



HOUSE BILL 1605

By Bulso

AN ACT to amend Tennessee Code Annotated, Section 5-5-114; Section 6-54-144 and Title 49, relative to flags displayed in schools.

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

SECTION 1. Tennessee Code Annotated, Section 49-6-2005, is amended by adding the following as a new subsection:

An LEA or public charter school shall not display any flag other than the United States flag and the official Tennessee state flag on or in a public school.

SECTION 2. Tennessee Code Annotated, Section 49-1-201(c)(16), is amended by adding "in accordance with § 49-6-2005" after "public school buildings".

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

Amendment No. 1 to HB1605

White
Signature of Sponsor

AMEND Senate Bill No. 1722

House Bill No. 1605*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-6-2005, is amended by adding the following as a new subsection:

(c)

(1) An LEA or public charter school shall not display, nor permit any of its employees or agents to display, a flag other than the following on or in a public school:

(A) The United States flag;

(B) The official Tennessee state flag;

(C) A flag that cannot be disturbed or altered pursuant to § 4-1-412;

(D) The POW/MIA flag;

(E) A flag that represents an Indian tribe, as defined in 25 U.S.C. § 5304;

(F) A flag that represents a city, county, metropolitan government, or other political subdivision of this state;

(G) A flag that represents any unit, branch, or other division of the armed forces, including, but not limited to, an ROTC program;

(H) A flag that represents a country or political subdivision thereof;

(I) A flag that represents a college or university;

(J) A flag that is displayed temporarily as part of a bona fide course curriculum;

(K) An official school flag; or

(L) The flag of an organization duly authorized to use a public school building; provided, that the flag of an organization duly authorized to use a public school building may only be displayed at the time and place that the organization is authorized to use school property.

(2) This subsection (c) applies, and must be construed by any court to apply, only to the extent permitted by the Constitution of Tennessee, Article I, § 19, and the First Amendment to the United States Constitution. If any provision in this subsection (c) is held to violate the Constitution of Tennessee, Article I, § 19, or the First Amendment to the United States Constitution, then the other provisions of this subsection (c) are severable and are not affected by such determination.

(3) A parent or guardian of a student who is enrolled in and attends, or of a child who is eligible to enroll in and attend, a school operated by an LEA or public charter school has standing to file a civil action against the LEA or public charter school in a chancery court to enforce this subsection (c); provided, that, prior to filing an action pursuant to this subdivision (c)(3), the parent or guardian must first provide written notice of the alleged violation of subsection (c) to the LEA or public charter school and allow the LEA or public charter school ten (10) days to remedy a violation.

(4) For purposes of this subsection (c), "display" means to exhibit or place anywhere students may see the object.

SECTION 2. Tennessee Code Annotated, Section 49-1-201(c)(16), is amended by adding "in accordance with § 49-6-2005" after "public school buildings".

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

Amendment No. 2 to HB1605

Cepicky
Signature of Sponsor

AMEND Senate Bill No. 1722

House Bill No. 1605*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-6-2005, is amended by adding the following as a new subsection:

(c)

(1) An LEA or public charter school shall not display, nor permit any of its employees or agents to display, a flag other than the following on or in a public school:

(A) The United States flag;

(B) The official Tennessee state flag;

(C) A flag that cannot be disturbed or altered pursuant to § 4-1-412;

(D) The POW/MIA flag;

(E) A flag that represents an Indian tribe, as defined in 25 U.S.C. § 5304;

(F) A flag that represents a city, county, metropolitan government, or other political subdivision of this state;

(G) A flag that represents any unit, branch, or other division of the armed forces, including, but not limited to, an ROTC program;

(H) The current, official flag of a country or political subdivision thereof;

(I) A flag that represents a college or university;

(J) A flag that is displayed temporarily as part of a bona fide course curriculum;

(K) An official school flag; or

(L) The flag of an organization duly authorized to use a public school building; provided, that the flag of an organization duly authorized to use a public school building may only be displayed at the time and place that the organization is authorized to use school property.

