

HOUSE BILL 2165

By Littleton

AN ACT to amend Tennessee Code Annotated, Title 49,
relative to K-12 education.

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 3, is amended by adding the following as a new section:

(a) An employee of an LEA or public charter school shall not knowingly give false or misleading information to the parent of a student regarding the student's gender identity or the student's intention to transition to a gender that differs from the sex listed on the student's official birth certificate or certificate of birth issued upon adoption, if the certificate of birth was issued at or near the time of the student's birth.

(b) If a student enrolled in an LEA or public charter school requests an accommodation from an employee of the LEA or public charter school that is intended to affirm the student's gender identity, including a request that the student be addressed using a name that differs from the name assigned to the student on the student's school registration forms or in the student's educational record, or that the student be addressed using a pronoun that does not correspond with the sex listed on the student's official birth certificate or certificate of birth issued upon adoption, if the certificate of birth was issued at or near the time of the student's birth, then the employee of the LEA or public charter school shall report the student's request to a school administrator, and the school administrator shall report the student's request to the student's parent.

(c) A parent who is affected, or whose student is affected, by a violation of this section may bring a civil action against the LEA or public charter school in a court of competent jurisdiction. The court in any such action:

(1) May award compensatory damages, injunctive relief, or any other appropriate relief to a prevailing party who establishes a violation of this section; and

(2) Shall award court costs, expenses, and reasonable attorney fees to a prevailing party who establishes a violation of this section.

(d) The attorney general and reporter may bring an action against an LEA or public charter school to enforce compliance with this section.

(e) As used in this section:

(1) "Gender identity" has the same meaning as provided in the Diagnostic and Statistical Manual (DSM-5); and

(2) "Parent" means the parent, guardian, person who has custody of the child, or individual who has caregiving authority for the child under § 49-6-3001.

SECTION 2. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.