunization – Out of State Immunization Records .....	173
Tenn. Code Ann. § 49-6-5003 Hepatitis B Immunization .....	173
Tenn. Code Ann. § 49-6-5004 Promotion of Eye, Hearing and Dental Care Awareness.....	173
Tenn. Code Ann. § 49-6-5005 Information about Meningococcal Disease and Influenza and the Effectiveness of Vaccination .....	174
<b>Title 49, Chapter 6, Part 70: Parent Educational Participation Act.....</b>	<b>175</b>
Tenn. Code Ann. § 49-6-7001 General Provisions.....	175
Tenn. Code Ann. § 49-6-7004 Parental Involvement Contracts .....	175
Tenn. Code Ann. § 49-6-7005 Improving Parental Involvement in Children’s Education .....	176
<b>Title 49, Chapter 10, Part 11: Homebound Instruction for Students.....</b>	<b>177</b>
Tenn. Code Ann. § 49-10-1101 Establishment of Program.....	177
<b>Title 49, Chapter 50, Part 16: Self-Administration of Prescribed Medications and Other Treatments.....</b>	<b>178</b>
Tenn. Code Ann. § 49-50-1601 Self-administration of Pancreatic Enzymes .....	178

Tenn. Code Ann. § 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 .....	179
Tenn. Code Ann. § 49-50-1603 Administration of Medicine that Treats Adrenal Insufficiency .....	189
Tenn. Code Ann. § 49-50-1604 Guidelines Regarding Availability of Opioid Antagonist in Schools .....	191
<b>Title 55, Chapter 8, Part 2: Operations of Vehicles – Rules of the Road – Continued .....</b>	<b>193</b>
Tenn. Code Ann. § 55-8-214 Directing Traffic in School Zones – Posting of Signs – Training and Performance Requirements – Exclusions – Penalties .....	193
<b>Title 55, Chapter 50, Part 1: General Provisions .....</b>	<b>194</b>
Tenn. Code Ann. § 55-50-102 Chapter Definitions .....	194
<b>Title 63, Chapter 7, Part 1: General Provisions .....</b>	<b>200</b>
Tenn. Code Ann. § 63-7-101 Purpose of Chapter .....	200
Tenn. Code Ann. § 63-7-102 Exemptions .....	200
Tenn. Code Ann. § 63-7-103 “Practice of Professional Nursing” and “Professional Nursing” Defined .....	201
Tenn. Code Ann. § 63-7-104 Registered Nurse Qualifications .....	203
Tenn. Code Ann. § 63-7-105 Registered Nurse Licensure .....	203
Tenn. Code Ann. § 63-7-106 Registered Nurse Fees – Certification to other States .....	205
Tenn. Code Ann. § 63-7-107 Use of “Registered Nurse” Title .....	205
Tenn. Code Ann. § 63-7-108 “Practice of Practical Nursing” Defined .....	205
Tenn. Code Ann. § 63-7-109 Practical Nurse Qualifications .....	206
Tenn. Code Ann. § 63-7-110 Practical Nurse Licensure .....	206
Tenn. Code Ann. § 63-7-111 Practical Nurse Fees – Certification to other States .....	207
Tenn. Code Ann. § 63-7-112. Use of “Licensed Practical Nurse” Title .....	208
<b>Title 68, Chapter 1, Part 12: Public School Nurse Program .....</b>	<b>209</b>
Tenn. Code Ann. § 68-1-1201 Creation .....	209
Tenn. Code Ann. § 68-1-1202 Duties of Executive Director .....	209
Tenn. Code Ann. § 68-1-1203 New Positions .....	211
Tenn. Code Ann. § 68-1-1204 Rules and Regulations - Public School Nurse Advisory Council .....	212
Tenn. Code Ann. § 68-1-1205 Compliance with Laws Pertaining to Abortion or Birth Control Referrals or Information by Employees - Abstinence .....	212
Tenn. Code Ann. § 68-1-1206 Local Agencies not Preempted .....	213
<b>Title 68, Chapter 6, Part 1: Sudden Cardiac Arrest Prevention .....</b>	<b>214</b>
Tenn. Code Ann. § 68-6-102 Chapter Definitions .....	214
Tenn. Code Ann. § 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 .....	214
Tenn. Code Ann. § 68-6-104 Requirements to be Met by Organizers of Community- based Youth Athletic Activities for Prevention of Sudden Cardiac Arrest.....	216
Tenn. Code Ann. § 68-6-105 Automated External Defibrillators for Public and Non Public Schools – Accessibility and Maintenance .....	218
<b>Title 68, Chapter 6, Part 2: Athletics Emergency Action Plan .....</b>	<b>220</b>
Tenn. Code Ann. § 68-6-202 Athletics Emergency Action Plans – Requirements .....	220
<b>Title 68, Chapter 34, Part 1: Family Planning Act of 1971 .....</b>	<b>221</b>
Tenn. Code Ann. § 68-34-107 Contraceptives for Minors.....	221
<b>Title 68, Chapter 55, Part 5: Youth Sport-Related Injuries .....</b>	<b>222</b>
Tenn. Code Ann. § 68-55-501 Part Definitions .....	222
Tenn. Code Ann. § 68-55-502 Application to School Youth Athletic Activity - Minimum Requirements of School's Governing Authority .....	222
Tenn. Code Ann. § 68-55-503 Application to Community-based Youth Athletic Activity- Minimum Requirements of Organizations of Community-based Youth Athletic Activities.....	225
<b>Title 68, Chapter 102, Part 1: General Provisions .....</b>	<b>228</b>
Tenn. Code Ann. § 68-102-137 Public and Private Schools - Institutions - Fire Drills - Doors to be Kept Unlocked - Safety Drills .....	228
<b>Title 68, Chapter 140, Part 4: Automated External Defibrillators .....</b>	<b>229</b>
Tenn. Code Ann. § 68-140-403 Use of AED Devices - Training - Maintenance - Registration Encouraged ....	229
Tenn. Code Ann. § 68-140-404 Program for Use of AED.....	229
Tenn. Code Ann. § 68-140-405. Rules Relating to AED's - Adoption - Scope and Contents .....	230
Tenn. Code Ann. § 68-140-408 Training and Demonstration of Competence in CPR and Use of AED .....	231
<b>Title 68, Chapter 140, Part 5: Epinephrine Auto-injectors .....</b>	<b>232</b>
Tenn. Code Ann. § 68-140-502 Prescribers of Epinephrine Auto-injectors - Stock and Storage - Training for Administration of Epinephrine Auto-injectors - Training Programs - Liability.....	232

# 2024 Legislative Session: New or Amended Laws

<a href="#">T.C.A. § 29-20-107</a>	Definition of Government Employee for Tort Liability
<a href="#">T.C.A. § 39-13-114</a>	Communicating a Threat Concerning a School Employee or Student
<a href="#">T.C.A. § 39-16-517</a>	Threat of Mass Violence on School Property or at School-Related Activity
<a href="#">T.C.A. § 39-17-308</a>	Harassment
<a href="#">T.C.A. § 49-1-107</a>	Annual Written Notification of Funds Available for Mental Health Services
<a href="#">T.C.A. § 49-1-225</a>	School Safety Alert Grant Pilot Program – Appropriations and Awarding of Funds – Report to General Assembly
<a href="#">T.C.A. § 49-2-118</a>	Conflict Resolution Intervention Programs
<a href="#">T.C.A. § 49-2-122</a>	Placement of Automated External Defibrillator (AED)
<a href="#">T.C.A. § 49-2-203</a>	Board of Education: Duties and Powers
<a href="#">T.C.A. § 49-3-359</a>	TISA Funding for Teacher’s Supplies and School Nurses or School Health Services
<a href="#">T.C.A. § 49-5-106</a>	Temporary Teaching Permits – Limited License to Continue Teaching Pursuant to Current Temporary Permit
<a href="#">T.C.A. § 49-50-1604</a>	Guidelines Regarding Availability of Opioid Antagonist in Schools
<a href="#">T.C.A. § 49-6- 1016</a>	Firearms Safety and Storage Training – Age Appropriation Instruction – Instruction Requirements – Brand Affiliation Prohibited
<a href="#">T.C.A. § 49-6-1017</a>	Sexual Violence Awareness Curriculum
<a href="#">T.C.A. § 49-6-1304</a>	Family Life Curriculum
<a href="#">T.C.A. § 49-6-1601</a>	Procedures to Follow if Knowledge or Reason Cause to Suspect Child Abuse Completion of Child Abuse Training – Child Abuse Coordinator
<a href="#">T.C.A. § 49-6-2008</a>	Persons Improperly on School Premises – Assault Upon Educational Personnel
<a href="#">T.C.A. § 49-6-2101</a>	Power of Boards to Provide Transportation
<a href="#">T.C.A. § 49-6-2107</a>	Certification of Drivers and Equipment
<a href="#">T.C.A. § 49-6-2116</a>	Transportation Supervisor – Transportation Policy Relative to Safe Transport of Students
<a href="#">T.C.A. § 49-6-2307</a>	Whole Milk for Healthy Kids Act
<a href="#">T.C.A. § 49-6-317</a>	Beyond Ordinary Learning Opportunities (BOLO) Act
<a href="#">T.C.A. § 49-6-3401</a>	Suspension of Students – Expulsion of Students – Exception for Self-Defense
<a href="#">T.C.A. § 49-6-4202</a>	School Security Act: Part Definitions
<a href="#">T.C.A. § 49-6-804</a>	Adoption of Comprehensive Plans
<a href="#">T.C.A. § 49-6-805</a>	Template Minimum Requirements
<a href="#">T.C.A. § 49-6-806</a>	Appointments to District-Wide and Building-Level School Safety Teams
<a href="#">T.C.A. § 49-6-807</a>	Annual Drills
<a href="#">T.C.A. § 49-6-815</a>	People Permitted to Possess and Carry a Firearm on School Grounds
<a href="#">T.C.A. § 55-8-214</a>	Directing Traffic in School Zones – Posting of Signs – Training and Performance Requirements – Exclusions – Penalties
<a href="#">T.C.A. § 55-50-102</a>	Uniform Classified and Commercial Driver License Act: General Provisions
<a href="#">T.C.A. § 68-6-102</a>	Sudden Cardiac Arrest: Chapter Definitions
<a href="#">T.C.A. § 68-6-103</a>	Requirements to be Met by Governing Authorities of Public and Nonpublic Schools for Prevention of Sudden Cardiac Arrest During School Youth Activities

# Title 29, Chapter 20, Part 1: Governmental Tort Liability

## ***Tenn. Code Ann. § 29-20-107 Definition of Government Employee for Tort Liability Purposes***

**(a)** Any person who is not an elected or appointed official or a member of a board, agency or commission shall not be considered an employee of a governmental entity for purposes of this chapter unless the court specifically finds that all of the following elements exist:

- (1)** The governmental entity itself selected and engaged the person in question to perform services;
- (2)** The governmental entity itself is liable for the payment of compensation for the performance of such services and the person receives all of such person's compensation directly from the payroll department of the governmental entity in question;
- (3)** The person receives the same benefits as all other employees of the governmental entity in question including retirement benefits and the eligibility to participate in insurance programs;
- (4)** The person acts under the control and direction of the governmental entity not only as to the result to be accomplished but as to the means and details by which the result is accomplished; and
- (5)** The person is entitled to the same job protection system and rules, such as civil service or grievance procedures, as are other persons employed by the governmental entity in question.

**(b)** A governmental entity's reservation of the right to approve employment or terminate employment by any contract, agreement or other means or such entity's ability to control or direct a person not otherwise in the regular employ of such entity shall not operate to make a person an employee of such entity for the purpose of the immunity granted by this chapter unless such person otherwise qualifies as an employee according to this section.

**(c)** No governmental entity may extend the immunity granted by this chapter to independent contractors or other persons or entities by contract, agreement or other means, nor shall the doctrine of borrowed servants operate to make any person a governmental entity employee for the purpose of immunity who does not otherwise meet all of the elements set out in this section.

**(d)** A regular member of a voluntary or auxiliary firefighting, police or emergency assistance organization of a governmental entity shall be considered to be an employee of that governmental entity for purposes of this chapter without regard to the elements set forth in subsection (a).

**(e)** Persons who are employed in part-time, seasonal, or probationary positions by a governmental entity shall not be disqualified by subdivision (a)(3) or (a)(5) from the immunity granted by this chapter if they receive the same benefits or are subject to the same job protection system and rules as other persons employed by that government in comparable part-time, seasonal, or probationary positions.

**(f)** Agreements between governmental entities entered into pursuant to the Interlocal Cooperation Act, compiled in title 12, chapter 9, or as otherwise duly authorized by law, may confer or determine the status of an employee for purposes of this chapter on persons without regard to the elements set forth in subsection (a). Such agreements may provide, but are not, limited to, agreements that an employee of a governmental entity, including, but not limited to, police officers shall be assigned to another governmental entity to serve a particular purpose. The agreement may provide which of the governmental entities shall be liable for the acts of such person who shall continue to be considered as an employee for purposes of this chapter.

**(g)**

**(1)**

**(A)** Notwithstanding any provision of this chapter to the contrary, non-governmental independent contractors or other persons or entities that contract with or enter into any agreements with the regional transportation authority, as defined and created in title 64, chapter 8, for the provision of commuter rail transit services, facilities, or functions upon a rail line or rail line right-of-way owned and maintained by a governmental entity shall be granted limited tort exposure under this chapter. This grant of limited tort exposure shall be provided only when the non-governmental independent contractors or other persons or entities are providing by contract or agreement the rail transit services, facilities, or functions that title 64, chapter 8 authorizes the regional transportation authority to perform.

**(B)** In performing or providing such rail transit services, facilities, or functions, the non-governmental independent contractors or other persons or entities are deemed to be the functional equivalent of the regional transportation authority. They are performing or providing these rail transit services, facilities, or functions in the stead of the regional transportation authority and by such are fulfilling a public purpose that is authorized to be performed by the regional transportation authority. The regional transportation authority shall enter into such contracts or agreements because it has been determined by the board of the regional transportation authority to be more cost effective to contract or enter into an agreement for the rail transit services, facilities, or functions. When the regional transportation authority's independent contractor or other person or entity that provides these rail transit services, facilities, or functions is deemed to be the functional equivalent of the regional transportation authority as provided for in this subsection (g), then the regional transportation authority's contracting party or party to the agreement shall have limited tort exposure as long as the regional transportation authority's contracting party or party to the agreement was performing rail transit services, facilities or functions within the scope of work and during the normal course of work of the contract or agreement when the accident occurred. The regional transportation authority's contracting party or party to the agreement will not be afforded any limits to its tort exposure for gross negligence in the performance of the contract or agreement.

**(C)** For any rail transit accident, occurrence, or act, the limits of tort exposure for the regional transportation authority's contracting party or party to the agreement shall be two million dollars (\$2,000,000) for bodily injury or death of any one (1) person in any one (1) accident, occurrence or act, and thirty million dollars (\$30,000,000) for bodily injury or death of all persons in any one (1) accident, occurrence, or act arising or that occurred during that time frame. No tort liability limits shall be granted to the non-governmental contractor or other persons or entities that contract with or enter into any agreement with the regional transportation authority for injury to or destruction of property in any accident, occurrence, or act. The regional transportation authority shall maintain, or cause to be maintained, a self-insurance retention fund in a minimum amount of one million dollars (\$1,000,000) up to an amount not to exceed two million dollars (\$2,000,000), which shall be utilized as a first fund source for any payment of a tort claim arising from any rail transit accident, occurrence or act that results in bodily injury or death to one (1) or more persons.

**(2)** The limits of liability prescribed under subdivision (g)(1) shall not apply to any for-profit owners of rail lines or rail line rights-of-way. As a matter of public policy, the general assembly declares and deems the operation of the regional transportation authority's commuter rail train to be a public purpose, a public and governmental function and a matter of public necessity.

**(h)**



- (1)** A governmental entity or local board of education shall not extend the immunity granted by this chapter to independent school bus owners and operators or other persons or entities by contract, agreement, or other means in performing or providing school-related transportation services to a local board of education.
- (2)** The contract or agreement between a local board of education and independent school bus owners and operators must require sufficient limits for tort liability exposures related to performing or providing school-related transportation services to the local board of education by the owners and operators as evidenced by a certificate of insurance from the owners and operators that has the local board of education listed as an additional insured.

# Title 37, Chapter 1, Part 4: Mandatory Child Abuse Reports

## ***Tenn. Code Ann. § 37-1-408 Development of Guidelines for Identifying and Reporting Signs of Child Abuse, Child Sexual Abuse, and Human Trafficking of Children – Annual Child Abuse Training Program for Teachers***

**(a)**

**(1)** 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.

**(2)** The department of children's services shall publish the guidelines as provided in this subsection (a) on the department's website.

**(b)** Each LEA and each public charter school shall ensure that employees working directly with students of the respective LEA or public charter school 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 employee'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.

# Title 38, Chapter 3, Part 1: Public Officer Preventing Commission of Offenses

## ***Tenn. Code Ann. § 38-3-118 Policies and Guidelines Regarding Use of Marked Law Enforcement Vehicles by Off-Duty Law Enforcement Officers for Travel to and from Vulnerable Locations***

**(a)** Except as provided in subsection (b), a chief law enforcement officer of a state or local law enforcement agency may develop and implement policies and guidelines regarding the use of marked law enforcement vehicles by off-duty law enforcement officers for travel to and from vulnerable locations in order to project an enhanced security presence while at such locations.

**(b)** A chief law enforcement officer shall not develop or implement policies or guidelines in accordance with subsection (a) without the express approval of:

- (1)** With respect to a local law enforcement agency, the executive head or legislative body of the local government, as applicable, vested with the authority to direct such chief law enforcement officer; and
- (2)** With respect to a state law enforcement agency, the executive head of the state department or agency within which the state law enforcement agency is created.

**(c)** For purposes of this section, "vulnerable locations" includes places of worship, schools, and parks.

# Title 39, Chapter 13, Part 1: Assaultive Offenses

## ***Tenn. Code Ann. § 39-13-114 Communicating a Threat Concerning a School Employee or Student***

**(a)** For purposes of this section:

**(1)** "School" means:

**(A)** An elementary school, middle school, or high school;

**(B)** A college of applied technology or postsecondary vocational or technical school; or

**(C)** A two-year or four-year college or university; and

**(2)** "School property" means any school building or bus, school campus, grounds, recreational area, athletic field, or other property owned, used, or operated by any local education agency, private school board of trustees, or directors for the administration of any school.

**(b)** A person commits the offense of communicating a threat concerning a school employee or student if:

**(1)** The person communicates to another a threat to cause the death of or serious bodily injury:

**(A)** To a school employee and the threat is directly related to the employee's scope of employment; or

**(B)** To a student on school property or at a school-related activity;

**(2)** The threat involves the use of a firearm or other deadly weapon;

**(3)** The person to whom the threat is made reasonably believes that the person making the threat intends to carry out the threat; and

**(4)** The person making the threat intentionally engages in conduct that constitutes a substantial step in the commission of the threatened act and the threatened act and the substantial step when taken together:

**(A)** Are corroborative of the person's intent to commit the threatened act; and

**(B)** Occur close enough in time to evidence an intent and ability to commit the threatened act.

**(c)** Communicating a death threat concerning a school employee or student is a Class B misdemeanor punishable by a maximum term of imprisonment of thirty (30) days.

# Title 39, Chapter 16, Part 5: Interference with Government Operations

## ***Tenn. Code Ann. § 39-16-517 Threat of Mass Violence on School Property or at School-Related Activity***

**(a)** As used in this section:

- (1)** “Mass violence” means any act which a reasonable person would conclude could lead to the serious bodily injury, as defined in § 39-11-106, or the death of two (2) or more persons;
- (2)** “Means of communication” means direct and indirect verbal, written, or electronic communications, including graffiti, pictures, diagrams, telephone calls, voice over internet protocol calls, video messages, voice mails, electronic mail, social media posts, instant messages, chat group posts, text messages, and any other recognized means of conveying information;
- (3)** “School” means any public or private elementary school, middle school, high school, college of applied technology, postsecondary vocational or technical school, or two-year or four-year college or university; and
- (4)** “School property” means any school building or bus, school campus, grounds, recreational area, athletic field, or other property owned, used, or operated by any local education agency, private school board of trustees, or directors for the administration of any school.

**(b)**

- (1)** A person who recklessly, by any means of communication, threatens to commit an act of mass violence on school property or at a school-related activity commits a Class E felony.
- (2)** This section does not apply to a person with an intellectual disability, as defined in § 33-1-101.

**(c)** As a condition of bail or other pretrial release, the court may, in its discretion, order the defendant to undergo an evaluation, under § 33-7-301, to determine whether the defendant poses a substantial likelihood of serious harm to the person or others.

**(d)**

- (1)** Any person who has knowledge of a threat of mass violence on school property or at a school-related activity shall report the threat immediately to:
  - (A)** The local law enforcement agency with jurisdiction over the school property or school-related activity; and
  - (B)** The school that is subject to the threat of mass violence.
- (2)** The report must include, to the extent known by the reporter, the nature of the threat of mass violence, the name and address of the person making the threat, the facts requiring the report, and any other pertinent information.
- (3)** Any person who has knowledge of a threat of mass violence on school property or at a school-related activity and knowingly fails to report the threat commits a Class B misdemeanor.

**(e)** In addition to any other penalty authorized by law, a sentencing court may order a person convicted under subsection (b) to pay restitution, including costs and damages resulting from the disruption of the normal activity that would have otherwise occurred on the school property or at the school-related activity but for the threat to commit an act of mass violence.

**(f)** If a juvenile is adjudicated delinquent for a violation of subsection (b) pursuant to title 37, chapter 1, part 1, then the disposition must include, in addition to any other disposition authorized by law, the suspension of the

juvenile's driving privileges or ability to obtain a driver license for a period of one (1) year in accordance with the procedure set out in title 55, chapter 10, part 7.

# Title 39, Chapter 17, Part 3: Disorderly Conduct and Riots

## ***Tenn. Code Ann. § 39-17-308 Harassment***

**(a)** A person commits an offense who intentionally:

- (1)** Communicates a threat to another person, and the person communicating the threat:
  - (A)** Intends the communication to be a threat of harm to the victim; and
  - (B)** A reasonable person would perceive the communication to be a threat of harm;
- (2)** Communicates with another person without lawful purpose, anonymously or otherwise, with the intent that the frequency or means of the communication annoys, offends, alarms, or frightens the recipient and, by this action, annoys, offends, alarms, or frightens the recipient;
- (3)** Communicates to another person, with intent to harass that person, that a relative or other person has been injured or killed when the communication is known to be false;
- (4)** Communicates with another person or transmits or displays an image without legitimate purpose with the intent that the image is viewed by the victim by any method described in subdivision (a)(1) and the person:
  - (A)** Maliciously intends the communication to be a threat of harm to the victim; and
  - (B)** A reasonable person would perceive the communication to be a threat of harm; or
- (5)** Engages in bullying or cyber-bullying.

**(b)**

- (1)** A person convicted of a criminal offense commits an offense if, while incarcerated, on pretrial diversion, probation, community correction or parole, the person intentionally communicates in person with the victim of the person's crime if the communication is:
  - (A)** Anonymous or threatening or made in an offensively repetitious manner or at hours known to be inconvenient to the victim;
  - (B)** Made for no legitimate purpose; and
  - (C)** Made knowing that it will alarm or annoy the victim.
- (2)** If the victim of the person's offense died as the result of the offense, this subsection (b) shall apply to the deceased victim's next-of-kin.

**(c)**

- (1)** Except as provided in subsection (d), a violation of subsection (a) is a Class A misdemeanor.
- (2)** A violation of subsection (b) is a Class E felony.

**(d)**

- (1)** A violation by a minor of subdivision (a)(4) is a delinquent act and shall be punishable only by up to thirty (30) hours of community service, without compensation, for charitable or governmental agencies as determined by the court.
- (2)** A violation by a minor of subdivision (a)(5) is a delinquent act and shall be punished as provided in § 37-1-131.

**(e)** As used in this section:

- (1)** "Bullying" means an act committed by a student that substantially interferes with another 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 the other student or damaging the other student's property; or
- (ii) Knowingly placing the other student or students in reasonable fear of physical harm to the other student or damage to the student's property; or
- (B) If the act takes place off school property or outside of a school-sponsored activity, it is directed specifically at another student or students and has the effect of creating a substantial disruption to the education environment or learning process;
- (2) "Communicate" means contacting a person in writing or print or by telephone, wire, radio, electromagnetic, photoelectronic, photo optical, or electronic means, and includes text messages, facsimile transmissions, electronic mail, instant messages, and messages, images, video, sound recordings, or intelligence of any nature sent through or posted on social networks, social media, or websites;
- (3) "Cyber-bullying" means bullying undertaken through the use of electronic devices;
- (4) "Electronic communications service" means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic or photo optical system;
- (5) "Image" includes, but is not limited to, a visual depiction, video clip or photograph of another person;
- (6) "Log files" mean computer-generated lists that contain various types of information regarding the activities of a computer, including, but not limited to, time of access to certain records, processes running on a computer or the usage of certain computer resources; and
- (7) "Official report" means a written report made by a law enforcement officer in the course of the law enforcement officer's official duties that the parent of a minor child who is identified as a victim in the report may obtain from the law enforcement officer's employing law enforcement agency;
- (8) "School" means a public or private school that conducts classes in any grade from kindergarten through grade twelve (K-12);
- (9) "Student" means a person, regardless of age, enrolled in a public or private school that conducts classes in any grade from kindergarten through grade twelve (K-12);
- (10) "Social network" means any online community of people who share interests and activities, or who are interested in exploring the interests and activities of others, and which provides ways for users to interact.

**(f)**

- (1) The offense described in this section shall not apply to an entity providing an electronic communications service to the public acting in the normal course of providing that service.
- (2) The service providers described in this subsection (f) shall not be required to maintain any record not otherwise kept in the ordinary course of that service provider's business; provided, however, that if any electronic communications service provider operates a website that offers a social network service and the electronic communications service provider provides services to consumers in this state, any log files and images or communications that have been sent, posted, or displayed on the social network service's website and maintained by the electronic communications service provider shall be disclosed to any governmental entity responsible for enforcing this section only if the governmental entity:
  - (A) Obtains a warrant issued using this state's warrant procedures by a court of competent jurisdiction;
  - (B) Obtains a court order for the disclosure under subdivision (f)(4); or
  - (C) Has the consent of the person who sent, posted, or displayed any log files and images or communications on the social network service's website maintained by the electronic communications service provider.



**(3)** No cause of action shall lie in any court against any provider of an electronic communications service, its officers, employees, agents, or other specified persons for providing information, facilities, or assistance in accordance with the terms of a court order or warrant.

**(4)** A court order for disclosure under subdivision (f)(2)(B) may be issued by any court that is a court of competent jurisdiction and shall issue only if the governmental entity offers specific and articulable facts showing that there are reasonable grounds to believe that the contents of an electronic communication, or the records or other information sought, are relevant and material to an ongoing criminal investigation. A court order shall not be issued if prohibited by the law of this state. A court issuing an order pursuant to this section, on a motion made promptly by the service provider, may quash or modify the order, if the information or records requested are unusually voluminous in nature or compliance with the order otherwise would cause an undue burden on the provider.

**(g)**

**(1)** A law enforcement officer who has knowledge that a minor is the victim of an incident of bullying or cyberbullying shall:

**(A)** Make an official report of the incident; and

**(B)** Provide the minor's parent, legal guardian, or legal custodian with notice of the bullying or cyberbullying and instructions concerning how to obtain a copy of the report made pursuant to subdivision (g)(1)(A).

**(2)** This subsection (g) does not apply to incidents reported to the department of safety through the SafeTN application or a successor application.

# Title 39, Chapter 17, Part 15: Prevention of Youth Access to Tobacco and Vapor Products Act

## ***Tenn. Code Ann. § 39-17-1502 Purpose and Intent***

(a) The purpose of this part is to reduce the access of persons under twenty-one (21) years of age to tobacco products by strengthening existing prohibitions against the sale and distribution of tobacco products and prohibiting the purchase or receipt of tobacco products by such persons, limiting the sale of tobacco products through vending machines, restricting the distribution of tobacco product samples, prohibiting the sale of cigarettes or smokeless tobacco products other than in unopened packages, and random, unannounced inspections of locations where tobacco products are sold or distributed, providing for the report required to be submitted to the United States department of health and human services pursuant to Section 1926 of the Public Health Service Act (42 U.S.C. § 300x-26), and ensuring uniform regulations with respect to tobacco products within this state.

(b) The purpose of this part is also to prohibit the sale or distribution of vapor products to, or purchase of vapor products on behalf of, persons under twenty-one (21) years of age.

(c) The purpose of this part is also to prohibit the sale or distribution of smoking hemp products to, or purchase of smoking hemp products on behalf of, persons under twenty-one (21) years of age.

(d) The purpose of this part is also to prohibit the sale or distribution of smokeless nicotine products to, or purchase of smokeless nicotine products on behalf of, persons under twenty-one (21) years of age.

(e) It is the intent of the general assembly that this part be equitably enforced so as to ensure the eligibility for and receipt of any federal funds or grants that this state now receives or may receive relating to this part.

## ***Tenn. Code Ann. § 39-17-1503 Part Definitions***

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

(1) "Age-restricted venue" means a legal establishment that affirmatively restricts access to its buildings or facilities at all times to persons who are twenty-one (21) years of age or older by requiring each person who attempts to gain entry to those buildings or facilities to submit for inspection an acceptable form of identification for the express purpose of determining if the person is twenty-one (21) years of age or older;

(2) "Beedies" or "bidis" means a product containing tobacco that is wrapped in temburni leaf (*dispyros melanoxyton*) or tendu leaf (*diospyros exculpra*), or any other product that is offered to, or purchased by, consumers as beedies or bidis. For purposes of this chapter, beedies or bidis shall be considered a tobacco product;

(3) "Cigar bar" means a legal establishment that:

(A) Holds a valid license or permit for the on-premises consumption of alcoholic beverages;

(B) Generates a portion of its total annual gross income from the on-site sale of cigars and the rental of humidors;

(C) Does not knowingly sell products or services, or permit entrance to the premises, to a person who is less than twenty-one (21) years of age; and

(D) Does not permit vaping or the smoking of products other than cigars on the premises;

**(4)** "Commissioner" means the commissioner of agriculture or the commissioner's duly authorized representative;

**(5)** "Department" means the department of agriculture;

**(6)** "Hemp" means the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof, and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol (THC) concentration of not more than three-tenths of one percent (0.3%) on a dry weight basis;

**(7)** "Person" means any individual, firm, fiduciary, partnership, corporation, trust, or association;

**(8)** "Proof of age" means a driver license or other generally accepted means of identification that describes the individual as twenty-one (21) years of age or older, contains a photograph or other likeness of the individual, and appears on its face to be valid. Except in the case of distribution by mail, the distributor shall obtain a statement from the addressee that the addressee is twenty-one (21) years of age or older;

**(9)** "Public place" means any public street, sidewalk or park, or any area open to the general public in any publicly owned or operated building;

**(10)** "Retail tobacco store" means a retail store that derives its largest category of sales from tobacco products and accessories;

**(11)** "Retail vapor product store" means a retail store that derives its largest category of sales from vapor products and accessories;

**(12)** "Sample" means a tobacco product distributed to members of the general public at no cost for the purpose of promoting the product;

**(13)** "Sampling" means the distribution of samples to members of the general public in a public place;

**(14)** "Smokeless nicotine product":

**(A)** Means nicotine that is in the form of a solid, gel, gum, or paste that is intended for human consumption or placement in the oral cavity for absorption into the human body by any means other than inhalation;

**(B)** Does not include tobacco or tobacco products; and

**(C)** Does not include nicotine replacement therapy products as defined and approved by the federal food and drug administration;

**(15)** "Smoking hemp" means hemp that is offered for sale to the public with the intention that it is consumed by smoking and that does not meet the definition of a vapor product;

**(16)** "Tobacco product" means any product that contains tobacco and is intended for human consumption, including, but not limited to, cigars, cigarettes and bidis; and

**(17)** "Vapor product":

**(A)** Means any noncombustible product containing nicotine or any other substance that employs a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce or emit a visible or non-visible vapor;

- (B) Includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product, and any vapor cartridge, any substance used to refill a vapor cartridge, or other container of a solution containing nicotine or any other substance that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product; and
- (C) Does not include any product regulated under Chapter V of the Food, Drug, and Cosmetic Act (21 U.S.C. § 351 et seq.)

## ***Tenn. Code Ann. § 39-17-1504 Sale or Distribution to Underage Persons***

### ***Unlawful — Proof of Age Requirement***

- (a) It is unlawful for any person to sell or distribute any tobacco, smoking hemp, vapor product, or smokeless nicotine product to another person who has not attained twenty-one (21) years of age or to purchase a tobacco, smoking hemp, vapor product, or smokeless nicotine product on behalf of such person under twenty-one (21) years of age.
- (b) It is unlawful for any person to persuade, entice, send or assist a person who has not attained twenty-one (21) years of age to purchase, acquire, receive or attempt to purchase, acquire or receive a tobacco, smoking hemp, vapor product, or smokeless nicotine product. This section and § 39-17-1505 do not preclude law enforcement efforts involving:
- (1) The use of a minor if the minor's parent or legal guardian has consented to this action; or
  - (2) The use of an individual under twenty-one (21) years of age who is not a minor if the individual has consented to this action.
- (c) No person shall distribute tobacco, smoking hemp, vapor product, or smokeless nicotine product samples in or on any public street, sidewalk, or park.
- (d) A person engaged in the sale or distribution of tobacco, smoking hemp, vapor product, or smokeless nicotine product shall demand proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that the prospective purchaser or recipient may be under thirty (30) years of age. In the case of distribution by mail, the distributor of tobacco, smoking hemp, vapor product, or smokeless nicotine product shall obtain from the addressee an affirmative statement that the person is twenty-one (21) years of age or older, and shall inform the recipient that the person is strictly prohibited from distributing any tobacco, smoking hemp, vapor product, or smokeless nicotine product, as defined by this part, to any person under twenty-one (21) years of age.

## ***Tenn. Code Ann. § 39-17-1505 Prohibited Purchases or Possession by Minors - Penalties***

- (a) It is unlawful for a person who has not attained twenty-one (21) years of age to possess either a tobacco, smoking hemp, vapor product, or smokeless nicotine product, to purchase or accept receipt of either product, or to present or offer to any person any purported proof of age that is false, fraudulent, or not actually that person's own for the purpose of purchasing or receiving any tobacco, smoking hemp, vapor product, or smokeless nicotine product.
- (b) Any person who violates this section may be issued a citation by a law enforcement officer who has evidence of the violation. Regardless of whether a citation is issued, the product shall be seized as contraband by the law enforcement officer.

**(c)** A violation of this section is a civil offense, for which the general sessions or juvenile court may, in its discretion, impose a civil penalty of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00), which may be charged against a person who is at least eighteen (18) years of age but less than twenty-one (21) years of age, or, in the case of a minor, against a parent, guardian, or custodian. The general sessions or juvenile court may, in its discretion, also impose community service work not to exceed fifty (50) hours or successful completion of a prescribed court program for a second or subsequent violation within a one-year period.

**(d)** A person who has not attained twenty-one (21) years of age and who is cooperating with law enforcement officers in an operation designed to test the compliance of other persons with this part is not subject to sanctions under this section.

**(e)** As used in this section, "law enforcement officer" means an officer, employee or agent of government who is authorized by law to investigate the commission or suspected commission of violations of Tennessee law.

**(f)** It is not unlawful for a person under twenty-one (21) years of age to handle or transport:

**(1)** Tobacco, tobacco products, smoking hemp, vapor products, or smokeless nicotine products as a part of and in the course of the person's employment; provided, that the person is under the supervision of another employee who is at least twenty-one (21) years of age; or

**(2)** Tobacco, smoking hemp, vapor products, or smokeless nicotine products as part of an educational project that has been developed by the person for entry and display at an agricultural fair or other agricultural competition or event.

**(g)** Nothing in this section shall be construed to prohibit a person under twenty-one (21) years of age from handling or transporting tobacco or hemp as part of and in the course of the person's involvement in any aspect of the agricultural production or storage of tobacco or hemp, the sale of raw tobacco or hemp at market or the transportation of raw tobacco or hemp to a processing facility.