(2) This subsection (c) applies, and must be construed by any court to apply, only to the extent permitted by the Constitution of Tennessee, Article I, § 19, and the First Amendment to the United States Constitution. If any provision in this subsection (c) is held to violate the Constitution of Tennessee, Article I, § 19, or the First Amendment to the United States Constitution, then the other provisions of this subsection (c) are severable and are not affected by such determination.

(3) A parent or guardian of a student who is enrolled in and attends, or of a child who is eligible to enroll in and attend, a school operated by an LEA or public charter school has standing to file a civil action against the LEA or public charter school in a chancery court to enforce this subsection (c); provided, that, prior to filing an action pursuant to this subdivision (c)(3), the parent or guardian must first provide written notice of the alleged violation of subsection (c) to the LEA or public charter school and allow the LEA or public charter school ten (10) days to remedy a violation.

(4) For purposes of this subsection (c), "display" means to exhibit or place anywhere students may see the object.

SECTION 2. Tennessee Code Annotated, Section 49-1-201(c)(16), is amended by adding "in accordance with § 49-6-2005" after "public school buildings".

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

Amendment No. 1 to SB1722

Lundberg
Signature of Sponsor

AMEND Senate Bill No. 1722

House Bill No. 1605*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-6-2005, is amended by adding the following as a new subsection:

(c)

(1) An LEA or public charter school shall not display, nor permit any of its employees or agents to display, a flag other than the following on or in a public school:

(A) The United States flag;

(B) The official Tennessee state flag;

(C) A flag that cannot be disturbed or altered pursuant to § 4-1-412;

(D) The POW/MIA flag;

(E) A flag that represents an Indian tribe, as defined in 25 U.S.C. § 5304;

(F) A flag that represents a city, county, metropolitan government, or other political subdivision of this state;

(G) A flag that represents any unit, branch, or other division of the armed forces, including, but not limited to, an ROTC program;

(H) A flag that represents a country or political subdivision thereof;

(I) A flag that represents a college or university;

(J) A flag that is displayed temporarily as part of a bona fide course curriculum;

(K) An official school flag; or

(L) The flag of an organization duly authorized to use a public school building; provided, that the flag of an organization duly authorized to use a public school building may only be displayed at the time and place that the organization is authorized to use school property.

(2) This subsection (c) applies, and must be construed by any court to apply, only to the extent permitted by the Constitution of Tennessee, Article I, § 19, and the First Amendment to the United States Constitution. If any provision in this subsection (c) is held to violate the Constitution of Tennessee, Article I, § 19, or the First Amendment to the United States Constitution, then the other provisions of this subsection (c) are severable and are not affected by such determination.

(3) A student, a student's parent or guardian, or a school employee has standing to file a civil action against the LEA or public charter school in which the student is enrolled, or the school employee is employed, in a chancery court of competent jurisdiction if the LEA or public charter school fails to comply with this section; provided, that, prior to filing an action pursuant to this subdivision (c)(3), the student, parent or guardian, or school employee must first provide written notice of the LEA's or public charter school's alleged violation of this subsection (c) to the LEA or public charter school and allow the LEA or public charter school ten (10) days to remedy the violation.

(4) For purposes of this subsection (c), "display" means to exhibit or place anywhere students may see the object.

SECTION 2. Tennessee Code Annotated, Section 49-1-201(c)(16), is amended by adding "in accordance with § 49-6-2005" after "public school buildings".

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

Amendment No. 2 to SB1722

Gardenhire
Signature of Sponsor

AMEND Senate Bill No. 1722

House Bill No. 1605*

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

SECTION 1. Tennessee Code Annotated, Section 49-6-2005, is amended by adding the following as a new subsection:

An LEA or public charter school shall not display any flag other than the United States flag and the official Tennessee state flag on or in a public school.

SECTION 2. Tennessee Code Annotated, Section 49-1-201(c)(16), is amended by adding "in accordance with § 49-6-2005" after "public school buildings".

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