

[Tenn. Code Ann. § 49-6-5102](#)

Current through Chapter 900, with the exception of Chapter 688 secs 79, 80, and 83, of the 2024 Regular Session. The commission may make editorial changes to this version and may relocate or redesignate text. Those changes will appear on Lexis Advance after the publication of the certified volumes and supplements. Pursuant to TCA sections 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code. Until the annual issuance of the certified volumes and supplements, references to the updates made by the most recent legislative session should be to the Public Chapter and not TCA.

TN - Tennessee Code Annotated > Title 49 Education > Chapter 6 Elementary and Secondary Education > Part 51 Student Identification

49-6-5102. Conservation of constitutional rights in the workplace — Civil liability limited.

(a) The general assembly finds that:

- (1) Teachers and employees of public schools and LEAs do not shed their constitutional rights to freedom of speech or expression while at work;
- (2) Protecting the right to free speech for teachers and employees of public schools and LEAs promotes important state interests;
- (3) The use of pronouns by teachers and employees of public schools and LEAs in an educational setting is a matter of free speech or expression; and
- (4) A teacher or employee of a public school or LEA should never be compelled to affirm a belief with which the teacher or employee disagrees.

(b) A teacher or other employee of a public school or LEA is not:

- (1) Required to use a student's preferred pronoun when referring to the student if the preferred pronoun is not consistent with the student's biological sex;
- (2) Civilly liable for using a pronoun that is consistent with the biological sex of the student to whom the teacher or employee is referring, even if the pronoun is not the student's preferred pronoun; and
- (3) Subject to an adverse employment action for not using a student's preferred pronoun, if the student's preferred pronoun is inconsistent with the student's biological sex.

(c) A public school or LEA is not civilly liable if a teacher or employee of the public school or LEA refers to a student using a pronoun that is consistent with the biological sex of the student to whom the teacher or employee is referring, even if the pronoun is not the student's preferred pronoun.

History

[Acts 2023, ch. 448, § 1.](#)

Annotations

Notes