# Title 39, Chapter 17, Part 16: Children's Act for Clean Indoor Air

## ***Tenn. Code Ann. § 39-17-1604 Places Where Smoking and Use of Vapor Products is Prohibited***

Smoking or the use of vapor products is not permitted, and no person shall smoke or use vapor products, in the following places:

- (1)** Childcare centers; provided that the prohibition of this section does not apply to childcare services provided in a private home. Adult staff members may be permitted to smoke or use vapor products in designated areas to which children are not allowed access. However, the childcare center shall give written notification to the parent or legal guardian upon enrollment if the childcare center has an indoor area designated for smoking or the use of vapor products;
- (2)** Any room or area in a community center while the room or area is being used for children's activities;
- (3)** Group care homes. Adults may smoke or use vapor products in any fully enclosed adult staff residential quarters contained within a group care home, but not in the presence of children who reside as clients in the group care home;
- (4)** Healthcare facilities, excluding nursing home facilities. Adult staff members may be permitted to smoke or use vapor products in designated areas to which children are not allowed access, and adults may be permitted to smoke or use vapor products outside the facility;
- (5)** Museums, except when used after normal operating hours, for private functions not attended by children. Adult staff members may be permitted to smoke or use vapor products while at work in designated smoking areas to which children are not allowed access;
- (6)** All public and private kindergartens and elementary and secondary schools. Adult staff members may be permitted to smoke or use vapor products outdoors but not within one hundred feet (100') of any entrance to any building. Adults may also smoke or use vapor products in any fully enclosed adult staff residential quarters but not in the presence of children attending the school;
- (7)** Residential treatment facilities for children and youth. Adult staff members may be permitted to smoke or use vapor products in designated areas to which children are not allowed access;
- (8)** Youth development centers and facilities. Adult staff members may be permitted to smoke or use vapor products in designated areas to which children are not allowed access;
- (9)** Zoos. Adult staff members may be permitted to smoke or use vapor products in designated areas to which children are not allowed access; and
- (10)** School grounds, including any public seating areas, such as bleachers used for sporting events, or public restrooms.

# Title 49, Chapter 1, Part 1: General Provisions

## ***Tenn. Code Ann. § 49-1-107 Annual Written Notification of Funds Available for Mental Health Services***

By October 15, 2024, and each October 15 thereafter, the department shall notify each LEA in writing of all state and federal grants available to assist the LEA in expanding mental health services and resources in schools, including, but not limited to, grants that may be available through Title IV, Part A of the Elementary and Secondary Education Act (ESEA) for purposes of the Bipartisan Safer Communities Act (Pub. L. No. 117-159). The notice must include relevant information about each available grant program and outline the process for the LEA to apply for any available grant funds.

# Title 49, Chapter 1, Part 2: Department of Education

## ***Tenn. Code Ann. § 49-1-208 Form for Student to Report Allergy***

The department, in consultation with the department of health, shall develop a standardized form on which a student with an allergy may report the allergy to the school in which the student is enrolled. The department shall make the form available to all LEAs. An LEA shall require each school in the LEA to use the form to maintain a record of any student who has reported having an allergy

## ***Tenn. Code Ann. § 49-1-214 Safe Schools – Advisory Guidelines***

**(a)** The commissioner of education, in consultation with the commissioner of safety, shall develop advisory guidelines for LEAs to use in developing safe and secure learning environments in schools. Such guidelines shall emphasize consultation at the local level with appropriate law enforcement authorities.

**(b)** The department of education may prepare and distribute to LEAs guidelines for incorporating into local staff development and in-service training the materials and speakers necessary to help educators reduce gang and individual violence, to assist in drug and alcohol abuse prevention and to provide educators with the tools for nonintrusive identification of potentially violent individuals in and around schools. The department may, upon request, assist LEAs in developing comprehensive violence, drug and alcohol abuse prevention in-service training programs. Department guidelines shall encourage the sharing of resources, the development of joint or collaborative programs and the coordination of efforts with local health departments, county and city law enforcement agencies and other public agencies providing health, drug, alcohol, gang violence prevention and other related services.

**(c)** The department may assist LEAs in qualifying for the receipt of federal and state funds that may support local efforts to provide the in-service training programs in this section. The department shall encourage LEAs to provide written materials to assist teachers and parents working to develop a safe and secure learning environment in system schools. Within available resources, the department may provide technical assistance directly to LEAs seeking to expand teacher and student safety programs.

## ***Tenn. Code Ann. § 49-1-219 Advisory Guidelines for Reporting DUI-related deaths of Minors***

The commissioner of education, in consultation with the commissioner of safety, shall develop advisory guidelines for LEAs to use in developing an annual report to inform high school students of any death of a person eighteen (18) years of age or younger that resulted from a motor vehicle accident in which a driver eighteen (18) years of age or younger was driving under the influence of an intoxicant or drug. The guidelines shall emphasize consultation at the local level with appropriate authorities.



## ***Tenn. Code Ann. § 49-1-223 Asthma – Development of Comprehensive State Plan – Report***

The department of health, in consultation with the department of education and the bureau of TennCare, shall develop a comprehensive state plan to reduce the burden of asthma on school children in this state. The comprehensive plan shall, at a minimum:

- (1) Promote the development of school asthma action plans between LEAs and local health agencies. School asthma action plans shall include emergency protocols for medical emergencies due to asthma complications;
- (2) Encourage schools to have individual asthma action plans for students with asthma;
- (3) Encourage in-service training for teachers, and encourage athletic coaches and athletes to participate in the American Lung Association's asthma treatment training;
- (4) Encourage the development of education for local boards of education and the public concerning self-administration of asthma medications; and
- (5) Promote procedures to reduce exposure to smoke, allergens and other irritants in school buildings, on school grounds and at school events.

## ***Tenn. Code Ann. § 49-1-225 School Safety Alert Grant Pilot Program – Appropriations and Awarding of Funds – Report to the General Assembly***

(a) As used in this section:

- (1) “Fund” means the school safety alert pilot grant fund for First Alert Systems, as created by this section; and
- (2) “Local education agency” or “LEA” means a county, city, or special school district, unified school district, or school district of a metropolitan government.

(b) The department of education shall establish and administer a school safety alert grant pilot program. The purpose of the pilot program is to award school safety grants to LEAs, public charter schools, private schools, and church-related schools for the purchase of mobile panic alert systems described in § 49-6-804(a). The alert systems funded through the pilot program must be approved by the department of education, in consultation with the department of safety.

(c) There is created a separate fund within the general fund to be known as the school safety alert grant pilot fund.

(d)

- (1) Subject to appropriations and the availability of funds, the department shall allocate and disperse grants each fiscal year to LEAs, public charter schools, private schools, and church-related schools.
- (2) The grants must be awarded as follows:
  - (A) The first grant must be awarded on a first-come, first-served basis to the first LEA or school that applies;
  - (B) The second grant must be awarded on a first-come, first-served basis to an LEA or school that is located in a different grand division of this state than the recipient of the grant awarded under subdivision (d)(2)(A);

(C) The third grant must be awarded on a first-come, first-served basis to an LEA or school that is located in a different grand division of this state than the recipients of the grants awarded under subdivisions (d)(2)(A) and (d)(2)(B); and

(D) The fourth and any subsequent grants must be awarded on a first-come, first-served basis to an LEA or school that is located in a grand division of this state, following the order of awards as established under subdivisions (d)(2)(A)-(C).

(3) A grant awarded under this section is limited to eight thousand dollars (\$8,000) per school in a fiscal year. Subject to appropriation, two (2) schools from each grand division of the state must receive the grant funding.

(e) The commissioner of education may promulgate rules to effectuate the purposes of this section in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(f) By July 1, 2025, and by each July 1 thereafter, the department shall prepare and submit to the general assembly a report detailing all funds received and payments made through the school safety alert grant pilot fund.

### ***Tenn. Code Ann. § 49-1-230 Development of Training Programs for Adverse Childhood Experiences***

(a) As used in this section, “adverse childhood experiences” or “ACEs” mean stressful or traumatic events experienced by a minor child. ACEs include, but are not limited to, a child witnessing, or being the victim of, physical abuse, sexual abuse, emotional abuse, physical neglect, emotional neglect, domestic violence, substance abuse, mental illness, parental separation or divorce, and incarceration.

(b) The department of education shall develop an evidence-based training program on ACEs for school leaders and teachers. The training may be delivered through the trainer of trainers model under § 49-1-213, and shall include:

(1) The effects of ACEs on a child's mental, physical, social, behavioral, emotional, and cognitive development;

(2) ACEs as a risk factor for the development of substance abuse disorders and other at-risk health behaviors;

(3) Trauma-informed principles and practices for classrooms; and

(4) How early identification of children exposed to one (1) or more ACEs may improve educational outcomes.

(c) An LEA may develop its own ACEs training program to make available to the LEA's school personnel.

### ***Tenn. Code Ann. § 49-1-231 Student Support Collaborative***

The department of education shall establish a student support collaborative to review and define the roles and responsibilities for school social workers, school counselors, school psychologists, and school nurses. The collaborative shall identify available resources and areas that school social workers, school counselors, school psychologists, and school nurses can collaborate on to provide high quality support to students. The collaborative shall include, at a minimum, representatives from the following organizations:

- (1)** The department of education;
- (2)** Local education agencies (LEAs);
- (3)** The National Association of Social Workers, Tennessee Chapter;
- (4)** The Tennessee Association of School Social Workers;
- (5)** The Tennessee Association of School Counselors;
- (6)** The Tennessee Association of School Nurses;
- (7)** The Tennessee Association of School Psychologists; and
- (8)** The Tennessee Commission on Children and Youth.

# Title 49, Chapter 1, Part 4: Tennessee Drug Abuse Resistance Education Act of 1989

## ***Tenn. Code Ann. § 49-1-402 Implementation of Program – Methods and Materials***

(a) The state board of education, in conjunction with the department of safety, may implement the curriculum for a statewide drug abuse resistance education (DARE) program to be taught by qualified and trained law enforcement officers in local schools within the state.

(b) The state board and the department may consider and adopt training methods and materials developed for the DARE America program or a comparable program approved by the department.

(c) The state board shall strive to see that the hazards of nicotine abuse are included in the drug-free alliance program. The state board shall encourage the use of culturally relevant educational methods and materials in the drug-free alliance program to inform persons of the hazards of nicotine abuse.

## ***Tenn. Code Ann. § 49-1-403 Training of Law Enforcement Officers***

(a) The department of safety shall adopt standards and qualifications, in accordance with the requirements of the DARE America program, of law enforcement officers who apply for training as instructors in the DARE program.

(b) The department shall also provide for the training of law officers as DARE instructors. The department may contract with agencies of other states for the training of law enforcement officers as DARE instructors.

## ***Tenn. Code Ann. § 49-1-404 State Board of Education – Powers***

The state board of education may:

(1) Provide for appropriate DARE training for students before entering middle school. The training may be conducted at the sixth grade level or at such other time as is necessary for students to receive training before entering middle school;

(2) Approve the usage of textbooks and other educational materials to be used by students enrolled in DARE courses; and

(3) Authorize LEAs to include DARE curricula among the courses offered within area schools.

## ***Tenn. Code Ann. § 49-1-405 Similar and Comparable Programs***

This part shall not supersede or disallow any similar and comparable programs already in place; provided, that nothing in this part shall prevent the similar and comparable programs from participating in the funding of the DARE program in the manner provided for within this part.

### ***Tenn. Code Ann. § 49-1-406 Use of Funds***

Notwithstanding any provision of this part or any other law to the contrary, any LEA may use any funds received under the “Drug Free Tennessee” program in a sum sufficient to implement the drug abuse resistance program developed and established by this part.

### ***Tenn. Code Ann. § 49-1-407 Duties of Department of Safety – Drug Abuse Programs***

It is the responsibility of the department of safety to:

- (1) Periodically check persons serving as DARE instructors to ensure that they have been properly trained to do so in accordance with the standards and qualifications adopted by the department or with comparable standards; and
- (2) Monitor the content of the drug abuse resistance material currently being taught to students to ensure that it is compatible with or comparable to the curriculum adopted and implemented by the state board of education for DARE program instruction.

### ***Tenn. Code Ann. § 49-1-408 Statewide DARE Club Established – Purpose***

- (a) The state board of education, in consultation with the commissioner of safety, shall establish a statewide DARE club in which any student in grades six through twelve (6-12) may join and participate. Each LEA, middle school, junior high school or high school desiring to do so may form a chapter of the statewide DARE club.
- (b) The primary purpose of the DARE club shall be to continue and reinforce the drug abuse resistance education the students may have received in kindergarten through grade six (K-6).
- (c) The state board may pattern the organization, rules, bylaws and similar procedural requirements of the club after other successful statewide clubs, such as Future Farmers of America, Future Homemakers of America and 4-H clubs.

# Title 49, Chapter 1, Part 10: State Administration – Connie Hall Givens Coordinated School Health Improvement Act

## ***Tenn. Code Ann. § 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)** The family life curriculum contained in chapter 6, part 13 of this title shall continue to be observed;
- (2)** A parent or legal guardian who wishes to excuse the parent's or legal guardian's student from participating in a health screening provided as part of a coordinated school health program must submit a request in writing to the student's school nurse, instructor, school counselor, or principal. As used in this subdivision (b)(2), "health screening" includes vision, dental, blood pressure, and hearing screenings; 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.

## ***Tenn. Code Ann. § 49-1-1003: Connie Hall Givens Coordinated School Health Program***

**(a)** The department of education shall establish and administer the Connie Hall Givens coordinated school health program. A LEA shall annually submit a coordinated school health plan to the department for approval. Each coordinated school health plan must include how the LEA intends to spend funds for student health and wellness, how the LEA currently addresses the health needs of school children, and who will serve as the school health coordinator.

**(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 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 committee of the house of representatives for informational purposes. The goal of the 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 § 49-50-1602(a)(4) shall include information on progress toward the goal.

***Tenn. Code Ann. § 49-1-1005: Coordination of School Health Programs, Grants, and Initiatives — Coordination of Funding — Performance of Health Screening Services Under TennCare Contracts.***

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, must likewise be coordinated. Schools should be encouraged and permitted to perform health screening services under TennCare contracts.

***Tenn. Code Ann. § 49-1-1007: Report – Publication***

By October 1, 2021, and each October 1 thereafter, the department shall provide a report to the education committee of the senate and the education instruction 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 website. 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.

# Title 49, Chapter 2, Part 1: Local Administration – General Provisions

## ***Tenn. Code Ann. § 49-2-115 Family Resource Centers***

**(a)** Family resource centers may be established by any LEA in order to coordinate state and community services to help meet the needs of families with children. An LEA may directly operate its own family resource centers or may contract with a locally based nonprofit agency, including a community action agency, to operate one (1) or more such centers on behalf of the LEA. Each center shall be located in or near a school. The local school board shall appoint community service providers and parents to serve on an advisory council for each family resource center. Parents shall comprise a majority of each advisory council.

**(b)** Tennessee investment in student achievement formula (TISA) funds may be expended by an LEA to plan and implement a family resource center. The application for such approval shall identify a full-time director and other professional staff from the school or community, or both, which may include psychologists, school counselors, social workers, nurses, instructional assistants and teachers. In establishing family resource centers, the department shall consult with the departments of health, mental health and substance abuse services, disability and aging, and children's services.

**(c)** [Deleted by 2022 amendment.]

**(d)** LEAs with state approved family resource centers may be given priority in receiving additional state funding for:

- (1)** Formal parent involvement programs in elementary schools;
- (2)** Early childhood programs for children at-risk;
- (3)** Programs for parents with preschool at-risk children;
- (4)** Learning centers in urban housing projects;
- (5)** Programs in high schools for pregnant teenagers; and
- (6)** "Jobs for Tennessee Graduates" in high schools.

**(e)**

- (1)** Family resource centers shall provide interagency services/resources information on issues such as parent training, crisis intervention, respite care and counseling needs for families of children with behavioral/emotional disorders.
- (2)** Family resource centers shall serve the function of being the center of information sharing and resource facilitation for such families.
- (3)** Family resource centers shall also serve the function of helping families answer questions regarding funding for the options of service their child or family requires.

**(f)** The purpose of each family resource center shall be to maximize the potential learning capacity of the child by ensuring that school environments and neighborhoods are safe and socially enriching, that families are strong and able to protect children and meet their basic needs and that children are physically healthy, emotionally stable, socially well-adjusted and able to connect with enriching opportunities and experiences in their schools and communities. In order to enable children to attain the most benefit possible from the time they spend in educational settings, the family resource centers shall focus on providing information to families about resources, support and benefits available in the community and on developing a coordinated system of care for children in the community in order to effectuate this purpose.



(g) The department of education and the department of children's services shall jointly develop guidelines for the operation of family resource centers, focusing on the requirements of this section, including the stated purpose of family resource centers in subsection (f). The guidelines shall be used by all family resource centers established pursuant to this section.

### ***Tenn. Code Ann. § 49-2-116 School Safety Zones***

(a) Any county or municipality is authorized to establish school safety zones.

(b) As used in this section, unless the content otherwise requires:

(1) "School" means any public or private elementary, secondary school or state college of applied technology; and

(2) "School property" means all property used for school purposes, including, but not limited to, school playgrounds.

(c) A school safety zone is the territory extending five hundred feet (500') from school property or within the area bounded by a divided federal highway, whichever is less.

(d) The director of schools, with the approval of the board of education, may develop a method of marking school safety zones, including the use of signs. Signs or other markings shall be located in a visible manner on or near each school indicating that such area is a school safety zone, that such zone extends five hundred feet (500') from school property or within the area bounded by a divided federal highway, whichever is less, and that the delivery or sale of a controlled substance or controlled substance analogue to a minor in the school safety zone may subject the offender to an enhanced punishment.

### ***Tenn. Code Ann. § 49-2-118 Conflict Resolution Intervention Programs***

(a) The department of education shall, using existing resources, develop a conflict resolution program that may be adopted and implemented by LEAs and public charter schools to assist students in any of the grades kindergarten through twelve (K-12) in developing the skills necessary for nonviolent conflict resolution, including, but not limited to, communication skills, social skills, and relaxation techniques.

(b) Each LEA and public charter school shall implement an intervention program for students in grades one through six (1-6) that uses conflict resolution and decision-making strategies aimed at preventing occurrences of disruptive acts by students within the school and on school property.

### ***Tenn. Code Ann. § 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.

### ***Tenn. Code Ann. § 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.

### ***Tenn. Code Ann. § 49-2-122 Placement of Automated External Defibrillator (AED)***

(a) As used in this section, “automated external defibrillator” or “AED” has the same meaning as defined in § 68-140-402.

(b) All public schools in this state must have at least one (1) automated external defibrillator placed within the school. AEDs, in addition to the AED required in this subsection (b) and any AEDs required pursuant to Section 4, must be placed within a school or on school grounds in accordance with the guidelines established in the cardiac emergency response plan adopted for the public school pursuant to subsection (c).

(c)

(1) Each local board of education and public charter school governing body shall develop and adopt a cardiac emergency response plan (CERP) that establishes the steps that should be taken in response to a sudden cardiac arrest event occurring within the school building or on school grounds.

(2) Local boards of education and public charter school governing bodies shall develop CERPs in accordance with guidelines established by the American Heart Association or another nationally recognized organization focused on providing emergency cardiovascular care.

(3) A CERP adopted pursuant to subdivision (c)(1) must:

(A) Be implemented at each public school governed by the local board of education or public charter school governing body;

(B) Identify the number of AEDs that must be placed within each school building or on school grounds that are used for academic, athletic, or other community purposes, in addition to the AED required in subsection (b) and any AEDs required pursuant to § 68-6-105;

(C) Establish a cardiac emergency response team at each public school that is responsible for carrying out the CERP, including the response protocols each team is responsible for implementing and overseeing in a sudden cardiac arrest event. If the board or governing body is required to establish an athletics emergency action plan (AEAP) pursuant to § 68-6-201, then the responsibilities and chain of command designated in the CERP for the respective cardiac emergency response team must align with those outlined in the AEAP;

(D) Be disseminated to students, parents, teachers, administrators, and other school employees at least once each school year, and posted prominently in each school building and on school grounds used for academic, athletic, or other community purposes, as well as on the website for the respective LEA or public school;

(E) Identify the training required for members of the cardiac emergency response team, and for any teachers, administrators, or other school employees, to assist such individuals in understanding the severity of sudden cardiac arrest events, to educate such individuals on how to respond in such circumstances, and to notify such

individuals of the existence, content, and guidance available in the CERP, which must include training in cardiopulmonary resuscitation (CPR), first aid, and the use of an AED; and

**(F)** Be reviewed at least annually by the local board of education or public charter school governing body, semiannually by each cardiac emergency response team, and no later than ten (10) days after a sudden cardiac arrest event occurs within a school, or on the grounds of a school, governed by the local board of education or public charter school by the cardiac emergency response team and the director of schools or the director of the public charter school, as applicable.

**(d)** Each school that places an AED within the school or on school grounds shall comply with all provisions of title 68, chapter 140, part 4, relative to training; notification; the establishment of a written plan that complies with § 68-140-404; maintenance and testing of the AEDs to ensure that the devices are in optimal operating condition in compliance with § 68-140-404; and any other requirements. Each local board of education and public charter school governing body shall, to the greatest extent possible, ensure such requirements are incorporated into the adopted CERP.

**(e)** 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. AEDs, in addition to the AED required in this subsection (e) and any AEDs required pursuant to § 68-6-105, must be placed in locations that are accessible in emergency situations. AEDs shall not be placed in an office that is not accessible to a person who may need to use the AED or in a location that is locked during times that students, parents, teachers, other school employees, or members of the community are present at school or school events.

**(f)** 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).

**(g)** 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.

**(h)** 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.

**(i)** 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.

**(j)** Schools are encouraged to offer training in cardiopulmonary resuscitation (CPR), first aid, and the use of an automated external defibrillator (AED), as defined in § 68-140-402, to school bus drivers.

## ***Tenn. Code Ann. § 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), (c), and (h) 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.

### ***Tenn. Code Ann. § 49-2-129 Information on Firearm Ownership by Student, Parent, Teacher, or LEA Employee***

- (a) No school administrator, teacher, or other employee of an LEA shall require a student or the student's parent to provide information on firearm ownership by the student's family.
- (b) No school administrator or other employee of an LEA shall require a teacher or other school employee to provide information on firearm ownership by the teacher or school employee.
- (c) Any information on firearm ownership that is voluntarily provided by a student, parent, teacher, or LEA employee shall not be the basis for adverse disciplinary action against a student or adverse employment action against a teacher or LEA employee; provided, however, that this subsection (c) shall not prohibit adverse disciplinary or employment action based on a violation of title 39, chapter 17, part 13.

### ***Tenn. Code Ann. § 49-2-133 Development of Policy to Implement Program to Reduce Potential Sources of Lead Contamination in Drinking Water in Public Schools-Periodic Testing***

(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).

### ***Tenn. Code Ann. § 49-2-137 Stop the Bleed Program — Bleeding Control Kits***

(a) For purposes of this section, "bleeding control kit" means a first aid response kit that contains:

(1) One ( 1) tourniquet endorsed by the United States department of defense's committee on tactical combat casualty care;

(2) One ( 1) compression bandage;

(3) One ( 1) bleeding control bandage;

(4) Protective gloves;

(5) One (1) marker;

(6) Scissors; and

(7) Instructional materials developed by:

(A) The United States department of homeland security, as part of the department's "Stop the Bleed" campaign; or

(B) Bleeding control materials developed by the American College of Surgeons Committee on Trauma.

(b) Beginning with the 2021-2022 school year, each LEA may develop and implement a "Stop the Bleed" program in consultation with local law enforcement. The program may be implemented in each school and must require:

(1) At least one (1) bleeding control kit to be placed in an easily accessible location within the school as determined by the school after consulting with local law enforcement;

**(2)** Bleeding control kits to be included in the district-level safety plans and building-level emergency response plans developed pursuant to chapter 6, part 8 of this title;

**(3)** All LEA employees to receive training on how to use a bleeding control kit;

**(4)** Annual:

**(A)** Inspection of each bleeding control kit; and

**(B)** School presentations demonstrating where to locate, and how to use, the items contained in a bleeding control kit; and

**(5)** School officials to replace, as necessary, any expired or missing materials, supplies, or equipment required for a bleeding control kit under subsection (a).

**(c)**

**(1)** An LEA or school that implements a "Stop the Bleed" program as authorized in subsection (b) is not civilly liable for any personal injury that results from an act or omission of an individual to control bleeding using a bleeding control kit, and that does not amount to willful or wanton misconduct or gross negligence, if the "Stop the Bleed" program developed by the LEA and implemented in the school complies with the requirements of subsection (b).

**(2)** An employee of the LEA is not civilly liable for any personal injury that results from an act or omission of the employee to control bleeding using a bleeding control kit, and that does not amount to willful or wanton misconduct or gross negligence, if the "Stop the Bleed" program developed by the LEA and implemented in the school complies with the requirements of subsection (b).

**(3)** Misuse or abuse of a bleeding control kit on school property by a student is disorderly conduct and subjects the student to disciplinary action

# Title 49, Chapter 2, Part 2: Local Administration – Boards of Education

## ***Tenn. Code Ann. § 49-2-203 Duties and Powers***

**(a)** It is the duty of the local board of education to:

**(1)** Elect, upon the recommendation of the director of schools, teachers who have attained or are eligible for tenure and fix the salaries of and make written contracts with the teachers;

**(A)** No individual shall be elected to an interim contract unless the individual so elected is to fill a vacancy created by a leave of absence as set forth in § 49-5-702;

**(B)** All contracts with educational assistants will be for nonteaching positions;

**(C)** Educational assistants shall be subject to direct supervision of certificated teachers when directly involved in the instructional program; and

**(D)** No member of any local board of education shall be eligible for election as a teacher or any other position under the board carrying with it any salary or compensation;

**(2)** Manage and control all public schools established or that may be established under its jurisdiction;

**(3)**

**(A)** Purchase all supplies, furniture, fixtures and material of every kind through the executive committee;

**(B)**

**(i)** All expenditures for such purposes may follow the prescribed procedures of the LEA's respective local governing body, so long as that body, through its charter, private act, or ordinance, has established a procurement procedure that provides for advertisement and competitive bidding, except that, if a newspaper advertisement is required, it may be waived in case of emergency;

**(ii)** If the LEA chooses not to follow the local governing body's purchasing procedures, all expenditures for such purposes estimated to exceed the maximum applicable thresholds established pursuant to § 12-3-1212 must be made on competitive bids, which must be solicited by advertisement in a newspaper of general circulation in the county, except that the newspaper advertisement may be waived in the event of emergency;

**(iii)** LEAs that have a purchasing division may use a comprehensive vendor list for the purpose of soliciting competitive bids; provided, that:

**(a)** The vendors on the list are given notice to bid; and

**(b)** The purchasing division periodically advertises in a newspaper of general circulation in the county for vendors and updates the list of vendors following the advertisement;

**(C)** If the LEA chooses not to follow the local governing body's purchasing procedures, all purchases of less than the maximum applicable threshold established pursuant to § 12-3-1212 may be made in the open market without newspaper notice, but must, whenever possible, be based upon at least three (3) competitive bids;

**(D)**

**(i)**

**(a)** For construction of school buildings or additions to existing buildings, the LEA may follow the prescribed procedures of its respective local governing body, so long as that body, through its charter, private act, or ordinance, has established a procurement procedure that provides for advertisement and competitive bidding;

**(b)** If the LEA chooses not to follow the local governing body's procedure, the board shall contract, following open bids, for the construction of school buildings or additions to existing buildings, the expenditure for which is in excess of applicable amounts established pursuant to § 12-3-1212;

**(c)** Public notice must be given at least ten (10) days in advance of accepting bids for the construction, and the board shall award the contract to the lowest and best bidder. Whether following local governing body procedures or those set forth in this subdivision (a)(3)(D)(i), in the event no bid is within the budgetary limits set by the board for the construction, the board may negotiate with the lowest and best bidder to bring the cost of the construction within the funds available, with the approval of the commissioner of education;

**(ii)** Construction management services that are provided for a fee and that involve preconstruction and construction administration, and management services are deemed to be professional services and may be performed by a qualified person licensed under title 62, chapter 6. Construction management services are to be procured for each project through a written request for proposals process through advertisement made pursuant to subdivision (a)(3)(B). A board may include, in a single written request for proposal process, new school construction or renovation projects at up to three (3) sites, if construction at all sites will occur at substantially the same time. The written request for proposals process will invite prospective proposers to participate and will indicate the service requirements and the factors used for evaluating the proposals. The factors shall include the construction manager's qualifications and experience on similar projects, qualifications of personnel to be assigned to the project, fees and costs or any additional factors deemed relevant by the procuring entity for procurement of the service. Cost is not to be the sole criterion for evaluation. The contract for such services shall be awarded to the best qualified and responsive proposer. A construction manager is prohibited from undertaking actual construction work on a project over which the construction manager coordinates or oversees the planning, bid or construction phases of the project, except in instances where bids have been solicited twice and no bids have been submitted. If the construction manager can document that a good faith effort was made in each bid solicitation to obtain bids and no bids were received, then the construction manager may perform the construction work at a price agreed upon by the construction manager, the architect and the owner of the project. A school system, at its own discretion, may perform work on the project with its own employees, and may include the coordination and oversight of this work as part of the services of the construction manager. Sealed bids for actual construction work shall be opened at the bid opening and the names of the contractors and their bid amounts shall be announced;

**(iii)** Construction management agent or advisor services for the construction of school buildings or additions to existing buildings in accordance with subdivision (a)(3)(D)(ii) may be performed by:

**(a)** A general contractor licensed in Tennessee pursuant to title 62, chapter 6; provided, that none of such services performed by a general contractor involve any of the services exempt from

the requirements of title 62, chapter 6 as "normal architectural and engineering services" under § 62-6-102(4)(B) or (C), unless, with regard to the performance of any services defined as normal architectural and engineering services, the general contractor is also licensed as an architect or engineer under title 62, chapter 2; or

**(b)** An architect or an engineer licensed pursuant to title 62, chapter 2; provided, that none of such services performed by an architect or engineer involve any of the services required to be performed by a contractor within the definition of "contractor" under § 62-6-102, unless with regard to the performance of any services included within the definition of contractor, the architect or engineer is also licensed as a contractor under title 62, chapter 6;

**(iv)** Construction work that is under the coordination and oversight of a construction manager shall be procured through competitive bids as provided in this subsection (a);

**(E)** No board of education shall be precluded from purchasing materials and employing labor for the construction of school buildings or additions to school buildings;

**(F)** Subdivisions (a)(3)(B), (C) and (E) apply to local boards of education of all counties, municipalities and special school districts; provided, however, that subdivisions (a)(3)(B) and (C) shall not apply to purchases by or for a county's or metropolitan government's board of education in counties with a population of not less than two hundred thousand (200,000), according to any federal census, so long as the county, through county or metropolitan government charter, private act, or ordinance, establishes a procedure regarding purchasing that provides for advertisement and competitive bidding and sets a dollar amount for each purchase requiring advertisement and competitive bidding; and provided, further, that purchases of less than the dollar amount requiring advertisement and competitive bidding shall, wherever possible, be based upon at least three (3) competitive bids. Subdivision (a)(3)(D) applies to county and municipal boards of education;

**(G)**

**(i)** Notwithstanding any law to the contrary, contracts for energy-related services that include both engineering services and equipment, and have as their purpose the reduction of energy costs in public schools or school facilities shall be awarded on the basis of recognized competence and integrity and shall not be competitively bid;

**(ii)** In the procurement of engineering services under this subdivision (a)(3)(G), the local board may seek qualifications and experience data from any firm or firms licensed in Tennessee and interview such firm or firms. The local board shall evaluate statements of qualifications and experience data regarding the procurement of engineering services, and shall conduct discussions with such firm or firms regarding the furnishing of required services and equipment and then shall select the firm deemed to be qualified to provide the services and equipment required;

**(iii)** The local board shall negotiate a contract with the qualified firm for engineering services and equipment at compensation which the local board determines to be fair and reasonable to the LEA. In making such determination, the local board shall take into account the estimated value of the services to be rendered, the scope of work, complexity and professional nature thereof and the value of the equipment;

**(iv)** Should the local board be unable to negotiate a satisfactory contract with the firm considered to be qualified, at a price determined to be fair and reasonable, negotiations shall continue with other qualified firms until an agreement is reached;

**(v)** A local board having a satisfactory existing working relationship for engineering services and equipment under this subdivision (a)(3)(G) may expand the scope of the services; provided, that they are within the technical competency of the existing firm, without exercising this subdivision (a)(3)(G); and

**(vi)** This subdivision (a)(3)(G) shall not prohibit or prevent the energy efficient schools council from establishing required design criteria in accordance with industry standards;

**(4)** Order warrants drawn on the county trustee on account of the elementary and the high school funds, respectively;

**(5)** Visit the schools whenever, in the judgment of the board, such visits are necessary;

**(6)** Except as otherwise provided in this title, dismiss teachers, principals, supervisors and other employees upon sufficient proof of improper conduct, inefficient service or neglect of duty; provided, that no one shall be dismissed without first having been given in writing due notice of the charge or charges and an opportunity for defense;

**(7)** Suspend, dismiss or alternatively place pupils, when the progress, safety or efficiency of the school makes it necessary or when disruptive, threatening or violent students endanger the safety of other students or school system employees;

**(8)** Provide proper record books for the director of schools, and should the appropriate local legislative body fail or refuse to provide a suitable office and sufficient equipment for the director of schools, the local board of education may provide the office and equipment out of the elementary and the high school funds in proportion to their gross annual amounts;

**(9)**

**(A)**

**(i)** Require the director of schools and the chair of the local board of education to prepare a budget on forms furnished by the commissioner, and when the budget has been approved by the local board, to submit the budget to the appropriate local legislative body. The director of schools and the chair of the local board of education shall prepare a budget according to the revenue estimates and revenue determinations made by the county legislative body under § 49-2-101(1)(D);

**(ii)** No LEA shall submit a budget to the local legislative body that directly or indirectly supplants or proposes to use state funds to supplant any local current operation funds, excluding capital outlay and debt service;

**(B)**

**(i)** Notwithstanding any other law to the contrary, for any fiscal year, if state funding to the county for education is less than state funding to the county for education during the fiscal year 1990-1991 or less than the previous fiscal year's state funding to the county for education, except that a reduction in funding based on fewer students in the county rather than actual funding cuts shall not be considered a reduction in funding for purposes of this subdivision (a)(9)(B)(i), local funds that were appropriated and allocated to offset state funding reductions during any previous fiscal year are excluded from this maintenance of local funding effort requirement;

**(ii)** It is the intent of subdivision (a)(9)(B)(i) to allow local governments the option to appropriate and allocate funds to make up for state cuts without being subject to a continuation of funding effort requirement as to those funds for any year during which the state reinstates the funding or restores the previous cuts, and during any subsequent year should the state fail to restore the funding cuts;

**(C)** Subdivision (a)(9)(A)(ii) shall not apply to a newly created LEA in any county where the county and city schools are being combined for a period of three (3) years after the creation of the LEA. The county board of education shall submit its budget to the county legislative body no later than forty-five (45)

days prior to the July term or forty-five (45) days prior to the actual date the budget is to be adopted by the county legislative body if the adoption is scheduled prior to July 1;

**(10)** Prepare, or have prepared, a copy of the minutes of each meeting of the board of education, and provide a copy of the minutes no more than thirty (30) days after the board meeting or at the time they are provided to members of the board, if such is earlier, to the president of each local education association. Any subsequent corrections, modifications or changes shall be distributed in the same manner;

**(11)** Adopt and enforce, in accordance with guidelines prescribed by the state board of education pursuant to § 49-6-3002, minimum standards and policies governing student attendance, subject to availability of funds;

**(12)** Develop and implement an evaluation plan for all certificated employees in accordance with the guidelines and criteria of the state board of education, and submit the plan to the commissioner for approval;

**(13)**

**(A)** Notwithstanding any other public or private act, to the contrary, employ a director of schools under a written contract of up to four (4) years' duration, which may be renewed. No school board, however, may either terminate, without cause, or enter into a contract with any director of schools during a period extending from forty-five (45) days prior to the general school board election until thirty (30) days following the election. Any vacancy in the office of the director that occurs within this period shall be filled on a temporary basis, not extending beyond sixty (60) days following the general school board election. An option to renew a contract that exists on May 22, 2001, may be exercised within the time period set out in this subdivision (a)(13)(A). Any such person transferred during the term of the person's contract shall not have the person's salary diminished for the remainder of the contract period. The board may dismiss the director for cause as specified in this section or in chapter 5, part 5 of this title, as appropriate. The director of schools may be referred to as the superintendent and references to or duties of the former county superintendents shall be deemed references to or duties of the director of schools employed under this section. The school board is the sole authority in appointing a director of schools;

**(B)** Each school board shall adopt a written policy regarding the method of accepting and reviewing applications and interviewing candidates for the position of director of schools;

**(C)** No school board shall extend the contract of a director of schools without giving notice of the intent to do so at least fifteen (15) calendar days prior to the scheduled meeting at which action shall be taken. Further, except in cases concerning allegations of criminal or professional misconduct, no school board shall terminate the contract or remove a director of schools from office without giving notice at least fifteen (15) calendar days prior to the scheduled meeting at which action shall be taken. Notice of extension or termination of a contract of a director of schools shall include the date, time and place of the meeting, and shall comport with all other requirements of §§ 8-44-103 and 49-2-202(c)(1). The proposed action shall be published as a specific, clearly stated item on the agenda for the meeting. Such item, for the convenience of the public attending the meeting, shall be the first item on the agenda;

**(14)** Adopt policies on the use of substitute teachers. The policies must, at a minimum, include the following provisions:

**(A)** The required qualifications and training, including a requirement that substitute teachers receive the annual school safety training required by § 49-6-805(7) or other instruction on emergency response procedures developed by the local board of education;

**(B)** A requirement that all substitute teachers providing instruction are subject to background check requirements pursuant to § 49-5-413; and

**(C)** A prohibition against employing or contracting with any substitute teacher whose records indicate an educator license or certificate in this state or another state currently in revoked or suspended status;

**(15)** Develop and implement an evaluation plan to be used annually for the director of schools. The plan shall include, but shall not be limited to, sections regarding job performance, student achievement, relationships with staff and personnel, relationships with board members, and relationships with the community; and

**(16)** Adopt a policy regarding the use of artificial intelligence by students, teachers, and staff for instructional and assignment purposes. The policy must be implemented in schools no later than the 2024-2025 school year. By July 1, 2024, and by each July 1 thereafter, the board shall report to the department of education of its compliance with this subdivision (a)(16). The report must include the adopted policy and describe how the board will enforce the policy in the upcoming school year. As used in this subdivision (a)(16), "artificial intelligence" means a machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations, or decisions influencing real or virtual environments and that is capable of using machine and human-based inputs to perceive real and virtual environments, abstract such perceptions into models through analysis in an automated manner, and use model inference to formulate options for information or action.

