

SENATE BILL 2360

By Bowling

AN ACT to amend Tennessee Code Annotated, Section 14-4-103; Title 49 and Title 63, relative to parental rights.

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

SECTION 1. This act is known and may be cited as the "Parent Bill of Rights Act."

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 6, Part 70, is amended by adding the following as a new section:

(a) An LEA shall adopt and file in its official operating policy pamphlet its policy on inspection of instructor information and other records by parents and legal guardians of students enrolled in the LEA.

(b) The policy must provide that a parent or legal guardian of a student enrolled in a school of the LEA is entitled to:

(1) Review the names of any teacher, substitute teacher, guest speaker, or other individual providing instruction to the parent's or legal guardian's student;

(2) Review the names of any organization or individual receiving funding from or contracting with the LEA in the school year;

(3) Except where court orders prohibit or otherwise limit access, visit the parent's or legal guardian's student during regular school hours, including, but not limited to, observing the student's classroom;

(4) Review the content of curriculum, teacher manuals, and textbooks for any classroom of the parent's or legal guardian's student without being required to sign a non-disclosure agreement;

(5) Review a list of all titles and materials available in the school library;
and

(6) Review a list of titles or materials that have been borrowed from the school library by the parent or legal guardian's child.

(c) An LEA shall immediately notify the parent or legal guardian of a student enrolled in a school of the LEA of any:

(1) Incident concerning student safety in the school, including any crimes committed by a teacher, substitute teacher, guest speaker, or other individual while providing instruction to the parent's or legal guardian's student; or

(2) Medical treatment provided to the parent's or legal guardian's student by the LEA.

(d)

(1) A parent or legal guardian of a student enrolled in an LEA who is prevented from exercising the rights established in subsection (b) or who is not notified as required by subsection (c) has a private right of action for injunctive relief and to recover reasonable attorney's fees against the LEA in the chancery court in the county where the claim arose.

(2) This subsection (d) does not limit other remedies at law or equity available to the aggrieved person against the LEA or public school.

(3) A civil action brought pursuant to this subsection (d) must be initiated within one (1) year from when the date on which the claim arose.

SECTION 3. Tennessee Code Annotated, Section 49-2-211(b)(1), is amended by deleting the second sentence and substituting:

The policy created pursuant to subsection (a) must require that written consent of a parent or legal guardian, in the case of students under eighteen (18) years of age, be obtained in order for the student to participate in a survey, analysis, or evaluation.

SECTION 4. Tennessee Code Annotated, Section 49-1-704(b), is amended by deleting the subsection and substituting:

(b) Parents and guardians have the right to request student data specific to their children's educational records, including information on how the LEA collects and uses the student data.

SECTION 5. Tennessee Code Annotated, Section 49-6-1031, is amended by deleting the section and substituting:

(a) Each school shall notify the parent or legal guardian of a student enrolled in the school of all clubs and organizations available to students attending the school by prominently displaying the information in the school's student handbook, or other standard or policy guidebook that contains the policies and procedures of the school and is distributed annually. The list includes:

- (1) The names of the clubs and organizations, including any abbreviations or acronyms;
- (2) The mission and purpose of the club or organization;
- (3) All financial requirements associated with membership in the club or organization; and
- (4) Notification of the parental consent requirement set forth in subsection (b).

(b) A school shall not permit a student who is a minor to become a member or participate in any activities of a club or organization unless the parent or legal guardian of the student has provided written consent permitting the student's membership or

participation. In order to be valid, the written consent must be signed and dated by the parent or legal guardian.

(c) A school shall not permit a student who is a minor to participate in a field trip, school assembly, or guest speaker event unless the parent or legal guardian of such student has provided written consent permitting the student's participation in the respective field trip, assembly, or event. In order to be valid, the written consent must be signed and dated by the parent or legal guardian.

SECTION 6. Tennessee Code Annotated, Section 49-6-1305, is amended by deleting subsection (b) and substituting:

(b) A parent must provide written consent to the student's instructor, school counselor, or principal in order to permit the student to participate in any portion of family life, if the student is a minor. A student who is excused from any or all portions of family life must not be penalized for grading purposes if the student satisfactorily performs alternative health lessons.

SECTION 7. Tennessee Code Annotated, Section 49-6-1304(b)(4)(C), is amended by deleting the language "to opt the parent's student out of" and substituting "refuse to opt the parent's student into".

SECTION 8. Tennessee Code Annotated, Title 63, Chapter 6, Part 2, is amended by adding the following as a new section:

(a) Except as provided by § 63-6-218, a healthcare practitioner shall not provide a patient who is a minor with medical treatment without first obtaining written consent from the parent or legal guardian of the minor or pursuant to an appropriate court order.

(b) As used in this section:

(1) "Healthcare practitioner" means a person licensed to practice medicine under this chapter or chapter 9 of this title, and includes those persons rendering services pursuant to § 63-6-204;

(2) "Legal guardian" means an individual or entity that has the legal authority to provide for the care, supervision, or control of a minor as established by law or court order; and

(3) "Minor":

(A) Means an individual who has not attained eighteen (18) years of age; and

(B) Does not include an individual who has been emancipated pursuant to title 29, chapter 31.

SECTION 9. Tennessee Code Annotated, Title 63, Chapter 6, Part 2, is amended by deleting §§ 63-6-220, 63-6-223, and 63-6-229.

SECTION 10. This act takes effect July 1, 2022, the public welfare requiring it, and applies to private rights of action accruing on or after July 1, 2021.