

Legal Updates

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RESOURCES



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Welcome



- Meet the OGC Leadership Team
- Legislative Changes
- Other Legal Issues
- School Law Retreat
- Questions





Meet the OGC

Leadership Team

Meet the OGC Leadership Team



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Legal Resources Toolkit

- Guidance Memos
 - [Retired K-12 Personnel Reemployment - Issued 7/1/2025](#)
- FAQs and Other Guidance Documents
 - [Student Access to Private Pay Services During the School Day](#)
 - [Trainings for Local Education Agencies – Revised July 2026](#)
 - [Local Education Agency and Public Charter School Waiver Guidance - Issued July 2025](#)
- Forms
 - [General Waiver Request](#)
 - [Natural Disaster Waiver Request](#)
- Legislative Reports
- Legal Links



Legislative Changes

The 114th General Assembly adjourned sine die.

The 115th General Assembly will convene at noon (CST) on Tuesday, January 12, 2027.

Public Chapter No. 700

- Codified at T.C.A. § 49-6-421
- Requires 3 civic engagement field days (*1 for each branch of government*) to students in U.S. government and civics courses
- Exceptions if impracticable due to budget:
 - Verified virtual tours
 - State approved traveling civics programs
 - Visits by county officials



Public Chapter No. 1022

- Codified at T.C.A. § 49-5-711(a), T.C.A. § 49-5-205 and T.C.A. § 49-5-710(a)(1)
- Increases from 1 to 2, the number of days of personal and professional leave a teacher accumulates for each one-half year employed
- Increases from 2 to 4, the number of professional leave days a teacher may use to serve on boards and commissions to which a teacher has been appointed by a mayor, city council, county mayor or county commission.
- Revises the number of sick days a teacher has from 1 day for each month employed to 1 day for each month employed and
 - up 8 days per year for 10-month contracts
 - up 9 days per year for 11-month contracts
 - up to 10 days per year for 12-month contracts



Public Chapter No. 1112

- Codified at T.C.A. §§ 49-10-1501 and 49-10-1502
- Requires LEAs and charter schools to allow private pay providers, under contract with a parent or legal guardian of a student with autism spectrum disorder or developmental delays, access to students during the school day to provide services as long as there is no conflict with the educational placements of students;



Public Chapter No. 1112

- TDOE must develop guidelines and best practices, including a model agreement.
- LEAs and charter schools must adopt and implement policies, including a local appeal process.
- Providers must:
 - Coordinate with IEP teams and school staff;
 - Execute MOU with LEA or charter school;
 - Comply with background check laws;
 - Provide credentials and proof of insurance; and
 - Adhere to confidentiality laws, rules and policies.



Public Chapter No. 1040

- Makes various revisions to education law, including:
- Requires comptroller of the treasury, rather than the commissioner of education, to remove the education department of the county from the county financial management system when warranted under the Financial Management Act of 1981.
- Requires reimbursement requests for paid parental leave to be submitted within the same fiscal year during which the leave was taken.
- Authorizes charter schools to use remote instruction, request waivers of the instructional calendar for natural disasters and commence the school year earlier than August 1.
- Mandates charter schools establish school breakfast and lunch programs.



Public Chapter No. 1040

- Requires colleges or universities maintaining teacher training schools to comply with the criminal history records check requirements for public schools.
- Authorizes school administered child care programs receiving DHS funds to elect to complete background checks required by DHS instead of the checks required for public schools.
- Authorizes leftover summer learning funds to be used for tutoring pursuant to 49-6-3115.
- Requires LEA and charter school Title VI coordinators to investigate certain complaints of antisemitic discrimination and harassment reported to them before formally reporting the incidents and complaints to the Title VI coordinator designated by TDOE.



Public Chapter No. 1040

- Deletes the requirement for the commissioner to approve in-service day plans.
- Authorizes any school trained school employee designated by the director of school or director of charter school to conduct searches.
- Authorizes local board attorneys to conduct TDOE approved search training.
- Revises the cap on virtual school enrollment to require a limit on the total virtual school enrollment in an LEA unless each virtual school in the LEA demonstrates student achievement growth at a minimum level of "at expectations," as represented by the Tennessee Value Added Assessment System (TVAAS).
- Aligns State Special Schools employee rights to contest adverse job actions with the rights of employees of other public schools.



