

## **State Statutory Rights of Parents and Students**

Chapter 644 of the Public Acts of 2016 of the Tennessee General Assembly requires the Tennessee State Department of Education to annually compile a list of state laws related to the rights of students and their parents or legal guardians. Listed below is a summary of the state laws that provide explicit rights to parents, legal guardians, and/or students and does not include all the legal protections and privileges afforded to students and their parents or legal guardians.

### **Definitions:**

1. T.C.A. – The acronym for Tennessee Code Annotated which is literally Tennessee Statutory Law.

2. LEA – Local Education Agency – In the instance of this document, LEA is referring to Huntingdon Special School District. Example: The LEA shall provide copies of their children’s report card. LEA means the school district shall provide the copies.

The summary below is listed in chronological order and does not reflect greater significance on any one law over another:

### **T.C.A. § 49-1-704: Right of Parents and Guardians to Inspect their Children’s Educational Records**

Parents and guardians have the right to inspect and review their children’s education records maintained by the school. Parents and guardians have the right to request student data specific to their children’s educational records. LEAs shall provide parents or guardians with a copy of their children’s educational records upon request.

### **T.C.A. § 49-1-705: LEAs and Schools Will not Collect Individual Student Data**

Students shall not have to provide data to their school or LEA on their political affiliation; religion; voting history; and firearms ownership.

### **T.C.A. § 49-1-706: Written Consent Required Prior to Collecting Individual Student Biometric Data**

Parents must provide written consent prior to a state agency or educational institution collecting any individual student biometric data, student data relative to analysis of facial expressions, EEG brain wave patterns, skin conductance, galvanic skin response, heart-rate variability, pulse, blood volume, posture, and eye-tracking.

**T.C.A. § 49-1-1106: Inspection of Persons or Entities Providing Child Care**

Parents or other caretakers of children in the care of a child care program certified by the department of education shall be permitted to visit and inspect the facilities and observe the methods for the care of their children at any time during which the children are in the care of the program and, except those records of other children and their parents or caretakers, shall further be permitted to inspect any records of the program that are not privileged, or are not otherwise confidential, as provided by law or regulation, and the parents' or caretakers' access for these purposes shall not be purposely denied by the program.

**T.C.A. § 49-2-124: Universal Mental Health Screening**

Parents may refuse to consent to the administration of a psychotropic medication to a student or to a mental health screening, evaluation, testing or examination or a child or student.

**T.C.A. § 49-2-129: Information of Firearm Ownership by Student, Parent, Teacher or LEA Employee**

No school administrator, teacher, or other employee of an LEA shall require a student or the student's parent to provide information on firearm ownership by the student's family. No school administrator or other employee of an LEA shall require a teacher or other school employee to provide information on firearm ownership by the teacher or school employee. Any information on firearm ownership that is voluntarily provided by a student, parent, teacher, or LEA employee shall not be the basis for adverse disciplinary action against a student or adverse employment action against a teacher or LEA employee.

**T.C.A. § 49-2-211: Policy for Student Surveys or Evaluations**

Every LEA shall have a policy that allows a parent or legal guardian access to review all surveys, analyses or evaluations, prior to being administered to the parent or legal guardian's child. The policy shall enable a parent or legal guardian to opt their student out of participating in a survey, analysis or evaluation. The policy shall require a parent, legal guardian or student, in the case of students eighteen (18) years of age or older, to provide written consent before the collection of individual student biometric data. The LEA shall also disclose to the parent or legal guardian of the student the purpose for the survey, analysis, or evaluation materials as well as who will have access to the results.

**T.C.A. § 49-3-310: Textbooks and Other Instructional Materials**

No board of education or public school system shall require any pupil or parent to purchase any textbook or instructional materials except in cases where the pupil or parent damages, loses, or defaces the textbook or instructional materials either through willful intent or neglect. Parents or pupils may voluntarily purchase textbooks and instructional materials.

**T.C.A. § 49-5-1003: Educator’s Obligation to Students**

Educators shall not disclose information about students obtained in the course of professional service, unless disclosure serves a compelling professional purpose or is required by law.

**T.C.A. § 49-6-901: Report Card Copies to Parents**

A copy of a student’s report card shall be furnished by the LEA to the parent or parents of the student.

