

Education – As introduced, allows voters to petition for a recall election for school board members. – Amends TCA Title 49.

AN ACT to amend Tennessee Code Annotated, Title 49, relative to school board elections.

WHEREAS, Art. XI §12 of the Constitution of the State of Tennessee states, “The General Assembly shall provide for the maintenance, support and eligibility standards of a system of free public schools;” and

WHEREAS, the 111th General Assembly enacted T.C.A. §49-2-213 into law; and

WHEREAS, on August 3, 2020, Chancellor James F. Butler entered an order in the Chancery Court of Madison County deeming T.C.A. §49-2-213 unconstitutional per Art. XI, §9 of the Constitution of the State of Tennessee due to the limitations set forth by subsection (e); and

WHEREAS, Chancellor James F. Butler’s judicial powers do not extend beyond the boundaries of Madison County; and

WHEREAS, parents across the state of Tennessee and across the nation have taken school boards to task on various issues regarding the response to COVID-19, critical race theory being taught in our schools, historically inaccurate curriculum, and social emotional learning initiatives; and

WHEREAS, recall elections offer the community an additional opportunity for voters to check the powers of a school board; and

WHEREAS, asserting parental rights over education decisions and medical decisions is key to preserving the integrity of the family and securing individual liberties in the State of Tennessee; and

WHEREAS, the General Assembly has an obligation to uphold the Constitution of the State of Tennessee; now, therefore,

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

SECTION 1. Tennessee Code Annotated, Section 49-2-213(d), is amended by deleting "sixty-six percent (66%) or more" and substituting "more than fifty percent (50%)".

SECTION 2. Tennessee Code Annotated, Section 49-2-213, is amended by deleting subsection (e) in its entirety.

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