

HOUSE BILL 2289

By Gant

AN ACT to amend Tennessee Code Annotated, Title 28, Chapter 3; Title 29; Title 37, Chapter 10, Part 1 and Title 49, relative to student conduct.

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 41, is amended by adding the following as a new section:

The state board of education and each LEA shall adopt policies regarding student use of personal technology, including audio recording, taking unwanted photographs, or videotaping. The policies must include disciplinary provisions to address violations of the policies.

SECTION 2. Tennessee Code Annotated, Title 29, Chapter 24, is amended by adding the following as a new section:

(a) An employee of a local education agency has a cause of action to recover damages against a student of the local education agency who publishes, on social media or otherwise, a false and defamatory statement concerning the employee:

(1) With knowledge that the statement is false and defaming to the employee of the local education agency; or

(2) With reckless disregard for the truth of the statement or with negligence in failing to ascertain the truth of the statement.

(b) In any action commenced under subsection (a), the plaintiff is entitled to recover damages from the parent or guardian of the student, if, at the time that the student is alleged to have published the false and defamatory statement:

(1) The student was less than eighteen (18) years of age;

(2) The student was living with the parent or guardian;

(3) The parent or guardian knew, or should have known, of the student's tendency to make false and defamatory statements that could be expected to cause injury to another person's social or professional reputation; and

(4) The parent or guardian had an opportunity to control the student but failed to exercise reasonable means to restrain the student's libelous conduct.

(c) The limits on parental liability in title 37, chapter 10, part 1, do not apply to actions brought under this section.

(d) This section is not exclusive, and the remedies provided in this section are in addition to any other remedies provided for by law or available under common law.

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