**(b)** The local board of education has the power to:

**(1)** Consolidate two (2) or more schools whenever in its judgment the efficiency of the schools would be improved by the consolidation;

**(2)** Require school children and any employees of the board to submit to a physical examination by a competent physician whenever there is reason to believe that the children or employees have tuberculosis or any other communicable disease, and upon certification from the examining physician that the children or employees have any communicable disease, to exclude them from school or service until the child or children, employer or employers, employee or employees furnish proper certificate or certificates from the examining physician or physicians showing the communicable disease to have been cured;

**(3)** Establish night schools and part-time schools whenever in the judgment of the board they may be necessary;

**(4)** Permit school buildings and school property to be used for public, community or recreational purposes under rules, regulations and conditions as prescribed from time to time by the board of education;

**(A)** No member of the board or other school official shall be held liable in damages for any injury to person or property resulting from the use of school buildings or property;

**(B)** The local board of education may lease buildings and property or the portions of buildings and property it determines are not being used or are not needed at present by the public school system to the owners or operators of private childcare centers and kindergartens for the purpose of providing educational and childcare services to the community. The leases may not be entered for a term exceeding five (5) years and must be on reasonable terms that are worked out between the school board and the owner or operator. The leasing arrangement entered into in accordance with this subdivision (b)(4)(B) shall not be intended or used to avoid any school integration requirement pursuant to the fourteenth amendment to the Constitution of the United States. The local board of education shall not execute any lease pursuant to this subdivision (b)(4) that would replace or supplant existing kindergarten programs or kindergarten programs maintained pursuant to the Minimum Kindergarten Program Law, codified in § 49-6-201. This subdivision (b)(4) shall also apply to municipal boards of education;

**(5)** Employ legal counsel to advise or represent the board;



- (6)** Make rules providing for the organization of school safety patrols in the public schools under its jurisdiction and for the appointment, with the permission of the parents, of pupils as members of the safety patrols;
- (7)** Establish minimum attendance requirements or standards as a condition for passing a course or grade; provided, that the requirements or standards are established prior to any school year in which they are to be applicable, are recorded in board minutes and publicized through a newspaper of general circulation prior to implementation and are printed and distributed to students prior to implementation; and provided, further, that the requirements or standards shall not violate § 49-6-3002(b);
- (8)** Provide written notice to probationary teachers of specific reasons for failure of reelection pursuant to this title; provided, that any teacher so notified shall be given, upon request, a hearing to determine the validity of the reasons given for failure of reelection; provided, that:
- (A)** The hearings shall occur no later than thirty (30) days after the teacher's request;
  - (B)** The teacher shall be allowed to appear, call witnesses and plead the teacher's cause in person or by counsel;
  - (C)** The board of education shall issue a written decision regarding continued employment of the teacher; and
  - (D)** Nothing contained in this subdivision (b)(8) shall be construed to grant tenure or the expectation of continued employment to any person;
- (9)** Offer and pay a bonus or other monetary incentive to encourage the retirement of any teacher or other employee who is eligible to retire. For purposes of this subdivision (b)(9), "local board of education" means the board of education of any county, municipal or special school system;
- (10)** Lease or sell buildings and property or the portions of buildings or property it determines are not being used or are not needed at present by the public school system in the manner deemed by the board to be in the best interest of the school system and the community that the system serves. In determining the best interest of the community, the board may seek and consider recommendations from the planning commission serving the community. No member of the local or county board or other school official shall be held liable in damages for any injury to a person or property resulting from the use of the school buildings or property. No lease or sale shall be used to avoid any school integration requirement. A local board of education may also dispose of surplus property as provided in §§ 49-6-2006 and 49-6-2007, it being the legislative intent that a local board at its discretion may dispose of surplus property to private owners as well as civic or community groups as provided by this subdivision (b)(10);
- (11)** Establish and operate before and after school care programs in connection with any schools, before or after the regular school day and while school is not in session. Tennessee investment in student achievement formula (TISA) funds and required local contributions cannot be used in connection with the operation of a before or after school care program. The board may charge a fee of any child attending a before or after school care program;
- (12)** Contract for the management and operation of the alternative schools provided for in § 49-6-3402 with any other agency of local government;
- (13)** Include in student handbooks, or other information disseminated to parents and guardians, information on contacting child advocacy groups and information on how to contact the state department of education for information on student rights and services;
- (14)** Cooperate with community organizations in offering extended learning opportunities;
- (15)** Apply for and receive federal or private grants for educational purposes. Notwithstanding title 5, chapter 9, part 4, except for grants requiring matching funds, in-kind contributions of real property or expenditures beyond the life of the grant, appropriations of federal or private grant funds shall be made upon resolution passed by the local board of education and shall comply with the requirements established by the granting entity. A county board of education or city board of education shall provide

a copy of such resolution to the local legislative body as notice of the board's actions within seven (7) days of the resolution's passage; and

**(16)** Operate ungraded or unstructured classes in grades kindergarten through three (K-3). The operation of ungraded or unstructured classes does not impair the LEA's ability to receive funds under the Tennessee investment in student achievement formula (TISA).

**(c)**

**(1)** Notwithstanding title 8, chapter 44, part 1, a local board of education may conduct a scheduled board meeting by electronic means, including, but not limited to, telephone, videoconferencing, or other web-based media pursuant to this subsection (c).

**(2)** A board meeting shall not be conducted with electronic participation unless a quorum of members is physically present at the location of the meeting.

**(3)** A board member may only participate electronically in a scheduled board meeting pursuant to this subsection (c) if:

**(A)** The member participating by electronic means can be visually identified by the chair; and

**(B)**

**(i)** The member is out of the county due to work; provided, that the member participates electronically for such reason no more than two (2) times per year;

**(ii)** The member is sick or in a period of convalescence on the advice of a healthcare professional that the member not appear in person; provided, that the member participates electronically for such reason no more than three (3) times per year;

**(iii)** The member is out due to inclement weather or natural disaster if the schools in the LEA are closed; provided, that the member participates electronically for such reason no more than three (3) times per year;

**(iv)** The member has a family emergency that inhibits the member from attending the board meeting in person; provided, that the member participates electronically for such reason no more than two (2) times per year; or

**(v)** The member is out of the county due to military service.

**(4)** A board member wishing to participate in a scheduled board meeting electronically who is or will be out of the county because of work shall give at least five (5) days' notice prior to the scheduled board meeting of the member's intention to participate electronically.

**(5)** The local board of education shall develop a policy for conducting electronic meetings pursuant to this subsection (c).

**(d)**

**(1)**

**(A)** Notwithstanding any law to the contrary, the local boards of education, the municipal legislative bodies, and the county legislative body are authorized to negotiate and enter into a binding agreement that addresses the municipality's or county's responsibility to remit certain gross receipt taxes owed by the municipality or county, under § 57-4-306(a)(2), as such subdivision existed prior to July 1, 2014, if:

**(i)** At any time prior to entering the binding agreement authorized in subdivision (d)(1)(A), a municipality or county has received from the commissioner of revenue gross receipt taxes collected by the department under § 57-4-301(c) and as authorized by § 57-4-306(a)(2), as such subdivision existed prior to July 1, 2014; and

**(ii)** Thereafter the municipality or county, acting in good faith did not remit the proceeds to the appropriate school fund, system, or systems as required by § 57-4-306(a)(2), as such subdivision existed prior to July 1, 2014.

**(B)** Such agreement, in determining the municipality's or county's responsibility to remit certain gross receipt taxes owed by the municipality or county, under § 57-4-306(a)(2), as such

subdivision existed prior to July 1, 2014, may permit the municipality or county to offset its liability in whole or in part by past, present or future appropriations, expenditures, allocation of revenue, gifts, capital projects or other similar payments, grants, or any consideration made by the municipality or county to the school system, on behalf of the school system, or otherwise directly benefitting the school system.

**(2)** Such agreement shall be entered into and approved no later than August 31, 2014, and shall be the final understanding of the obligations between the parties and shall not be subject to additional requests or demands. A copy of this agreement shall be filed with the comptroller of the treasury and the commissioner of revenue. If any party defaults, then the aggrieved party shall notify the comptroller of the default. The comptroller shall deliver by certified mail a written notice of such default to the defaulting party within five (5) business days of receiving the notice. In the event the defaulting party fails to cure the default within sixty (60) days of the receipt of such notice, the comptroller shall direct the commissioner to withhold future distributions of proceeds authorized under § 57-4-306(a)(2), as such subdivision existed prior to July 1, 2014, to the defaulting party. Upon the commissioner's withholding of the proceeds, an aggrieved party shall have the authority to pursue equitable relief against the defaulting party in the chancery court of Davidson County. Upon receipt of a copy of the final judgment of the court, the commissioner shall distribute all withheld proceeds to the defaulting party, which shall remit such proceeds to the aggrieved party pursuant to the judgment. If the amount of the judgment is not satisfied by the withheld proceeds, the defaulting party shall be solely responsible for remitting future proceeds to the aggrieved party pursuant to the judgment.

**(3)**

**(A)** If by September 1, 2014, the local boards of education, the municipal legislative bodies, and the county legislative body fail to enter into a binding agreement as authorized under subdivision (d)(1)(A), then any party may:

**(i)** Seek equitable relief in the chancery court of Davidson County; or

**(ii)** Request the comptroller to undertake binding arbitration to resolve any disagreements. The comptroller shall select the arbitrator.

**(B)** Such equitable relief shall be limited to those proceeds received by the local political subdivision pursuant to § 57-4-306(a)(2), as such subdivision existed prior to July 1, 2014, and not remitted to the proper fund, system or systems as required by § 57-4-306(a)(2), as such subdivision existed prior to July 1, 2014, from July 1, 1999, to June 30, 2014. The amount owed the appropriate school fund, system, or systems may be paid in equal installments, but not to exceed ten (10) years.

**(C)** All costs incurred by the comptroller of the treasury and the department of revenue under this subdivision (d)(3) shall be born equally by the parties.

**(D)** In the event a party fails to pursue the remedies available pursuant to subdivision (d)(3)(A)(i) or (d)(3)(A)(ii) by December 31, 2014, then the party shall be barred from any other relief for proceeds received by a local political subdivision prior to July 1, 2014.

**(4)** As the historical records of the comptroller of the treasury and the department of revenue permit, the comptroller of the treasury is authorized to provide to the local boards of education, the municipal legislative bodies, and the county legislative body the amount of the proceeds distributed to the local political subdivisions by the department under § 57-4-306(a)(2), as such subdivision existed prior to July 1, 2014.

**(5)** This subsection (d) shall not apply to any action, case, or proceeding commenced prior to June 1, 2014.

**(6)** Any agreement to address a municipality's or county's responsibility to remit certain gross receipt taxes owed by the municipality or county under § 57-4-306(a)(2) entered into prior to May 13, 2014, is hereby ratified and this subsection (d) shall not apply to such agreements.

**(7)** This subsection (d) shall not apply in counties having a population, according to the 2010 federal census or any subsequent federal census of:

not less than: nor more than:

98,90099,000

336,400336,500

(e) Notwithstanding any public or private act to the contrary, a local board of education's administrative office may be located within a building owned by the United States government, or an agency or instrumentality of the United States government, pursuant to a lease or easement authorized by the United States government.

### ***Tenn. Code Ann. § 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) The policy must:

(1) 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; and

(2) Require the LEA to obtain the written, informed, and voluntarily signed consent of a student's parent or legal guardian, or the student if the student is eighteen (18) years of age or older, before the student participates in a survey, analysis, or evaluation. This subdivision (b)(2) does not apply if the full survey, analysis, or evaluation is related to classroom instruction of a curriculum and the survey, analysis, or evaluation is distributed to students as a method of evaluating the effectiveness of an instructional curriculum. A student's parent or legal guardian, or the student if the student is at least eighteen (18) years of age, may withdraw the parent's, legal guardian's, or student's consent at any time before the student participates in the survey, analysis, or evaluation.

(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.

# Title 49, Chapter 2, Part 3: Local Administration – County Administration

## ***Tenn. Code Ann. § 49-2-305: Development and Adoption of Program to Promote Involvement of Parents and Guardians***

**(a)** The LEA, in consultation with parents, teachers and administrators, shall develop and adopt a policy to promote the involvement of parents and guardians of children enrolled in the schools within the school district. The plan shall be submitted to the commissioner of education as part of the district's school improvement plans and shall be consistent with the Tennessee parent/family involvement policy of the state board of education. The plan shall include:

**(1)** A plan for parent participation in the schools which is designed to improve parent and teacher cooperation in such areas as homework, attendance, discipline, and planning for higher education opportunities for students; and

**(2)** Procedures by which parents may learn about the course of study for their children and have access to all learning materials.

**(b)** The policy adopted by the LEA pursuant to this section may also include the following components:

**(1)** A plan by which parents will be made aware of the district's parental involvement policy and this section, including:

**(A)** Rights under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. § 1232 et seq.), relating to access to children's official records; and

**(B)** Information through which parents may access LEA policies and curriculum;

**(2)** Efforts to encourage the development of parenting skills;

**(3)** The communication to parents of techniques designed to assist the child's learning experience in the home;

**(4)** Efforts to encourage access to community and support services for children and families;

**(5)** The promotion of communication between the school and parents concerning school programs and the academic progress of the parents' children;

**(6)** Identifying opportunities for parents to participate in and support classroom instruction in the school, including:

- (A)** Organizing fundraising initiatives;
- (B)** Volunteering as a field trip chaperone;
- (C)** Assisting in the library, computer lab or on the playground;
- (D)** Offering after school clubs; and
- (E)** Recycling clothes;

**(7)** Efforts to support parents as shared decision-makers and to encourage membership on school advisory committees;

**(8)** The recognition of the diversity of parents and the development of guidelines that promote widespread parental participation and involvement in the school at various levels;

**(9)** The development of preparation programs and specialized courses for certified employees and administrators that promote parental involvement; and

**(10)** The development of strategies and programmatic structures at schools to encourage and enable parents to participate actively in their children's education.

**(c)** For the purposes of this section, "parent" means the parent, guardian, person who has custody of the child or individual who has caregiving authority under § 49-6-3001.

# Title 49, Chapter 3, Part 3: Finances – Tennessee Education Act of 1977

## ***Tenn. Code Ann. § 49-3-359. TISA Funding for Teacher's Supplies and School Nurses or School Health Services***

**(a)** Each LEA and public charter school must pay two hundred dollars (\$200) for each teacher in kindergarten through grade twelve (K-12) for the purpose described in this subsection (a). This money must be used by the teachers for instructional supplies and must 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 purpose of these funds is to permit purchase of items of equipment for the benefit and enhancement of the instructional program. The funds cannot be used for basic building needs such as HVAC, carpets, furniture, items or equipment for the teachers' lounge, or the like. Any funds not spent by the end of the school year must be pooled at the school level and used for the purchase of items of equipment for the benefit of all teachers. Pooled funds cannot be used for basic building needs such as HVAC, carpets, furniture, items or equipment for the teachers' lounge, or the like.

**(b)** [Deleted by 2022 amendment.]

**(c)**

**(1)** An LEA may use TISA funds to directly employ a public school nurse or to contract with the Tennessee public school nurse program, created in § 68-1-1201, for the provision of school health services. An LEA must use TISA funds to directly employ, or contract for, a public school nurse as provided in this subsection (c), or must advise the department of education of the LEA's election not to do so.

**(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.

# Title 49, Chapter 3, Part 4: Personnel – Employment and Assignment of Personnel

## ***Tenn. Code Ann. § 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 (6 1/2) 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.



# Title 49, Chapter 3, Part 5: K-12 Mental Health Trust Fund

## ***Tenn. Code Ann. § 49-3-501 K-12 Mental Health Endowment Fund***

The K-12 mental health endowment fund is established to provide mental health supports to students in primary and secondary schools in this state. The fund must be administered and funded in accordance with the following terms and conditions:

- (1)** The fund is an irrevocable trust that the state treasurer shall administer. The trust consists of the K-12 mental health endowment account and the K-12 mental health special reserve account;
- (2)** The trustees of the trust are as follows:
  - (A)** The state treasurer, or the treasurer's designee;
  - (B)** The comptroller of the treasury, or the comptroller's designee;
  - (C)** The secretary of state, or the secretary's designee; and
  - (D)** The commissioner of finance and administration, or the commissioner's designee;
- (3)** The state treasurer, or the treasurer's designee, serves as chair of the trustees and shall preside over all meetings and proceedings of the trustees;
- (4)** If necessary or convenient to carry out the purposes and provisions of this part, the trustees are authorized to create a nonprofit corporation or incorporate the fund as a nonprofit corporation under the Tennessee Nonprofit Corporation Act, compiled in title 48, chapters 51-68, and after incorporation, to apply for tax exempt status under § 501(a) of the Internal Revenue Code (26 U.S.C. § 501(a)), by virtue of being an organization described in § 501(c)(3) of the Internal Revenue Code (26 U.S.C. § 501(c)(3)). The corporation, if created, has all rights and powers of a nonprofit corporation under the Tennessee Nonprofit Corporation Act, and the powers necessary to carry out the intent of this section, including, but not limited to, the solicitation of contributions and disbursement of funds;
- (5)** The trust may invest funds in any security or investment permitted by applicable laws, rules, and regulations, and that is not otherwise prohibited by the Constitution of Tennessee, Article II, § 31; provided, that investments made by the trust must be governed by the investment policies and guidelines adopted by the trustees of the trust in accordance with this section. The state treasurer is responsible for the investment and reinvestment of trust funds in accordance with the policies and guidelines established by the trustees;
- (6)** Subject to appropriation, the trust must be funded in fiscal year 2021-2022 by an initial deposit. Ninety percent (90%) of the initial deposit constitutes the principal of the trust, which must be placed in the K-12 mental health endowment account. Ten percent (10%) of the initial deposit must be placed in the K-12 mental health special reserve account. Notwithstanding this section to the contrary, in the fiscal year ending June 30, 2024, the amount of the trust principal of the K-12 mental health endowment account will be reduced by seventy-five million dollars (\$75,000,000) and the trust's K-12 mental health special reserve account will be increased by seventy-five million dollars (\$75,000,000);
- (7)** Trust income does not increase, or constitute an addition to, the principal of the trust, but must be placed in the K-12 mental health special reserve account; provided, that trust income may be used to pay expenses incurred in administering and investing the trust assets. As used in this subdivision (7), "trust income" means the income from the trust's investment of the funds in the K-12 mental health endowment account or K-12

mental health special reserve account from whatever source derived, including, but not limited to, interest, dividends, and realized capital gains or losses;

**(8)** Subsequent transfers of funds to the trust after the initial deposit in subdivision (6) shall not increase, or constitute an addition to, the principal of the trust, and must be placed in the K-12 mental health special reserve account of the trust. Such funds may include moneys appropriated by the general assembly, received from the United States or any agencies of the United States, or received from any other source, including contributions from public or private sources. The fund may request and receive gifts, contributions, bequests, donations, and grants from any legal and appropriate source, and any such funds received must be deposited into the K-12 mental health special reserve account; provided, that if any such items are not in the form of funds, then any income, rents, or proceeds generated from the items must be deposited into the K-12 mental health special reserve account;

**(9)** The principal of the trust in the K-12 mental health endowment account, as described in subdivision (6), shall not be expended for any purpose;

**(10)** The department of mental health and substance abuse services shall submit an annual spending plan to the trustees for the trustees' consideration in annually determining the amount of funds in the K-12 mental health special reserve account that are available for appropriation and expenditure in accordance with this section. The trustees shall not determine how the funds in the K-12 mental health special reserve account are expended;

**(11)** The funds in the K-12 mental health special reserve account, as determined by the trustees in accordance with subdivision (10), are available to the department of mental health and substance abuse services for allocation and distribution, in consultation with the department of education, but such funds must be expended only for mental or behavioral health services or treatment for kindergarten through grade twelve (K-12) students or for an assessment to review current mental and behavioral health resources for K-12 students that are available in each county;

**(12)** Unexpended funds in any fiscal year, including, but not limited to, the principal, initial deposits, transfers, and interest in the K-12 mental health endowment account and the K-12 mental health special reserve account, do not revert to the general fund, but must remain available for expenditure in accordance with this section;

**(13)** Subject to applicable laws and rules, the funds transferred to the trust, including funds in the K-12 mental health endowment account and the K-12 mental health special reserve account, may be commingled with, co-invested with, and invested or reinvested with other assets transferred to the trust and other funds that are not part of the trust, including, but not limited to the state pooled investment fund established pursuant to title 9, chapter 4, part 6. The state treasurer shall account for such trust funds in one (1) or more separate accounts in accordance with this section and other applicable law; and

**(14)** All funds placed in the K-12 mental health special reserve account are available for allocation and distribution as authorized in this section only to the extent that funds are available in the K-12 mental health special reserve account. The state is not liable for any amount in excess of such sum. All requests for withdrawals for payment that are presented to the state treasurer must be used only to fund mental or behavioral health services or treatment for K-12 students, or an assessment to review current mental and behavioral health resources for K-12 students that are available in each county. Requests for withdrawals must not be commingled with requests for withdrawals presented to the state treasurer for any other purpose, and the individual or entity requesting the withdrawal of funds must attest to same upon presentation of the request for withdrawal to the state treasurer.

# Title 49, Chapter 5, Part 1: Qualifications Generally

## ***Tenn. Code Ann. § 49-5-106 Temporary Teaching Permits – Limited License to Continue Teaching Pursuant to Current Temporary Permit***

**(a)**

**(1)** After a director of schools or a director of a public charter school notifies the director's local board of education or the governing body of the director's public charter school, as applicable, that the LEA or public charter school is unable to secure a qualified teacher with a valid license for the type and kind of school in which a vacancy exists, the director of schools or the director of the public charter school may certify same to the commissioner of education. Upon the commissioner's receipt of the certification, the commissioner may grant, on behalf of the state board of education, under conditions prescribed in the state board's rules, a temporary permit to teach in the unfilled position to a person recommended by the director of schools or the director of the public charter school, as applicable, and who is approved by the commissioner. The temporary permit is valid only until June 30, following the date of the permit's issuance.

**(2)** When determining whether to issue a temporary teaching permit to allow a person to teach a course for which an end-of-course examination is required, the commissioner shall consider the following information:

**(A)** The availability of other faculty or staff who are qualified to teach the course for which an end-of-course examination is required;

**(B)** The timing of the vacancy in relation to the LEA's or public charter school's school calendar, such as whether the vacancy occurs during the LEA's or public charter school's school calendar or in between academic years; and

**(C)** In cases where a vacancy for a course requiring an end-of-course examination occurs outside of the LEA's or public charter school's school calendar, the commissioner shall also consider an LEA's or public charter school's efforts to advertise the vacancy.

**(3)** An individual who is issued a temporary teaching permit to teach a course for which an end-of-course examination is required must be assigned a mentor teacher by the director of schools or the director of the public charter school.

**(b)** Notwithstanding subsection (a), the commissioner shall not grant a person, on behalf of the state board, a temporary permit to teach:

**(1)** [Deleted by 2024 amendment.]

**(2)** A special education course; or

**(3)** [Deleted by 2024 amendment.]

**(c)** A local board of education or the governing body of a public charter school may contract with a teacher holding a permit, but not holding a valid license, but only for the period of time during which the local board of education or the governing body of the public charter school is unable to secure a qualified teacher with a valid license for the type and kind of school.

**(d)** It is the intent of the general assembly to urge local boards of education and the boards' respective directors of schools, and governing bodies of public charter schools and the respective directors for each of the governing bodies' public charter schools, to make every effort to staff kindergarten through grade twelve (K-12) teaching positions with personnel fully licensed and endorsed for such grades.

**(e)** A director of schools or a director of a public charter school who learns of the conviction of a teacher holding a temporary permit who is employed by the LEA or public charter school, respectively, for any offense

listed in § 49-5-417(a) shall report the conviction to the state board of education. The state board shall set the time frame within which a director of schools or a director of a public charter school must report a conviction of a teacher holding a temporary permit. The state board may specify other offenses for which a director of schools or a director of a public charter school is required to report to the state board upon learning of a conviction of a teacher holding a temporary permit for any such offense.

**(f)** A director of schools or a director of a public charter school shall report to the state board teachers holding a temporary permit who are employed by the LEA or public charter school, respectively, who have been suspended or dismissed, or who have resigned, following allegations of conduct, including sexual misconduct, which, if substantiated, would warrant consideration for disciplinary action under state board rules. As used in this subsection (f), “sexual misconduct” has the same meaning as defined in § 49-5-417(c)(5).

**(g)**

**(1)** Notwithstanding § 49-6-6006 or any law to the contrary, upon the request of a director of schools or the director of a public charter school, the commissioner of education may issue an endorsement exemption to a teacher in accordance with state board rules or a temporary permit to a person in accordance with subsection (a) to teach any course or subject area, except for special education courses, for the 2021-2022 school year. A director of schools or the director of a public charter school who applies for an endorsement exemption or temporary permit for a person to teach in the 2021-2022 school year shall certify to the commissioner that the LEA or public charter school is unable to secure a qualified teacher for the course or subject area. An endorsement exemption or temporary permit issued pursuant to this subsection (g) is valid only for the 2021-2022 school year.

**(2)** Notwithstanding § 49-6-6006 or any other law to the contrary, upon the request of a director of schools or the director of a public charter school, as applicable, the commissioner of education may issue an endorsement exemption to a teacher to teach any course or subject area, except a physical education class required under § 49-6-1021(e) or a special education course, for the 2022-2023 and 2023-2024 school years.

**(3)** Notwithstanding § 49-6-6006, subdivision (b)(3), or any other law to the contrary, the commissioner of education may renew a temporary permit issued to an individual pursuant to subdivision (g)(1) for the 2022-2023 and 2023-2024 school years, except that a teaching permit issued pursuant to subdivision (g)(1) for a physical education class required under § 49-6-1021(e) shall not be renewed.

**(4)** At the end of each of the 2021-2022, 2022-2023, and 2023-2024 school years, the department of education shall report to the education committee of the senate and the education administration committee of the house of representatives the number of endorsement exemptions and temporary permits that were requested for the respective school year pursuant to this subsection (g) and the number of endorsement exemptions and temporary permits issued pursuant to this subsection (g).

**(h)**

**(1)** Notwithstanding any other law to the contrary, except as provided in subdivision (h)(3), a teacher holding the teacher's second or third teaching permit may apply to the department of education for a limited license to continue teaching the course or subject area taught pursuant to the teacher's current temporary permit. The department shall approve a teacher's application for a limited license to continue teaching the course or subject area taught pursuant to the teacher's temporary permit if the teacher:

**(A)** Holds a valid temporary teaching permit;

**(B)** Earned a level of overall effectiveness score of “above expectations” or “significantly above expectations” on the teacher's most recent evaluation pursuant to § 49-1-302;

**(C)** Provides a recommendation from the director of schools or from the director of the public charter school at which the teacher taught pursuant to the teacher's temporary permit

recommending that the teacher receive a limited license with the endorsement issued pursuant to the teacher's temporary permit; and

**(D)** Agrees, in writing, to begin a pathway approved by the state board for transitioning educators from a limited license to a practitioner license.

**(2)** Limited licenses are valid for two (2) school years and are not renewable.

**(3)** A teacher who holds a temporary permit issued pursuant to this section shall not receive a limited license to teach:

**(A)** [Deleted by 2024 amendment.]

**(B)** A course for which an end-of-course examination is required, in accordance with § 49-6-6006; or

**(C)** A special education course.

**(4)** The state board of education shall promulgate rules to effectuate the purposes of this act in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, including rules to establish:

**(A)** Requirements for limited licensure issuance in addition to the requirements of this section; and

**(B)** A pathway for a teacher who possesses a limited license to obtain a practitioner license that includes rules to establish:

**(i)** Minimum requirements for coursework provided by an educator preparation provider or a provider approved by both the department of education and the state board of education that is focused on foundational pedagogical skills, including foundational literacy skills in accordance with the Tennessee Literacy Success Act, compiled in chapter 1, part 9 of this title;

**(ii)** Benchmarks for teachers who possess a limited license to show that the teacher has met the state board's expectations for adequate content knowledge in the subject area taught by the teacher;

**(iii)** Requirements for teachers who possess a limited license to receive support from a highly effective clinical mentor; and

**(iv)** Professional assessment requirements.

**(i)**

**(1)** After a director of schools or a director of a public charter school notifies the director's local board of education or the governing body of the director's public charter school, as applicable, that the LEA or public charter school is unable to secure a qualified occupational educator with a valid occupational teaching license for a course of study in which a vacancy exists, the director of schools or the director of the public charter school may certify the same to the commissioner of education.

**(2)** Upon the commissioner's receipt of the certification described in subdivision (i)(1), the commissioner may grant, on behalf of the state board of education, under conditions prescribed in the state board's rules, a temporary permit to teach in the unfilled position to a person recommended by the director of schools or the director of the public charter school, who:

**(A)** Does not hold a bachelor's degree or an active industry license or credential, including those issued by another state, for the area of endorsement, as defined by the department of education, but who has a minimum of five (5) years of relevant work experience, completed within the last ten (10) years, or three (3) years of relevant work experience, completed within the last five (5) years, in the area of endorsement or equivalent educational attainment, as defined by the department of education; or

**(B)** Is an honorably discharged veteran of the armed forces, who has a minimum of five (5) years of relevant work experience, completed within the last ten (10) years, or three (3) years of relevant work experience, completed within the last five (5) years, in the area of endorsement or equivalent educational attainment, as defined by the department of education. As used in

this subdivision (i)(2)(B), “work experience” includes, but is not limited to, military service, training, and experience.

**(3)** A temporary permit issued pursuant to this subsection (i) is valid only until June 30 immediately following the date of the permit's issuance and is not renewable. An individual may only be issued one (1) temporary permit under this subsection (i).

**(j)** Notwithstanding § 49-6-1021(e)(3), upon the request of a director of schools or the director of a public charter school, the commissioner of education may issue an endorsement exemption to a teacher, in accordance with state board rules, to teach a physical education class required under § 49-6-1021(e) to elementary school students. A director of schools or the director of a public charter school who applies for an endorsement exemption to teach in accordance with this subsection (j) shall certify to the commissioner that the LEA or public charter school is unable to secure a qualified teacher for the physical education class. An endorsement exemption issued pursuant to this subsection (j) is valid only until June 30 following the date of the permit's issuance.

**(k)** The department of education shall report to the education committee of the senate and the education committees of the house of representatives the number of temporary teaching permits that were requested and granted for individuals to teach courses for which an end-of-course examination is required for the 2024-2025 school year, the 2025-2026 school year, and the 2026-2027 school year, respectively, by July 1, 2027.

# Title 49, Chapter 6, Part 3: Elementary, Middle, and Secondary Schools Generally

## ***Tenn. Code Ann. § 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 non-school 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.

### ***Tenn. Code Ann. § 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 (8 1/2") 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.



***Tenn. Code Ann. § 49-6-317 Beyond Ordinary Learning Opportunities (BOLO) Act [Repealed effective July 1, 2025]***

**(a)** This section is known and may be cited as the “Beyond Ordinary Learning Opportunities (BOLO) Act.”

**(b)** The department of education shall establish a one-year pilot program to place a therapy dog in five (5) public schools in the 2024-2025 school year.

**(c)** The department shall select at least one (1) public school from each grand division of this state to participate in the pilot program and shall strive to select public charter schools and public schools from a variety of LEAs that serve students in a variety of grade levels. The department shall not select a public school to participate in the pilot program if the public school does not agree to participate in the pilot program. Each public school selected to participate in the pilot program will receive a therapy dog.

**(d)** The department shall establish the requirements for each public school and therapy dog provider participating in the pilot program, including, but not limited to, requirements for the public schools selected to participate in the pilot program to collect and report data regarding the public school's experience with the provided therapy dog.

**(e)** The department shall submit a report to the general assembly no later than July 1, 2025, providing the results and outcomes of the pilot program and to recommend whether the general assembly should extend the pilot program.

**(f)** This section is repealed on July 1, 2025.

# Title 49, Chapter 6, Part 4: Junior and Senior High Schools Generally

## ***Tenn. Code Ann. § 49-6-417 Provision of Feminine Hygiene Products for Student Use***

**(a)** As used in this section:

**(1)** "Eligible school" means a public high school that is eligible to participate in the community eligibility provision under the national school lunch program pursuant to 42 U.S.C. § 1759a; and

**(2)** "Feminine hygiene product":

**(A)** Means any product to be used by women with respect to menstruation or other genital-tract secretions; and

**(B)** Includes tampons and sanitary napkins.

**(b)** Each LEA is authorized to provide feminine hygiene products, at no charge, in all women's and girl's bathrooms and locker rooms in an eligible school building where instruction is provided, excluding any bathrooms and locker rooms specifically designated for teacher or staff use. The feminine hygiene products are for student use only.

# Title 49, Chapter 6, Part 8: Schools against Violence in Education (SAVE) Act

## ***Tenn. Code Ann. § 49-6-802 State-level Safety team - Template for Safety and Emergency Response Plans***

(a) The commissioner of safety 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 education;
- (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;
- (8) A representative of the department of intellectual and developmental disabilities;
- (9) A representative of the Tennessee Sheriffs' Association; and
- (10) A representative of the Tennessee Association of Chiefs of Police.

(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.

## ***Tenn. Code Ann. § 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.

## ***Tenn. Code Ann. § 49-6-804 Adoption of Comprehensive Plans***

(a) Each LEA, and to the extent applicable, each public charter school, 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 must be developed by a district-wide school safety team and a building-level school safety team established pursuant to this part and must follow the template

developed by the state-level safety team. Each district-wide school safety team and building-level school safety team shall consider including in the district-wide school safety plan or building-level school safety plan the implementation of a mobile panic alert system that is capable of connecting diverse emergency services technologies to ensure real-time coordination between multiple first responder agencies and that integrates with local public safety answering point infrastructure to transmit 911 calls and mobile activations. An LEA or public charter school having only one (1) school building shall develop a single building-level school safety plan, which must also fulfill all requirements for the development of a district-wide plan. Each district-wide school safety team and each building-level school safety team shall annually review the respective district-wide school safety plan or building-level school safety plan.

**(b)** Each private school and each church-related school shall adopt a building-level school safety plan regarding crisis intervention, emergency response, and emergency management. Each private school and each church-related school shall review its plan annually. By October 1, 2023, and by each October 1 thereafter, each private school and each church-related school shall provide the school's building-level school safety plan to each local law enforcement agency with jurisdiction, as well as any law enforcement agency or other emergency response organization participating in an armed intruder drill under § 49-6-807. As used in this subsection (b):

**(1)** "Church-related school" means a school as defined in § 49-50-801; and

**(2)** "Private school" means a school accredited by, or a member of, an organization or association approved by the state board of education as an organization accrediting or setting academic requirements in schools, or that has been approved by the state, or is in the future approved by the commissioner in accordance with rules promulgated by the state board of education.

**(c)** A 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 must be provided to the general public prior to such a meeting held by an LEA or a public charter school. The local board of education or public charter school governing body shall not discuss or deliberate on any issues or subjects other than school security or the school safety plans adopted pursuant to this section during such a meeting.

**(d)** By July 1, 2023, and by each July 1 thereafter, each LEA and public charter school shall provide the following to each local law enforcement agency with jurisdiction, the department of education, and the department of safety:

**(1)** The LEA's, and to the extent applicable, the public charter school's, district-wide school safety plan;

**(2)** The building-level school safety plan for each school in the LEA or each public charter school; and

**(3)** [Deleted by 2024 amendment.]

**(e)** Each LEA and public charter school shall also provide the school safety plans described in subsection (d) to a law enforcement agency or other emergency response organization participating in an armed intruder drill under § 49-6-807.