Public Chapter No. 963, § 3

- TISA funding floor
- Codified at T.C.A. § 49-3-108(i)
- *For the 2027-2028 and 2028-2029 school years, if an LEA's TISA allocation for the current school year is less than the LEA's TISA allocation for the 2025-2026 school year and the LEA experienced disenrollment, then the department shall allocate additional funds to the LEA in the amount of the average per pupil state funds received by the LEA in the immediately preceding school year for each student who disenrolled from the LEA in the immediately preceding school year and, at the time of the student's registration or enrollment, **provided the LEA with the student's social security number.***



Public Chapter No. 963, § 3

- The federal Privacy Act of 1974 (5 U.S.C. § 552a) prohibits the requirement of a social security number to enroll a child in school and mandates parents get notice of this if numbers are requested.
- Work with school board attorneys to determine:
 - Communication to parents
 - Confidential storage and maintenance of numbers
 - Breach liability insurance





Other Legal Issues

Kratom

What is it?

T.C.A. § 39-17-457 defines the possession, manufacture, delivery, or sale of Kratom—for anyone of any age—as a Class A misdemeanor.

Is it a zero tolerance offense in Tennessee law?

T.C.A. § 49-6-3401(g)(2)(C) stipulates that a student commits a zero-tolerance offense when the student "[i]s 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."

How should it be coded?

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Discipline Code on Vaping

Code 17: Use when a student is in unlawful possession of any drug, including any controlled substance, as defined in T.C.A. §§ 39-17-402-39-17-415, controlled substance analogue, as defined by T.C.A. § 39-17-454, or legend drug, as defined by T.C.A. § 53-10-101. This code should include the use and distribution of a drug. **Vaping infractions, including tobacco product use, should be included only in code 51.**

New Code 51: Unlawful possession of either a tobacco, smoking hemp, vapor product, or smokeless nicotine product, as defined in T.C.A. § 39-17-1505. **This code shall only include vaping infractions including the use of tobacco products. Vaping infractions including illegal drugs should be included in code 17.**



Paid Parental Leave

- For an employee to be eligible for paid parental leave, T.C.A. § 8-50-814(a)(3)(C) requires the employee to have “*held a valid license of qualification or an emergency credential issued by the department of education pursuant to § 49-5-106, for the entire twelve (12) consecutive months of employment with the local education agency or public charter school.*”
- TDOE recognizes one narrow exception to the requirement that an employee must hold the credential for the entire 12 consecutive months of employment.
- Because the TDOE does not issue a permit for more than 12 months at a time, if there is a small lapse in time where the employee does not hold a credential over the summer (outside of the instructional calendar) due to the processing of a new permit, the teacher could still be deemed eligible.



Paid Parental Leave *(continued)*

- However, a teacher must hold a valid permit on the day of the qualifying event and for every day they are working in the district providing instruction so a lapse in time between the expiration of a permit and the reissuance of a new permit cannot occur during the school year.
- **It is imperative that districts apply for a permit to ensure the teacher holds the appropriate credentials prior to beginning to teach students.**



Criminal History Records Checks

- T.C.A. § 49-5-413(g): Upon this state's acceptance into the federal bureau of investigation rap back program, LEAs, public charter schools, state colleges or universities maintaining a training school, private colleges or universities maintaining a training school, and child care programs, as defined in § 49-1-1102, may require state and national criminal history record checks to be conducted on contract workers and school volunteers, and may participate in the rap back program, for the purpose of determining suitability or fitness for contract workers and volunteers to work with children or to be on school grounds when children are present.
- Now that Tennessee has been accepted into the FBI rap back program, every teacher who is due for their 5-year check must be enrolled in rap back.