**T.C.A. § 49-6-902: Report Card Copies to Noncustodial or Nonresident Parents**

Any parent who does not have custody of a child, or in the case of parents having joint custody of a child, the parent not residing with the child, or in the case of a child in the custody of a legal guardian, both parents, may request in writing that a copy of the child’s report card, notice of school attendance, names of teachers, class schedules, standardized test scores and any other records customarily available to parents be furnished directly to the noncustodial or nonresident parent.

**T.C.A. § 49-6-1004: Period of Silence or Prayer**

A period of silence of approximately one (1) minute shall be maintained at the beginning of each school day. A teacher shall not indicate or suggest to the students any action to be taken by them during this time. Students may voluntarily participate in prayer and no teacher or other school authority may prescribe the form or content of any prayer. Nonsectarian and nonproselytizing voluntary benedictions, invocations or prayers that are initiated and given by a student may be permitted during school-related noncompulsory student assemblies, school-related student sporting events and school-related commencement ceremonies.

**T.C.A. § 49-6-1031: Extracurricular Activities**

No school shall permit a student to become a member or participate in any activities or a club or organization if the parent or legal guardian of such student has tendered a written communication prohibiting such student from such membership or participation. In order to be valid, the written communication shall be signed and dated by the parent or legal guardian.

**T.C.A. § 49-6-1305: Notification of Parents and Legal Guardians Concerning Family Life Instruction**

LEAs shall notify parents or legal guardians of students whom the LEA anticipates will be present for family life instruction in sex education that: The LEA is using a family life curriculum that meets the requirements of state law; and The parent or legal guardian shall have the right to examine the grade level instructional materials and confer with the student's instructor, school counselor or principal, as designated by the LEA, regarding any or all portions of family life. A parent or guardian who wishes to excuse a student from any or all portions of family life shall submit a request, in writing, to the student's instructor, school counselor, or principal. A student who is excused from any or all portions of family life shall not be penalized for grading purposes if the student satisfactorily performs alternative health lessons.

**T.C.A. § 49-6-1306: Complaint by Parent or Guardian Concerning Family Life Instruction**

A parent or legal guardian of a student enrolled in family life may file a complaint with the director of schools if the parent or legal guardian believes that a teacher, instructor, or representative of an organization has not complied with the requirements of that law.

If a student receives instruction by an instructor or organization that promotes gateway sexual activity or demonstrates sexual activity then the parent or legal guardian shall have a cause of action against that instructor or organization for actual damages plus reasonable attorney's fees and court costs (this does not apply to instruction from teachers employed by the LEA).

**T.C.A. § 49-6-1504: Notice of Right to Appeal Expulsion or Remand**

Upon the expulsion of a student charged with a violent felony or violent felony delinquency, or a student convicted, adjudicated, or that admits guilt in court with respect to a violent felony or felony delinquency, the director of schools shall immediately give written or actual notice to the parent or guardian and the student of the right to appeal the decision to expel or remand the student to an alternative school. All appeals shall be filed, orally or in writing, within five (5) days after the receipt of the notice and may be filed by the parent or guardian, the student, or any person holding a teaching license who is employed by the school system if requested by the student.

**T.C.A. § 49-6-1506: Procedure when Decision is Determined by a Discipline Hearing Authority**

A student or student's parent may request in writing within five (5) days after the receipt of written notice of a disciplinary hearing by the disciplinary hearing authority that the hearing be conducted as an open meeting.

**T.C.A. § 49-6-1601: Reporting Suspected Abuse**

Principals or other designated persons shall provide to parents or legal guardians all school information records relevant to any reports of alleged abuse or sexual abuse, if requested by the parent or legal guardian; provided, that the information is edited to protect the confidentiality of the identity of the person who made the report, any other person whose life or safety may be endangered by the disclosure and any information made confidential pursuant to federal law or T.C.A. § 10-7-504(a)(4).

**T.C.A. § 49-6-1802: Discrimination Against Students Voluntary Expression of Religions Viewpoint Prohibited**

An LEA shall treat a student’s voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject in the same manner in which the LEA treats a student’s voluntary expression of a secular or other viewpoint on an otherwise permissible subject and may not discriminate against the student based on a religious viewpoint, if any, expressed by the student on an otherwise permissible subject.