**(f)** Upon the request of a local law enforcement agency with jurisdiction, the department of education, or the department of safety, the LEA or public charter school shall provide any other plans, information, or records regarding school security.

**(g)**

**(1)** During a drill or in an emergency situation, each LEA or public charter school shall, to the greatest extent practicable, provide a responding law enforcement agency with access to security systems that may be required for the law enforcement agency's response.

(2) For purposes of this subsection (g), “security systems” includes, but is not limited to, audio recording systems, visual recording systems, and any other cameras, alarm systems, fire systems, communication systems, or other security measures in a school building.

(h) This section does not diminish the jurisdiction of local law enforcement agencies.

(i) Each LEA and public charter school may provide, in an electronic or digital format, school mapping data for each school building in the LEA, and for each school building being used by the public charter school, as applicable, to assist first responder agencies that serve the same geographical areas served by the LEA or public charter school in responding to emergencies occurring on school grounds. Grant funds received pursuant to § 49-6-811 may be used to meet the requirement of this subsection (i), including, but not limited to, the LEA's or public charter school's procurement of a vendor to collect, assemble, and provide the school mapping data required in this subsection (i) on behalf of the LEA or public charter school. The LEA, public charter school, or vendor that collects and assembles school mapping data for purposes of this subsection (i) is responsible for providing the data to the first responder agencies that serve the same geographical areas served by the LEA or public charter school for use by such agencies in responding to emergencies occurring on school grounds. School mapping data provided pursuant to this subsection (i) must:

- (1) Be viewable through software platforms used by the local, state, and federal public safety agencies that provide emergency services to the school;
- (2) Be verified by the entity that collected and assembled the data for accuracy by conducting a walk-through of school buildings and school grounds;
- (3) Be oriented true north when viewed;
- (4) Include accurate floor plans overlaid with current, verified aerial imagery of the school campus;
- (5) Contain site-specific labeling that matches the structure of the respective school buildings, including room labels, hallway names, and external door or stairwell numbers, as well as the locations of hazards, critical utility locations, key boxes, automated external defibrillators, and trauma kits;
- (6) Contain site-specific labeling that matches the school roads and neighboring properties; and
- (7) Be perpetually accessible to the respective LEA, public charter school, and first responder agencies that serve the same geographical areas served by the LEA or public charter school at no additional cost to authorized users.

### ***Tenn. Code Ann. § 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 disability and aging 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. Instruction on firearm safety required under § 49-6-1016 must be credited toward the annual school safety training required by the state-level safety team's template for district-wide school safety plans and building-level school safety plans for all students, teachers, and other school personnel who receive or provide the instruction;

**(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;

**(9)** Policies and procedures relating to LEA and school cyber security preparedness to identify cyber security risk, implement mitigation planning, and protect cyber infrastructure against cyber attacks and other cyber security threats and incidents. As used in this subdivision (9), "cyber security" means the art of protecting networks, devices, and data from unauthorized access or criminal use, and the practice of ensuring the confidentiality, integrity, and availability of information; and

**(10)** Policies and procedures to ensure that all individuals providing direct services to students or school staff in response to a school crisis have received the appropriate background checks in compliance with state law, including § 49-5-413.

### ***Tenn. Code Ann. § 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, local law enforcement officials, 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.

## ***Tenn. Code Ann. § 49-6-807. Annual Drills***

- (a)** Each school safety team, private school, and church-related school shall annually conduct at least one (1):
  - (1)** Armed intruder drill;
  - (2)** Incident command drill; and
  - (3)** Emergency safety bus drill.
- (b)**
  - (1)** Each armed intruder drill must be conducted in coordination with the appropriate local law enforcement agency.
  - (2)** Each incident command drill:
    - (A)** Conducted by a school safety team:
      - (i)** Must be conducted without students present; and
      - (ii)** Must prepare school staff and law enforcement agencies on what to expect in the event of an emergency situation in the school; and
    - (B)** Conducted by a private school or church-related school:
      - (i)** May be conducted with or without students present; and
      - (ii)** Must prepare school staff and law enforcement agencies on what to expect in the event of an emergency situation in the school.
  - (3)** Each emergency safety bus drill:
    - (A)** Conducted by a school safety team:
      - (i)** Must be conducted without students present; and
      - (ii)** Must prepare school staff and law enforcement agencies on what to expect in the event of an emergency situation on a school bus; and
    - (B)** Conducted by a private school or church-related school:
      - (i)** May be conducted with or without students present; and
      - (ii)** Must prepare school staff and law enforcement agencies on what to expect in the event of an emergency situation on a school bus.
- (c)** The results of a drill conducted pursuant to subsection (a) must be:
  - (1)** Maintained by the school for a minimum of five (5) years;
  - (2)** Made available to:
    - (i)** A local law enforcement agency with jurisdiction, and
    - (ii)** The department of education or the department of safety upon request, if the drill was conducted by a school safety team.
- (d)** The drills required in subsection (a) are in addition to the drills required in § 68-102-137.
- (e)**
  - (1)** Each LEA, public charter school, private school, and church-related school shall develop a procedure for determining the cause of a fire alarm activation, including the potential for an active shooter event. The procedure must be developed in consultation with local fire department and law enforcement officials and must comply with applicable fire and building codes. The procedure must include response procedures for students and school staff, including substitute teachers and other part-time staff and school volunteers, after a determination is made regarding whether the emergency situation involves a fire, an active shooter, or other incident. Each LEA, public charter school, private school, and church-related school shall annually train all school staff, including substitute teachers and other part-time staff and school volunteers, on the safety procedure developed pursuant to this subsection (e).

(2) Each LEA, and to the extent applicable, each public charter school, shall coordinate with its district-wide school safety team and building-level school safety team to incorporate the procedure developed pursuant to this subsection (e) in its district-wide school safety plan and building-level school safety plan.

(3) Each procedure developed pursuant to this subsection (e) must be implemented no later than January 1, 2025, and must be annually reviewed and updated, if necessary, to ensure the procedure reflects best practices for the safety of students and school staff, including substitute teachers and other part-time staff and school volunteers.

(f) As used in this section:

(1) "Church-related school" means a school as defined in § 49-50-801; and

(2) "Private school" means a school accredited by, or a member of, an organization or association approved by the state board of education as an organization accrediting or setting academic requirements in schools, or that has been approved by the state, or is in the future approved by the commissioner in accordance with rules promulgated by the state board of education.

### ***Tenn. Code Ann. § 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.

### ***Tenn. Code Ann. § 49-6-809 Policy Authorizing Off-Duty Law Enforcement Officers to Serve as Armed School Security Officers – Memorandum of Understanding – List of Qualified Officers – Funding – Report***

(a) For purposes of this section, “law enforcement officer” means the sheriff, sheriff’s deputies, or any police officer employed by the state, a municipality, county, or political subdivision of the state certified by the peace officer standards and training (POST) commission; any commissioned member of the Tennessee highway patrol; and any Tennessee county constable authorized to carry a firearm and who has been certified by the POST commission.

(b)

(1) To increase the protection and safety of students and school personnel, local boards of education may adopt a policy authorizing off-duty law enforcement officers to serve as armed school security officers during regular school hours when children are present on the school’s premises, as well as during school-sponsored events.

(2) Nothing in this section shall require a local board of education to adopt a policy permitting an off-duty law enforcement officer to serve as an armed school security officer.

(c)

(1) If a local board of education adopts a policy authorizing off-duty law enforcement officers to serve as armed school security officers, the LEA shall execute a written memorandum of understanding (MOU) with each law enforcement agency that employs the law enforcement officers selected by the chief law enforcement officer of the law enforcement agency to serve as armed school security officers.

(2) Any MOU entered into pursuant to subdivision (c)(1) shall contain the following:

(A) A provision that prescribes the types of firearms that may be carried by an armed school security officer on school premises and the manner in which the armed school security officer’s firearm may be carried; provided, that the MOU shall not prohibit an off-duty law enforcement officer who is serving as an armed school security officer from carrying a loaded handgun on school premises;

(B) A provision limiting the role of armed school security officers to that of maintaining safety in the school and prohibiting armed school security officers from addressing routine school discipline issues that do not constitute crimes or that do not impact the immediate health or safety of the students or staff of the school;

(C) Provisions stipulating that off-duty officers serving as armed school security officers are required to follow the policies of the officer’s employing law enforcement agency;

(D) Procedures for communication among the LEA, armed school security officers, school resource officers, and local law enforcement agencies;

(E) A description of any policies, procedures, or other requirements that the armed school security officers must follow when responding to an emergency on school grounds;

(F) A statement requiring that armed school security officers comply with all state and federal laws regarding the confidentiality of personally identifiable student information;

(G) Procedures for addressing complaints against armed school security officers;

- (H) A provision detailing how liability will be provided for any acts or omissions of the armed school security officer within the scope of the armed school security officer's duties, except for willful, malicious, or criminal acts or omissions or for acts or omissions done for personal gain;
    - (I) A provision detailing how scheduling will be determined; and
    - (J) The hours and wages of each armed school security officer assigned to a school in the LEA.
  - (3) Any MOU entered into pursuant to subdivision (c)(1) may prescribe:
    - (A) Whether an armed school security officer is required to be uniformed while on school premises; or
    - (B) Other means for proper identification of the armed school security officer.
  - (4)
    - (A) If a MOU entered into pursuant to this subsection (c) would permit law enforcement officers to serve as armed school security officers at a school that is located within the jurisdictional boundaries of another law enforcement agency that is not the law enforcement officers' employing agency, then the MOU shall not take effect until approved in writing by the chief law enforcement officer of the law enforcement agency with law enforcement jurisdiction for the school.
    - (B) Notwithstanding title 6, chapter 54, part 3, or any other law to the contrary, a law enforcement officer who is serving as an armed school security officer pursuant to this section for a school located outside of the jurisdictional boundaries of the officer's employing agency shall, while acting within the scope of the officer's employment as an armed school security officer, have the jurisdiction and authority to enforce all laws of this state and of the county or municipality in which the school at which the officer is serving as an armed school security officer is located.
- (d)
- (1) The chief law enforcement officer of each law enforcement agency in this state shall prepare and distribute a list of its law enforcement officers who the chief law enforcement officer deems qualified and who are interested in serving as armed school security officers pursuant to this section to each LEA that is located within the law enforcement agency's jurisdictional boundaries and with which a MOU has been entered into in accordance with this section. The chief law enforcement officer shall consider the federal Fair Labor Standards Act when considering an officer's qualification to serve as an armed school security officer.
  - (2) The chief law enforcement officer of a law enforcement agency may prohibit a law enforcement officer employed by another law enforcement agency from serving as an armed school security officer at a school located within the chief law enforcement officer's jurisdiction for reasons the chief law enforcement officer deems sufficient, including, but not limited to, if the law enforcement officer has received a disciplinary action within the last five (5) years that resulted in, at a minimum, a written reprimand. The chief law enforcement officer shall notify any such officer the chief prohibits from serving as an armed school security officer by sending a written notice of the prohibition to the law enforcement officer and the law enforcement officer's employing agency. The law enforcement officer is entitled to compensation pursuant to this section for any service as an armed school security officer performed by the officer prior to receipt of the written notice by the earlier of the law enforcement officer or the law enforcement officer's employing agency.
- (e) If an LEA adopts a policy authorizing the use of armed school security officers, then funding for the armed school security officers may come from a law enforcement agency or from the LEA, including, but not limited to, local, state, or federal funds received by the LEA, for which purpose such funds may be lawfully expended.

(f)

(1) Nothing in this section shall be construed to require an LEA or a law enforcement agency of the county to assign or provide funding for an armed school security officer.

(2) 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 an armed school security officer as defined in this section to any school system within that county on the basis of the WFTEADA, as defined by § 49-3-302. The provision of armed school security officers by local law enforcement agencies 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.

(g) The use of armed school security officers shall be supplemental to school resource officers and school safety measures adopted by an LEA and shall not supplant school resource officers or other school security measures. An LEA shall not replace a school resource officer or other school security measure with an armed school security officer. A law enforcement agency shall not terminate a MOU for the provision of school resource officers based solely upon an LEA's adoption of a policy authorizing the use of armed school security officers.

(h) Following the conclusion of the 2020-2021 school year, the chief law enforcement officer of each law enforcement agency with law enforcement jurisdiction for a school that has utilized armed school security officers pursuant to this section shall submit a report to the governor, the chair of the education administration committee of the house of representatives, the chair of the education committee of the senate, and the commissioner of education on or before September 1, 2021, that details any school security deficiencies and that provides recommendations for security improvements for each such school. If the report requirement of this subsection (h) affects more than one (1) law enforcement agency within any one (1) county, then the affected chief law enforcement officers shall submit a single, consolidated report covering the schools that have utilized armed school security officers pursuant to this section.

### ***Tenn. Code Ann. § 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.

### ***Tenn. Code Ann. § 49-6-811 Grant Funding***

An LEA may seek grant funding from the school safety center and use funds received pursuant to the Tennessee investment in student achievement formula (TISA) to assist with compliance with this part according to § 49-6-4302.

### ***Tenn. Code Ann. § 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.

### ***Tenn. Code Ann. § 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.

### ***Tenn. Code Ann. § 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.

### ***Tenn. Code Ann. § 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, and subject to subsection (b):

- (1)** A person employed by an LEA as a faculty or staff member at a school within the LEA is permitted to possess and carry a concealed handgun on the grounds of the school at which the person is assigned;
- (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 is permitted to possess and carry a firearm on the grounds of the school at which the person is assigned; and
- (3)** A law enforcement officer assigned to a school in accordance with § 49-6-820.

**(b)** In order to possess and carry a handgun or firearm on school grounds:

**(1)** Pursuant to subdivision (a)(1), the faculty or staff member must:

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

**(B)** Have the joint written authorization of the LEA's director of schools in conjunction with the principal of the school at which the person is assigned and the written authorization of the chief of the appropriate law enforcement agency to carry or possess a concealed handgun on school grounds;

**(C)** Not be prohibited from purchasing, possessing, or carrying a handgun under the laws of this state or federal law, as determined by a background check. The faculty or staff member must submit two (2) full sets of classifiable fingerprints to the law enforcement agency from which the faculty or staff member is seeking authorization under subdivision (b)(1)(B). The agency must then submit the fingerprints to the Tennessee bureau of investigation. Upon receipt of the fingerprints from the agency, the Tennessee bureau of investigation shall:

**(i)** Within thirty (30) days, conduct computer searches to determine the person's eligibility to purchase, possess, or carry a handgun as are available to the bureau based solely upon the person's name, date of birth, and social security number, and send the results of the searches to the submitting agency;

**(ii)** Conduct a criminal history record check based upon one (1) set of the fingerprints received, and send the results to the submitting agency; and

**(iii)** Send one (1) set of the fingerprints received from the submitting agency to the federal bureau of investigation; request a federal criminal history record check based upon the fingerprints, as long as the service is available; and send the results of the check to the submitting agency;

**(D)** Have been certified by a Tennessee licensed healthcare provider, who is qualified in the psychiatric or psychological field and who contracts with the authorizing law enforcement

agency, as being free from any impairment, as set forth in the current edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM) of the American Psychiatric Association at the time of the examination, that would, in the professional judgment of the examiner, affect the faculty or staff member's ability to safely possess and carry a concealed handgun on the grounds of a school; and

**(E)** Have successfully completed forty (40) hours of basic training in school policing as required by § 49-6-4217 when the authorization to carry a handgun on school grounds is issued. The faculty or staff member must complete a minimum of forty (40) hours of training specific to school policing that includes hands-on instruction with the authorizing law enforcement agency and that has been approved by the peace officer standards and training (POST) commission each year to retain the authorization. Any such training must be approved by the LEA and the cost of the training, firearm, and ammunition is at the expense of the person seeking authorization to possess and carry a concealed handgun on school grounds, not the LEA of the school at which the person is assigned; or

**(2)** Pursuant to subdivision (a)(2), the person must:

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

**(B)** Have the joint written authorization of the LEA's director of schools, in conjunction with the principal of the school at which the person is assigned, to carry or possess a firearm on school grounds; and

**(C)**

**(i)** Be a law enforcement officer, or have prior service as a law enforcement officer, as defined in § 39-11-106;

**(ii)** Comply with all laws, rules, and regulations of the POST commission; and

**(iii)** Have successfully completed forty (40) hours in basic training in school policing as required by § 49-6-4217. Any such training must be approved by the LEA and the cost of the training, firearm, and ammunition is at the expense of the person seeking authorization to possess and carry a firearm on school grounds, not the LEA of the school at which the person is assigned.

**(c)** No later than ten (10) days after the director of schools authorizes a person to carry or possess a firearm on school grounds pursuant to subdivision (a)(2), the director shall notify the chief of the appropriate law enforcement agency of the authorization and provide the law enforcement agency with the person's basic information, including the person's name, address, and contact information.

**(d)** The following is confidential and not open for public inspection:

**(1)** A joint written authorization of an LEA's director of schools and the principal of the school at which a person is assigned and authorized to carry or possess a firearm on school grounds given pursuant to subdivision (b)(2)(B);

**(2)** A notification transmitted to the chief of the appropriate law enforcement agency pursuant to subsection (c);

**(3)** The name and contact information of a person authorized to carry or possess a firearm on school grounds;

**(4)** Whether an LEA's director of schools and the principal of a school have, or have not, issued a joint written authorization for a person to carry or possess a firearm on school grounds; or

**(5)** Any other document, file, record, information, or material relating to the carrying or possessing of a firearm on school grounds that is authorized pursuant to this section and that is received by, transmitted to, maintained by, stored by, or compiled by the director of schools, the principal of the school, an LEA, or a city, county, or municipal law enforcement agency.

**(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.

**(f)**

**(1)** The name and any other information that might identify a faculty or staff member as a person who has elected to carry a concealed handgun pursuant to subdivision (a)(1) is confidential, not open for public inspection, and shall not be disclosed by any law enforcement agency; provided, that the employee's name and other information may be disclosed to an administrative officer of the school district who is responsible for school facility security if the administrative officer is not the employee's immediate supervisor or a supervisor responsible for evaluating the employee. An administrative officer to whom such information is disclosed must maintain the information as confidential and shall not disclose the information to another person.

**(2)** Law enforcement agencies may develop policies and procedures to implement the notification and confidentiality requirements of subdivision (f)(1).

**(g)** A faculty or staff member who carries a concealed handgun pursuant to subdivision (a)(1) on property owned, operated, or controlled by the school at which the faculty or staff member is assigned shall not:

**(1)** Carry the handgun openly, or in any other manner in which the handgun is visible to ordinary observation; or

**(2)** Carry the handgun at the following times and locations:

**(A)** Stadiums, gymnasiums, or auditoriums when school-sponsored events are in progress;

**(B)** In meetings regarding disciplinary matters;

**(C)** In meetings regarding tenure issues;

**(D)** In a hospital, clinic, or office where medical or mental health services are the primary services provided; and

**(E)** Any location where a provision of state or federal law, except for § 39-17-1309 and the posting provisions of § 39-17-1359, prohibits the carrying of a firearm on that property.

**(h)** Notwithstanding any other law to the contrary, the LEA and law enforcement agency are immune from claims for monetary damages that arise solely from, or that are related to, a faculty or staff member's use of, or failure to use, a handgun; provided, that the faculty or staff member is authorized to carry the handgun pursuant to this section. This section does not expand the existing conditions for which sovereign immunity is waived in § 9-8-307.

**(i)** As used in this section, "faculty or staff member":

**(1)** Includes all faculty, staff, and other persons who are employed on a full-time basis by the LEA; and

**(2)** Does not include a person who is enrolled as a student at the school, regardless of whether the person is also an employee of the LEA.

**(j)** This section does not apply to:

**(1)** Schools within the department of children's services' LEA; or

**(2)** Schools within the department of correction's LEA.

**(k)** As used in this section, "appropriate law enforcement agency" means:

or

- (1)** The law enforcement agency that employs a school resource officer that is assigned to the school;
- (2)** If no school resource officer is assigned to the school, the law enforcement agency with jurisdiction over the school.

## ***Tenn. Code Ann. § 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.

### ***Tenn. Code Ann. § 49-6-817 School Building Entrances Required to be Locked***

(a) Each public school operated by an LEA, public charter school, private school, and church-related school shall ensure that all exterior doors leading into a school building are locked at all times and access to school buildings is limited to the school's primary entrance, unless otherwise determined by school policy, to prevent unauthorized entry into the school building while students are present during the school day as well as when students are present outside of regular school hours for school-related purposes or activities.

(b) Notwithstanding subsection (a), outside of regular school hours, a public school operated by an LEA, public charter school, private school, or church-related school may unlock the door to the school building's primary entrance during a school-related event or activity if the door is continuously monitored by a school or LEA employee who is physically present at the door to ensure access is limited to only authorized persons and to alert others if an unauthorized person enters, or attempts to enter, the school building.

(c) State and local law enforcement personnel are authorized to inspect a door serving as an entrance to, or exit from, an LEA or public charter school building to determine whether the door is locked as required by subsection (a). There is no limit on the number of inspections law enforcement personnel may conduct under

this subsection (c). Except as provided in subsection (b), if law enforcement personnel find that the door to an entrance or exit from a school building is unlocked in violation of subsection (a), then the school must immediately lock the door and the law enforcement agency that found the unlocked door shall, within twenty-four (24) hours, send written notification to:

- (1)** The LEA's director of schools or the leader of the public charter school, as applicable;
- (2)** The chair of the local board of education or public charter school governing body, as applicable;
- (3)** The head of the parent-teacher organization for the LEA or public charter school, if there is such an organization for the public charter school;
- (4)** The school principal;
- (5)** The department of safety;
- (6)** The department of education; and
- (7)** Each local law enforcement agency with jurisdiction.

**(d)** The LEA's director of schools, the leader of the public charter school, or their respective designees, shall, within forty-eight (48) hours of receiving notification from the law enforcement agency under subsection (c), send written confirmation to the notifying law enforcement agency that the door was immediately locked as required by subsection (a) and that processes are in place to ensure that the door remains locked as required by subsection (a), except as authorized in subsection (b). The director, leader, or their respective designee shall send a copy of the director's, leader's, or their respective designee's written confirmation to the recipients identified in subdivisions (c)(2)-(7). The director's, leader's, or their respective designee's written confirmation must state whether the LEA or public charter school has a full-time school resource officer whose primary location is the school found to be in violation of subsection (a).

**(e)**

**(1)** If an LEA or public charter school is found to have violated subsection (a) on two (2) or more occasions in one (1) school year, then:

**(A)**

- (i)** If the LEA or public charter school does not currently have a school resource officer whose primary location is the school found to have violated subsection (a) on two (2) or more occasions in one (1) school year, the LEA or public charter school shall cause a full-time school resource officer or armed school security officer to be posted at the school. The LEA or public charter school shall bear the cost of posting the school resource officer or armed school security officer. The school resource officer or armed school security officer must be posted at the school within thirty (30) days from the date on which the LEA or public charter school received notification under subsection (d) of the school's second violation of subsection (a). The LEA or public charter school shall notify the commissioner of education that the required school resource officer or armed school security officer is posted. If the LEA or public charter school fails to have a school resource officer or armed school security officer posted within thirty (30) days as required in this subdivision (e)(1)(A), then the LEA or public charter school must submit a letter to the commissioner of education every thirty (30) days that an officer is not posted explaining why the LEA or public charter school, as applicable, has not had an officer posted; and
- (ii)** If the department of education receives notice of a subsequent violation of subsection (a) by the school in one (1) school year, the commissioner shall withhold state funds from the LEA or public charter school, in either the current or upcoming school year, in the following amounts:

- (a)** For a third violation of subsection (a) committed by a school in one (1) school year, two percent (2%) of the annual state funds generated by the school in the TISA;
  - (b)** For a fourth violation of subsection (a) committed by a school in one (1) school year, four percent (4%) of the annual state funds generated by the school in the TISA;
  - (c)** For a fifth violation of subsection (a) committed by a school in one (1) school year, six percent (6%) of the annual state funds generated by the school in the TISA;
  - (d)** For a sixth violation of subsection (a) committed by a school in one (1) school year, eight percent (8%) of the annual state funds generated by the school in the TISA; and
  - (e)** For a seventh violation of subsection (a) committed by a school in one (1) school year, ten percent (10%) of the annual state funds generated by the school in the TISA; or
- (B)** If the LEA or public charter school currently has a full-time school resource officer or armed school security officer whose primary location is the school found to have violated subsection (a) on two (2) or more occasions, the commissioner shall withhold state funds from the LEA or public charter school, in either the current or upcoming school year, in the following amounts:
  - (i)** For the second violation of subsection (a) committed by the school in one (1) school year, two percent (2%) of the annual state funds generated by the school in the TISA;
  - (ii)** For a third violation of subsection (a) committed by the school in one (1) school year, four percent (4%) of the annual state funds generated by the school in the TISA;
  - (iii)** For a fourth violation of subsection (a) committed by the school in one (1) school year, six percent (6%) of the annual state funds generated by the school in the TISA;
  - (iv)** For a fifth violation of subsection (a) committed by the school in one (1) school year, eight percent (8%) of the annual state funds generated by the school in the TISA; and
  - (v)** For a sixth violation of subsection (a) committed by the school in one (1) school year, ten percent (10%) of the annual state funds generated by the school in the TISA.
- (2)** If funds are withheld pursuant to subdivision (e)(1)(A) or (B), then the funds must be withheld until:
  - (A)** The LEA or public charter school has the required school resource officer or armed school security officer posted at the school; and
  - (B)** The LEA or public charter school submits to the department of education, and receives the department's approval of, a corrective action plan. The corrective action plan must include:
    - (i)** A statement or other evidence demonstrating that the violation of subsection (a) has been remedied;
    - (ii)** Actions to be taken by the LEA or public charter school to resolve the behavior or issue that contributed to, or caused, the violation, including any new written procedures or training;
    - (iii)** Deadlines for the LEA or public charter school to successfully complete the actions identified in the corrective action plan pursuant to subdivision (e)(2)(B)(ii); and
    - (iv)** Dates for the LEA or public charter school to submit reports and documentation to the department to verify the LEA's or public charter school's implementation of the actions identified in the corrective action plan pursuant to subdivision (e)(2)(B)(ii).
- (3)** The percentage of any funds withheld pursuant to subdivision (e)(1)(A) or (B) must be calculated by the department of education based on the amount of state funds generated by the school in the TISA for the previous school year. If a public charter school did not generate state funds in the previous school year, then the percentage of any funds withheld pursuant to subdivision (e)(1)(A) or (B) must be

based on the average amount of state funds generated by the schools in the LEA in which the public charter school is located.

**(f)** As used in this section:

- (1)** “Armed school security officer” means an off-duty law enforcement officer providing school security services pursuant to § 49-6-809;
- (2)** “Church-related school” means a school as defined in § 49-50-801; and
- (3)** “Private school” means a school accredited by, or a member of, an organization or association approved by the state board of education as an organization accrediting or setting academic requirements in schools, or that has been approved by the state, or is in the future approved by the commissioner in accordance with rules promulgated by the state board of education.

### ***Tenn. Code Ann. § 49-6-818 School Buildings Constructed or Remodeled After July 1, 2023***

**(a)** A public school building, including a public charter school building, constructed or remodeled after July 1, 2023, must, at a minimum:

- (1)** Include a door-locking mechanism on each classroom door that allows the classroom door to be locked from the inside;
- (2)** Have installed a clear entry-resistant film on the glass panel of each exterior entry or basement level window and door to prevent individuals from entering the school building without authorization by breaking the glass in an exterior entry or basement level window or door;
- (3)** Include a camera system that continuously monitors each entrance, hallway, and communal area in the school building during regular school hours and during school-related events and activities conducted on school grounds that is accessible by a local law enforcement agency in an emergency situation; and
- (4)** Include at least one (1) secure vestibule that serves as the primary entrance to the school building that contains two (2) separate sets of doors through which a person must pass to gain entrance into the school building that are each capable of being locked separately to prevent a person from entering the school building until an LEA or school employee authorizes a person to enter.

**(b)** The date on which a public school building, including a public charter school building, is constructed for purposes of this section is the date on which the plans for the school building were approved by the agency having jurisdiction to approve construction of the school building or the date on which the construction permit was issued for the school building, whichever occurs first.

**(c)** If a public school building, including a public charter school building, is remodeled, then the requirements specified in subsection (a) only apply to the portions of the building that are remodeled.

**(d)** As used in this section, “remodeled”:

- (1)** Means a change to an existing building or facility, including, but not limited to, renovation, rehabilitation, reconstruction, historic restoration, changes or rearrangement in structural parts or elements, and changes or rearrangement in the plan configuration of walls and full-height partitions; and
- (2)** Does not include routine maintenance, reroofing, painting or wallpapering, asbestos removal, or changes to mechanical or electrical systems so long as the changes do not affect the usability of the building or facility.

### ***Tenn. Code Ann. § 49-6-819 De-Escalation Training – Creation of Training – Annual Training***

(a) The department of safety shall create de-escalation training for teachers, administrators, and other school personnel.

(b) Beginning with the 2024-2025 school year and each school year thereafter, each LEA and public charter school shall ensure that each teacher, administrator, and other school personnel employed by the LEA or public charter school annually receives de-escalation training that is created pursuant to subsection (a).

### ***Tenn. Code Ann. § 49-6-820 Assignment of Law Enforcement Officer as School Resource Officer – Notification to Director of Schools – LEA Interference Prohibited***

(a) Notwithstanding another law to the contrary, if a local board of education has not entered into a memorandum of understanding (MOU) with a law enforcement agency to assign a school resource officer at each school within the local board of education's control, then a law enforcement agency with jurisdiction may assign at least one (1) law enforcement officer to serve as a school resource officer at the school to increase the protection and safety of students and school personnel during regular school hours when children are present on the school's premises, as well as during school-sponsored events.

(b) If a law enforcement officer is assigned to a school pursuant to subsection (a), then the chief of the law enforcement agency that assigned the law enforcement officer must notify the director of schools and the principal of the school of:

- (1) The officer's assignment;
- (2) The policies of the officer's employing law enforcement agency that the officer must follow;
- (3) Procedures for communication among the LEA, officers, and local law enforcement agencies;
- (4) A description of any policies, procedures, or other requirements that the officer must follow when responding to an emergency on school grounds;
- (5) A procedure for addressing complaints against the officer;
- (6) The officer's assigned schedule at a school in the LEA; and
- (7) Whether the officer carries a firearm pursuant to § 49-6-815(a)(3).

(c) An LEA shall not impede on the duties of an officer who is assigned to a school pursuant to this section.

# Title 49, Chapter 6, Part 10: Curriculum Generally

## ***Tenn. Code Ann. § 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.

## ***Tenn. Code Ann. § 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) Human resource agencies created pursuant to title 13, chapter 26 may serve as the service delivery system for the character education program.

(e) 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.

### ***Tenn. Code Ann. § 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.

### ***Tenn. Code Ann. § 49-6-1016 Firearms Safety and Storage Training – Age Appropriate Instruction – Instruction Requirements – Brand Affiliation Prohibited***

(a) The departments of education and safety, in consultation with the Tennessee fish and wildlife commission, shall determine the earliest grade in which it is appropriate for students to begin receiving instruction on firearm safety. In determining the earliest appropriate grade for instruction on firearm safety, the departments shall study all relevant data and risk factors, including the earliest age at which incidents of injury involving firearms are reported and the earliest age at which children are susceptible to harm from found firearms.

(b) Beginning with the 2025-2026 school year, each LEA and public charter school shall annually provide students with age-appropriate and grade-appropriate instruction on firearm safety. The instruction must begin with the earliest appropriate grade, as determined by the departments under subsection (a), and must continue in each subsequent grade through grade twelve (12).

(c) The instruction required under subsection (b) must:

(1) Teach students:

(A) Safe storage of firearms;

(B) School safety relating to firearms;

(C) How to avoid injury if the student finds a firearm;

(D) To never touch a found firearm; and

(E) To immediately notify an adult of the location of a found firearm;

(2) Be viewpoint neutral on political topics, such as gun rights, gun violence, and the Second Amendment to the United States Constitution; and

(3) Not include the use or presence of live ammunition, live fire, or live firearms.



(d)

- (1) The departments of education and safety, in consultation with the Tennessee fish and wildlife commission, shall develop or approve a curriculum or program of instruction on firearm safety that meets the requirements of this section and that LEAs and public charter schools are required to implement for purposes of providing the instruction required under subsection (b). The departments shall not approve a curriculum or program of instruction if the curriculum, program of instruction, or any of the instructional materials used as part of the curriculum or program of instruction bear a brand or organizational affiliation.
- (2) The instruction required under subsection (b) may be provided in a classroom setting, through the viewing of a video, or through the review of online resources or materials, as determined by the department of education.
- (3) Each LEA and public charter school shall determine how best to incorporate the instruction required under subsection (b) into the school year.

### ***Tenn. Code Ann. § 49-6-1017 Sexual Violence Awareness Curriculum***

(a) Subject to the guidance and approval of the state board of education, local boards of education are urged to develop a sexual violence awareness curriculum for presentation at least once in grades seven (7) and eight (8) and at least once, preferably twice, in grades nine through twelve (9-12), as part of the wellness, family life, safety, or other existing curricula. The curriculum should include instruction to increase students' awareness and understanding of teen dating violence and sexual violence, including, but not limited to, date rape, acquaintance rape, stranger rape, statutory rape, rape prevention strategies, resources and support available to victims of teen dating violence and sexual violence, and prosecution of crimes associated with teen dating and sexual violence.

(b) The curriculum should address, in age-appropriate language, topics including, but not limited to:

- (1) What teen dating violence is;
- (2) What sexual violence is, and specifically, what date rape, acquaintance rape, stranger rape, and statutory rape are and the dangers of sexual violence;
- (3) What are the methods and means of avoiding and preventing victimization from teen dating violence or sexual violence;
- (4) How alcohol and other drugs are used to facilitate date rape or acquaintance rape, and the dangers of these substances;
- (5) Why there is a need for prompt medical attention and medical evaluation of victims of sexual violence;
- (6) What is the nature and prevention of AIDS and other sexually transmitted diseases;
- (7) How to preserve forensic evidence of sexual violence and specifically what victims should and should not do after being sexually assaulted;
- (8) Who are the authorities to whom teen dating violence and sexual violence should be reported in a timely manner, including, but not limited to, identification of and telephone numbers for local law enforcement personnel to whom sexual crimes should be reported;
- (9) What persons, including school personnel, and organizations provide support and resources for victims of teen dating violence and sexual violence; and
- (10) What are the penalties and long-term consequences resulting from conviction of sexual crimes, including, but not limited to, rape and statutory rape.

## ***Tenn. Code Ann. § 49-6-1021 Opportunities for Physical Activity***

**(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 committees 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) Except as authorized by § 49-5-106, the physical education class required by this subsection (e) must 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.

(g) Subsections (e) and (f) apply to the 2020-2021 school year and each school year thereafter.

### ***Tenn. Code Ann. § 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.

### ***Tenn. Code Ann. § 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.

***Tenn. Code Ann. § 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.

***Tenn. Code Ann. § 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.

## **Title 49, Chapter 6, Part 12: Junior and Senior High Schools – Curriculum**

### ***Tenn. Code Ann. § 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.

### ***Tenn. Code Ann. § 49-6-1208 Cardiopulmonary Resuscitation (CPR) Program for Junior or Senior High Schools Curriculum***

**(a)** The state board of education may provide for a program of instruction on cardiopulmonary resuscitation (CPR) techniques commensurate with the learning expectations within the lifetime wellness curriculum for public junior or senior high schools. All students should participate in this introduction at least once during their attendance in junior or senior high school.

**(b)** It is not the intention of this section to require full certification in CPR. It is the intention of the section that students will learn the techniques and practice the psychomotor skills associated with performing CPR. For the purposes of this section, “psychomotor skills” means the use of hands-on practice and skills testing to support cognitive learning and shall not include cognitive-only training.

**(c)**

**(1)** The program of instruction on CPR must include instruction on the use of an automatic external defibrillator (AED) and the location of each AED in the school. The school shall conduct a CPR and AED drill so that the students are aware of the steps that must be taken if an event should occur that requires the use of an AED.

**(2)** This subsection (c) shall not apply to any school operated by or under contract with the department of children's services.

# Title 49, Chapter 6, Part 13: Family Life Curriculum

## ***Tenn. Code Ann. § 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) "Gender identity" has the same meaning as provided in the Diagnostic and Statistical Manual (DSM-5);
- (9) "Medically accurate" means information that is grounded in evidence-based, peer-reviewed science and research;
- (10) "Parent" means the parent, guardian, person who has custody of the child, or individual who has caregiving authority under § 49-6-3001;
- (11)
- (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;
- (12) "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;
- (13) "Sexual activity" means sexual penetration or sexual contact, or both;
- (14) "Sexual contact" means sexual contact as defined under § 39-13-501;
- (15) "Sexual intercourse" means that a male reproductive organ is inserted into any bodily orifice; and
- (16) "Sexual orientation" means an individual's actual or perceived sexual orientation as heterosexual, homosexual, or bisexual; and
- (17) "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).

