

SENATE BILL 1298

By Niceley

AN ACT to amend Tennessee Code Annotated, Title 49,
relative to parental rights.

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, is amended by adding
SECTIONS 2–4 as a new, appropriately designated part.

SECTION 2.

As used in this part:

(1) “Local education agency” or “LEA” means any county, city, or special
school district, unified school district, school district of any metropolitan form of
government, or any other school system established by law;

(2) “Reasonably accommodate” means an LEA shall make a good faith
effort to enable a parent or legal guardian to exercise parental rights:

(A) Without substantial impact to staff and resources, including
employee working conditions, safety, and supervision on school premises
and for the school activities, and the efficient allocation of expenditures;
and

(B) While balancing:

- (i) The parental rights of parents or legal guardians;
- (ii) The educational needs of other students;
- (iii) The academic and behavioral impacts to a classroom;
- (iv) The teacher’s workload; and
- (v) The assurance of the safe and efficient operation of a

school; and

(3) "User of the public education system" means any student enrolled in the LEA or the student's parent or legal guardian.

SECTION 3.

An LEA shall annually notify a parent or legal guardian of a student enrolled in the LEA of the parent or legal guardian's rights pursuant to this part. The parental rights notice shall be included in the LEA's distribution of the policy of the school's code of behavior and discipline pursuant to § 49-6-4002. All teachers, administrative staff, and parents shall be provided copies of the parental rights notice.

SECTION 4.

(a)

(1) The parent or legal guardian of a student is the primary person responsible for the education of the student, and the state is in a secondary and supportive role to the parent or legal guardian. The parent or legal guardian of the student has the right to reasonable academic accommodations from the LEA.

(2) Each request for a reasonable accommodation shall be considered on an individual basis, and no student shall be considered to a greater or lesser degree than any other student.

(3) The parental rights within this part do not include all of the rights or accommodations that may be available to the parent or legal guardian of the student as a user of the public education system.

(4) If an LEA is unable to reasonably accommodate the parent or legal guardian's request pursuant to subsection (b), then the LEA shall provide an explanation to the parent or legal guardian of the reason for the denial.

(b) An LEA shall reasonably accommodate the parent or legal guardian's request:

(1) To retain a student at a grade level based upon the student's:

(A) Academic ability;

- (B) Social maturity;
- (C) Emotional maturity; and
- (D) Physical maturity;

(2) For initial selection of a teacher or request for a change of the student's teacher;

(3) To visit and observe any class in which the parent or legal guardian's student is enrolled;

(4) To excuse the student from attendance for a family event or visit to a healthcare provider, without obtaining a note from the provider. The excused absence provided for this in this subdivision (b)(4) shall not:

(A) Diminish expectations for the academic performance of the student; or

(B) Violate the truancy laws pursuant to § 37-1-102(b)(23)(A), § 37-1-132, or part 30 of this chapter;

(5) To place a student in a specialized class or advanced course; provided, that the LEA shall consider the student's academic ability or the student's social, emotional, and physical maturity when determining an accommodation pursuant to this subdivision (b)(5);

(6) To meet with the student's teacher at a mutually agreed-upon time, if the parent or legal guardian is unable to attend a regularly scheduled parent-teacher conference;

(7) To allow the student to take a paper-based test instead of a computer-based test;

(8) To inspect all school instructional materials pursuant to § 49-6-7003 that will affect the parent or legal guardian's student's final grade in the course; and

(9) To view the surveys, analyses, or evaluations administered to the parent or legal guardian's student pursuant to § 49-2-211.

(c) Notwithstanding § 49-6-6001, an LEA shall allow a student to receive high school course credit towards graduation from high school without completing a course in the school by:

(1) Passing a test that covers the entire course; or

(2) Demonstrating mastery and proficiency in the course standards pursuant to rules promulgated by the state board.

(d)

(1) Upon the written request of the parent or legal guardian of the student, an LEA shall excuse the student from any state-mandated tests or assessments that are administered statewide, including the National Assessment of Educational Progress.

(2) The state board of education shall promulgate rules that neither an LEA nor its employees shall be negatively impacted by school grading or employee evaluation due to a student not taking a test pursuant to subdivision (d)(1).

(3) Notwithstanding § 49-1-617, the final grade or determination to promote a student to the next grade for a student's excused absence from statewide tests or assessments pursuant to subdivision (d)(1) shall be determined from the student's coursework that shall include, but not be limited to, all projects, quizzes, homework, classwork, and examinations.

(e)

(1) An LEA shall provide for:

(A) The distribution of a copy of the school's code of behavior and discipline pursuant to § 49-6-4007 to each student; and

(B) The parent or legal guardian's signature acknowledging receipt of the school's code of behavior and discipline.

(2) An LEA shall notify the parent or legal guardian of a student's violation of the school's discipline and conduct policy, and allow a parent or legal guardian to respond to the notice of the student's violation.

(f) An LEA shall receive written consent from the parent or legal guardian of the student prior to the administration of all surveys, analyses, or evaluations pursuant to § 49-2-211; and

SECTION 5. The state board of education is authorized to promulgate rules to effectuate the purposes of this act. The rules shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 6. For the purpose of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2015, the public welfare requiring it.