**T.C.A. § 49-6-1804: Discrimination Based on Religious Content of Written or Oral Assignments Prohibited**

Students may express their written beliefs about religion in homework, artwork, and other written and oral assignments free from discrimination based on the religious content of the student’s submissions. Homework and classroom assignments shall be judged by ordinary academic standards of substance and relevance and against other legitimate academic concerns identified by the LEA. Students may not be penalized or rewarded based on the religious content of the student’s work.

**T.C.A. § 49-6-1805: Organization of Religious Student Groups Permitted**

Students may organize religious student groups, religious clubs, “see you at the pole” gatherings, or other religious gatherings before, during, and after school to the same extent that students are permitted to organize other non-curricular student activities and groups. Religious groups shall be given the same access to school facilities for assembling as is given to other non-curricular groups without discrimination based on the religious content of the student’s expression. If student groups that meet for nonreligious activities are permitted to advertise or announce meetings of their groups, then the LEA may not discriminate against groups that meet for prayer or other religious speech. An LEA may disclaim school sponsorship of non-curricular groups and events in a manner that neither favors nor disfavors groups that meet to engage in expressions of faith or religious speech.

**T.C.A. § 49-6-2211: Student Access to Textbooks**

Every student shall be permitted to take any textbook or instructional materials specifically issued to the student home for the purpose of studying the textbook or instructional materials.

**T.C.A. § 49-6-2904: Rights of Students**

Students have the right to voluntarily pray in a public school, express religious viewpoints in a public school, to speak to and attempt to share religious viewpoints with other students in a public school, possess or distribute religious literature in a public school, and to be absent to observe religious holidays and participate in other religious practices. The participation in these activities must be in accordance with LEA policies.

**T.C.A. § 49-6-3001: Attendance – School Age – Entrance – Withdrawal**

A parent or guardian may withdraw a child from a public school for a good substantial reason; provided, that within thirty (30) days the parent or person having legal custody of the child places the child in a public school designated by the local board of education or in a non-public school.

A parent or guardian who believes that a child is not ready to attend school at the designated age of mandatory attendance may make application to the principal of the public school that the child would attend for one (1) semester or one (1) year deferral in required attendance.

A person designated as a caregiver with the power of attorney for care of a minor child pursuant to Title 34, Chapter 6, Part 3, shall have the right to enroll the minor child in the LEA serving area where the caregiver resides. The LEA shall allow a caregiver with a properly executed power of attorney for care of a minor child, pursuant to Title 34, Chapter 6, Part 3, to enroll the minor child but may require documentation of the minor child's residence with a caregiver or documentation or other verification of the validity of the stated hardship prior to enrollment. Except where limited by federal law, the caregiver shall be assigned the rights, duties and responsibilities that would otherwise be assigned to the parent, legal guardian or legal custodian pursuant to this title. If at any time the parent or legal guardian disagrees with the decision of the caregiver or chooses to make any educational decisions for the minor child, then the parent must revoke the power of attorney and provide the LEA written documentation for the revocation.

**T.C.A. § 49-6-3109: Unlawful Discrimination**

No person shall be refused admission into or be excluded from any public school in this state on account of race, creed, color, sex or national origin. No student shall be assigned or compelled to attend any school on account of race, creed, color or national origin, or for the purpose of achieving equality in attendance or increased attendance or reduced attendance, at any school, of persons of one (1) or more particular races, creeds, colors or national origins. LEAs may assign a pupil in the manner requested or authorized by the pupil's parents or guardian.

**T.C.A. § 49-6-3201: Application for Hearing**

Parents or legal guardians who are dissatisfied with a school assignment of the student may, within ten (10) days, make a written application to the board for a hearing before the board as to the reasonableness of the assignment and ask for a transfer to another school.

**T.C.A. § 49-6-4213: Testing of Students for Drugs**

Students shall be advised in writing at the time of their enrollment in a school that they are subject to the testing for the presence of drugs in the student's body. Notice to each student shall include grounds for testing, the procedures that will be followed and possible penalties. Students shall be advised of their right to refuse to undergo drug testing and the consequences of refusal. A parent of the student or a person legally responsible for the student shall be notified before any drug test is administered to the student. If an LEA adopts a policy permitting random drug testing of students in voluntary extracurricular activities, then prior to a student participating in an extracurricular activity, the LEA shall notify the parents and guardians of any such student that the student may be subjected to random drug testing. A parent or guardian of a student participating in a volunteer extracurricular activity shall provide written consent for random drug testing prior to the student participating in the voluntary extracurricular activity. The principal or school counselor of the school in which a student who tests positive in a drug testing program is enrolled shall provide referral information to the student and the student's parents or guardian. The information shall include information on inpatient, outpatient and community-based drug and alcohol treatment programs.