***Tenn. Code Ann. § 49-6-1302 Curriculum for Family Life Education – Curriculum on Sex Education or Human Sexuality in Accordance with Curriculum Guidelines for Family Life Education***

(a)

- (1) Beginning with the 2021-2022 school year, each LEA shall locally devise, adopt, and implement a program of family life education in conformance with the curriculum guidelines established for such programs by this part.

**(2)** Each LEA shall locally develop and adopt a family life curriculum in compliance with the requirements of this part.

**(b)** Family life standards adopted by the state board of education must be in conformance with the curriculum guidelines established for such programs by this part.

**(c)**

**(1)** Prior to adopting a family life curriculum, each LEA shall conduct at least one (1) public hearing, at which time the program must be explained to members of the public, and the public must 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.

**(d)** A curriculum on sex education or human sexuality that is developed, adopted, or implemented by an LEA as a part of a human growth and development program or curriculum must be in conformance with the curriculum guidelines established for family life programs by this part.

### ***Tenn. Code Ann. § 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.

**(c)**

**(1)** A public school or open-enrollment public charter school shall not knowingly enter into a transaction to assist in teaching family life with an individual or entity that:

**(A)** Performs abortions;

**(B)** Induces abortions;

**(C)** Provides abortion referrals; or

**(D)** Provides funding, advocacy, or other support for abortion.

**(2)** A violation of this section is a violation of § 49-5-1004 and subjects the individual or entity in violation to discipline in accordance with that section.

**(3)** As used in this subsection (c):

**(A)** "Abortion":

**(i)** Means the act of using or prescribing an instrument, medicine, drug, device, or other substance or means with the intent to terminate the clinically diagnosable pregnancy of a woman with knowledge that the termination by those means will with reasonable likelihood cause the death of the unborn child; and

**(ii)** Does not include an act described in subdivision (c)(3)(A)(i) if the act is performed with the intent to:

**(a)** Save the life of the mother;

**(b)** Save the life or preserve the health of the unborn child;

**(c)** Remove a dead unborn child caused by spontaneous abortion; or

**(d)** Remove an ectopic pregnancy;



- (B)** "Abortion referral" means the act of recommending a pregnant woman to a doctor, clinic, or other person or entity for the purpose of obtaining or learning about obtaining an abortion;
- (C)** "Affiliate" means an individual or entity that, directly or indirectly, owns, controls, is controlled by, or is under the common control of another person or entity, in whole or in part, or a subsidiary, parent, or sibling entity; and
- (D)** "Transaction" means a formal or informal agreement, contract, or arrangement of any kind between a public school or open-enrollment public charter school and a private entity, regardless of whether the private entity or the public school or open-enrollment public charter school receives anything of value in return.

## ***Tenn. Code Ann. § 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;
- (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;
- (13)** Provide instruction on the detection, intervention, prevention, and treatment of:
  - (A)** 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)** Human trafficking in which the victim is a child; and
  - (C)** Internet crimes against children involving sexting, sextortion, and the exploitation of a minor, which includes the following offenses:

- (i) Solicitation of a minor, as defined in § 39-13-528;
  - (ii) Soliciting sexual exploitation of a minor, as defined in § 39-13-529(a);
  - (iii) Exploitation of a minor by electronic means, as defined in § 39-13-529(b);
  - (iv) Sexual exploitation of a minor, as defined in § 39-17-1003;
  - (v) Aggravated sexual exploitation of a minor, as defined in § 39-17-1004; and
  - (vi) Especially aggravated sexual exploitation of a minor, as defined in § 39-17-1005;
- and

**(14)** Provide instruction on the prevention of dating violence.

**(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 that is consistent with public policy may be provided so long as the information is:
  - (A)** Presented in a manner consistent with this part and that clearly informs students that while such methods may reduce the risk of acquiring sexually transmitted diseases or becoming pregnant, only abstinence removes all risk;
  - (B)** Reviewed and approved by the local board of education or charter school governing body, prior to the information being used by the LEA or public charter school in a family life curriculum, to ensure that it is:
    - (i)** Medically accurate;
    - (ii)** Age appropriate;
    - (iii)** In compliance with this part; and
    - (iv)** Aligned to academic standards in this state; and
  - (C)** Provided, upon request, to a parent of a student attending a school in the LEA or charter school, to allow the parent to review the information and to opt the parent's student out of receiving the information as part of a family life curriculum, without penalty.

**(c)** A family life curriculum that directly or indirectly addresses human growth, human development, or human sexuality must include the presentation of a high-quality, computer-generated animation or high-definition ultrasound of at least three (3) minutes in duration that shows the development of the brain, heart, and other vital organs in early fetal development, such as "Meet Baby Olivia," a high-quality, computer-generated animation developed by Live Action that shows the process of fertilization and the stages of human development inside the uterus.

**(d)** Instruction in topics related to sexual activity are not age-appropriate for students in any of the grades kindergarten through five (K-5) and shall not be taught to students in any of the grades kindergarten through five (K-5) as part of a family life curriculum. This subsection (d) does not prohibit an LEA or public charter school from providing instruction to students in any of the grades kindergarten through five (K-5) on the detection, intervention, prevention, and treatment of child sexual abuse and human trafficking in which the victim is a child pursuant to subdivision (a)(13).

**(e)** The Tennessee joint task force on children's justice and child sexual abuse, established by the department of children's services pursuant to § 37-1-603, in consultation with the children's services advisory council, established by the commissioner of children's services or the commissioner's designee pursuant to § 37-5-

105(12), shall annually recommend to the department of education age-appropriate curricula that LEAs and public charter schools may use to provide the instruction described in subdivision (a)(13). The department of education shall annually notify LEAs and public charter schools of the curricula recommended by the joint task force.

### ***Tenn. Code Ann. § 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.

### ***Tenn. Code Ann. § 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.

### ***Tenn. Code Ann. § 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.

### ***Tenn. Code Ann. § 49-6-1308 Notification of Instruction of Orientation Curriculum or Gender Identity Curriculum – Written Request for Excusal for Curriculum***

(a) Not less than thirty (30) days prior to commencing instruction of a sexual orientation curriculum or gender identity curriculum, regardless of whether the curriculum is offered as part of a family life program, sex education program, or other program, each LEA or public charter school shall notify the parent or guardian of each student whom the LEA or charter school anticipates will be present for instruction in the curriculum that:

(1) The LEA or charter school is providing a sexual orientation curriculum or gender identity curriculum; and

**(2)** The parent or guardian may examine the instructional materials and confer with the student's instructor, school counselor, or principal, as designated by the LEA or public charter school, regarding any or all portions of the curriculum.

**(b)**

**(1)** A student's parent or legal guardian, or the student if the student is at least eighteen (18) years of age, must provide a written, informed, and voluntarily signed consent to the student's LEA or public charter school for the student to receive instruction of a sexual orientation curriculum or gender identity curriculum. A student's parent or legal guardian, or the student if the student is at least eighteen (18) years of age, may withdraw the parent's, legal guardian's, or student's consent at any time before the student receives instruction of a sexual orientation curriculum or gender identity curriculum.

**(2)** If a student's parent or legal guardian, or the student if the student is at least eighteen (18) years of age, does not consent to the student receiving instruction of a sexual orientation curriculum or gender identity curriculum, then the student is excused from receiving instruction of a sexual orientation curriculum or gender identity curriculum and shall not be penalized for grading purposes by the student's LEA or public charter school.

**(c)** An LEA or public charter school is not required to notify a student's parent or guardian prior to a teacher, principal, or other school personnel:

**(1)** Responding to a question from a student during class regarding sexual orientation or gender identity as it relates to any topic of instruction; or

**(2)** Referring to the sexual orientation or gender identity of any historic person, group, or public figure, where the referral provides necessary context in relation to a topic of instruction.

**(d)** An LEA or public charter school is not required to provide a sexual orientation curriculum or gender identity curriculum.

**(e)** As used in this section "instruction of a sexual orientation curriculum or gender identity curriculum" includes distributing materials, administering tests, surveys, or questionnaires, or instruction of any kind related to sexual orientation or gender identity.

# Title 49, Chapter 6, Part 14: Children at Risk for Obesity

## ***Tenn. Code Ann. § 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.

## ***Tenn. Code Ann. § 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.

### ***Tenn. Code Ann. § 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.

### ***Tenn. Code Ann. § 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.

### ***Tenn. Code Ann. § 49-6-1405 Funding***

The activities described in § 49-6-1403 shall occur if, and only if, advance funding sufficient to pay the total cost of such activities is received in the form of gifts, grants and donations from individuals, private organizations, foundations or governmental units other than the state of Tennessee. However, no such gift, grant or donation may be accepted for such purpose if the gift, grant or donation is subject to any condition or restriction that is inconsistent with this part or any other law of this state. The department of health, in consultation with the department of education, shall have the power to direct the disposition of any such gift, grant or donation for the purposes of this part.

# Title 49, Chapter 6, Part 16: Child Abuse or Child Sexual Abuse on School Grounds

## ***Tenn. Code Ann. § 49-6-1601 Procedures to follow if knowledge or reasonable cause to suspect child abuse — Completion of child abuse training program — Child abuse coordinator***

**(a)** Notwithstanding § 37-5-107 or § 37-1-612, if a school teacher, school official, or other school personnel has knowledge or reasonable cause to suspect that a child who attends the school may be a victim of child abuse or child sexual abuse sufficient to require reporting pursuant to § 37-1-403 or § 37-1-605, then the school teacher, school official, or other school personnel must follow the procedures outlined in subsection (d).

**(b)** Each LEA and each public charter school shall ensure that all school officials and employees working directly with students of the respective LEA or public charter school annually complete the child abuse training program required in § 37-1-408.

**(c)** Each LEA and each public charter school shall designate a child abuse coordinator and an alternate child abuse coordinator for each school within the LEA or public charter school. The designation of an alternative child abuse coordinator is not required when only one (1) adult is employed by or responsible for the care of children at a school. The child abuse coordinator and the alternate child abuse coordinator must:

- (1)** Have access to an area providing privacy and access to a telephone for reporting suspected child abuse and child sexual abuse;
- (2)** Receive training in regard to:
  - (A)** Mandatory reporting;
  - (B)** Multidisciplinary protocols;
  - (C)** Advocacy centers;
  - (D)** The importance of limited interviews; and
  - (E)** Signs, symptoms, or suspicions of child abuse;
- (3)** Be available for school personnel to share information about suspected child abuse and child sexual abuse;
- (4)** Assist school personnel in reporting suspected child abuse and child sexual abuse to law enforcement and to the department of children's services;
- (5)** Serve as a liaison between the school, the department of children's services, and law enforcement in child abuse and child sexual abuse investigations;
- (6)** Assist law enforcement and department of children's services personnel by sharing available information regarding suspected child abuse and child sexual abuse, and by providing a private area within the school for law enforcement and department of children's services personnel to meet with the child and the reporting school personnel as a group or individually if required; and
- (7)** Maintain confidential files in accordance with §§ 37-5-107 and 37-1-612 regarding all reported suspicions of child abuse and child sexual abuse.

**(d)**

**(1)**

**(A)** If a child voluntarily discloses information about possible abuse to a school teacher, school official, or other school personnel, then the child must be provided a quiet and private place to



speaking and the person receiving the information must listen openly and speak at the child's level in a positive, non-judgmental tone.

**(B)** The person receiving the information from the child must:

- (i)** Allow the child to say what happened in the child's own words;
- (ii)** Avoid conducting an investigation by asking the child detailed questions;
- (iii)** Make every effort to write down the child's exact words;
- (iv)** Refrain from making any statements to the child about the alleged abuse, the alleged abuser, or the consequences of the child reporting the alleged abuse; and
- (v)** Immediately notify the school child abuse coordinator and report the information to the department of children's services and law enforcement; provided, however, when the alleged abuse involves someone employed by, previously employed by, or otherwise affiliated with the school, the report may be made directly to the department of children's services and law enforcement prior to notifying the school child abuse coordinator. This subdivision (d)(1)(B)(v) does not relieve a school teacher, school official, or other school personnel from the duty to report alleged abuse under federal law.

**(2)** School teachers, school officials, and other school personnel should be observant of any bruising, injury, markings, or other unusual behavior that may be the result of child abuse or neglect, and immediately report any suspicions to the school's child abuse coordinator. Photographs of any bruising, injury, or markings must not be taken by any school child abuse coordinator, teacher, official, or other school personnel. Upon receiving a report of suspicion of child abuse or child sexual abuse, the child abuse coordinator must, along with the reporting school personnel who obtained the information from the child, report any suspected child abuse or child sexual abuse to law enforcement and the department of children's services.

**(3)** If a third party informs a school teacher, school official, or other school personnel of a reasonable suspicion that a child at the school may be the victim of child abuse or child sexual abuse, then the school teacher, school official, or other school personnel must:

- (A)** Encourage the third party to report the suspicion to the department of children's services and law enforcement;
- (B)** Notify the school's child abuse coordinator; and
- (C)** Report all information received from the third party to the department of children's services and law enforcement.

**(4)** School teachers, school officials, and other school personnel must maintain confidentiality of all information regarding any child abuse or child sexual abuse report made pursuant to this section and all information regarding the suspected child abuse or child sexual abuse must be maintained by the school child abuse coordinator in a confidential file separate from the child's educational file.

**(5)** School child abuse coordinators, school teachers, school officials, and other school personnel shall not provide any information relevant to the suspected child abuse or child sexual abuse to the child's parent or guardian, and must refer any questions from the child's parent or guardian to the investigating law enforcement agency and the department of children's services. This subdivision (d)(5) does not apply when federal law or regulation mandates disclosure, the parent to whom the notification is made is not alleged to be the perpetrator or in any way complicit in the abuse or neglect, and the notification is done in conjunction with the department of children's services.

**(e)** For purposes of this section, "school" means any public or privately operated childcare agency, as defined in § 71-3-501; childcare program, as defined in § 49-1-1102; preschool; nursery school; kindergarten; elementary school; or secondary school.

**(f)** Each LEA and public charter school shall publish the requirements of this section in the LEA's and public charter school's policies and procedures manual.

**(g)** At the beginning of each school year, each LEA and public charter school shall submit the following to the department of children's services:

- (1)** The contact information of each child abuse coordinator and alternative child abuse coordinator for the LEA or public charter school;
- (2)** The contact information of each LEA or public charter school employee, community partner, or trained professional providing instruction of a family life curriculum in accordance with § 49-6-1304(a)(13); and
- (3)** The curriculum selected by the LEA or public charter school to provide the instruction required in § 49-6-1304(a)(13).

# Title 49, Chapter 6, Part 19: Suicide Prevention

## ***Tenn. Code Ann. § 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 § 49-6-3004(c)(1) or other equivalent training.

## ***Tenn. Code Ann. § 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.

## ***Tenn. Code Ann. § 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.

## ***Tenn. Code Ann. § 49-6-1904 Save Tennessee Students Act***

(a) This section and § 49-7-182 are known and may be cited as the “Save Tennessee Students Act.”

(b) If an LEA issues new student identification cards for students in grades six through twelve (6-12), then the LEA shall include on the identification cards:

(1) The telephone number for the 988 Suicide & Crisis Lifeline; and

(2) The social media handle, telephone number, or text number for at least one (1) additional crisis resource selected by the LEA, which may include, but not be limited to, the crisis text line or, if available, a local suicide prevention hotline.

(c) An LEA shall publish the telephone number for the 988 Suicide & Crisis Lifeline and the social media handle, telephone number, or text number for at least one (1) additional crisis resource selected by the LEA, which may include, but not be limited to, the crisis text line or, if available, a local suicide prevention hotline in a conspicuous place in each school of the LEA that serves students in grades six through twelve (6-12) or any combination thereof.

# Title 49, Chapter 6, Part 20: School Property

## ***Tenn. Code Ann. § 49-6-2008 Persons Improperly on School Premises – Assault Upon Educational Personnel***

**(a)** In order to maintain the conditions and atmosphere suitable for learning, no person shall enter onto school buses, or during school hours, enter upon the grounds or into the buildings of any school, except students assigned to that bus or school, the staff of the school, parents of students and other persons with lawful and valid business on the bus or school premises.

**(b)** Any person improperly on the premises of a school shall depart on the request of the school principal or other authorized person.

**(c)** A violation of subsection (a) is a Class A misdemeanor.

**(d)** In addition to any criminal penalty provided by law, there is created a civil cause of action for an intentional assault upon educational personnel by any person during school hours or during school functions, if the parties are on school grounds or in vehicles owned, leased or under contract by the LEA and used for transporting students or faculty. A person who commits such assault shall be liable to the victim for all damages resulting from the assault, including compensatory and punitive damages. Upon prevailing, a victim shall be entitled to three (3) times the amount of the actual damages and shall be entitled to reasonable attorney fees and costs.

**(e)** In order to maintain safety on school buses, each LEA shall post a notice in a conspicuous place on each school bus in operation by the LEA to notify others that no person shall enter onto school buses except for those authorized pursuant to subsection (a). The notice must include appropriate contact information in case of an issue on the school bus.

# Title 49, Chapter 6, Part 21: Transportation

## ***Tenn. Code Ann. § 49-6-2101 Power of Boards to Provide Transportation***

**(a)** Boards of education may provide school transportation facilities for children who live more than one and one-half (1½) miles by the nearest accessible route from the school to which they are assigned by the board of education and in which they are enrolled.

**(b)** Boards of education may, in their discretion, provide school transportation facilities for children who live less than one and one-half (1½) miles by the nearest accessible route from the school in which they are enrolled, but the county shall not be entitled to receive state transportation funds for any student, other than children with physical disabilities, who live less than one and one-half (1½) miles by the nearest accessible route from the school in which they are enrolled.

**(c)** Nothing in this part shall be construed to prevent a board of education from transporting children with physical disabilities, regardless of the distance they live from school, under rules and regulations adopted by the state board of education with the approval of the commissioner of education.

**(d)** Boards shall have power to purchase school transportation equipment, employ school transportation personnel, contract for transportation services with persons owning equipment and pay for such out of funds duly authorized in the budget approved by the county legislative body.

**(e)** Appointed directors of schools, in employing school transportation personnel, and boards of education, in contracting for transportation services with persons owning equipment, are authorized to enter into contracts for such services for periods of time as long as, but not exceeding, six (6) years from the date of making the contracts, it being the purpose of this section to permit a reasonable degree of employment security for such school transportation personnel.

**(f)**

- (1)** No board of education shall use or authorize the use of any school transportation facilities for the purpose of achieving a racial balance or racial imbalance in any school by requiring the transportation of any student or pupil from one school to another or from one school district established for such student or pupil's neighborhood to another.
- (2)** If the local board of education adopts any transportation plan or directive for the purpose of achieving racial balance, the governor may order that any or all parts of the state transportation funds shall be withheld from the local school board.
- (3)** If the governor so orders, the commissioner and the state board of education shall withhold, or cause to be withheld, state transportation funds to local boards of education to the extent ordered by the governor.

**(g)** Each LEA is encouraged to conduct an investigation to determine if any special hazard zones are present within all walking routes children commonly utilize going to and returning from schools. For the purposes of this subsection (g), special hazards shall include an absence of sidewalks, a highway with four (4) or more lanes, an intersection where right turn on red is prohibited, one (1) or more sexual offenders as defined in § 40-39-202 or violent sexual offenders as defined in § 40-39-202 reside in the area or any other condition that could affect the safety and well-being of children walking to school. If the LEA determines a special hazard zone is present, it shall submit its findings to the entity responsible for the road or highway. The entity responsible for the road or highway is encouraged to cooperate with the LEA to devise methods to minimize the hazardous conditions.

(h) As used in this part, “school bus” means a motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school.

### ***Tenn. Code Ann. § 49-6-2102 Rules and Regulations***

The state board of education is directed to formulate rules and regulations governing school transportation as needed to protect the lives and welfare of school children.

### ***Tenn. Code Ann. § 49-6-2103 Transportation Free***

No pupil shall be charged a fee by the county board of education or by any employee of the board for the privilege of being transported with public funds to any public school.

### ***Tenn. Code Ann. § 49-6-2104 Payments in Lieu of Transportation***

(a) All pupils within a county shall be provided equal opportunity to attend school with any other pupil transported at public expense, except as conditions of roads or remoteness may prevent.

(b) In all cases where transportation cannot be furnished to a child because of the condition of roads or the remoteness of the home of the child, the local boards of education may, at their discretion, pay to the parents or guardian of the child an amount equal to the average per capita cost of transporting one (1) pupil, such calculation to be based upon the cost determined during the preceding school year.

(c) Before any child shall be eligible to receive any amount under this section, the following conditions must be met:

- (1) The child must maintain regular attendance in a public school;
- (2) The child must live more than one and one-fourth ( $1\frac{1}{4}$ ) miles from the school that the child is required to attend under this chapter; and
- (3) It must be established to the satisfaction of the local school board that such child lives more than one and one-fourth ( $1\frac{1}{4}$ ) miles from the nearest daily route of a school bus.

### ***Tenn. Code Ann. § 49-6-2105 Maximum Time in Transit***

No pupil shall be allowed to remain in transit to or from school on a school bus more than one and one-half ( $1\frac{1}{2}$ ) hours in the morning or one and one-half ( $1\frac{1}{2}$ ) hours in the afternoon.

### ***Tenn. Code Ann. § 49-6-2106 Approval of Routes***

School bus routes shall be subject to the approval of the commissioner of education in order that the most efficient and economical services may be rendered. This section only applies where specific request for approval is made by the county board of education where the school bus routes are located.

### ***Tenn. Code Ann. § 49-6-2107 Certification of Drivers and Equipment***

(a) No person shall be authorized to drive a school bus in this state unless the person possesses a certificate issued by the county board of education.

(b) The county board of education is authorized to adopt rules and regulations prescribing the qualifications of school bus drivers in the interest of the safety and health of school pupils.

(c) No person shall be issued a certificate until an investigation has been made to determine whether or not the person has been found guilty of any criminal offense and until the criminal records are made a part of the person's permanent file.

**(d)** In the event it should develop that school bus drivers and school bus equipment cannot be obtained in conformity with all of this part, the state board of education shall be authorized to issue temporary certificates to school bus drivers and to permit the use of equipment on a temporary basis that does not meet the requirements of this part, to the end that school transportation may be provided to all the children of this state at all times and through any emergency that might develop.

**(e)**

**(1)** Notwithstanding any other law or rules and regulations adopted pursuant to subsection (b) to the contrary, a person shall not be issued a certificate to drive a school bus in this state or authorized as a third-party skills test examiner for a school bus (S) endorsement pursuant to § 55-50-415 who, within the preceding five (5) years, has been convicted in this state, or in any other jurisdiction pursuant to a law prohibiting the same conduct, of a violation of any of the following:

**(A)** Driving under the influence of an intoxicant as prohibited by § 55-10-401;

**(B)** Vehicular assault as prohibited by § 39-13-106;

**(C)** Vehicular homicide as prohibited by § 39-13-213(a)(2);

**(D)** Aggravated vehicular homicide as prohibited by § 39-13-218;

**(E)** Manufacture, delivery, sale or possession of a controlled substance as prohibited by § 39-17-417; or

**(F)** Manufacture, delivery, sale or possession of a controlled substance analogue as prohibited by § 39-17-454.

**(2)** If the request for a certificate to drive a school bus in this state occurs five (5) years or more after the date of any such conviction, the board of education, in its discretion, may issue the person a certificate.

**(f)** Each local education agency (LEA) that provides transportation services shall submit to the department of safety the names of persons authorized to drive a school bus. The department of safety shall maintain a database of all those persons authorized to drive a school bus and notify the appropriate LEA if the driver license or driving privileges of a listed person have been suspended or revoked. Upon receiving the notification, the LEA shall suspend or revoke the person's authorization to drive a school bus and inform the person of the suspension or revocation. Any person authorized to drive a school bus shall notify the LEA if the person's driver license or driving privileges have been suspended or revoked. If the person's driver license or driving privileges have been reinstated and the person meets the other requirements set out by the LEA, the person may request new authorization to drive a school bus. As used in this subsection (f), "local education agency" has the same meaning as defined in § 49-1-103.

**(g)** Prior to transporting students, new school bus drivers shall complete a school bus driver training program based on standards established by the departments of education and safety. Such standards shall, at a minimum, address student management, distracted driving, school and district policy, driving techniques, evacuations, loading and unloading, mirror usage, procedures concerning persons improperly on school buses pursuant to § 49-6-2008, and state and federal law regarding the use and driving of a school bus.

**(h)** Notwithstanding subsection (a), an individual authorized as a third-party skills test examiner for school bus (S) endorsement skills testing pursuant to § 55-50-415 is not required to submit a certificate from the county board of education, unless the individual is also providing transportation services for a school.

## ***Tenn. Code Ann. § 49-6-2108 Drivers – Physical and Mental Examinations***

**(a)** The local board of education shall require annual physical and mental examinations of school bus drivers and require reports to be made on forms prescribed by the local board of education.

**(b)** It is the duty of the local board of education to revoke the certificate issued to a school bus driver under § 49-6-2107 if the school bus driver is found to be physically, mentally, or morally unfit to operate a school bus, or if the school bus driver has been:

- (1)** Convicted in this state of one (1) or more of the violations outlined in § 49-6-2107(e)(1); or
- (2)** Convicted in another jurisdiction of violating a law that prohibits the same conduct as one (1) or more of the violations outlined in § 49-6-2107(e)(1).

## ***Tenn. Code Ann. § 49-6-2109 Equipment – Commercial Advertising***

**(a)** Students must be transported in safe equipment:

- (1)** Constructed of steel or materials providing similar safety; and
- (2)** That include other safety features as set forth in the specifications for school buses approved by the department of safety. The department of education shall develop the specifications for school buses and shall recommend the specifications for school buses to the department of safety for approval.

**(b)**

**(1)** Except as otherwise provided in this subsection (b), conventional and Class D school buses may be used until the buses reach the eighteenth year from the in-service date of the buses. The commissioner of safety shall not limit the use of conventional or Class D school buses by mileage driven.

**(2)** The commissioner of safety, through the inspection process, may approve additional years of service beyond the eighteenth year from the in-service date for conventional and Class D buses on a year-to-year basis. The owner of a bus may receive approval for additional years of service beyond the eighteenth year only if any conventional or Class D school bus being operated in the eighteenth year or beyond has less than two hundred thousand (200,000) miles of recorded travel; provided, however, that after the bus reaches two hundred thousand (200,000) miles of recorded travel the owner of the bus shall be allowed to operate the bus throughout the remainder of the school year and at the conclusion of the school year, the owner shall replace the bus. The bus shall meet all requirements for continued safe use and operation during the remainder of the school year and the owner of the bus shall notify the department of safety in writing, via certified mail, that the bus has reached two hundred thousand (200,000) miles of recorded travel.

**(3)** If a bus reaches the eighteenth year following its in-service date requiring discontinuance of its use during a school year, the owner of the bus shall be allowed to operate the bus throughout the remainder of the school year. The bus shall meet all requirements for continued safe use and operation during the remainder of the school year and the owner of the bus shall immediately notify the department of safety in writing, via certified mail, when the bus reaches the eighteenth year requiring discontinuance.

**(4)** Any conventional or Class D bus that is in use for more than fifteen (15) years from its in-service date, but not more than eighteen (18) years from such date, shall be inspected by the commissioner or the commissioner's designee at least twice annually.

**(5)** No bus purchased from an out-of-state entity that has been in use for more than fifteen (15) years from its in-service date may be in use unless it has been in service in this state for a minimum period of two (2) consecutive years.



**(6)** The owner of any bus shall maintain records of all maintenance actions and safety inspections performed on a bus from its in-service date and these records shall be available at all times to the commissioner of safety or the commissioner's designee.

**(7)** The commissioner, or the commissioner's designee, shall make no less than one (1) inspection annually of each school bus that has been in use for fifteen (15) years or less from the in-service date and that transports school children, in order to determine whether it can be used safely to protect properly the lives of school children. At any inspections under this subsection (b), the inspector shall have the authority to require repairs or reconditioning to be made that the inspector considers necessary for the continued safe use and operation of the bus. If the local authority or owner refuses to take the required action or if the inspector considers continued use of the bus to be unsafe, the inspector shall order its removal from service.

**(8)** Boards of education are encouraged to make full use of federal funds, while available, for retrofitting diesel school buses to improve both cabin air quality and lower emissions.

**(9)** The commissioner of safety is authorized to promulgate rules to effectuate the purposes of this subsection (b). All such rules shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

**(10)** The department of safety is authorized to collect a fee for additional inspections conducted for buses that are used in the sixteenth year or beyond following the in-service date. The fee shall be paid by the owner of the bus requesting the additional year or years of service on an inspection-by-inspection basis; provided, however, that the LEA may pay the fee for any bus servicing the LEA.

**(c)**

**(1)** School buses shall be of uniform approved color with the necessary marking easily to identify them in accordance with the specifications for school buses developed by the department of education and approved by the department of safety. This requirement does not apply to a van type vehicle used only to transport students to and from school-related activities.

**(2)** No other motor carrier, for hire or otherwise, shall bear the same color or markings as designated by the department of safety for school buses.

**(3)** A violation of this subsection (c) is a Class C misdemeanor.

**(d)** Nothing in this title shall prohibit a local school district from allotting space on the exterior or interior of a school bus for the purpose of commercial advertising. After consultation with the department of safety, the state board of education is directed to promulgate rules and regulations to effectuate this subsection (d). Commercial advertising shall be permitted only on the rear quarter panels of the school bus of a size not to exceed thirty-six inches (36") in height and ninety inches (90") in length and shall not advertise alcohol or tobacco products. Commercial advertising permitted by this subsection (d) shall not include campaign advertising as prohibited in § 2-19-144, and any such campaign advertising shall be expressly prohibited. Commercial advertising permitted by this subsection (d) shall not include individual food items that, pursuant to § 49-6-2306, cannot be sold or offered for sale to pupils in pre-kindergarten through grade eight (pre-K-8) through vending machines.

**(e)**

**(1)** The department of safety shall permit the use of type A school buses for a period of fifteen (15) years of service. If a type A school bus reaches the fifteenth year of service requiring discontinuance of its use during a school year, the owner of the bus shall be allowed to operate the bus throughout the remainder of the school year. The bus shall meet all requirements for continued safe use and operation during the remainder of the school year, and the owner of the bus shall immediately notify the department of safety in writing, via certified mail, when the bus reaches the fifteenth year requiring discontinuance.

(2) The department of safety is authorized to promulgate rules to effectuate the purposes of this subsection (e). All such rules shall be promulgated in accordance with the Uniform Administrative Procedures Act.

### ***Tenn. Code Ann. § 49-6-2110 Safe Operation of Buses***

(a) A school bus shall at no time transport more pupils than the manufacturer's rated capacity for the bus, allowing no less than thirteen linear inches (13") of seat space for each pupil. The commissioner of education may, under rules and regulations prepared by the commissioner and approved by the state board of education, issue permits to a local board of education allowing the number of pupils transported on a school bus to exceed the limit prescribed in this subsection (a), up to, but not to exceed, twenty percent (20%) of the manufacturer's rated capacity. In no event shall a permit be issued authorizing the loading of a school bus beyond the limits of safety.

(b) A school bus transporting pupils to and from school or on school-sponsored activity trips shall not exceed posted speed limits or a maximum speed of thirty-five miles per hour (35 mph) on unpaved roadways.

### ***Tenn. Code Ann. § 49-6-2111 School Bus Insurance***

No school bus shall be operated to transport pupils to and from school unless the school bus is insured for liability and property damage according to rules and regulations of the state board of education.

### ***Tenn. Code Ann. § 49-6-2112 School Bus Tax Exemption***

(a) No privilege tax shall be collected from any school bus operator or from any board of education for operating a vehicle to transport children to and from school unless the vehicle is used for profit in transporting other than school pupils.

(b) No owner or operator of a school bus used to transport children to or from school shall be liable for any privilege tax, other than registration fees for the bus, for transporting school children to or from any activity, during the normal school term, sponsored by or participated in by any public school or its students.

### ***Tenn. Code Ann. § 49-6-2113 Penalty for Violations***

A willful violation of this part is a Class C misdemeanor.

### ***Tenn. Code Ann. § 49-6-2114 Tennessee Children with Disabilities Transportation Act***

(a) This section shall be known and may be cited as the "Tennessee Children with Disabilities Transportation Act of 1991."

(b)

(1) School districts and other entities entitled by the laws of this state to receive school aid for educational and related services provided by them for children with disabilities shall not be entitled to receive the aid under § 49-10-113, unless a person, in addition to the driver of any motor vehicle or bus utilized for the transportation of the children with disabilities, is designated to check each vehicle or bus at the central bus depot, bus facility or parking area each time the vehicle or bus returns from

transporting the children to their respective destinations, to ensure that all children have left the vehicle or bus.

(2) Bus drivers who do not return to a central depot, including drivers, shall have as a part of their employment contract a provision stipulating that all buses will be checked at the end of every run to make sure that no person remains on the bus. The contracting party shall be responsible for supplying the name, address and telephone number of the checker to the local board of education.

(c) The name, address and telephone number of the persons designated to check the bus shall be supplied to the LEA on or before August 1 each year. If the designated persons are changed during the interim period between the annual report, then the name, address and telephone number of the new designee must be submitted during the interim and within ten (10) days of the change in designation.

### ***Tenn. Code Ann. § 49-6-2115 Compliance with School Bus and Motor Vehicle Safety Standards***

Notwithstanding any rule of the state board of education or the department of safety to the contrary, all school buses purchased by an LEA or private contractor to transport school students shall meet national minimum school bus standards and all applicable federal motor vehicle safety standards. A van type vehicle used only to transport students to and from school-related activities is not required to comply with former 23 CFR 1204-4 Guide 17 or any other federal standards, guidelines, or recommendations, but shall comply with applicable rules and regulations promulgated by the state board of education or the department of safety.

### ***Tenn. Code Ann. § 49-6-2116 Transportation Supervisor – Transportation Policy Relative to Safe Transport of Students***

(a) Each local board of education (LEA) and charter school, and charter management organization as applicable, that provides or contracts for transportation services shall appoint a transportation supervisor responsible for the monitoring and oversight of transportation services for the district or school.

(b) Each transportation supervisor shall complete a student transportation management training program developed jointly by the departments of safety and education upon being appointed and, thereafter, shall complete a minimum of four (4) hours of annual training approved by those departments; provided, that the annual training shall not be required in the same year the management training program is completed. The annual training and management training program must include procedures concerning persons improperly on school buses pursuant to § 49-6-2008.

(c) By February 15, 2018, each LEA and charter school, and charter management organization as applicable, shall submit to the department of education the name of the transportation supervisor. By August 15 of each school year thereafter, each LEA and charter school, and charter management organization as applicable, shall submit to the department the name of the transportation supervisor and verification that the transportation supervisor has completed the training required under subsection (b). The department must be promptly notified of any change in transportation supervisor that occurs during the school year.

(d) Every LEA and charter school governing body shall adopt a transportation policy relative to the safe transport of students. This policy shall include:

(1) A procedure for students, parents, teachers and staff, and the community to report school bus safety complaints;

(2) A procedure for the transportation supervisor to investigate any complaint of a safety violation or concern, such that:

(A) The investigation is commenced within twenty-four (24) hours of receipt;

(B) Within forty-eight (48) hours of receipt of a complaint, a preliminary report is issued to the director of schools that includes the time and date of receipt of the complaint, a copy or summary of the complaint, the school bus driver involved, and any prior complaints or disciplinary actions taken against the driver; and

(C) Within sixty (60) school days of receipt of a complaint, a final report is issued to the director of schools in writing that includes any findings of the investigation and any action taken by the transportation supervisor in response to the complaint;

(3) A requirement that each school bus serving the district or charter school be equipped with the phone number for reporting complaints on the rear bumper;

(4) A process to provide annual notice to students and parents regarding the process for reporting complaints; and

(5) A policy or procedure for the collection and maintenance of the following records, regardless of whether transportation services are provided directly by the LEA or charter school or via contractual agreement as authorized under § 49-6-2101(d):

(A) Bus maintenance and inspections;

(B) Bus driver credentials, including required background checks, health records, and performance reviews;

(C) Driver training records; and

(D) Complaints received and any records related to the investigation of those complaints.

(e) As part of its responsibilities related to student transportation, the department of education shall, at a minimum:

(1) Develop and deliver, in collaboration with the department of safety, the student transportation management training program required under subsection (b);

(2) Establish, in collaboration with the department of safety, a system for monitoring district and charter school compliance with all applicable state and federal laws regarding student transportation services; and

(3) Prepare, in collaboration with the department of safety, and annually update and disseminate guidelines on best practices for the management of student transportation services.

