



State of Tennessee

PUBLIC CHAPTER NO. 353

SENATE BILL NO. 1443

By Roberts, Lowe, Bowling, Bailey, Hensley, Pody, Reeves, Rose, Taylor, White

Substituted for: House Bill No. 727

By Fritts, Hulseley, White, Sherrell, Hurt, Butler, Reedy, Powers, McCalmon, Littleton, Lynn, Leatherwood, Todd, Moody, Barrett, Hawk, Davis, Doggett

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 1; Title 49, Chapter 2; Title 49, Chapter 6 and Title 68, relative to consent in educational events.

WHEREAS, Tennessee Code Annotated, Section 49-6-7004, encourages local education agencies to communicate with parents in an effort to facilitate parental involvement in the parent's child's education; and

WHEREAS, parents are not receiving the proper information regarding the experiences and education available to their child at school before the child participates in activities or receives services provided by the school; and

WHEREAS, parental involvement contracts, as outlined in Tennessee Code Annotated, section 49-6-7004, do not inform parents about the onsite school services that are outsourced and available to the parent's child at school; and

WHEREAS, although the parental involvement program created in Tennessee Code Annotated, Title 49, Chapter 6, Part 70, encourages parents to participate in their child's education, it is not required or always feasible for parents to attend such a program; now, therefore,

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

SECTION 1. Tennessee Code Annotated, Section 49-2-211, is amended by deleting subsection (b) and substituting:

(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.

SECTION 2. Tennessee Code Annotated, Section 49-1-1002, is amended by deleting subdivision (b)(2) and substituting:

(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

SECTION 3. Tennessee Code Annotated, Section 49-6-1308, is amended by deleting subsection (b) and substituting:

(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.

SECTION 4. Tennessee Code Annotated, Section 49-6-1031(b), is amended by deleting the subsection and substituting:

(b)(1) A school shall not allow a minor student to become a member of a club or organization, or allow a minor student to participate in any activity of a club or organization, unless the student's parent or legal guardian first provides consent to the student's membership or participation in a dated, written consent.

(2) As used in this subsection (b), "minor student" means a student who is not eighteen (18) years of age or older.

SECTION 5. This act takes effect July 1, 2023, the public welfare requiring it.

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PASSED: April 19, 2023

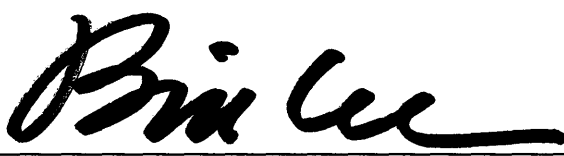


RANDY McNALLY
SPEAKER OF THE SENATE



CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 5th day of May 2023



BILL LEE, GOVERNOR