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HOUSE BILL 1274

By Holt

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 6, relative to the duties of the attorney general and reporter to represent a local education agency and its employees.

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

SECTION 1. Tennessee Code Annotated, Section 8-6-109(b), is amended by adding the following language as a new subdivision:

( )

(A) To defend a local education agency (LEA) or an LEA's employees, in an employee's individual or official capacity, upon the LEA's or employee's formal request in writing, in any court or administrative tribunal arising out of an LEA's adoption of a policy or practice designed to protect the privacy of students from exposure to others of the opposite biological sex in situations where students may be in various states of undress by designating multi-person locker rooms, restrooms, or other facilities for use based only on one's biological sex. Such policy may make other appropriate accommodations for those who do not wish to use those facilities designated on the basis of biological sex. In the event that the attorney general and reporter determines that the best interest of the state, or that of the LEA or employee, requires private counsel, the attorney general and reporter must notify the LEA or employee, and the LEA or employee has the right to file for reimbursement of defense costs, subject to the limits of § 29-20-113, in accordance with chapter 42 of this title in the same manner as state employees. The duty to defend an LEA or LEA's employees pursuant to this subdivision (b)( ) does not apply to willful, malicious, or criminal acts or omissions or for acts or

omissions done for personal gain. As used in this subdivision (b)( ), "employee" or "employees" means an LEA's present or past director of schools, board members, teachers, or nonprofessional staff members; and

(B) To advise the state board of education if the state board of education requests advice regarding the development of a model policy for use by an LEA that chooses to implement a policy on the use of multi-person locker rooms, restrooms, or other similar facilities for use based on one's biological sex;

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.