### ***Tenn. Code Ann. § 49-6-2117 Prohibition Against Nonpublic Schools Employing or Permitting Driver Convicted of Violations***

(a) Notwithstanding any other law to the contrary, no private school, as defined in § 49-6-3001, or church related school, as defined in § 49-50-801(a), shall employ or permit a person to drive a school bus in this state who, within five (5) years of the person's application to be employed or serve as a school bus driver, has been convicted in this state, or in any other jurisdiction pursuant to a law prohibiting the same conduct, of a violation of any of the following:

(1) Driving under the influence of an intoxicant as prohibited by § 55-10-401;

(2) Vehicular assault as prohibited by § 39-13-106;

(3) Vehicular homicide as prohibited by § 39-13-213(a)(2);

(4) Aggravated vehicular homicide as prohibited by § 39-13-218;

(5) Manufacture, delivery, sale or possession of a controlled substance as prohibited by § 39-17-417; or

(6) Manufacture, delivery, sale or possession of a controlled substance analogue as prohibited by § 39-17-454.

(b) It shall be the responsibility of the private school or church related school to determine whether any person employed by the school to drive a school bus is in compliance with this section.

## ***Tenn. Code Ann. § 49-6-2118 Policies and Procedures for Students Exiting School Bus at Stop Other than Regular Stop – Bus Drivers' Responsibilities – Unruly Students***

**(a)**

**(1)** Each LEA shall adopt policies and procedures for transportation of students that include policies and procedures concerning the exiting of a school bus by a student at a point other than the student's destination for the trip. The policies and procedures shall at least require that a student whom a parent or guardian desires to exit a school bus at a destination other than the student's regular bus stop on the student's return bus route after dismissal of school shall provide the bus driver with a signed note from the parent or guardian informing the driver of the change in the student's bus stop for that day. The driver shall be required to turn the signed note over to the student's school principal or other school authority as soon as practicable after completion of the route.

**(2)** An LEA may adopt more stringent policies and procedures than the requirements of subdivision (a)(1) with respect to a student's exiting the bus at a point other than the student's regular bus stop, including a policy that does not permit a student to exit at a point other than the student's regular bus stop.

**(b)** Each LEA, prior to the beginning of each school year or upon hire of a school bus driver during the school year, shall assure that every school bus driver knows and understands the LEA's policies and procedures concerning transportation, including, but not limited to, bus drivers' responsibilities and duties with regard to a student exiting a bus at a point other than the student's destination for the trip.

**(c)** No school bus driver shall require or permit a student to exit a bus in violation of the LEA's policies and procedures. However, nothing in this section shall prevent an LEA from adopting policies and procedures for management of unruly students on school buses, including the ejection of a student when necessary for the safety of other student passengers or the bus driver; provided, that the driver secures the safety of that student for the uncompleted trip. The director of schools shall immediately review the fitness to drive of a school bus driver who permits or requires a student to exit a bus in violation of the LEA's policies and procedures.

**(d)** A driver shall report to school authorities as soon as possible, but no later than the end of the route, any student refusing to obey the driver and exiting the bus without the driver's permission at a point other than the student's destination for that trip.

## ***Tenn. Code Ann. § 49-6-2119 Policy for Parents to View Photographs or Video Footage from Cameras on School Buses***

**(a)** A local board of education shall adopt a policy that establishes a process to allow a parent of a student to view photographs or video footage collected from a camera or video camera installed inside a school bus if the local education agency (LEA) has one (1) or more school buses operating in the LEA with a camera or video camera installed inside a school bus that is used to transport students to and from school or school-sponsored activities.

**(b)** The policy must require that photographs or video footage be viewed under the supervision of the director of schools or a school official designated by the director of schools. The policy must comply with § 10-7-504, the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g), and other relevant state or federal privacy laws. The policy must establish the duration for which an LEA must maintain photographs or video footage collected from a camera or video camera installed inside a school bus.

**(c)** Nothing in this section requires a local board of education to purchase camera or video recording equipment for school buses that operate within the LEA.

**(d)** As used in this section, “parent” means the parent, guardian, person who has custody of the child, or individual who has caregiving authority under § 49-6-3001.

# Title 49, Chapter 6, Part 23: Tennessee School Nutrition Standards Act

## ***Tenn. Code Ann. § 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.

## ***Tenn. Code Ann. § 49-6-2303 Rules.***

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 (6 1/2) 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

### ***Tenn. Code Ann. § 49-6-2304 Review of Compliance with Laws and Regulations***

(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.

### ***Tenn. Code Ann. § 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.

### ***Tenn. Code Ann. § 49-6-2306 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).

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.

### ***Tenn. Code Ann. § 49-6-2307 Whole Milk for Healthy Kids Act***

**(a)** Notwithstanding § 49-6-2301, this section is known and may be cited as the “Whole Milk for Healthy Kids Act.”

**(b)** Notwithstanding another law to contrary, each local board of education and public charter school governing body may establish policies for its public schools to offer students whole milk options, which are pasteurized dairy products as defined in § 53-3-103, through bulk milk dispensers.

# Title 49, Chapter 6, Part 24: Tennessee Community Schools Act

## ***Tenn. Code Ann. § 49-6-2402 Legislative Findings***

The general assembly finds and declares that:

- (1) All children are capable of success;
- (2) Schools are the centers of vibrant communities;
- (3) Strong families build strong educational communities;
- (4) Children succeed when adults work together to foster positive educational outcomes;
- (5) Schools work best when families take active roles in the education of children;
- (6) Schools today are limited in their ability to dedicate time and resources to provide a wide range of educational opportunities to students because of the focus on standardized test outcomes;
- (7) By providing learning opportunities outside of normal school hours, including programs on life skills and health, students are more successful academically, more engaged in their communities, safer, and better prepared to make a successful transition from school to adulthood;
- (8) A community school is a traditional school that actively partners with its community to leverage existing resources and identify new resources to support the transformation of the school to provide enrichment and additional life skill opportunities for students, parents, and community members at large. Each community school is unique because its programming is designed by and for the school staff, in partnership with parents, community stakeholders, and students;
- (9) Successful community schools currently exist in this state. Such schools should be models for replication;
- (10) Research shows that community schools have a powerful positive impact on students, as demonstrated by increased academic success, a positive change in attitudes toward school and learning, and decreased behavioral problems;
- (11) After-school and evening programs offered by community schools provide academic enrichment consistent with state standards and general school curriculum; an opportunity for physical fitness activities for students, fine arts programs, structured learning “play” time, and other recreational opportunities; a safe haven for children and teens; and work supports for working families; and
- (12) Community schools are cost-effective because they leverage existing resources provided by local, state, federal, and private sources and bring programs to the schools, where the students are already congregated.

## ***Tenn. Code Ann. § 49-6-2403 Part Definitions***

As used in this part:

- (1) “Community consortium” means a partnership established between an LEA and one (1) or more community partners for purposes of establishing, operating, and sustaining a community school;
- (2) “Community partner” means a provider of one (1) or more community services or a community organization or for-profit or nonprofit entity with a desire to improve conditions in the community;
- (3) “Community school” means a public and private partnership to coordinate educational, developmental, family, health, and before-school and after-school-care programs during school and non-school hours for students, families, and local communities at a public school with the objectives of improving academic

achievement, reducing absenteeism, building stronger relationships between schools, students, parents, and communities, and improving the skills, capacity, and well-being of the surrounding community residents; and

**(4)** “Community services” include:

- (A)** Primary medical and dental care that is available to students and community residents;
- (B)** Mental health prevention and treatment services that are available to students and community residents;
- (C)** Academic-enrichment activities designed to promote a student's cognitive development and provide opportunities to practice and apply academic skills;
- (D)** Programs designed to increase school attendance, including reducing early chronic absenteeism rates;
- (E)** Youth development programs designed to promote young people's social, emotional, physical, and moral development, including arts, sports, physical fitness, youth leadership, community service, and service-learning opportunities;
- (F)** Early childhood education, including the voluntary pre-K, Head Start and Early Head Start programs;
- (G)** Programs designed to:
  - (i)** Facilitate parental involvement in, and engagement with, their children's education, including parental activities that involve supporting, monitoring, and advocating for their children's education;
  - (ii)** Promote parental leadership in the life of the school; and
  - (iii)** Build parenting skills;
- (H)** School-age child-care services, including before-school and after-school services and full-day programming that operates during school holidays, summers, vacations, and weekends;
- (I)** Programs that provide assistance to students who have been truant, suspended, or expelled and that offer multiple pathways to high school graduation or obtainment of a high school equivalency credential approved by the state board of education;
- (J)** Youth and adult job-training services and career-counseling services;
- (K)** Nutrition-education services;
- (L)** Adult education, including instruction in English as a second language, adult literacy, computer literacy, financial literacy, and hard-skills training; and
- (M)** Programs that provide remedial education and enrichment activities.

***Tenn. Code Ann. § 49-6-2404 Authority to Form Community Consortiums to Establish Community Schools – Centers of Communities – Designation of Individual to Lead Implementation of Programming – Eligibility for Community School Grant***

**(a)** LEAs and schools are authorized and encouraged to form community consortiums with a variety of community partners to establish a community school or schools with an integrated focus on academics, health and social services, youth and community development and community engagement that will lead to improved student learning, stronger families and healthier communities.

**(b)** The community schools, formed pursuant to subsection (a), shall strive to become centers of their communities providing programs and services for persons of all ages. They shall be open to everyone throughout each day, including in the evenings, on weekends and in the summer.

(c) A community school must designate an individual to lead and coordinate the planning and implementation of programming for the school.

(d) A community school is not eligible for any community school grant available under this part unless the school has developed a plan that provides for:

- (1) Integrated student supports;
- (2) Expanded and enriched learning time and opportunities;
- (3) Active family and community engagement; and
- (4) Collaborative leadership and practices.

### ***Tenn. Code Ann. § 49-6-2405 Board and Department to Support and Encourage LEAs in Creation of Community Schools – Funding – Qualifications for Community School Grant – Duties of Grant Recipients***

(a) The state board of education and the department shall support and encourage LEAs in the creation of community schools. All policies, guidelines, and rules and regulations adopted by the state board pursuant to this part shall actively foster the formation, development and operation of community schools. Such policies, guidelines, or rules and regulations shall permit teachers to receive in-service credit for teaching classes for parents, such as parenting classes, at the community school outside of normal school hours.

(b)

(1) The department shall strongly encourage LEAs and schools to combine multiple funding sources to create community schools and to support the schools. Federal funds that may be used for such purposes include, but are not limited to, grants provided under Titles I and IV of the Every Student Succeeds Act (Pub. L. No. 114-95).

(2) The department is encouraged to provide LEAs and schools with technical assistance, directly or through a resource and referral directory established and maintained by the department, to locate other available funding sources to create community schools and to support the schools, such as competitive grants, foundation awards, and private donations.

(c)

(1) Subject to the availability of funding from private sources for creation and support of community schools, the department shall make community school grants available to fund community schools and to enhance programs at community schools. If funding is available for community school grants, then a request-for-proposal process shall be used in awarding the grants. Proposals may be submitted on behalf of a school, an LEA, or a consortium of two (2) or more schools or LEAs. Proposals shall be evaluated and scored on the basis of criteria consistent with this part and other factors developed and adopted by the state board.

(2) No funds shall be appropriated for the 2014-2015 fiscal year for the creation and support of community schools. However, nothing in this part shall prohibit the general assembly from appropriating funds in fiscal years subsequent to the 2014-2015 fiscal year for creation and support of community schools.

(d) In order to qualify for a community school grant under this section, a community school must:

- (1) Meet the requirements of § 49-6-2404(c) and (d);
- (2) Have, at a minimum, the following components:

- (A)** Before and after school programming each school day to meet the identified needs of students;
- (B)** Weekend programming;
- (C)** Four (4) weeks of summer programming, which may be conducted during consecutive or nonconsecutive weeks;
- (D)** A local advisory group composed of school leadership, parents, and community stakeholders that establishes school-specific programming goals, assesses program needs, and oversees the process of implementing expanded programming;
- (E)** A program director or resource coordinator who is responsible for establishing the local advisory group, assessing the needs of students and community members, identifying programs to meet those needs, developing the before and after school, weekend, and summer programming, and overseeing the implementation of programming to ensure high-quality, robust participation;
- (F)** Programming that includes academic excellence aligned with the curriculum, life skills, healthy minds and bodies, parental support and community engagement, and that promotes staying in school, nonviolent behavior, and nonviolent conflict resolution;
- (G)** Maintenance of attendance records in all programming components;
- (H)** Maintenance of measurable data showing annual participation and the impact of programming on the participating children and adults;
- (I)** Documentation of true collaboration between the school and community stakeholders, including local governmental units, civic organizations, families, businesses, and social service providers; and
- (J)** A nondiscrimination policy ensuring that the community school does not condition participation upon race, ethnic origin, religion, sex, or disability; and

**(3)**

- (A)** Conduct a baseline analysis of the school, the contents of which must be developed by the department of education in consultation with the LEA and any community partner providing community school programming; and
- (B)** Transmit the data collected from the analysis conducted under subdivision (3)(A) to the department at intervals determined by the department in order to measure the effectiveness of the community school programming implemented at the school.

**(e)** Each grant recipient under subsection (c) shall:

- (1)** Conduct periodic evaluations of the progress achieved with funds allocated under a grant, consistent with the purposes of this part;
- (2)** Use the evaluations to refine and improve activities conducted with the grant and the performance measures for the activities;
- (3)** Make the results of the evaluations publicly available, including providing public notice of the availability; and
- (4)** Identify best practices and lessons learned for the purpose of helping other LEAs and schools in the formation of community schools and to revise the community school policies of the state board and the department.

## ***Tenn. Code Ann. § 49-6-2407 Community of Schools – Formation of Community Consortia – Services for Persons of All Ages – Rights, Privileges, and Obligations***

(a) Although §§ 49-6-2401 — 49-6-2406 support the formation of a community school, schools in some neighborhoods may need to join together to form, with the help of community partners, a community of schools, instead of a community school. The state board of education and the department shall support and encourage LEAs in the creation of communities of schools that can provide a continuum of services for students and their parents from pre-kindergarten to grade twelve (pre-K-12) and even through postsecondary education.

(b) LEAs and schools are authorized and encouraged to form community consortia with a variety of community partners to establish communities of schools with an integrated focus on academics, health and social services, youth and community development, and community engagement that will lead to improved student learning, stronger families, and healthier communities.

(c) The community of schools, formed pursuant to subsection (b), shall strive, as do community schools, to become centers of their communities providing programs and services for persons of all ages. They shall be open to everyone throughout each day, including in the evenings, on weekends, and in the summer.

(d) If a community of schools is not able to locate services for all ages in one (1) of the public schools of the neighborhood, the community of schools is encouraged to locate activities, particularly those that occur outside of regular school hours in a central facility, if one is available, that provides easy access to all of the partnering schools, their students, and parents.

(e) A community of schools shall have all the rights, privileges, and obligations accorded a community school under §§ 49-6-2401 — 49-6-2406. The department may seek funds for creation of communities of schools as it does for community schools.

## ***Tenn. Code Ann. § 49-6-2408 Adoption of Holistic Programs of Positive Behavior***

Community schools and communities of schools are encouraged to work with parents and community partners to adopt holistic programs of positive behavior reinforcement, such as the Ticket Program, that work with schools, parents, and the community to reinforce positive behavior at home and school and in all aspects of community life. Schools that adopt these programs are encouraged to report their successes and failures, if any, in implementing the program and the results of the program in changing student behavior and improving academic performance to the department for dissemination and possible replication in other schools throughout the state. School reports shall be accompanied by data supporting the results reported.

***Tenn. Code Ann. § 49-6-2409 Central Headquarters for Neighborhoods –  
Establishment of Internet Network Architecture – Provisions of Literacy  
Classes and Other Programs***

(a) Community schools and communities of schools are encouraged to become the central headquarters for the neighborhoods in which they exist. They are authorized to work with community partners, when possible, to establish local internet network architecture to extend service throughout their neighborhoods and to devise and implement software designed to help community integration of services and activities.

(c) In addition to the activities required of community grant recipients in § 49-6-2405(d), community schools and communities of schools are encouraged to provide literacy classes and tutoring for all age groups and to promote education, learning, and effective communication to contribute to the welfare of the community. Adult education programming that includes preparation toward obtaining a high school equivalency credential approved by the state board of education may be offered to those without high school diplomas.



***Tenn. Code Ann. § 49-6-2410 Identification of Opportunities to Support Formation and Effective Administration of Community Schools***

**(a)** The department of education shall work with at least one (1) statewide coalition composed of practitioners, administrators, advocates, and other stakeholders to identify opportunities for the department to support the formation and effective administration of community schools in this state by focusing on and sharing best practices regarding:

- (1)** Professional development;
- (2)** Policy and advocacy;
- (3)** Communications;
- (4)** Stakeholder engagement; and
- (5)** Program evaluation.

**(b)** Subsection (a) does not prohibit the department of education from working with more than one (1) statewide coalition to effectuate the purposes of this section.

# Title 49, Chapter 6, Part 27: Threat Assessment

## ***Tenn. Code Ann. § 49-6-2701 Threat Assessment Team***

**(a)** Each LEA may adopt a policy to establish a threat assessment team within the LEA. The purpose of the threat assessment team is to develop comprehensive intervention-based approaches to prevent violence, manage reports of potential threats, and create a system that fosters a safe, supportive, and effective school environment.

**(b)** The threat assessment team must include LEA personnel and law enforcement personnel. An LEA's threat assessment team may include juvenile services personnel, a representative of the local district attorney's office, a representative of the department of children's services, and mental health service providers.

**(c)** A threat assessment team shall:

**(1)** Obtain training from local law enforcement or mental health service providers on how to assess individuals exhibiting threatening or disruptive behavior and develop interventions for individuals exhibiting such behavior;

**(2)** Conduct threat assessments based on dangerous or threatening behavior of individuals in the school, home, or community setting;

**(3)** Provide guidance to students, faculty, staff, and others in the LEA on how to recognize, address, and report threatening or dangerous behavior;

**(4)** Establish procedures that outline the circumstances in which LEA personnel are required to report threatening or dangerous behavior;

**(5)** Establish procedures for students, faculty, and community members to anonymously report threatening or dangerous behavior and specify to whom the behavior should be reported;

**(6)** Provide guidance and best practices for the intervention and prevention of violence;

**(7)** Establish procedures for the:

**(A)** Assessment of individuals exhibiting behavior that may present a threat to the health or safety of the individual or others;

**(B)** Development of appropriate means of intervention, diversion, and de-escalation of threats; and

(C) Development of appropriate courses of actions that should be taken in the event threatening or dangerous behavior is reported, including, but not limited to, referrals to community services or healthcare providers, notification of parents or guardians, if appropriate, or notification of law enforcement and emergency medical services;

(8) Refer individuals to support services; and

(9) Provide post-incident assessments and evaluate the effectiveness and response of the LEA to incidents.

- (d) The threat assessment team shall document all behaviors and incidents deemed to pose a risk to school safety or that result in intervention and shall provide the information to the LEA. All information shall be documented in accordance with the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. 1232g), § 10-7-504, and all other relevant state and federal privacy laws. The LEA must consider the information when reviewing and developing a building-level school safety plan.
- (e) The threat assessment team shall report threat assessment team activities to the local board of education and the director of schools on a regular basis. The report must include quantitative data on threat assessment team activities, including post-incident assessments, and must provide information on the effectiveness of the team's response to incidents deemed to pose a risk to school safety. The report must comply with the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. 1232g), § 10-7-504, and all other relevant state and federal privacy laws.
- (f) Documents produced or obtained pursuant to this section are not open for public inspection. Threat assessment team meetings do not constitute an open meeting as defined by § 8-44-102.

***Tenn. Code Ann. § 49-6-2702 Request for Law Enforcement or Court Records Upon Determination that Individual Poses Threat or Exhibits Significantly Disruptive Behavior or Need for Assistance - Use of Information - Disclosure of Student's Education Record***

(a)

- (1) Upon a preliminary determination by the threat assessment team that an individual poses a threat of violence or exhibits significantly disruptive behavior or need for assistance, the threat assessment team may:
- (A) Request law enforcement information or records, which may be provided as deemed appropriate by the law enforcement agency in accordance with state and federal privacy laws; and
  - (B) Request court files and records, which may be provided as deemed appropriate by the juvenile court pursuant to § 37-1-153.
- (2) A member of a threat assessment team shall not disclose any court files or records obtained pursuant to this section or otherwise use any record of an individual beyond the purpose for which the disclosure was made. This section does not require a law enforcement agency or juvenile court to produce a record or limit a law enforcement agency's or juvenile court's discretion.
- (3) Law enforcement and juvenile justice information obtained pursuant to this part cannot be used:

**(A)** To discipline or exclude a child from educational services unless the information is provided to a school pursuant to § 37-1-131(a)(2)(B); or

**(B)** By a juvenile court system to assess legal consequences against a person for any action, unless the information is brought before the juvenile court pursuant to a properly filed petition and addressed through the proper court proceedings in accordance with title 37, chapter 1.

**(b)** An LEA may disclose information contained in a student's education record to appropriate parties, including members of the threat assessment team and the members' respective agencies, in the event of an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. Any disclosure under this subsection (b) must comply with the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. 1232g), § 10-7-504, the Data Accessibility, Transparency and Accountability Act, compiled in chapter 1, part 7 of this title, and all other relevant state and federal privacy laws. This section does not limit an LEA's ability to disclose information to the fullest extent otherwise permitted by state or federal law.

**(c)** Agencies, entities, and individuals subject to the Health Insurance Portability and Accountability Act of 1996 (HIPAA) (42 U.S.C. § 1320d et seq.) may disclose information contained in a medical record to the threat assessment team if the agency, entity, or individual believes that the disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public. Any disclosure under this subsection (c) must comply with HIPAA. Nothing in this subsection (c) limits an agency's, entity's or individual's ability to disclose information to the fullest extent otherwise permitted by state or federal law.

**(d)** The threat assessment team shall certify to any agency or individual providing confidential information that the information will not be disclosed to any other party, except as provided by law. The agency providing the information to the threat assessment team shall retain ownership of the information provided, and such information remains subject to any confidentiality laws applicable to the agency. The provision of information to the threat assessment team does not waive any applicable confidentiality standards. Confidential information may be shared with the threat assessment team only as necessary to protect the safety of the individual or others. Nothing in this part compels an agency or individual to share records or information unless required by law.

### ***Tenn. Code Ann. § 49-6-2703 Immunity of Threat Assessment Team***

A threat assessment team and individual members of a threat assessment team, and any person providing information to a threat assessment team, are not liable in any action for damages or for other relief for any lawful actions taken in accordance with this part. A threat assessment team and individual members of a threat assessment team are immune from liability arising from:

**(1)** The provision of information to a threat assessment team, if the information is provided to the threat assessment team in good faith, without malice, and on the basis of facts known or reasonably believed to exist; or

**(2)** Any decisions, opinions, actions, and proceedings rendered, entered, or acted upon by a threat assessment team within the scope or function of the duties of the threat assessment team if made in good faith, without malice, and on the basis of facts known or reasonably believed to exist.

# Title 49, Chapter 6, Part 30: Attendance

## ***Tenn. Code Ann. § 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).

### ***Tenn. Code Ann. § 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)

(A) 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) Notwithstanding subdivisions (a)(1) and (6)(A), the commissioner of education shall waive the requirement under subdivision (a)(1) of one hundred eighty (180) days of classroom instruction for the 2019-2020 school year. This subdivision (a)(6)(B) does not prohibit a school from continuing classroom instruction after being issued a waiver from the commissioner pursuant to this subdivision (a)(6)(B).

(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)

- (A)** 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.
- (B)** Each local board of education shall require that each employee of the LEA who works directly with students in the LEA receive, once every three (3) years, in-service training on the detection, intervention, prevention, and treatment of human trafficking in which the victim is a child, which must be accomplished through the viewing of a video recording approved by the LEA. The plan recommended by the director of schools and adopted by the local board of education under subdivision (c)(1)(A) must specify the amount of in-service credit that an employee will receive for viewing the video required in this subdivision (c)(1)(B). The local board of education shall maintain a record of each employee who completes the in-service training required in this subdivision (c)(1)(B). This

subdivision (c)(1)(B) does not excuse an LEA from having to comply with the in-service training and reporting requirements of § 37-1-408.

- (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.

**(A)** Beginning with the 2019-2020 school year, each local board of education shall require that each teacher employed by the board receive a one-time in-service training on the detection, intervention, prevention, and treatment of human trafficking in which the victim is a child, which must be accomplished through the viewing of a video recording approved by the LEA. The plan recommended by the director of schools and adopted by the local board of education under subdivision (c)(1)(A) must specify the amount of in-service credit that a teacher will receive for viewing the video required in this subdivision (c)(1)(B). The local board of education shall maintain a record of each teacher who completes the in-service training required in this subdivision (c)(1)(B). This subdivision (c)(1)(B) does not excuse an LEA from having to comply with the in-service training and reporting requirements of § 37-1-408.

**(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 (6 1/2) 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 (6 1/2) hour) increments and may be used for faculty professional development, individualized education program (IEP) team meetings, school-wide or system-wide instructional planning 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 and instructional planning meetings 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.

**(i)**

- (1)** An LEA may provide up to two (2) days each semester of the required one hundred eighty (180) days of classroom instruction pursuant to subdivision (a)(1) via remote instruction in accordance with this subsection (i).
- (2)** An LEA may require a class, school, or all schools of the LEA to utilize remote instruction in the event of dangerous or extreme weather conditions or of serious outbreaks of illness affecting or endangering students or staff.
- (3)** An LEA may require a class, school, or all schools of the LEA to utilize remote instruction on days that the school administers end-of-course assessments or the assessment required pursuant to § 49-6-6001(b)(1); provided, that the students who are administered the end-of-course assessments or the assessment required pursuant to § 49-6-6001(b)(1) take the assessments in person.
- (4)** An LEA that provides remote instruction pursuant to this subsection (i) shall provide:
  - (A)** Students enrolled in kindergarten access to at least four (4) hours of instruction each day; and
  - (B)** Students enrolled in grades one through twelve (1-12) access to at least six and one-half (6½) hours of instruction each day.
- (5)** In tracking daily student attendance and compliance with state school attendance and truancy intervention laws, an LEA shall implement policies and procedures for the LEA to request and receive daily visual, verbal, or written confirmation of student participation in instructional time; determine excused versus unexcused student absences; and implement interventions to address student absences during remote instruction.
- (6)** An LEA that provides remote instruction pursuant to this subsection (i) shall comply with all state and federal laws, rules, and policies.
- (7)** An LEA shall:
  - (A)** Make school meals available to students in accordance with the school nutrition program requirements on days that remote instruction is provided pursuant to this subsection (i); and
  - (B)** Make services required by a student's individualized education program (IEP) available to the student on days that remote instruction is provided pursuant to this subsection (i).
- (8)** As used in this subsection (i), "remote instruction" means instruction that takes place when a teacher does not provide in-person instruction to students within the traditional school setting.

## ***Tenn. Code Ann. § 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.

### ***Tenn. Code Ann. § 49-6-3006 Attendance Supervisor***

**(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 the compulsory attendance laws, the director of schools shall designate at least one (1) qualified employee who shall be identified as the LEA attendance supervisor. The duties of an attendance supervisor include, but are not limited to, assisting the local board, under the direction of the director of schools, with the enforcement of the compulsory attendance laws of the state and to discharge 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 plan consistent with § 49-6-3009.

**(c)** The state board of education is authorized to promulgate rules regarding training, licensure, and employment qualifications of attendance supervisors.

### ***Tenn. Code Ann. § 49-6-3014 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.

### ***Tenn. Code Ann. § 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), then the parent, guardian, or legal custodian of the student, 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 the student's school principal, or the principal's designee, the abstract provided under § 37-1-153 or § 37-1-154 or other similar written information:

**(1)** Upon request of the school principal, or the principal's designee. The school principal, or the principal's designee, shall ask in writing, which may be provided in a printed or digital format, a student's parent, guardian, or legal custodian whether the student has been adjudicated delinquent for any offense listed in subsection (b) no later than thirty (30) days from the date on which the student first enrolled in the respective school; and

**(2)** When any such student:

**(A)** Initially enrolls in an LEA;

**(B)** Resumes school attendance after suspension, expulsion, or adjudication of delinquency; or

**(C)** 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:

**(1)** In this state for any of the following offenses, or in another state for equivalent offenses as determined by the elements of the offense:

- (A)** First degree murder, as defined in § 39-13-202;
- (B)** Second degree murder, as defined in § 39-13-210;
- (C)** Rape, as defined in § 39-13-503;
- (D)** Aggravated rape, as defined in § 39-13-502;
- (E)** Rape of a child, as defined in § 39-13-522;
- (F)** Aggravated rape of a child, as defined in § 39-13-531;
- (G)** Aggravated robbery, as defined in § 39-13-402;
- (H)** Especially aggravated robbery, as defined in § 39-13-403;
- (I)** Kidnapping, as defined in § 39-13-303;
- (J)** Aggravated kidnapping, as defined in § 39-13-304;
- (K)** Especially aggravated kidnapping, as defined in § 39-13-305;
- (L)** Aggravated assault, as defined in § 39-13-102;
- (M)** Felony reckless endangerment pursuant to § 39-13-103; or
- (N)** Aggravated sexual battery, as defined in § 39-13-504; or

**(2)** In this state for any of the following offenses:

- (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 B 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.

# Title 49, Chapter 6, Part 34: Suspension of Students

## ***Tenn. Code Ann. § 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 barbitol 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. 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)**

**(1)** It is the legislative intent that if a rule or policy is designated as a zero-tolerance policy, then violations of that rule or policy must not be tolerated and violators shall receive certain, swift, and proportionate punishment.

**(2)** Notwithstanding this section or another law to the contrary, a student has committed a zero-tolerance offense if the student:

**(A)** Brings to school or is in unauthorized possession on school property of a firearm, as defined in 18 U.S.C. § 921;

**(B)** Commits aggravated assault as defined in § 39-13-102 or commits an assault that results in bodily injury as defined in § 39-13-101(a)(1) upon any teacher, principal, administrator, any other employee of an LEA, or a school resource officer;

**(C)** Is in unlawful possession of any drug, including any controlled substance, as defined in §§ 39-17-402 - 39-17-415, controlled substance analogue, as defined by § 39-17-454, or legend drug, as defined by § 53-10-101, on school grounds or at a school-sponsored event; or

**(D)** Subject to subdivision (g)(5), threatens mass violence on school property or at a school-related activity pursuant to § 39-16-517.

**(3)** Nothing in this section prohibits the assignment of students who are subject to expulsion from school to an alternative school.

**(4)** Disciplinary policies and procedures for all other student offenses, including terms of suspensions and expulsions, must be determined by local board of education policy.

**(5)** If a student threatens mass violence on school property or at a school-related activity pursuant to § 39-16-517, then the director of schools or the head of the public charter school, as applicable, shall require the student to submit to a threat assessment to determine whether the threat of mass violence made by the student was a valid threat. The student may be suspended from attendance at the school and from school-sponsored activities until the threat assessment is complete. If the director of schools or the head of the public charter school determines, based on the results of the threat assessment required in this subdivision (g)(5), that the threat of mass violence made by the student was not a valid threat, then the student shall not be expelled for committing a zero tolerance offense, but may be suspended in accordance with this section.

**(6)** For purposes of this subsection (g):

**(A)** "Expelled" means removal from the student's regular school program at the location where the violation occurred or removal from school attendance altogether, as determined by the school official; and

**(B)** "Zero tolerance offense" means an offense committed by a student requiring the student to be expelled from school for at least one (1) calendar year that can only be modified on a case-by-case basis by the director of schools or the head of a charter school.

**(h)** The commissioner of education shall report on an annual basis to the education committee of the senate and the education administration committee of the house of representatives regarding disciplinary actions in Tennessee schools. The reports must include the reason for the disciplinary action, the number of students suspended or expelled, the number of students who committed zero tolerance offenses pursuant to subsection (g), the number of students who have been placed in an alternative educational setting, and the number of students suspended, expelled, or otherwise dismissed from an alternative school. Data must 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.

**(j)**

**(1)** Notwithstanding subsection (a), a principal, principal-teacher, or assistant principal of a public school in this state, including public charter schools, shall suspend a student who commits an assault, as defined in § 39-13-101, against an employee of the LEA or the public charter school in which the student is enrolled from attendance at school for the period of time specified by the principal, principal-teacher, or assistant principal, and from attendance at all school-sponsored events for no less than one (1) calendar year, unless modified by the director of schools or the director of the public charter school.

**(2)** Each LEA or public charter school shall advise an LEA or public charter school employee who is assaulted, as defined in § 39-13-101, by a student of the employee's rights as a result of the assault, including, but not limited to, the employee's right to file a report with the appropriate law enforcement agency and judicial authorities.

**(3)** If a student is suspended for committing an assault against an employee of the student's LEA or public charter school and attends a school-sponsored event during the period of the student's suspension, then the LEA or public charter school must report the violation as trespassing, pursuant to

§ 39-14-405, and the designated representative for the LEA or public charter school must notify the appropriate law enforcement agency and request the removal of the student from the school-sponsored event.

**(4)** Each LEA and public charter school shall support and assist an employee who is assaulted by a student in prosecuting the student who committed the assault, and shall encourage the prosecuting attorney to request that the court prohibit the defendant from attending school-sponsored events for a time the court deems appropriate as a part of the sentence for the offense.

# Title 49, Chapter 6, Part 36: Safe Stars Act

## ***Tenn. Code Ann. § 49-6-3601 Safety Standards for School Youth Athletic Activities – Code of Conduct for Coaches***

**(a)** As used in this part:

- (1)** “LEA” has the same meaning as defined in § 49-1-103; and
- (2)** “School youth athletic activity” has the same meaning as defined in § 68-55-501.

**(b)** Each LEA and public charter school that provides a school youth athletic activity, the following safety standards must be implemented:

**(1)** All coaches, whether employed by the LEA or public charter school or a volunteer, shall:

- (A)** Annually complete the concussion recognition and head injury safety education course program required under § 68-55-502;
- (B)** Annually complete the sudden cardiac arrest education program required under § 68-6-103;
- (C)** Receive training in cardiopulmonary resuscitation (CPR) and in the use of automated external defibrillators (AEDs); and
- (D)** Comply with all applicable background check and fingerprinting requirements of § 49-5-413;

**(2)** The following plans and policies must be implemented at each public school, including public charter schools, for school youth athletic activities:

**(A)** An allergy and anaphylaxis emergency response plan that:

- (i)** Identifies the signs and symptoms of allergic reactions, including severe allergic reactions and anaphylaxis;
- (ii)** Provides information relating to the storage, location, use, and administration of epinephrine auto-injectors; and
- (iii)** Includes emergency follow-up procedures;

**(B)** An emergency action plan that facilitates, organizes, and provides for the rehearsal of the actions of coaches and athletes in an emergency; and

**(C)** A severe weather policy that requires all coaches who oversee or participate in outdoor training, practice, or competition to annually:

- (i)** Complete a heat illness prevention course approved by the department of health; provided, that all coaches shall complete the course no later than ninety (90) days after the start of the coach's employment or volunteer service, and annually thereafter. After the coach completes the first heat illness prevention course, the coach shall annually acknowledge in writing that the coach completed the course as required under this subdivision (b)(2)(C)(i), and that the coach understands the requirements and importance of the course; and
- (ii)** Receive training on activity modifications based on environmental conditions, such as lightning; and

**(3)** Each LEA and public charter school shall encourage all coaches, whether employed by the LEA or public charter school or a volunteer, to annually complete training in physical conditioning and in the use of training equipment to the extent such training is readily available.

**(c)** Each LEA and public charter school that provides a school youth athletic activity:

- (1)** Shall develop a code of conduct for coaches; and
- (2)** Is encouraged to visit the department of health's website to review the safety standards recommended for each level of recognition provided as part of the department's “Safe Stars Initiative”, and to communicate with the department to ensure that all safety measures are up to date.

(d)

(1) Beginning with the 2023-2024 school year, an LEA or public charter school that provides a school youth athletic activity in which youth fourteen (14) years of age or younger are eligible to participate shall implement subsection (c) and ensure that the safety standards outlined in subsection (b) are implemented by all individuals actively involved in organizing, training, or coaching the school youth athletic activity at the LEA or public charter school.

(2)

(A) Beginning with the 2023-2024 school year, a private school, as defined in § 49-6-3001, shall implement subsection (c) and ensure that the safety standards outlined in subsection (b) are implemented by all individuals actively involved in organizing, training, or coaching a school youth athletic activity that is provided by the private school, if:

(i) Youth fourteen (14) years of age or younger are eligible to participate in the school youth athletic activity; and

(ii) The school youth athletic activity is conducted on property that is owned, managed, or maintained by this state or a political subdivision of this state.

(B) Private schools are encouraged to comply with the safety standards outlined in subsections (b) and (c) for school youth athletic activities that are not subject to the requirements of subdivision (d)(2)(A).

