

HOUSE BILL 2165

By Goins

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 1; Title 49, Chapter 2; Title 49, Chapter 5 and Title 49, Chapter 6, relative to the teacher code of ethics.

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

SECTION 1. Tennessee Code Annotated, Section 49-5-1003, is amended by deleting the section and substituting instead:

(a) An educator shall strive to help each student realize the student's potential as a worthy and effective member of society. An educator therefore works to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals.

(b) In fulfillment of this obligation to the student, an educator shall:

- (1) Abide by all applicable federal and state laws;
- (2) Not unreasonably restrain the student from independent action in the pursuit of learning;
- (3) Provide the student with professional education services in a nondiscriminatory manner and in consonance with accepted best practices known to the educator;
- (4) Respect the constitutional rights of the student;
- (5) Not unreasonably deny the student access to varying points of view;
- (6) Not deliberately suppress or distort subject matter relevant to the student's progress;
- (7) Make reasonable effort to protect the student from conditions harmful to learning or to health and safety;

(8) Make reasonable effort to protect the emotional well-being of the student;

(9) Not intentionally expose the student to embarrassment or disparagement;

(10) Not on the basis of race; color; creed; sex; national origin; marital status; political or religious beliefs; family, social, or cultural background; or sexual orientation, unfairly:

(A) Exclude the student from participation in any program;

(B) Deny benefits to the student; or

(C) Grant any advantage to the student;

(11) Not use the educator's professional relationship with the student for private advantage;

(12) Not disclose information about the student obtained in the course of the educator's professional service, unless disclosure of the information is permitted, serves a compelling professional purpose, or is required by law;

(13) Not knowingly make false or malicious statements about students or colleagues;

(14) Ensure interactions with the student take place in transparent and appropriate settings;

(15) Not engage in any sexually related behavior with the student, whether verbal, written, physical, or electronic, with or without the student's consent. Sexually related behavior includes, but is not limited to, behaviors such as making sexual jokes or sexual remarks; engaging in sexual kidding, sexual teasing, or sexual innuendo; pressuring the student for dates or sexual favors; engaging in inappropriate physical touching, groping, or grabbing; kissing; rape; threatening physical harm; and committing sexual assault;

(16) Not furnish alcohol or illegal or unauthorized drugs to the student;

(17) Strive to prevent the use of alcohol or illegal or unauthorized drugs by the student when the student is under the educator's supervision on school or LEA premises, during school activities, or in any private setting;

(18) Refrain from the use of alcohol while on school or LEA premises or during a school activity at which students are present; and

(19) Maintain a professional approach with the student at all times.

SECTION 2. Tennessee Code Annotated, Section 49-5-1004(b), is amended by adding the following as a new subdivision:

() Use illegal or unauthorized drugs.

SECTION 3. Tennessee Code Annotated, Section 49-5-1004, is amended by adding the following language as a new subsection:

In fulfillment of this obligation to the profession, educators shall:

(1) Administer state-mandated assessments fairly and ethically; and

(2) Conduct themselves in a manner that preserves the dignity and integrity of the education profession.

SECTION 4. Tennessee Code Annotated, Title 49, Chapter 5, Part 10, is amended by adding the following language as a new section:

(a) An educator who has personal knowledge of a breach by another educator of the teacher code of ethics prescribed in §§ 49-5-1003 and 49-5-1004 shall report the breach to the director of schools, local board of education, or state board of education within thirty (30) days of discovering the breach.

(b) Failure to report a breach of the teacher code of ethics, or to file a report of any criminal activity or other misconduct that is required by federal or state law, is a breach of the teacher code of ethics.

SECTION 5. Tennessee Code Annotated, Title 49, Chapter 5, Part 10, is amended by adding the following language as a new section:

LEAs must conduct annual professional development training concerning the teacher code of ethics and its requirements. The professional development training shall address what constitutes unethical conduct.

SECTION 6. Tennessee Code Annotated, Title 49, Chapter 5, Part 56, is amended by adding the following language as a new section:

State-approved teacher preparation programs shall require all teacher candidates to complete training on the teacher code of ethics found in chapter 5, part 10 of this title as part of the program.

SECTION 7. This act shall take effect July 1, 2018, the public welfare requiring it.