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Tennessee Educators Protection Act

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In July of 2017, Tennessee enacted the “Tennessee Educators Protection Act, T.C.A. § 49-1-1201 et seq. As the name would indicate, its purpose is to deter the filing of meritless litigation and to sanction deliberately false reports levied against educators. The act is a part of a more than \$100 million budget initiative to support Tennessee teachers, and in response to feedback from educators throughout the state.

The chapter identifies that an employee (whether elected, appointed, contractual employee, or authorized volunteer) is not civilly liable for taking action related to the control, grading, suspension, expulsion, or discipline of a student that occurs while the student is on the property under supervision of the educational entity or employee unless that action violates law or school policy. If suit is brought, it is up to the plaintiff to show, by a preponderance of the evidence, that the action of the employee violated a law, rule or policy. Similarly, employees are not liable for making a report to law enforcement if they have reasonable grounds to believe that the student is either under the influence of alcohol or an unsubscribed controlled substance, involved with illegal solicitation, sale, or distribution of alcohol or controlled substances, or in involved in any other illegal activity.

An employee is not liable for punitive or exemplary damages for acts/omissions that occur within course of employment, unless the acts/omissions were taken with the intent to harm.

If any false accusations are made by a person eighteen years old or older, who acts with the specific intent to cause harm, the falsely accused employee may file a civil action against that person for damages. If the person is under the age of eighteen, the employee can bring an action against the parent, guardian, or legal custodian of the minor child.

Further, any student making false allegations may be subject to one or more of the following: (1) expulsion, (2) suspension, (3) community service, or (4) any other disciplinary action deemed appropriate by the school.

Clifton N. Miller and Erica R. Marino are available to consult with school systems and other governmental entities regarding these and related matters.

This publication is a service to our clients and friends. It is designed to give only general information on the topic actually covered and is not intended to be a comprehensive summary of recent developments in the law, to treat exhaustively the subjects covered, to provide legal advice, or to render a legal opinion.



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