(3) Cities, counties, businesses, and nonprofit organizations that organize a community-based youth athletic activity, as defined in §§ 68-6-102 and 68-55-501:

(A) Are encouraged to comply with the safety standards outlined in subdivisions (b)(1)-(3) and subsection (c); and

(B) Shall ensure that at least one (1) individual who is actively involved in organizing, training, or coaching the community-based youth athletic activity has completed, and is in compliance with, the safety standards applicable to coaches and volunteers outlined in subdivisions (b)(1)-(3) and subsection (c), and that at least one (1) individual who has completed, and is in compliance with, the safety standards applicable to coaches and volunteers outlined in subdivisions (b)(1)-(3) and subsection (c) is present at each practice and competition of a community-based youth athletic activity, if:

(i) Youth fourteen (14) years of age or younger are eligible to participate in the community-based youth athletic activity; and

(ii) The community-based youth athletic activity is conducted on property that is owned, managed, or maintained by this state or a political subdivision of this state.

### ***Tenn. Code Ann. § 49-6-3602 Website Guidelines and Other Materials About Sudden Cardiac Arrest and EKG Testing – Sudden Cardiac Arrest Symptoms and Warning Signs Information Sheet***

(a) The departments of education and health shall develop and post on the departments' respective websites guidelines and other relevant materials to inform and educate students, parents, and coaches about:

(1) The nature and warning signs of sudden cardiac arrest and the risks associated with continuing to play or practice after experiencing one (1) or more symptoms of sudden cardiac arrest, which include fainting, difficulty breathing, chest pains, dizziness, and an abnormal racing heart rate;

(2) Electrocardiogram (EKG) testing; and

- (3) The student's or parent's option to request, from the student's family medical provider, that an electrocardiogram (EKG) be administered in addition to the student's comprehensive initial pre-participation physical examination, at a cost to be incurred by the student or the student's parent.
- (b) The department of education, in collaboration with the department of health, shall develop a sudden cardiac arrest symptoms and warning signs information sheet that includes information about electrocardiogram (EKG) testing for purposes of § 49-6-3603. The information sheet must address the benefits and limitations of EKG testing.
- (c) In developing the guidelines and materials under subsection (a), the departments may utilize materials developed by outside organizations.

### ***Tenn. Code Ann. § 49-6-3603 Acknowledgement Form – Informational Meeting or Video on Website***

- (a) A student participating in, or seeking to participate in, an athletic activity, and the student's parent or guardian must sign and return to the student's public school an acknowledgement of their receipt and review of a sudden cardiac arrest symptoms and warning signs information sheet developed by the department of education that includes information about electrocardiogram (EKG) testing. The acknowledgement form required under this subsection (a) must be signed and returned each year that a student participates in, or seeks to participate in, an athletic activity.
- (b) Each LEA and public charter school shall hold an informational meeting before the start of each school athletic season or publish a video on the LEA's or public charter school's website for students, parents, coaches, and school officials to learn about the symptoms and warning signs of sudden cardiac arrest; heat illness; concussions and other head injuries; and other health, safety, and wellness issues related to sports participation, and to receive information about electrocardiogram (EKG) testing and each of the safety plans and policies implemented in the LEA pursuant to § 49-6-3601(b)(2). Physicians, pediatric cardiologists, and athletic trainers may participate in the informational meeting.

# Title 49, Chapter 6, Part 40: Student and Employee Safe Environment Act of 1996

## ***Tenn. Code Ann. § 49-6-4002 Discipline Policy – Code of Conduct***

**(a)**

**(1)** Each local board of education and charter school governing body shall adopt a discipline policy to apply to the students in each school operated by the LEA or charter school governing body.

**(2)** A local board of education or charter school governing body may implement, as part of the LEA's or public charter school's discipline policy, holistic programs of positive behavior reinforcement and reward-based behavior modification systems, such as The Ticket Program, that are age-appropriate, encourage parent participation, and encourage students to make good life choices for a better future by reinforcing positive student behavior with rewards and incentives that are tailored to each school's unique student population, and that work with schools, parents, and the community to reinforce positive student behavior at home, at school, and in all aspects of community life. A local board of education or charter school governing body that implements a holistic program of positive behavior reinforcement or a reward-based behavior modification system, such as The Ticket Program, shall ensure that the program complies with state law.

**(b)** The director of schools or head of the charter school is responsible for overall implementation and supervision, and each school principal is responsible for administration and implementation of a code of conduct within the principal's school.

**(c)** In developing a discipline policy, the local board of education or charter school governing body shall seek recommendations from parents, employees of the LEA or charter school, law enforcement personnel, and youth-related agencies in the community.

**(d)** Each discipline policy or code of conduct must 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 policy must address:

**(1)** Language used by students;

**(2)** Respect for all school employees;

**(3)** Fighting, threats, bullying, cyberbullying, and hazing by students;

**(4)** Possession of weapons on school property or at school functions;

**(5)** Transmission by electronic device of any communication containing a credible threat to cause bodily injury or death to another student or school employee;

**(6)** Damage to the property or person of others;

**(7)** Misuse or destruction of school property;

**(8)** Sale, distribution, use, or being under the influence of drugs, alcohol, or drug paraphernalia;

**(9)** Disobedient, violent, abusive, uncontrollable, or disruptive student conduct on school property, on school buses, and at school-sponsored events;

**(10)** Other subjects that a local board of education or a charter school governing body chooses to include.

**(e)** Each local discipline policy must indicate that the following offenses are zero tolerance offenses:

**(1)** Unauthorized possession on school property of a firearm, as defined in 18 U.S.C. § 921;

- (2) Aggravated assault as defined in § 39-13-102 upon any teacher, principal, administrator, any other employee of an LEA, or a school resource officer;
- (3) Assault that results in bodily injury as defined in § 39-13-101(a)(1) upon any teacher, principal, administrator, any other employee of an LEA, or a school resource officer;
- (4) Unlawful possession of any drug, including any controlled substance, as defined in §§ 39-17-402 — 39-17-415, controlled substance analogue, as defined by § 39-17-454, or legend drug, as defined by § 53-10-101 on school grounds or at a school-sponsored event; and
- (5) Subject to § 49-6-3401(g)(5), threatens mass violence on school property or at a school-related activity pursuant to § 39-16-517.

(f) Each local board of education and charter school governing body may adopt a discipline policy that promotes positive behavior and includes evidence-based practices to respond effectively to misbehavior and minimize a student's time away from school.

(g) Each discipline policy or code of conduct must state that a teacher, principal, school employee, or school bus driver may use reasonable force in compliance with § 49-6-4107.

(h) A discipline policy or code of conduct adopted by a local board of education or charter school governing body may authorize a teacher to withhold a student's phone from the student for the duration of the instructional time if the student's phone is a distraction to the class or student.

### ***Tenn. Code Ann. § 49-6-4003 Visitor Code of Conduct – Code Requirements – Posting and Supply of Code – Attorney Review of Code***

(a) Each local board of education and public charter school governing body shall adopt a comprehensive code of conduct for each school under the authority of the local board of education or public charter school governing body that describes the types of behavior expected from visitors entering on school grounds. Each code of visitor conduct must emphasize the importance of:

- (1) Appropriate language;
- (2) Respect for the person and property of others; and
- (3) Establishing and maintaining a safe, secure, and peaceful educational setting that promotes learning and positive character development.

(b) The codes of conduct adopted by a local board of education or public charter school governing body pursuant to this section must describe the types of behavior expected from a visitor entering on school grounds and the consequences of a visitor's failure to adhere to the standards. The principal of each school must apply the school's code of conduct for visitors uniformly, without partiality or discrimination.

(c) Each local board of education and public charter school governing body may elect to adopt different codes of conduct for visitors applicable to:

- (1) Different classes of schools, such as elementary, middle, junior high, and senior high schools under the jurisdiction of the local board of education or public charter school governing body; and
- (2) Different categories of visitors entering on school grounds, taking into consideration the reason for the visitor's presence on school grounds.

(d) Each local board of education and public charter school governing body shall, for each school under the authority of the board or governing body:

- (1) Post a copy of the code of conduct adopted for visitors to the school on the board's or governing body's website, and on the school's website;



- (2) Supply a copy of the code of conduct adopted for visitors to the school to all teachers, counselors, administrative staff, and school employees;
- (3) Post the code of conduct adopted for visitors to the school, along with the telephone number of a member of the school's administration who can answer questions regarding the school's code of conduct for visitors, prominently at each school entrance; and
- (4) Provide parents and guardians of students enrolled at the school with a printed copy of the school's code of conduct for visitors, along with the telephone number of a member of the school's administration who can answer questions regarding the code of conduct for visitors, and require that the student's parent or guardian acknowledge that the parent or guardian has read and understands the code of conduct for visitors that will be enforced at the school. The acknowledgement required under this subdivision (d)(4) may be provided during an initial enrollment or student registration period.

(e) Before adopting a code of conduct for visitors pursuant to this section, each local board of education and public charter school governing body shall submit the proposed code of conduct to an attorney licensed to practice law in this state to review its legality and constitutionality. A local board of education or public charter school governing body shall not adopt a code of conduct for visitors unless the code of conduct includes a statement from the board or governing body that the code of conduct has been reviewed for its legality and constitutionality by an attorney, as required in this subsection (e), and includes the name and board of professional responsibility number for the attorney.

### ***Tenn. Code Ann. § 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.

### ***Tenn. Code Ann. § 49-6-4005 Adoption of Different but Consistent Discipline Policies or Codes of Conduct Applicable to Different Classes of Schools***

Each local board of education or charter school governing body may choose to adopt different but consistent discipline policies or codes of conduct to apply to different classes of schools, such as elementary, middle, junior high, and senior high schools, under its jurisdiction. The policies and codes of conduct must be uniform to the extent of maximum consideration for the safety and well-being of students and employees.

### ***Tenn. Code Ann. § 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.

### ***Tenn. Code Ann. § 49-6-4007 Posting and Distribution of Disciplinary Policy or Code of Conduct***

When a discipline policy or code of conduct has been adopted by a local board of education or charter school governing body, a copy must be posted on the LEA or school website. A copy must also be supplied to all school counselors, teachers, administrative staff, students, and parents.

### ***Tenn. Code Ann. § 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.

# Title 49, Chapter 6, Part 41: School Discipline Act

## ***Tenn. Code Ann. § 49-6-4102 Students Accountable for Conduct on School Bus***

Every school bus driver is authorized to hold every pupil strictly accountable for any disorderly conduct on any school bus going to or returning from school or a school activity.

## ***Tenn. Code Ann. § 49-6-4103 Corporal Punishment***

### **(a)**

**(1)** Any teacher or school principal may use corporal punishment in a reasonable manner against any pupil for good cause in order to maintain discipline and order within the public schools.

### **(2)**

**(A)** Notwithstanding subsection (a)(1), prior to the administration of corporal punishment against a student, the student's teacher or school principal must document in the student's educational record that they have:

**(i)** Acted to address the student's behavior;

**(ii)** Provided consequences to the student to address the behavior;

**(iii)** Consulted with the student's parent or legal guardian about the student's behavior; and

**(iv)** Considered the need to conduct an initial evaluation to determine whether the student has a disability in accordance with the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et seq.), chapter 10 of this title, and the state board of education's rules.

**(B)** If, as a result of an evaluation conducted pursuant to subdivision (a)(2)(A)(iv), a student is found to have a disability, then corporal punishment may only be administered against the student if authorized in accordance with subsection (b).

### **(b)**

**(1)** Notwithstanding subsection (a), teachers, school principals, or other school personnel are prohibited from using corporal punishment against any student who has a disability, unless an LEA's discipline policy permits the use of corporal punishment and a parent of a child who has a disability permits, in writing, the use of corporal punishment against the parent's child. The written permission must state the type of corporal punishment that may be used and the circumstances in which the use of corporal punishment is permitted. The school's principal must keep the written permission on file at the school. The school's principal must notify the parent any time corporal punishment is used. The school's principal must inform the parent, when the written permission for the use of corporal punishment is submitted, that the parent may revoke the permission to use corporal punishment at any time by giving written notice to the school's principal that corporal punishment may no longer be used against the parent's child who has a disability.

**(2)** As used in this subsection (b):

**(A)** "School personnel" includes all individuals employed on a full-time or part-time basis by a public school; and

**(B)** "Student who has a disability" means a student who has an individualized education program (IEP) under the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et seq.), or a Section 504 plan under the Rehabilitation Act (29 U.S.C. § 701 et seq.).

**(3)** This subsection (b) does not authorize the use of corporal punishment by a person who is not permitted to administer corporal punishment under subsection (a).

### ***Tenn. Code Ann. § 49-6-4104 Rules and Regulations***

Each local board of education shall adopt rules and regulations it deems necessary to implement and control any form of corporal punishment in the schools in its district.

### ***Tenn. Code Ann. § 49-6-4105 Arrest and Prosecution for Injury to Student***

(a) No action taken by a teacher or principal pursuant to this part shall be grounds for the issuance of an arrest warrant or for the pressing of criminal charges against the teacher or principal, unless a report of an investigation by appropriate law enforcement officials along with independent medical verification of injury is presented to the judge or magistrate prior to issuing the warrant. The investigative findings shall be presented to the judge or magistrate within fifteen (15) days of receipt of notification. The law enforcement agency shall give notice to the director of schools or the director of schools' designee at the time it is notified of the allegations.

(b) When an arrest warrant has been issued against a teacher for action taken pursuant to this part, the teacher shall be summoned to an administrative office or to a location other than on school grounds, so that students shall not be present, and shall be arrested there. The teacher is not to be arrested in the classroom or before any assembly of students. This subsection (b) shall not apply if a law enforcement officer reasonably believes that the teacher will flee from arrest or attempt to leave the jurisdiction of the court that issued the warrant.

### ***Tenn. Code Ann. § 49-6-4107 Use of Reasonable Force***

(a) A teacher, principal, school employee or school bus driver, in exercising the person's lawful authority, may use reasonable force when necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another person.

(b) Subsection (a) does not authorize use of corporal punishment by a person not permitted to administer corporal punishment under § 49-6-4103 or chapter 6, part 44 of this title.

(c) Subsection (a) does not authorize restraint or isolation of students for whom restraint or isolation is prohibited under chapter 10, part 13 of this title.

(d) A teacher, principal, school employee, or school bus driver using reasonable force in exercising the person's lawful authority in accordance with this section is immune from civil liability arising from the person's action pursuant to § 39-11-622, unless the teacher's, principal's, school employee's, or school bus driver's conduct is grossly negligent, reckless, or intentional misconduct. A person who is immune under this section is not the proximate cause of any resulting injuries.

### ***Tenn. Code Ann. § 49-6-4108 Report Detailing Use of Corporal Punishment Required***

(a) Beginning with the 2018-2019 school year, each LEA shall submit, at least annually, a report to the department of education detailing the LEA's use of corporal punishment. The report shall include, at a minimum:

- (1) The school at which each instance of corporal punishment occurred;
- (2) Information regarding the reason for each instance of corporal punishment;

**(3)** Whether an instance of corporal punishment involved a student with an active individualized education program, and if so, the primary disability category for which the student has an individualized education program; and

**(4)** Whether an instance of corporal punishment involved a student with an active 504 plan under Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), and if so, the reason for which the student has a 504 plan.

**(b)** The report submitted pursuant to this section shall exclude any personally identifiable information and shall be created in accordance with the Family Education Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g), § 10-7-504, and any other relevant state or federal privacy law.

**(c)** The department shall report on its website the number of instances of corporal punishment in each LEA and the number of instances involving a student with an active individualized education program or an active 504 plan under Section 504 of the Rehabilitation Act of 1973.

### ***Tenn. Code Ann. § 49-6-4109. Trauma-informed Discipline Policy***

**(a)** As a strategy to address adverse childhood experiences, as defined in § 49-1-230, each LEA and public charter school shall adopt a trauma-informed discipline policy. Each trauma-informed discipline policy must:

**(1)** Balance accountability with an understanding of traumatic behavior;

**(2)** Teach school and classroom rules while reinforcing that violent or abusive behavior is not allowed at school;

**(3)** Minimize disruptions to education with an emphasis on positive behavioral supports and behavioral intervention plans;

**(4)** Create consistent rules and consequences; and

**(5)** Model respectful, nonviolent relationships.

**(b)** The department of education shall develop guidance on trauma-informed discipline practices that LEAs must use to develop the policy required under subsection (a).

# Title 49, Chapter 6, Part 42: School Security Act of 1981

## ***Tenn. Code Ann. § 49-6-4202 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 or in accordance with § 49-6-820;
- (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.

## ***Tenn. Code Ann. § 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.

### ***Tenn. Code Ann. § 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.

### ***Tenn. Code Ann. § 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.

### ***Tenn. Code Ann. § 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.

### ***Tenn. Code Ann. § 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.

### ***Tenn. Code Ann. § 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.

### ***Tenn. Code Ann. § 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, §

39-17-1307, or § 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 § 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 § 39-17-1307 committed on school property to the appropriate authorities.

### ***Tenn. Code Ann. § 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.

### ***Tenn. Code Ann. § 49-6-4211 Defense of School Personnel by LEA – Indemnity***

**(a)** The LEA shall defend principals and teachers against whom suit is brought on account of any action taken in accordance with this part if:

- (1)** The employees cooperate in the defense of the suit; and
- (2)** In the opinion of the LEA, the actions taken were not the result of willful, wanton or malicious wrongdoing.

**(b)** Each LEA shall indemnify principals and teachers from judgment against them if:

- (1)** The judgments result from actions or omissions arising out of performance of the duties imposed by this part and do not result from willful, wanton or malicious wrongdoing; and
- (2)** The employees have cooperated with the LEA in the defense of the suit.

**(c)** This section shall not be construed to indicate any waiver by the state of sovereign immunity or to make the state any insurer of the public officials mentioned in this section.

### ***Tenn. Code Ann. § 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.

### ***Tenn. Code Ann. § 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.

### ***Tenn. Code Ann. § 49-6-4214 Nonpublic Schools – Resource Officers – Compliance – Contract Stipulations***

(a) Notwithstanding another law to the contrary, a county or municipality may enter into a contract or memorandum of understanding with a nonpublic school authorizing the county's or municipality's law enforcement agency to provide school resource officers to the nonpublic school.

(b) A school resource officer assigned to a nonpublic school must comply with the employment standards for school resource officers outlined in § 49-6-4217.

(c) A contract or memorandum of understanding may stipulate:

- (1) The duties and responsibilities of the parties;
- (2) The burden of liability that arises from negligence or gross negligence by any party. A county or municipality may waive sovereign immunity for one (1) or more law enforcement officers for purposes of executing a contract or memorandum of understanding under this section;
- (3) The length of the contract or memorandum of understanding;
- (4) Salary, benefits, and schedule; and
- (5) Any other provisions that the parties to the contract or memorandum of understanding deem necessary to effectuate the contract or memorandum of understanding.

### ***Tenn. Code Ann. § 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.

### ***Tenn. Code Ann. § 49-6-4217 Employment Standards for School Resource Officers***

(a) Training courses for school resource officers shall be designed specifically for school policing and shall be administered by an entity or organization approved by the peace officers standards and training (POST) commission.

(b) School resource officers shall participate in forty (40) hours of basic training in school policing within twelve (12) months of assignment to a school. Every year thereafter they shall participate in a minimum of sixteen (16) hours of training specific to school policing that has been approved by the POST commission.

### ***Tenn. Code Ann. § 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).

### ***Tenn. Code Ann. § 49-6-4219 Policy Regulating Use of Electronic Control Devices***

Any law enforcement agency providing a school resource officer, school security officer or other law enforcement officer providing security at a school shall have a policy regulating the use of electronic control devices, which policy shall address training in the proper use of such devices, as well as investigation, documentation and review of such use, to include final approval of any report documenting such use by the agency's chief executive officer or sheriff.

# Title 49, Chapter 6, Part 43: Reporting Student Offenses

## ***Tenn. Code Ann. § 49-6-4301 School Officials to Report Student Offenses***

**(a)**

**(1)** A teacher who observes or otherwise has knowledge of an assault and battery or an act of vandalism endangering life, health, or safety committed by a student on school property shall immediately report such action to the principal of the teacher's school.

**(2)** A principal who has direct knowledge of an assault and battery or an act of vandalism endangering life, health, or safety committed by a student on school property, or who receives a report of such action, shall immediately report such action to the director of schools and the municipal or metropolitan police department or sheriff's department having jurisdiction.

**(3)** A director of schools or the head of a public charter school who has knowledge of a valid threat of mass violence on school property or at a school-related activity pursuant to § 39-16-517 made by a student shall immediately report such action to the municipal or metropolitan police department or sheriff's department having jurisdiction. A threat of mass violence is valid for purposes of this subdivision (a)(3) if such a determination is made based on the results of the threat assessment required in § 49-6-3401(g)(5).

**(4)** A fight not involving the use of a weapon as defined in § 39-17-1309, or a fight that does not result in serious personal injury to one (1) or more of the parties involved, must only be reported 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.

### ***Tenn. Code Ann. § 49-6-4302 Tennessee School Safety Center***

**(a)** The department of education, in collaboration with the department of safety, 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 is responsible for the collection and analysis of data related to school safety, including alleged violent or assaultive acts against school employees and students. The center shall make periodic reports to the education committee of the senate and the education administration committee of the house of representatives on the status of school safety efforts.

**(c)** [Deleted by 2022 amendment.]

**(d)** [Deleted by 2022 amendment.]

**(e)** [Deleted by 2022 amendment.]

**(f)** The department of safety, in collaboration with the department of education, shall develop a school security assessment for use in Tennessee public schools. The departments shall provide training to local law enforcement agencies and school administrators on the use of the school security assessment to identify school security vulnerabilities. Each LEA and public charter school shall submit to the department of safety an annual school security self-assessment for each school that uses the school security assessment pursuant to this subsection (f). The department of safety may conduct periodic reviews of public schools, as it deems necessary, to verify the effective implementation and use of school security assessments to enhance school security.

**(g)** [Deleted by 2022 amendment.]

**(h)** 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.

**(i)** LEAs may use funding allocated through the Tennessee investment in student achievement formula (TISA) for programs that address school safety, including, but not limited to, innovative violence prevention programs, conflict resolution, disruptive or assaultive behavior management, improved school security, school resource officers, school safety officers, peer mediation, and training for employees on the identification of possible perpetrators of school-related violence.

**(j)** LEAs shall submit an annual school safety plan to the Tennessee school safety center. The Tennessee school safety center shall review school safety plans in collaboration with the state-level school safety team established under § 49-6-802. The Tennessee school safety center shall develop a template for school safety plans to ensure that plans describe, at a minimum, how TISA funds will be used to:



- (1)** Improve and support school safety;
- (2)** Meet the needs identified in a school security assessment conducted pursuant to this section; and
- (3)** Support the safety needs of LEA-authorized public charter schools, if applicable.

# Title 49, Chapter 6, Part 44: School Discipline in Special School Districts

## ***Tenn. Code Ann. § 49-6-4401 Students Accountable for Conduct***

Every teacher in the special school district created by § 37-5-119 is authorized to hold every juvenile pupil strictly accountable for any disorderly conduct in school.

## ***Tenn. Code Ann. § 49-6-4402 Corporal Punishment***

(a) The chief administrative officer, or the chief administrative officer's designee, of any institution in which the schools are located, may use corporal punishment in a reasonable manner and in accordance with this part against any pupil for good cause in order to maintain discipline and order within such schools.

(b) Corporal punishment may be administered only in a classroom situation and only in the presence of the director of schools or chief administrative officer of the school and one (1) other faculty witness.

(c)

(1) Notwithstanding subsection (a), the chief administrative officer, or the chief administrative officer's designee, is prohibited from using corporal punishment against any student who has a disability, unless an LEA's discipline policy permits the use of corporal punishment and a parent of a child who has a disability permits, in writing, the use of corporal punishment against the parent's child. The written permission must state the type of corporal punishment that may be used and the circumstances in which the use of corporal punishment is permitted. The school's chief administrative officer must keep the written permission on file at the school. The school's chief administrative officer must notify the parents any time corporal punishment is used. The school's chief administrative officer must inform the parent, when the written permission for the use of corporal punishment is submitted, that the parent may revoke the permission to use corporal punishment at any time by giving written notice to the school's chief administrative officer that corporal punishment may no longer be used against the parent's child who has a disability.

(2) As used in this subsection (c), "student who has a disability" means a student who has an individualized education program (IEP) under the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et seq.), or a Section 504 plan under the Rehabilitation Act (29 U.S.C. § 701 et seq.).

## ***Tenn. Code Ann. § 49-6-4403 Rules and Regulations***

(a) The department of children's services shall adopt rules and regulations that specifically designate the method of imposing corporal punishment and the circumstances that warrant corporal punishment in the schools within its special school district. The rules and regulations shall provide for only corporal punishment that is reasonably necessary for the proper education of the pupil.

(b) No corporal punishment shall be imposed until the rules and regulations have been promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(c) The rules and regulations shall provide for a written record to be kept of all use of corporal punishment, including the name of the person requesting the punishment and a brief description of the circumstances warranting its use.

***Tenn. Code Ann. § 49-6-4404 Physical Examination of Student – Student's Remedies***

(a) Within forty-eight (48) hours of the imposition of corporal punishment within the special school district, the pupil shall have the right to be examined by a physician to determine if the punishment was excessive.

(b) In any case in which the punishment is excessive, the pupil shall have the same civil and criminal remedies as any other pupil in the public schools.

# Title 49, Chapter 6, Part 45: Harassment, Intimidation, Bullying and Cyber-Bullying

## ***Tenn. Code Ann. § 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.

## ***Tenn. Code Ann. § 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.

### ***Tenn. Code Ann. § 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.

### ***Tenn. Code Ann. § 49-6-4504 Adoption of Policy Prohibiting Harassment, Intimidation, Bullying or Cyber-bullying by LEA -- Review***

Each LEA shall adopt a policy prohibiting harassment, intimidation, bullying, and cyber-bullying and is encouraged to review the policy at least once every three (3) years.

### ***Tenn. Code Ann. § 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 § 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.

### ***Tenn. Code Ann. § 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.



# Title 49, Chapter 6, Part 50: Immunization of School Children

## ***Tenn. Code Ann. § 49-6-5001 General Provisions***

**(a)** The commissioner of health is authorized to designate diseases against which children must be immunized prior to attendance at any school, nursery school, kindergarten, preschool or childcare 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)** Except as provided in subdivision (b)(3), in the absence of an epidemic or immediate threat of an epidemic, this section does 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.

**(3)** This section does not apply to an immunization, vaccination, or injection for the SARS-CoV-2 virus or any variant of the SARS-CoV-2 virus.

**(c)**

**(1)** No children shall be permitted to attend any public school, nursery school, kindergarten, preschool or childcare facility until proof of immunization is given the admissions officer of the school, nursery school, kindergarten, preschool or childcare 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. § 11431 et seq.).

**(d)** Each child attending any school, nursery school, kindergarten, preschool or childcare 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 committee of the house of representatives.

**(h)** Any communication provided to students or parents by any school, nursery school, kindergarten, preschool, or childcare facility of this state regarding immunization requirements must include information on

the grounds for exemption from the immunization requirement pursuant to subsections (c) and (e). The exemption information and immunization requirements must be:

- (1) Provided in the same font size and style; and
- (2) Located on the same page of the written or digital communication.

(i) As used in this section, “school”, “nursery school”, “kindergarten”, “preschool” or “childcare facility” does not include a home school as defined in § 49-6-3050.

### ***Tenn. Code Ann. § 49-6-5002 Certificate of Immunization – Out of State Immunization Records***

(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)

(1) Notwithstanding subsection (a), out-of-state immunization records evidencing a child's immunization against the diseases designated by the commissioner of health for purposes of § 49-6-5001(a) are sufficient to permit a child to attend a public school, nursery school, kindergarten, preschool, or childcare facility in this state.

(2) A parent of a child immunized in another state against the diseases designated by the commissioner must provide the department of health with the child's out-of-state immunization records for the parent's child to be permitted to attend a public school, nursery school, kindergarten, preschool, or child care facility in this state.

(3) The department shall not require a parent of a child immunized in another state to present the child for medical evaluation in this state in order for the child to obtain a certificate of immunization.

(4) This subsection (b) only applies to a natural or adopted child or stepchild of a member of the armed forces engaged in active military service of the United States or a member of the Tennessee national guard engaged in active military service of the United States.

### ***Tenn. Code Ann. § 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.

### ***Tenn. Code Ann. § 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 childcare 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.

### ***Tenn. Code Ann. § 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).

# Title 49, Chapter 6, Part 70: Parent Educational Participation Act

## ***Tenn. Code Ann. § 49-6-7001 General Provisions***

(a) This section shall be known and may be cited as the "Parent Educational Participation Act."

(b)

(1) It may be the duty of the board of education of each school district to develop a program for the voluntary participation of parents in the educational and teaching process at the school in which the parent has a child enrolled in school.

(2) It may include, but shall not be limited to, such activities as educational assistant, library assistant, hall monitor, recreation supervisor and any other activity that enables the parent to more fully observe and understand the school, the faculty, the students and the educational and teaching activities.

(3) The parent's participation shall be varied.

(4) In any school having a full-time principal with no teaching duties and a school secretary, the principal may maintain records on the program at the school and submit conclusions and recommendations to the board on the effectiveness of the program as to the student and parent.

(5) State employees with children enrolled in schools may, subject to department approval or the approval of the employees' immediate supervisor, take off up to one (1) day a month from work to voluntarily participate in the educational and teaching process described in this subsection (b). Upon request of a state employee, a school shall provide documentation verifying the employee's participation in the educational and teaching process.

(6) Private employers, subject to the constraints and resources of their workplaces, are urged to develop programs that permit their employees with children in school to take time from work to voluntarily participate in the educational and teaching process described in this subsection (b).

(c) The state board of education may establish guidelines for the development of programs by the local board of education and may assure that each school district has such a program.

(d) The board of education of each school district may periodically schedule alternate meetings to the regular parent-teachers association meeting to permit working parents to attend.

## ***Tenn. Code Ann. § 49-6-7004 Parental Involvement Contracts***

(a) As used in this section, "parent" means the parent, guardian or person who has custody of the child or individual who has caregiving authority under § 49-6-3001.

(b) LEAs are encouraged to develop and implement parental involvement contracts with parents of students. These parental involvement contracts will be voluntary and should be designed to encourage and facilitate a parent's involvement with the parent's child's education.

(c) The department of education shall develop a model parental involvement contract that may be used by LEAs. The model parental involvement contract shall provide that a parent will commit to do at least the following:

(1) Review homework assignments and offer assistance when needed;

(2) Sign report cards;

(3) Ensure that the student gets to school each day, on time and ready to learn;

- (4) Demonstrate interest in the student's well-being by attending school functions and supporting the student's school activities; and
- (5) Make every effort to attend parent-teacher conferences.

(d) In signing a contract, the parent shall agree to maintain within the parent's best efforts involvement with the parent's child's education to the extent required by the contract. The contract should include a means for a parent to explain any obstacles that may prevent the parent from complying with the contract. If a contract includes an explanation of obstacles that may prevent the parent from complying with the contract, then school employees shall consider accessing possible resources to help overcome the obstacles identified.

### ***Tenn. Code Ann. § 49-6-7005 Improving Parental Involvement in Children's Education***

(a) As used in this section, "parent" means parent, guardian or legal custodian who is required under § 49-6-3001 to enroll the child in school.

(b) LEAs are authorized and encouraged to partner with individuals, community and faith-based groups and organizations and nonprofit and for-profit entities to design and implement programs to improve parental involvement in their children's education and schools, particularly in high priority schools or school systems.

(c) LEAs shall identify or encourage development of parenting classes that are provided at low or no cost to parents by organizations within the community and that are designed to improve parental involvement in their children's education.

(d) Parenting classes in these parent involvement programs should provide parents with information and skills related to improving student performance. For example, these classes may address:

- (1) How to be a positive role model for children in motivating them to do well in school;
- (2) How to maximize the benefits of parent-teacher conferences;
- (3) The importance of sleep and good nutrition in school performance;
- (4) How to help with homework assignments and to establish an environment conducive to completion of homework assignments;
- (5) Techniques that can be taught students to improve studying and classroom performance;
- (6) How to access and use technology provided by the LEA or school that furnishes information about school assignments, activities and events and about student attendance and performance;
- (7) The importance of school attendance and the consequences of truancy;
- (8) How to help students prepare for entrance into college or the workforce; and
- (9) Ways of becoming involved in a child's school, including opportunities to volunteer in the school.

(e) LEAs may solicit donations from its partners to fund rewards for schools or classes in which a high percentage of parents participate in at least two (2) parenting classes to learn skills related to improving student performance. Rewards may include equipment and supplies for the school or the class being rewarded or for specific programs offered by the school and field trips and other educational activities that would benefit the school or the class of students being rewarded. LEAs may devise ways of providing recognition to schools or classes in which a high percentage of parents participate in at least two (2) parenting classes, as well as recognizing the parents who participated.

(f) LEAs shall encourage parents who participate in the parenting classes to be a positive influence on parents, whose children enter the school for the first time during the next school year, and on parents who have not attended the parenting classes, to promote participation in the parental involvement program.

# Title 49, Chapter 10, Part 11: Homebound Instruction for Students

## ***Tenn. Code Ann. § 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.

# Title 49, Chapter 50, Part 16: Self-Administration of Prescribed Medications and Other Treatments

## ***Tenn. Code Ann. § 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.

***Tenn. Code Ann. § 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 childcare 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.

### ***Tenn. Code Ann. § 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 LEA 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.

### ***Tenn. Code Ann. § 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. The principal or head of a school that maintains an opioid antagonist pursuant to this subdivision (c)(2) shall ensure that the opioid antagonist is stored in accordance with the manufacturer's instructions.

**(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 § 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.

**(d)** A school within an LEA or a nonpublic school shall not prohibit a student, employee, or visitor from possessing an opioid antagonist while the person is on school property or attending a school-sponsored activity held at a location that is not school property.

# Title 55, Chapter 8, Part 2: Operations of Vehicles – Rules of the Road -- Continued

## ***Tenn. Code Ann. § 55-8-214 Directing Traffic in School Zones – Posting of Signs – Training and Performance Requirements – Exclusions – Penalties***

**(a)** A county or municipality may hire employees or appoint volunteers to direct vehicles, excluding emergency vehicles, on a public road or highway within a marked school zone for dropping off or picking up students at a public, private, or charter school within the jurisdiction of the county or municipality when a warning flasher or flashers are in operation and only during the period of time that is necessary for the convenience of dropping off or picking up students.

**(b)** The county or municipality shall ensure that appropriate signage is posted in advance of the marked school zone informing drivers as to the dropping off or picking up of students at the approaching school zone. All regulatory and warning signs relating to the dropping off or picking up of students must comply with the manual on uniform traffic control devices (MUTCD).

**(c)** The county or municipality shall ensure that while an individual employed or appointed pursuant to subsection (a) is performing the duties described in subsection (a), that the individual:

**(1)** Is an adult who has received training and is qualified to comply with the MUTCD in their duties;

**(2)** Wears high-visibility retroreflective safety apparel labeled as ANSI 107-2020 standard performance for Class 2, Type R, as described in the MUTCD; and

**(3)** Uses a STOP paddle that complies with the MUTCD, including, but not limited to, being retroreflective or illuminated when used during hours of darkness or limited visibility.

**(d)** This section does not apply to access-controlled roadways designated as being on the state system of highways and on roadways designated as being on the state system of interstate highways.

**(e)** A motor vehicle operator who knowingly ignores a regulatory or warning sign posted pursuant to subsection (b) for the dropping off or picking up of students commits a Class C misdemeanor, punishable by fine only of fifty dollars (\$50.00).

