

SENATE BILL 760

By Tracy

AN ACT to amend Tennessee Code Annotated, Title 49,  
Chapter 6, relative to harassment, intimidation,  
and bullying.

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

SECTION 1. Tennessee Code Annotated, Section 49-6-1015, is amended by deleting the section in its entirety and by substituting instead the following:

49-6-1015.

(a) As used in § 49-6-1014, this section and §§ 49-6-1016 - 49-6-1019, and notwithstanding any other law to the contrary, "harassment, intimidation, or bullying" means any act that substantially and measurably interferes with a student's educational benefits, opportunities or performance, that takes place on school grounds, at any school-sponsored activity, on school-provided transportation or at any official school bus stop, and that has the effect of:

- (1) Physically harming a student or damaging a student's property;
- (2) Knowingly placing a student in reasonable fear, as determined objectively, of physical harm to the student or damage to the student's property; or
- (3) Creating a hostile educational environment.

(b) "Creating a hostile educational environment" shall not be construed to include discomfort and unpleasantness that can accompany the expression of a viewpoint or belief that is unpopular, not shared by other students, or not shared by teachers or school officials.

SECTION 2. Tennessee Code Annotated, Section 49-6-1016, is amended by deleting subdivision (b)(2) in its entirety and is further amended by adding the following as a new subsection (c):

The policy shall not be construed or interpreted to infringe upon the First Amendment rights of students and shall not prohibit their expression of religious, philosophical, or political views; provided, that such expression does not include a threat of physical harm to a student or damage to a student's property.

SECTION 3. Tennessee Code Annotated, Section 49-6-1019, is amended by designating the existing language as subsection (a) and by adding the following as a new subsection (b):

(b) Harassment, intimidation, or bullying prevention task forces, programs, and other initiatives formed by school districts, including any curriculum adopted for such purposes, shall not include materials or training that explicitly or implicitly promote a political agenda, make the characteristics of the victim the focus rather than the conduct of the person engaged in harassment, intimidation, or bullying, or teach or suggest that certain beliefs or viewpoints are discriminatory when an act or practice based on such belief or viewpoint is not a discriminatory practice as defined in 4-21-102(4).

SECTION 4. This act shall take effect July 1, 2011, the public welfare requiring it.