**T.C.A. § 49-6-4404: Physical Examination of Student**

Within forty-eight (48) hours of the imposition of corporal punishment of a pupil within the special school district, the pupil shall have the right to be examined by a physician to determine if the punishment was excessive. In any case in which the punishment is excessive, the pupil shall have the same civil and criminal remedies as any other pupil in the public schools.

**T.C.A. § 49-6-5001: Immunization in General Provisions**

Children must be immunized against diseases identified by the Commissioner of Health prior to attendance at any school, nursery school, kindergarten, pre-school, or child care facility. Parents or guardians of children are responsible for having their children immunized. Parents or guardians may file with school authorities a statement that the immunization and other preventive measures conflict with the parents' or guardians' religious tenets and practices, affirmed under the penalties of perjury. Parents may not provide a statement of waiver from immunizations during an epidemic or immediate threat of an epidemic. No child shall be denied admission to any school or school facility if the child has not been immunized due to medical reasons if the child has a written statement from the child's doctor excusing the child from immunization. No child or youth determined to be homeless shall be denied admission to any

school or facility if the child or youth has not yet been immunized or is unable to produce immunization records due to being homeless.

**T.C.A. § 49-6-5005: Information About Meningococcal Disease**

Parents and guardians shall be provided information about meningococcal disease and the effectiveness of vaccination against meningococcal disease at the beginning of every school year by the LEA.

**T.C.A. § 49-6-6007: Annual Notification to Parents**

Students and parents must be able to access information about state mandated tests and tests mandated by the LEA that shall be administered in the upcoming school year on the LEA website.

**T.C.A. § 49-6-7002: Parent-Teacher Meetings**

Parents or guardians may meet at least two (2) times per year with the appropriate faculty members to discuss any pertinent problems or other matters of concern regarding the development and education of the student of the parent or guardian.

**T.C.A. § 49-6-7003: Parental Inspection of School Instructional Materials**

A parent or legal guardian is entitled to review all teaching materials, instructional materials, and other teaching aids used in the classroom of the parent or legal guardian's child; and to review tests that are developed by and graded by a teacher of the parent or legal guardian's child. LEA's shall make teaching materials, including handouts readily available for review upon request by the parents or legal guardians.

**T.C.A. § 49-10-103: Special Services Provided**

Children with disabilities shall receive the benefits of a free public education appropriate to their needs.

**T.C.A. § 49-10-306: Preservation of Rights of Children and Parents**

Any child receiving special education or special education related services outside the school district in which the child would normally attend public school and any parent or guardian of the child, shall continue to have all civil and other rights that the child would have if receiving like education or related services within the subdivision or school district where the child would normally attend public school.

**T.C.A. § 49-10-1304: Isolation or Restraint of Student**

If school personnel impose isolation restraints or isolation on a student in an emergency situation, the student's parent or guardian shall be notified, orally or by written or printed communication, the same day the isolation or restraint was used. School personnel shall be held harmless for failure to notify if reasonable effort has been made to notify the student's parent or guardian.



**T.C.A. § 49-10-1305: Restrictions on Administration of, or Use of Isolation or Restraint of Student**

A child may be administered a chemical restraint for therapeutic purposes under the direction of a physician and with the child's parent or guardian's consent to administer such chemical restraint.

**T.C.A. § 49-13-140: Records of Public Charter Schools Open for Inspection**

All records of a public charter school shall be open for personal inspection and duplication by any citizen of this state to the same extent that records of public schools operated by an LEA are open.

**T.C.A. § 49-16-206: What Virtual Schools Will Provide Families**

Families with students enrolled in virtual school shall be provided instructional materials by the virtual school. The virtual school shall also ensure student materials and access to necessary technology used for school work through a physical computer lab that is available to the student through regularly scheduled times.