# Title 55, Chapter 50, Part 1: General Provisions

## ***Tenn. Code Ann. § 55-50-102 Chapter Definitions***

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

- (1)** "Administrator" means the federal motor carrier safety administrator, the chief executive of the federal motor carrier safety administration, an agency within the United States department of transportation;
- (2)** "Alcohol or alcoholic beverage" means:
  - (A)** Beer as defined in 26 U.S.C. § 5052(a), of the Internal Revenue Code of 1954;
  - (B)** Wine of not less than one-half of one percent (0.5%) of alcohol by volume; or
  - (C)** Distilled spirits as defined in 26 U.S.C. § 5002(a)(8);
- (3)** "Autocycle" means the same as defined in § 55-1-103;
- (4)** "Bus" means every motor vehicle designed for carrying more than fifteen (15) passengers including the driver and operated for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation;
- (5)** "Cancellation of driver license" means the annulment or termination by formal action of the department of a person's driver license because of some error or defect in the license or application or because the licensee is no longer entitled to that license;
- (6)** "Certified driving instructor" means any person who gives driver training or who offers a course in driver training, and who is certified as a certified driving instructor by the department;
- (7)** "Chauffeur" means every person who is employed for the principal purpose of operating a motor vehicle and every person who drives a motor vehicle while in use as a public or common carrier of persons or property;
- (8)** "Chief" means the chief of the highway patrol;
- (9)** "Commerce" means:
  - (A)** Trade, traffic, and transportation within the jurisdiction of the United States; between a place in a state and a place outside of the state, including a place outside the United States; and
  - (B)** Trade, traffic, and transportation in the United States that affects any trade, traffic, and transportation in subdivision (9)(A);
- (10)** "Commercial driver certificate" means a document issued by the department that authorizes a driver to operate a class of motor vehicle. The certificate shall be issued in accordance with the standards contained in 49 CFR Part 383. A commercial driver certificate shall be issued only to persons whose state of domicile is outside the state, and does not currently issue a commercial driver license in compliance with standards contained in 49 CFR Part 383. The commercial driver certificate shall be considered a valid commercial driver license only when used with the individual's driver license issued by the individual's state of domicile or country;
- (11)** "Commercial driver license" or "CDL" means a license issued by the department in accordance with the standards contained in 49 CFR Part 383 to an individual that authorizes the individual to operate a class of commercial motor vehicle. A commercial driver certificate accompanied by a valid driver license shall be considered a valid commercial driver license;
- (12)** "Commercial learner's permit" or "CLP" means a permit issued to an individual by the department that, when carried with a valid driver license issued by the department, authorizes the individual to operate a class of a commercial motor vehicle when accompanied by a holder of a valid CDL for purposes of behind-the-wheel training. When issued to a CDL holder, a CLP serves as authorization for accompanied behind-the-wheel training in a commercial motor vehicle for which the holder's current CDL is not valid;
- (13)**
  - (A)** "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

- (i) Has a gross vehicle weight rating or gross combination weight rating of twenty-six thousand one (26,001) or more pounds;
- (ii) Is designed to transport sixteen (16) or more passengers, including the driver; or
- (iii) Is of any size and is used in the transportation of hazardous materials, as defined in this section;

**(B)** However, the following vehicles and groups of vehicles shall not be considered commercial motor vehicles for the purposes of this chapter:

- (i) Vehicles that are controlled and operated by a farmer or nursery worker that are used to transport either agricultural products, farm machinery, or farm supplies to or from a farm or nursery, and are not used in the operations of a common or contract motor carrier;
- (ii) Vehicles designed and used solely as emergency vehicles that are necessary for the preservation of life or property or the execution of emergency governmental functions performed under emergency conditions and not subject to normal traffic regulation. This exemption shall apply to vehicles operated by paid or nonpaid personnel;
- (iii) Vehicles operated for military purposes by active duty military personnel; members of the military reserves; members of the national guard on active duty, including personnel on full-time national guard duty, personnel on part-time national guard training, and national guard military technicians (civilians who are required to wear military uniforms); and active duty United States coast guard personnel. This exception is not applicable to United States reserve technicians;
- (iv) Vehicles designed and used primarily as recreational vehicles as defined in this section; and
- (v) Vehicles leased strictly and exclusively to transport personal possessions or family members for nonbusiness purposes;

**(14)** “Commissioner” means the commissioner of safety;

**(15)** “Controlled substance” means any substance so classified under § 102(6) of the Controlled Substances Act (21 U.S.C. § 802(6)), and includes all substances listed on Schedules I-V, of 21 CFR Part 1308, as they may be revised from time to time;

**(16)** “Conviction” means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated;

**(17)** “Department” means the department of safety acting directly or through its duly authorized officers and agents;

**(18)** “DHS Secretary” means the secretary of homeland security of the United States;

**(19)** “Domicile” means a person's fixed, permanent and principal home for legal purposes and to which the person has the intention of returning whenever the person is absent;

**(20)** “Driver” means every person who drives or is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle;

**(21)** “Driver license” means a license issued by the department to an individual that authorizes the individual to operate a motor vehicle on the highways;

**(22)** “Driver licenses — Classes of” means:

- (A) Class A.** This license shall be issued and valid for the operation of any combination of motor vehicles with a Gross Combination Weight Rating (GCWR) in excess of twenty-six thousand pounds (26,000 lbs.), provided the vehicle or vehicles being pulled have a Gross Vehicle Weight Rating (GVWR) in excess of ten thousand pounds (10,000 lbs.). Persons holding a valid Class A license may operate



vehicles in Classes B, C and D, but not Class M vehicles, or vehicles that require a special endorsement unless the proper endorsement appears on the license;

**(B) Class B.** This license shall be issued and valid for vehicles with a Gross Vehicle Weight Rating (GVWR) in excess of twenty-six thousand pounds (26,000 lbs.), or any such vehicle towing a vehicle not in excess of ten thousand pounds (10,000 lbs.) Gross Vehicle Weight Rating (GVWR). Persons holding a valid Class B license may operate vehicles in Classes C and D, but not vehicles in Classes A and M, or vehicles that require a special endorsement unless the proper endorsement appears on the license;

**(C) Class C.** This license shall be issued and valid for the operation of any single vehicle with a Gross Vehicle Weight Rating (GVWR) of twenty-six thousand pounds (26,000 lbs.) or less Gross Vehicle Weight Rating (GVWR). This group applies to vehicles that are placarded for hazardous materials, designed to transport sixteen (16) or more passengers including the driver. Persons holding a valid Class C license may operate vehicles in Class D but not in Classes A, B or M;

**(D) Class D.** This license shall be issued and valid for the operation of any vehicle with a Gross Vehicle Weight Rating (GVWR) less than twenty-six thousand one pounds (26,001 lbs.), or any combination of vehicles with a Gross Combination Weight Rating (GCWR) less than twenty-six thousand one pounds (26,001 lbs.), except vehicles in Classes A, B, C or M or vehicles that require a special endorsement unless the proper endorsement appears on the license, and shall include autocycles;

**(E) Class H.** The department may issue this class license to a minor between fourteen (14) and sixteen (16) years of age. This special class license shall be restricted to the operation of a passenger car or other similar vehicle under Class D, a "motorscooter," or a "motorized bicycle". This class license shall be known as a hardship license or motorscooter license previously issued under the authority of former § 55-7-104(g) and (h). The use of this license shall be valid for use in daylight hours only and for travel to authorized locations as specified on an attachment and by any other restriction deemed appropriate by the department and set forth in administrative rules and regulations;

**(F) Class M.**

**(i)** The Class M license is valid for all motorcycles, including all motorscooters. This license classification may be added to a license valid for another class, or it may be issued as the only classification on a license if the applicant is not licensed for another classification.

**(ii)** A Class M-limited license may also be issued and is valid for all motorscooters, including mopeds, but not for larger motorcycles. The department may develop knowledge and skills tests that are suitable for the Class M-limited license and for the operation of motorscooters.

**(G) Class P.** This class license is issued as an instructional permit and shall be valid to permit the operator to drive a particular class of vehicle on an instructional basis only. A Class P license shall be issued only in conjunction with another class indicating the class of vehicle or vehicles that the operator is legally entitled to operate. The holder of a Class P license must be accompanied at all times by a parent, stepparent, guardian, or certified driving instructor who has been licensed in this state as a driver for the type or class of vehicle being used for at least one (1) year, who is at least twenty-one (21) years of age, and who is fit and capable of exercising physical control over the vehicle and who is occupying a seat beside the driver; provided, that the requirement does not apply to motorcycles;

**(i)** Class P licenses will be issued to persons completing the appropriate application, paying the required fees, and successfully passing a vision and written examination for the appropriate class of license;

**(ii)** Applicants for a Class P license must meet all requirements of the particular class license for which they are applying;

**(iii)** Class P licenses will be issued for classes of vehicle or vehicles as follows:

**(a) Class P-A.** This is an instructional permit issued for Class A vehicles;

**(b) Class P-B.** This is an instructional permit issued for Class B vehicles;

**(c) Class P-C.** This is an instructional permit issued for Class C vehicles;

**(d) Class P-D.** This is an instructional permit issued for Class D vehicles; and

- (e) **Class P-M.** This is an instructional permit issued for Class M vehicles;
- (iv) Persons issued a Class H or hardship license, who are at least fifteen (15) years of age, shall be extended the privileges provided above for persons issued a Class P-D license, when all provisions above are met;
- (23) "Driver license endorsements" means special authorizations required to be displayed on a driver license that permit the driver to operate certain types of motor vehicles or motor vehicles hauling certain types of cargo:
- (A) **Multiple Trailer Endorsement.** This endorsement is required on a Class A license to permit the licensee to operate a vehicle authorized to pull more than one (1) trailer in accordance with chapter 7 of this title;
- (B) **Passenger Endorsement.** This endorsement is required on a Class A, B, or C license to permit the licensee to operate a vehicle designed to transport sixteen (16) or more passengers, including the driver;
- (C) **Cargo Tank Endorsement.** This endorsement is required on a Class A or C license to permit the licensee to operate a vehicle that is designed to transport, as its primary cargo, any liquid or gaseous material within a tank attached to the vehicle, the tank having a designed capacity of one thousand gallons (1,000 gals.) or more;
- (D) **Hazardous Material Endorsement.** This endorsement is required on any class license if the driver is operating a vehicle transporting a hazardous material that is required to be placarded under the Hazardous Materials Transportation Act (49 U.S.C. § 5101 et seq.), and by rules and regulations of the United States department of transportation;
- (E) **School Bus Endorsement.** This endorsement is required on any class license to permit the licensee to operate any vehicle being used as a school bus; and
- (F) **For-Hire Endorsement.** This endorsement is required to permit a licensee to operate a Class D vehicle as a chauffeur. This subdivision (23)(F) does not apply to ambulance personnel;
- (24) "Employee" means an operator of a commercial motor vehicle, including an owner-operator or other independent contractor while in the course of operating a commercial motor vehicle, who is employed by an employer;
- (25) "Employer" means any person, including the United States, a state, or a political subdivision of a state, who owns or leases a commercial motor vehicle or assigns employees to operate such a vehicle;
- (26) "Farm tractors" means every motor vehicle designated and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry;
- (27) "Felony" means any offense under state or federal law that is punishable by death or imprisonment for a term exceeding one (1) year;
- (28) "FMCSA" means the federal motor carrier safety administration, an agency within the United States department of transportation;
- (29) "Full legal name" means an individual's first name, middle name or names and last name or surname, without use of initials or nicknames;
- (30) "Gross combination weight rating (G.C.W.R.)" means the value specified by the manufacturer as the maximum loaded weight of a combination (articulated) vehicle. In the absence of a value specified by the manufacturer, G.C.W.R. will be determined by adding the G.V.W.R. of the power unit and the total weight of the towed unit and any load thereon;
- (31) "Gross vehicle weight rating (G.V.W.R.)" means the value specified by the manufacturer as the maximum loaded weight of a single vehicle. In the absence of a value specified by the manufacturer, the G.V.W.R. will be determined by the actual gross weight;
- (32) "Hazardous materials" means any material that has been designated as hazardous under 49 U.S.C. § 5103 and is required to be placarded under subpart F of 49 CFR Part 172 or any quantity of a material listed as a select agent or toxin in 42 CFR Part 73;

- (33)** "Highway" means the entire width between the boundary lines of every way publicly maintained that is open to the use of the public for purposes of vehicular travel, or the premises of any shopping center, trailer park or apartment house complex or any other premises frequented by the public at large;
- (34)** "Lawful permanent resident" means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed;
- (35)** "Learner's permit" means a special permit that is issued allowing minors fifteen (15) years of age to drive automobiles when accompanied by a licensed parent, guardian, or certified driving instructor;
- (36)** "Low speed vehicle" means any four-wheeled electric vehicle whose top speed is greater than twenty miles per hour (20 mph) but not greater than twenty-five miles per hour (25 mph), including neighborhood vehicles. Low speed vehicles must comply with the safety standards in 49 CFR 571.500;
- (37)** "Medium speed vehicle" means any four-wheeled electric vehicle whose top speed is greater than thirty miles per hour (30 mph), but whose maximum speed allowed is thirty-five miles per hour (35 mph) only on streets with a forty mile per hour (40 mph) or less posted speed limit pursuant to § 55-8-191(b)(1), including neighborhood vehicles. Medium speed vehicles must meet or exceed the federal safety standards set forth in 49 CFR 571.500, except as otherwise provided in § 55-4-136;
- (38)** [Deleted by 2023 amendment.]
- (39)** "Motor vehicle" means a vehicle, low speed vehicle or medium speed vehicle as defined in this section, machine, tractor, trailer or semitrailer propelled or drawn by mechanical power used on highways or any other vehicle required to be registered under the laws of this state, but does not include any vehicle, machine, tractor, trailer or semitrailer operated exclusively on a rail;
- (40)** "Motorcycle" means "motorcycle" as defined in § 55-8-101;
- (41)** "Motorcycle learner's permit" means a special permit that is issued allowing minors fifteen (15) years of age to drive motorcycles after successfully passing the motorcycle operator's license examination or when enrolled in a certified motorcycle rider education program;
- (42)** "Motorized bicycle" means "motorized bicycle" as defined in § 55-8-101;
- (43)** "Moterscooter" has the same meaning as defined in § 55-8-101;
- (44)** "Nonresident" means every person who is not a resident of the state;
- (45)** "Operator" means every person, other than a chauffeur, who drives or is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle;
- (46)** "Owner" means a person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be deemed the owner for the purposes of this chapter;
- (47)** "Person" means every natural person, firm, copartnership, association or corporation;
- (48)** "Recreational vehicle" means every motor vehicle primarily designed as temporary living quarters for recreational camping or travel, as defined in ANSI Standards A119.2 and A119.5. The basic entities are: travel trailer, camping trailer, truck camper, motor home and park trailer;
- (49)** "Resident" means every person that lives in this state for a period of time exceeding thirty (30) days, has taken employment, or who would qualify as a registered voter, or has taken action to establish Tennessee as principal place of domicile;
- (50)** "Revocation of driver license" means the termination by formal action of the department of a person's driver license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the department after the expiration of at least one (1) year after the date of revocation;

- (51)** "School bus" means a vehicle designed to transport sixteen (16) or more passengers including the driver, operated for the transportation of children to or from school or school-related activities, and operated for compensation;
- (52)** "Secretary" means the secretary of transportation of the United States;
- (53)** "Serious traffic violation" means:
- (A)** Excessive speeding, as defined by the secretary by regulation;
  - (B)** Reckless, careless or negligent driving, as defined under § 55-10-205;
  - (C)** A violation of any state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with an accident or collision resulting in death or personal injury to any person, or property damage;
  - (D)** Driving a commercial motor vehicle without obtaining a commercial driver license;
  - (E)** Driving a commercial motor vehicle without a commercial driver license in the driver's possession;
  - (F)** Driving a commercial motor vehicle without the proper class of commercial driver license and endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported; or
  - (G)** Any other violation of a state or local law relating to motor vehicle traffic control, other than a parking violation, that the secretary determines by regulation to be serious;
- (54)** "State" means:
- (A)** For the purposes of commercial driver licenses, a state of the United States and the District of Columbia;
  - (B)** For all other purposes, a state of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands;
- (55)** "Suspension of driver license" means the temporary withdrawal by formal action of the department of a person's driver license or privilege to operate a motor vehicle on the public highways, which temporary withdrawal shall be for a period specifically designated by the department, not to exceed six (6) months for any first offense, except as provided otherwise under law;
- (56)** "Temporary driver license" means a license issued by the department to an individual that authorizes the individual to operate a motor vehicle on the highways for the individual's authorized period of stay in the United States or, if there is no definite end to the period of authorized stay, a period of one (1) year;
- (57)** "United States" means the fifty (50) states and the District of Columbia;
- (58)** "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks; and
- (59)** "Violation" means a conviction except as otherwise provided in § 55-50-504(g).

# Title 63, Chapter 7, Part 1: General Provisions

## ***Tenn. Code Ann. § 63-7-101 Purpose of Chapter***

The purpose of this chapter is to safeguard life and health by requiring each person who is practicing or is offering to practice nursing to submit evidence that the person is qualified to practice and to be licensed as provided in this chapter. Such evidence of qualifications shall be submitted to the state board of nursing, which is the regulatory body authorized to enforce this chapter.

## ***Tenn. Code Ann. § 63-7-102 Exemptions***

Nothing in this chapter shall be construed as applying to:

- (1)** The domestic administration of family remedies or the furnishing of assistance in the case of an emergency;
- (2)** Persons employed in the office of a licensed physician or dentist, assisting in the nursing care of patients where adequate medical or nursing supervision, or both, is provided;
- (3)** The practice of nursing incidental to a program of study by students enrolled in nursing education programs approved by the board;
- (4)** Persons belonging to a recognized church or religious denomination having religious teachings and beliefs in regard to the care of the sick by prayer;
- (5)** Care of persons in their homes by domestic servants, housekeepers, attendants or household aides of any type, whether employed regularly or because of an emergency or illness if such persons are not initially employed in a nursing capacity;
- (6)** The practice of any lawfully qualified nurse of another state who is employed by the United States government or any bureau, division or agency thereof while in the discharge of the nurse's official duties in this state;
- (7)** The practice of any currently licensed nurse of another state who is presenting educational programs or consultative services within this state for a period not to exceed fourteen (14) days in a calendar year;
- (8)** The practice of any currently licensed nurse of another state whose responsibilities include transporting patients into, out of or through this state. Such exemption shall be limited to a period not to exceed forty-eight (48) hours for each transport;
- (9)** The practice of nursing by students who are enrolled in board-approved refresher programs or comprehensive orientation programs;
- (10)** Persons trained in accordance with § 68-1-904(c) who are:
  - (A)** Providing personal support services to clients living in their own home or private residence pursuant to a contract or agreement under any Medicaid waiver or other program of the department of disability and aging;
  - (B)** Employed by agencies that are both licensed under title 33 and under contract to provide residential or adult day programs for people with intellectual disabilities and persons trained in accordance with § 68-1-904(c); or
  - (C)** Employed by community-based licensed intermediate care facilities for people with intellectual disabilities who will administer medication only at a location other than the community-based facility. The employees of the community-based licensed intermediate care facilities for people with intellectual disabilities may additionally receive medication administration training specific to the person served. For the purposes of this subdivision (10)(C), when administered by employees of the intermediate care facilities, medications shall be packaged in individual doses labeled with the name of the individual patient, the time of administration and the drug name and dosage;
- (11)** Except for those persons covered under subdivision (10)(A), a person employed by an agency licensed under title 33, chapter 2, part 4 providing personal support services to clients living in their own home or

private residence may assist the client with medication, except for injections, upon a written authorization by the client or the client's authorized representative. For the purpose of this section, assistance is limited to opening medication packaging and providing medication reminders and does not permit giving the client any form of medication. Before any such person is authorized to assist the client with medication as provided in this subdivision (11), the person shall receive and be able to document training in medication assistance performed by or under the general supervision of a registered nurse and consistent with the state's home and community-based services (HCBS) training in assisting with medications. For the purposes of this subdivision (11), assisting with medications is not to be interpreted in any manner or fashion to include, or to be the same as, medication administration that would be only appropriate and acceptable for persons who are authorized so to do by specific professional acts under this title or by rules or regulations;

**(12)**

**(A)** Persons trained in accordance with § 68-1-904(c)(2), who are employed by agencies that are both licensed under title 37 and under contract with the department of children's services to provide services, can assist children and youth with the self-administration of medication in a group home setting. Before that person is authorized to assist the child or youth with self-administration of medication, that person must have received and be able to document six (6) hours of training in medication administration from a registered nurse licensed pursuant to this chapter;

**(B)** For the purposes of subdivision (12)(A), assisting with self-administration of medications is not to be interpreted in any manner or fashion to include, or to be the same as, medication administration that would be only appropriate and acceptable for persons who are authorized to do so by specific professional acts under this title or by rules or regulations; and

**(13)** Except to the extent that it applies to the administration of medication, an individual who holds a valid medication technician certificate issued under this chapter, if the medication is administered in accordance with this chapter.

## ***Tenn. Code Ann. § 63-7-103 "Practice of Professional Nursing" and "Professional Nursing" Defined***

**(a)**

**(1)** "Practice of professional nursing" means the performance for compensation of any act requiring substantial specialized judgment and skill based on knowledge of the natural, behavioral and nursing sciences and the humanities as the basis for application of the nursing process in wellness and illness care.

**(2)** "Professional nursing" includes:

**(A)** Responsible supervision of a patient requiring skill and observation of symptoms and reactions and accurate recording of the facts;

**(B)** Promotion, restoration and maintenance of health or prevention of illness of others;

**(C)** Counseling, managing, supervising and teaching of others;

**(D)** Administration of medications and treatments as prescribed by a licensed physician, dentist, podiatrist, or nurse authorized to prescribe pursuant to § 63-7-123, or selected,

ordered, or administered by an advanced practice registered nurse specializing as a certified registered nurse anesthetist (CRNA) during services ordered by a physician, dentist, or podiatrist and provided by a CRNA in collaboration with the ordering physician, dentist, or podiatrist that are within the scope of practice of the CRNA and authorized by clinical privileges granted by the medical staff of the facility. A CRNA shall collaborate in a cooperative working relationship with the ordering physician, dentist, or podiatrist in the provision of patient care, which includes consultation regarding patient treatment and cooperation in the management and delivery of health care;

**(E)** Application of such nursing procedures as involve understanding of cause and effect; and

**(F)** Nursing management of illness, injury or infirmity including identification of patient problems.

**(b)** Notwithstanding subsection (a), the practice of professional nursing does not include acts of medical diagnosis or the development of a medical plan of care and therapeutics for a patient, except to the extent such acts may be authorized by §§ 63-1-132, 63-7-123 and 63-7-207.

**(c)**

**(1)** This section does not preclude a qualified registered nurse from determining whether a patient presenting to a hospital has an emergency medical condition if the determination is pursuant to:

**(A)** A cooperative working relationship with a physician; and

**(B)** Protocols jointly developed by the hospital's medical and nursing leadership and adopted by the hospital's medical staff and governing body.

**(2)** The protocols described in subdivision (c)(1) must include a requirement that the qualified registered nurse obtain the concurrence of a physician when making a determination authorized under subdivision (c)(1).

**(3)** As used in this subsection (c):

**(A)** "Emergency medical condition" means:

**(i)** A medical condition manifesting itself by acute symptoms of sufficient severity, including severe pain, such that the absence of immediate medical attention could reasonably be expected to result in:

**(a)** Placing the health of the individual or, with respect to a pregnant woman, the health of the woman or the woman's unborn child, in serious jeopardy;

(b) Serious impairment to bodily functions; or

(c) Serious dysfunction of any bodily organ or part; and

(ii) With respect to a pregnant woman who is having contractions:

(a) That there is inadequate time to effect a safe transfer to another hospital before delivery; or

(b) That transfer may pose a threat to the health or safety of the woman or the woman's unborn child; and

(B) "Qualified registered nurse" means a registered nurse who has been approved by the hospital governing body, based on the recommendation of hospital nursing leadership, as possessing the skills and competency to make a determination of the existence of a specified emergency medical condition of a patient presenting to a hospital.

### ***Tenn. Code Ann. § 63-7-104 Registered Nurse Qualifications***

An applicant for a license to practice professional nursing shall submit to the board evidence in such form as the board may prescribe that such applicant:

(1) Is in good physical and mental health;

(2) Holds a diploma from a four-year accredited high school, or the equivalent thereof, as determined by the board; and

(3) Has successfully completed a course of study in an approved school of nursing, as defined by the board, and the applicant holds a diploma or degree from an approved school of nursing or the approved school has certified to the board that the applicant has met all requirements for a diploma or degree.

### ***Tenn. Code Ann. § 63-7-105 Registered Nurse Licensure***

**(a) By Examination.** An applicant for a license to practice professional nursing shall be required to pass an examination in such subjects as the board may determine. The board shall issue a license to practice professional nursing to an applicant who successfully completes the examination.

**(b) Without Examination.**

(1) The board may issue a license to practice professional nursing to a professional or registered nurse who has been duly licensed in another state or territory if, in the opinion of the board, the individual meets the professional nurse qualifications that, at the time of the applicant's graduation, were in effect in this state.

(2)

(A) When the board receives a completed application for licensure from an applicant who is licensed in another state or territory, then the board shall, within forty-five (45) days from the date the board receives the completed application:



- (i) Render a decision on the application; or
- (ii) Inform the applicant of the need to appear before the board.

**(B)** As used in this subdivision (b)(2), “completed application” means an application that satisfies all statutory and board rule requirements.

**(c) Temporary Permits.** The board may issue a temporary permit to a professional or registered nurse duly licensed according to the laws of another state and who has made application for permanent licensure in Tennessee. A permit issued under this subsection (c) shall be valid for a single period of six (6) months.

**(d)**

**(1)** Notwithstanding a law to the contrary, a graduate nurse may engage in the practice of professional nursing without a license for a period not to exceed one hundred twenty (120) calendar days from the date of receipt of the first authorization to take the NCLEX-RN examination if:

**(A)** The graduate nurse's practice occurs in a healthcare institution licensed under title 33 or 68, or an affiliate of the institution;

**(B)** The graduate nurse is at all times working under the supervision of an individual licensed to practice professional nursing pursuant to § 63-7-105. The graduate nurse must provide the healthcare institution or affiliate of the institution in which they are practicing with:

**(i)** Proof of the first authorization to take the NCLEX-RN examination; and

**(ii)** Proof of graduation from an approved school of nursing within the previous ninety (90) days; and

**(C)** The supervising individual licensed to practice professional nursing pursuant to § 63-7-105 is limited to supervising no more than one (1) graduate nurse at a time.

**(2)** A graduate nurse is prohibited from:

**(A)** Being deemed a qualified registered nurse pursuant to § 63-7-103; and

**(B)** Using another title or identifying as anything but a “graduate nurse” in a clinical setting.

**(3)** As used in this subsection (d):

**(A)** “Graduate nurse” means an individual who:

**(i)** Holds a diploma or degree from an approved school of nursing that entitles the individual to take the NCLEX-RN licensing examination; and

**(ii)** Has received authorization to take the NCLEX-RN examination;

**(B)** “NCLEX-RN” means the national council licensure examination for registered nurses; and

**(C)** “Supervision” means that the graduate nurse's supervisor is located in the same unit as the graduate nurse when the graduate nurse is performing duties pursuant to this subsection (d).

## ***Tenn. Code Ann. § 63-7-106 Registered Nurse Fees – Certification to other States***

**(a)**

**(1)** The applicant for a license to practice as a professional or registered nurse by examination must pay a fee as set by the board and the board may direct, by regulation, that a part of the fee shall be paid directly to a testing service by the applicant.

**(2)** An unsuccessful applicant for licensure by examination may rewrite the examination upon payment of a fee as set by the board, and the board may direct, by regulation, that a part of the fee shall be paid directly to a testing service by the applicant.

**(3)** The applicant for a license to practice as a professional or registered nurse without examination under § 63-7-105(b) shall pay a fee as set by the board.

**(b)** The applicant for a temporary permit shall pay a fee as set by the board.

**(c)** Any person who holds a license to practice professional nursing under this chapter, and who seeks to be licensed in another state by endorsement on the basis of the person's Tennessee license, shall have the license certified by the board for a fee as set by the board.

**(d)** The applicant for a duplicate original license or a duplicate renewal certificate shall pay a fee as set by the board.

**(e)** The applicant for a school transcript shall pay a fee as set by the board.

**(f)** The applicant for a change in name shall pay a fee as set by the board.

**(g)** An applicant for a certificate of fitness or a temporary certificate of fitness pursuant to § 63-7-123 shall pay a fee as set by the board.

## ***Tenn. Code Ann. § 63-7-107 Use of "Registered Nurse" Title***

Any person who holds a license to practice professional nursing under this chapter shall, during the effective period of such license, be entitled to use the title "nurse," "registered nurse," or the abbreviation "R.N." No other person shall assume such titles or use such abbreviation or any other words, letters or signs to indicate that the person using the same is a professional or registered nurse.

## ***Tenn. Code Ann. § 63-7-108 "Practice of Practical Nursing" Defined***

The "practice of practical nursing" means the performance for compensation of selected acts required in the nursing care of the ill, injured or infirm and/or carrying out medical orders prescribed by a licensed physician or dentist under the direction of a licensed physician, dentist or professional registered nurse. The

licensed practical nurse shall have preparation in and understanding of nursing, but shall not be required to have the same degree of education and preparation as required of a registered nurse.

### ***Tenn. Code Ann. § 63-7-109 Practical Nurse Qualifications***

An applicant for a license to practice as a licensed practical nurse shall submit to the board evidence in such form as the board may prescribe that the applicant:

- (1) Is in good physical and mental health;
- (2) Has completed the twelfth grade or its equivalent or has successfully passed the test for and has received a general equivalency diploma and such other preliminary qualifications and requirements as the board may prescribe; and
- (3) Has successfully completed a course of study in an approved school for practical nurses, as defined by the board, and the applicant holds a certificate therefrom, or the approved school has certified to the board that the applicant has met all requirements for a certificate.

### ***Tenn. Code Ann. § 63-7-110 Practical Nurse Licensure***

**(a) By Examination.** An applicant for a license to practice practical nursing shall be required to pass a written examination as prescribed by the board. The board shall issue a license to practice practical nursing to an applicant who successfully completes the examination.

**(b) Without Examination.**

(1) The board may issue a license to a licensed practical nurse who has been duly licensed in another state or territory if, in the opinion of the board, the individual meets the practical nurse qualifications that, at the time of the applicant's graduation, were in effect in this state.

(2)

(A) When the board receives a completed application for licensure from an applicant who is licensed in another state or territory, then the board shall, within forty-five (45) days from the date the board receives the completed application:

(i) Render a decision on the application; or

(ii) Inform the applicant of the need to appear before the board.

(B) As used in this subdivision (b)(2), "completed application" means an application that satisfies all statutory and board rule requirements.

**(c) Temporary Permits.** The board may issue a temporary permit to a practical nurse duly licensed according to the laws of another state and who has made application for a permanent license in Tennessee. A permit issued under this subsection (c) shall be valid for a single period of six (6) months.

**(d)**

(1) Notwithstanding a law to the contrary, a graduate practical nurse may engage in the practice of practical nursing without a license for a period not to exceed one hundred twenty (120) calendar days from the date of receipt of the first authorization to take the NCLEX-PN examination if:

(A) The graduate practical nurse's practice occurs in a healthcare institution licensed under title 33 or 68, or an affiliate of the institution;

(B) The graduate practical nurse is at all times working under the supervision of an individual licensed in this state to practice as a professional or registered nurse. The graduate practical nurse shall provide the healthcare institution or affiliate of the institution in which the nurse is practicing with the following:

- (i) Proof of the first authorization to take the NCLEX-PN examination; and
  - (ii) Proof of graduation from an approved school of nursing within the previous ninety (90) days;
- (C) The supervising individual described in subdivision (d)(1)(B) is limited to supervising no more than one (1) graduate practical nurse at a time; and
- (D) The graduate practical nurse is prohibited from:
  - (i) Being deemed a licensed practical nurse pursuant to this section; and
  - (ii) Using another title or identifying as anything but a “graduate practical nurse” in a clinical setting.
- (2) As used in this subsection (d):
  - (A) “Graduate practical nurse” means an individual who:
    - (i) Holds a diploma or degree from an approved school of nursing that entitles the individual to take the NCLEX-PN licensing examination; and
    - (ii) Has received authorization to take the NCLEX-PN examination;
  - (B) “NCLEX-PN” means the national council licensure examination for practical nurses; and
  - (C) “Supervision” means that the graduate practical nurse's supervising individual is located in the same unit as the graduate practical nurse when the graduate practical nurse is performing duties pursuant to this subsection (d).

### ***Tenn. Code Ann. § 63-7-111 Practical Nurse Fees – Certification to other States***

(a)

(1) The applicant for a license to practice as a licensed practical nurse shall pay an examination fee as set by the board, and the board may direct, by regulation, that a part of the fee shall be paid directly to a testing service by the applicant.

(2) An applicant to rewrite an examination shall pay an examination fee as set by the board, and the board may direct, by regulation, that a part of the fee shall be paid directly to a testing service by the applicant.

(b) The applicant to practice as a licensed practical nurse without examination under § 63-7-110(b) shall pay a fee as set by the board.

(c) The applicant for a permit shall pay a fee as set by the board.

(d) Any person who holds a license to practice as a practical nurse under this chapter and who seeks to be licensed in another state by endorsement on the basis of the person's Tennessee license shall have the license certified by the board for a fee as set by the board.

(e) The applicant for a duplicate original license or a duplicate renewal certificate shall pay a fee as set by the board.

(f) The applicant for a school transcript shall pay a fee as set by the board.

(g) The applicant for a change in name shall pay a fee as set by the board.

***Tenn. Code Ann. § 63-7-112. Use of "Licensed Practical Nurse" Title***

Any person who holds a license to practice practical nursing under this chapter shall, during the effective period of such license, be entitled to use the title "nurse," "licensed practical nurse" or the abbreviation "L.P.N." No other person shall assume such titles or use such abbreviation or any other words, letters or signs to indicate that the person using the same is a licensed practical nurse

# Title 68, Chapter 1, Part 12: Public School Nurse Program

## ***Tenn. Code Ann. § 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.

## ***Tenn. Code Ann. § 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, disability and aging, 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 website. Nothing in this subdivision (12) shall be construed to require the department of education to provide or purchase vaccine against meningococcal disease.

### ***Tenn. Code Ann. § 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.

### ***Tenn. Code Ann. § 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.

### ***Tenn. Code Ann. § 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.

***Tenn. Code Ann. § 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

## ***Tenn. Code Ann. § 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.

## ***Tenn. Code Ann. § 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 program must include training in cardiopulmonary resuscitation (CPR), first aid, and the use of an automated external defibrillator (AED), as defined in § 68-140-402, for all participants. The department shall make the sudden cardiac arrest education course program available on its website 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.

### ***Tenn. Code Ann. § 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.

### ***Tenn. Code Ann. § 68-6-105 Automated External Defibrillators for Public and Non Public Schools – Accessibility and Maintenance***

(a) The governing authority of each public and nonpublic school that serves any of the grades nine through twelve (9-12) shall maintain an automated external defibrillator (AED), as defined in § 68-140-402, that is accessible during the school day and during all school youth athletic activities in which students in any of the grades nine through twelve (9-12) are participating.

(b) An AED maintained pursuant to subsection (a) must:

(1) Be identified with signage;

**(2)** Be located on-site of the school youth athletic activity or placed and made available in an unlocked location on school property that allows for the AED to be used on an individual who may experience a sudden cardiac arrest event while the individual is on-site of the school youth athletic activity within three (3) minutes; and

**(3)** Meet the requirements of title 68, chapter 140, part 408.

**(c)** The governing authority of a public or nonpublic school may use an AED maintained by the governing authority pursuant to § 49-2-122 or § 49-50-804 to meet the requirements of this section.



# Title 68, Chapter 6, Part 2: Athletics Emergency Action Plan

## ***Tenn. Code Ann. § 68-6-202 Athletics Emergency Action Plans – Requirements***

**(a)** Beginning September 1, 2024, the governing authority of each public and nonpublic school that serves any of the grades nine through twelve (9-12) shall establish, review, and annually rehearse an athletics emergency action plan (AEAP) for responding to serious or life-threatening injuries sustained by students participating in school youth athletic activities.

**(b)** An AEAP must:

- (1)** Integrate nationally recognized, evidence-based core elements or standards;
- (2)** Be memorialized as a written document, specific to the sites under the control of the school where school youth athletic activities are conducted;
- (3)** Be developed in consultation with local emergency medical services personnel; and
- (4)** Be distributed to all athletics staff members, school personnel identified in the AEAP under subdivision (c)(2), and healthcare professionals identified in the AEAP under subdivision (c)(3).

**(c)** An AEAP must, at a minimum:

- (1)** Identify the address or venue of each school youth athletic activity for the respective school year;
- (2)** Identify the personnel in each school who are responsible for carrying out the AEAP, including their assigned responsibilities and the designated chain of command;
- (3)** Identify any healthcare professionals who may provide medical care during school youth athletic activities;
- (4)** Identify any equipment and supplies that may be needed to respond to a medical emergency at a school youth athletic activity, including the location of each item;
- (5)** Describe the proper procedures to be followed after a serious or life-threatening injury occurs, including, but not limited to, responding to the injured individual, summoning emergency medical care, assisting emergency responders, and documenting the actions taken during the emergency; and
- (6)** Provide contact information for emergency medical services and directions to assist emergency personnel in accessing the location of a school youth athletic activity.

**(d)** The requirements of this part are in addition to the requirements of the Safe Stars Act, compiled in title 49, chapter 6, part 36.

# Title 68, Chapter 34, Part 1: Family Planning Act of 1971

## ***Tenn. Code Ann. § 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: Youth Sport-Related Injuries

## ***Tenn. Code Ann. § 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.

## ***Tenn. Code Ann. § 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.

### ***Tenn. Code Ann. § 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: General Provisions

## ***Tenn. Code Ann. § 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

## ***Tenn. Code Ann. § 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.

## ***Tenn. Code Ann. § 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.

### ***Tenn. Code Ann. § 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 § 68-140-404;

(2) Reporting requirements for each use of an AED;

(3) The contents of a plan prepared in accordance with § 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.

### ***Tenn. Code Ann. § 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

## ***Tenn. Code Ann. § 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).