

HOUSE BILL 1913

By Bulso

AN ACT to amend Tennessee Code Annotated, Title 36
and Title 49, relative to parent's rights.

WHEREAS, the General Assembly finds that it is a fundamental right of parents to direct the upbringing, education, and care of their children; and

WHEREAS, the General Assembly further finds that important information concerning a child should not be withheld, intentionally or otherwise, from a parent, including information concerning the child's health, well-being, and education, while the child is in the custody of a local education agency (LEA) or charter school; and

WHEREAS, the General Assembly further finds it is necessary to establish a consistent mechanism for parents to be notified of information concerning the health and well-being of their children; now, therefore,

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

SECTION 1. Tennessee Code Annotated, Title 36, Chapter 2, is amended by adding the following as a new part 1.

36-2-101.

This part is known and may be cited as the "Tennessee Parents' Bill of Rights".

36-2-102.

As used in this part:

(1) "Child" or "children" means any person or persons under eighteen (18) years of age; and

(2) "Parent" means a person who has legal custody of a minor child as a natural or adoptive parent or a legal guardian.

36-2-103.

The state, a political subdivision in this state, an LEA, a charter school, or any other governmental entity shall not infringe on the fundamental rights of a parent to direct the upbringing, education, health care, and mental health of the parent's child without demonstrating by clear and convincing evidence that such action is reasonable and necessary to achieve a compelling state interest and that such action is narrowly tailored and is not otherwise served by a less restrictive means.

36-2-104.

Parental rights are reserved to the parent of a child in this state without obstruction or interference from this state, a political subdivision of this state, an LEA, a charter school, or any other governmental entity. The parental rights reserved to the parent of a child include:

- (1) The right to direct the education and care of the child;
- (2) The right to direct the upbringing and the moral or religious training of the child;
- (3) The right to enroll the child in a public school, private school, including a religious school, home education program, or other available options, as authorized by law;
- (4) The right to access and review all school records relating to the child;
- (5) The right to make any decision affecting the health, mental health, well-being, or health care of the child, unless otherwise prohibited by law;
- (6) The right to access and review all medical records of the child, unless prohibited by law or if the parent is the subject of an investigation of a crime committed against the child and a law enforcement agency or official requests that the information not be released;

(7) The right to provide written consent before a biometric scan of the child is made, shared, or stored;

(8) The right to provide written consent before any record of the child's blood or deoxyribonucleic acid (DNA) is created, stored, or shared, except as required by law or authorized by a court order;

(9) The right to provide written consent before the state or any of its political subdivisions creates a video or voice recording of the child unless the recording is made:

(A) During or as part of a court proceeding;

(B) As part of a forensic interview in a criminal or department of children's services investigation; or

(C) To be used solely for:

(i) A safety demonstration, including the maintenance of order and discipline in the common areas of a school or on student transportation vehicles;

(ii) A purpose related to a legitimate academic or extracurricular activity;

(iii) A purpose related to regular classroom instruction;

(iv) Security or surveillance of buildings or grounds; or

(v) A photo identification card; and

(10) The right to be notified promptly if an employee of the state, a political subdivision in the state, an LEA, a charter school, or any other governmental entity suspects that a criminal offense has been committed against the child, unless the incident has first been reported to law enforcement or the

department of children's services and notifying the parent would impede the investigation.

36-2-105.

(a) This part does not:

(1) Authorize a parent of a child to engage in conduct that is prohibited by law;

(2) Condone, authorize, approve, or apply a parental action or decision that would end the child's life;

(3) Prohibit a court of competent jurisdiction, a law enforcement officer, or an employee of a government agency responsible for child welfare, from acting in an official capacity within the reasonable and prudent scope of such authority; or

(4) Prohibit a court of competent jurisdiction from issuing an order that is otherwise permitted by law.

(b) An employee of this state, a political subdivision of this state, or any other governmental entity who encourages or coerces, or attempts to encourage or coerce, a child to withhold information from their parent may be subject to disciplinary action.

(c) Parents have a fundamental right to direct the upbringing, education, and care of their children. Parents have the rights listed in this part unless such rights have been legally waived or terminated. The enumeration in this part of certain rights shall not be construed to deny or disparage other fundamental rights.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.