

Amendment No. 2 to HB1274

Lynn
Signature of Sponsor

AMEND Senate Bill No. 1499

House Bill No. 1274*

by deleting all language after the enacting clause and substituting instead the following:

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

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(A)

(i) 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 designed to protect the privacy of students from exposure to others of the opposite biological sex in situations where students may be in various stages 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;

(ii) 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, and receive reimbursement of, defense costs in accordance with chapter 42 of this title in the same manner as state employees. The reimbursement is

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limited to an amount deemed reasonable by the attorney general and reporter for the defense of similar actions by counsel of like experience and ability;

(iii) The duty to defend an LEA or LEA's employees or the right to file for and receive reimbursement of defense costs pursuant to this subdivision (b)() does not apply to:

(a) Willful, malicious, or criminal acts or omissions;

(b) Acts or omissions done for personal gain; or

(c) An LEA policy that in the opinion of the attorney general and reporter is not constitutional upon consideration of definitive court decisions on the constitutionality of similar policies; and

(iv) 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) Within existing resources, 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.