2026 School Law Retreat

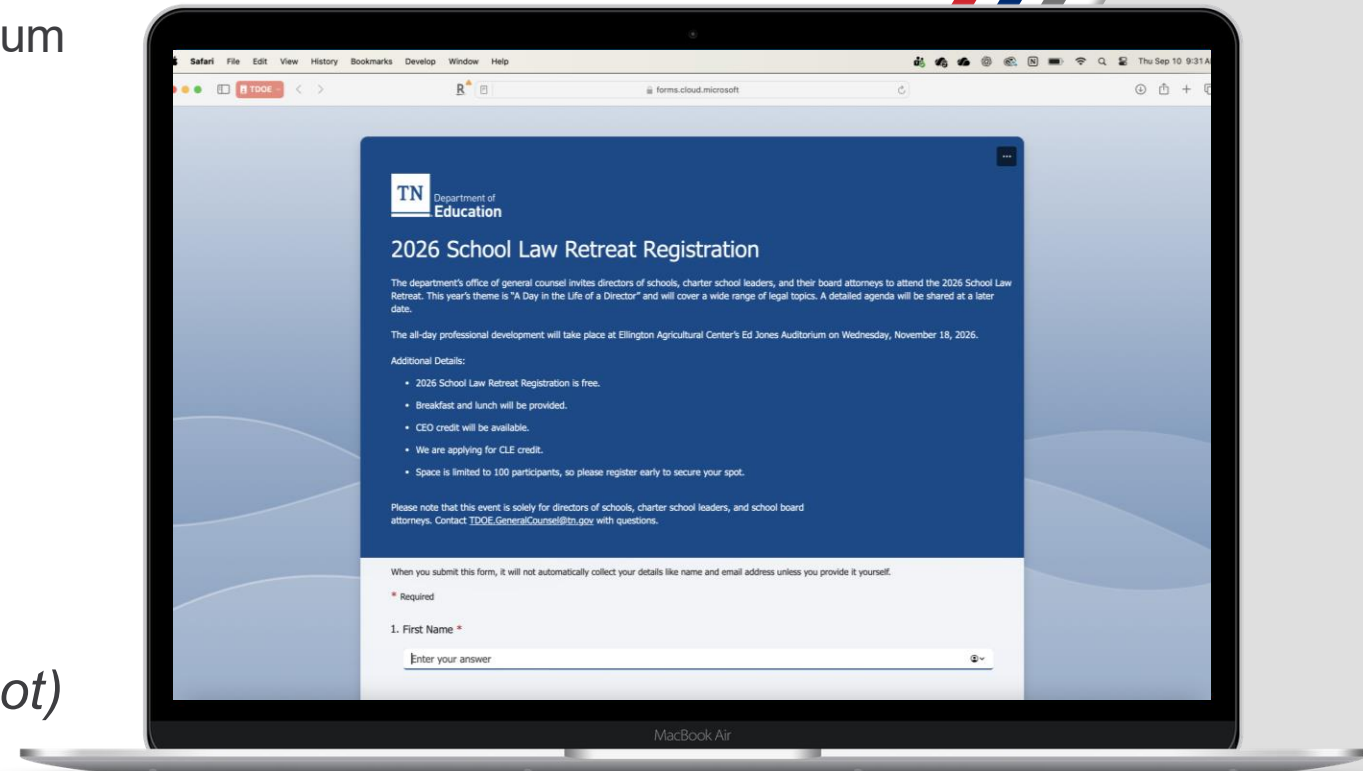
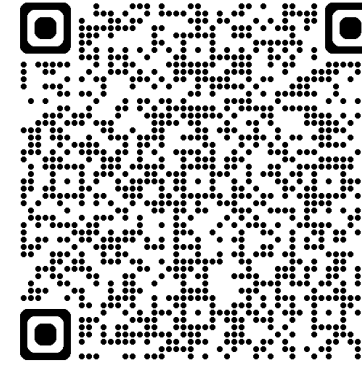
Directors of schools, charter school leaders, and board attorneys are invited to attend.

Wednesday, November 18, 2026

Ellington Agricultural Center's Ed Jones Auditorium

2026 School Law Retreat Registration

- Free to attend
- Breakfast & lunch provided
- CEO credit available
- TDOE applying for CLE credit
- Space limited to 100 participants
(*please register early to secure your spot*)





Questions? Thank You!

For any questions, please email
TDOE.GeneralCounsel@tn.gov

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