

RESOLUTION

**A RESOLUTION TO THE TENNESSEE SCHOOL
BOARD ASSOCIATION PRESENTED BY THE
HAMILTON COUNTY BOARD OF EDUCATION**

**SUPPORTING OUR STUDENTS BY REQUESTING
THE TENNESSEE GENERAL ASSEMBLY
AMEND T.C.A. § 39-16-517
TO AMEND THE LANGUAGE TO
“VALID THREAT” OF MASS
VIOLENCE TO ALIGN WITH THE
LANGUAGE OF T.C.A. § 49-6-3401(G)**

**RESOLUTION
PREPARED BY:**

**BEN CONNOR
BOARD MEMBER
SIXTH DISTRICT
LEGISLATIVE
REPRESENTATIVE**

WHEREAS the safety and wellbeing of our school aged children is among the highest priorities shared by the Tennessee General Assembly, local law enforcement officers, and local boards of education; and

WHEREAS the Tennessee General Assembly enacted Public Chapter 395, Public Acts of 2021, to address threats of mass violence on school property and during school sponsored activities; and

WHEREAS Public Chapter 395 defined threats of mass violence to mean, in material part, "any act which a reasonable person would conclude could lead to the serious bodily injury...or death of two (2) or more persons," and

WHEREAS such threats of mass violence were criminalized as a Class A misdemeanor; and

WHEREAS the Tennessee General Assembly also enacted Public Chapter 299, Public Acts of 2023, which made threats of mass violence zero-tolerance offenses subject to expulsion from school for 365 days under the disciplinary policies of local boards of education; and

WHEREAS, while implementing these new laws, law enforcement and school officials both discovered that, frequently, students were being charged with offenses even when “a reasonable person” might not believe the threat was credible; and

WHEREAS, based upon this experience, the Tennessee General Assembly enacted Public Chapter 882, Public Acts of 2024, to provide that a student is not subject to zero-tolerance expulsion for 365 days unless the school’s threat assessment team, which must include law enforcement, deems the threat to have been valid and that, otherwise, the student may be disciplined per the discretion of school officials; and

WHEREAS, the Tennessee General Assembly further enacted Public Chapter 887, Public Acts of 2024, to make threats of mass violence a Class E felony; and

WHEREAS, perhaps by oversight, the Tennessee General Assembly did not incorporate the “valid threat” requirement of Public Chapter 887 into Public Chapter 882, as a result of which T.C.A. § 39-16-517 makes so-called “mass threats” that have been deemed invalid by the school and law enforcement felonies when, at school, they would no longer be subject to zero-tolerance; and

WHEREAS, as a result of this unfortunate disparity, students who have not made valid, credible threats against the security of the school or the safety of their classmates are nevertheless being arrested by law enforcement and detained when these same students might not face discipline at school; and

WHEREAS, given the high priority law enforcement naturally places on providing for the safety of schools, and further given the relatively ambiguous “reasonable person” standard of Public Chapter 395 and T.C.A. § 39-16-517, law enforcement officers are reluctant not to arrest students who may have made statements, however incredible, that could be characterized as threats of mass violence; and

WHEREAS school officials, with input from law enforcement, are often in a better position to ascertain whether a student has the physical capacity, mental capacity, and intent to carry out a threat; and

WHEREAS failing to consider the input of school officials can unnecessarily subject students to the traumatic experience of being arrested and detained when other measures may have been more appropriate; and

WHEREAS this trauma runs the risk of seriously harming the mental and emotional wellbeing of these students, perhaps giving rise to further problems later in their lives; and

WHEREAS, by working together, school officials and law enforcement should be able to screen out threats made by students that do not constitute true, credible threats to the security of the school and wellbeing of all students.

SO THEREFORE, BE IT RESOLVED that the Tennessee Schools Boards Association urges the Tennessee General Assembly to revise T.C.A. § 39-16-517 to align with the threat assessment language already developed by the Tennessee General Assembly in Public Chapter 882 and incorporated into T.C.A. § 49-6-3401.