

HOUSE BILL 529

By Moody

AN ACT to amend Tennessee Code Annotated, Title 49,
Chapter 6, Part 13, relative to curriculum.

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 13, is amended by adding the following as a new section:

(a) Not less than thirty (30) days prior to commencing instruction of a sexual orientation curriculum or gender identity curriculum, regardless of whether the curriculum is offered as part of a family life program, sex education program, or other program, each LEA or public charter school shall notify the parent or guardian of each student whom the LEA or charter school anticipates will be present for instruction in the curriculum that:

(1) The LEA or charter school is providing a sexual orientation curriculum or gender identity curriculum; and

(2) The parent or guardian may examine the instructional materials and confer with the student's instructor, school counselor, or principal, as designated by the LEA or public charter school, regarding any or all portions of the curriculum.

(b) A parent or guardian who wishes to excuse the parent's or guardian's student from any portion of a sexual orientation curriculum or gender identity curriculum must submit a request in writing to the student's instructor, school counselor, or principal. A parent or guardian who wishes to excuse the parent's or guardian's student from all portions of a sexual orientation curriculum or gender identity curriculum must submit a request in writing to the student's principal. An LEA or public charter school shall not

penalize a student who is excused from any or all portions of a sexual orientation curriculum or gender identity curriculum for grading purposes if the excused student satisfactorily performs an alternative lesson that is assigned to the student.

(c) An LEA or public charter school is not required to notify a student's parent or guardian prior to a teacher, principal, or other school personnel:

(1) Responding to a question from a student during class regarding sexual orientation or gender identity as it relates to any topic of instruction; or

(2) Referring to the sexual orientation or gender identity of any historic person, group, or public figure, where the referral provides necessary context in relation to a topic of instruction.

(d) An LEA or public charter school is not required to provide a sexual orientation curriculum or gender identity curriculum.

(e) As used in this section "instruction of a sexual orientation curriculum or gender identity curriculum" includes distributing materials, administering tests, surveys, or questionnaires, or instruction of any kind related to sexual orientation or gender identity.

SECTION 2. Tennessee Code Annotated, Section 49-6-1301, is amended by adding the following as new subdivisions:

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

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

() "Sexual orientation" means an individual's actual or perceived sexual orientation as heterosexual, homosexual, or bisexual;

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