



State of Tennessee

PUBLIC CHAPTER NO. 1137

SENATE BILL NO. 2247

By Lundberg

Substituted for: House Bill No. 2666

By Mr. Speaker Cameron Sexton; Jerry Sexton, Sherrell, Lynn, Cepicky, Ragan, Keisling, Powers, Moody

AN ACT to amend Tennessee Code Annotated, Title 39; Title 49 and Chapter 264 of the Acts of 1909, relative to educational materials.

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

SECTION 1. Tennessee Code Annotated, Section 49-6-2201(a)(1), is amended by deleting the language "ten (10) members, nine (9)" and substituting instead the language "twelve (12) members, eleven (11)".

SECTION 2. Tennessee Code Annotated, Section 49-6-2201(a)(1)(A), is amended by deleting the subdivision and substituting instead:

(A) The speaker of the senate appoints a:

- (i) Director of schools or a person with a valid instructional leader license;
- (ii) Teacher or instructional supervisor in the intermediate grades, grades four through eight (4-8), or a retired teacher or retired instructional supervisor who taught or supervised grades four through eight (4-8); and
- (iii) School librarian or a retired school librarian;

SECTION 3. Tennessee Code Annotated, Section 49-6-2201(a)(1)(B), is amended by deleting the subdivision and substituting instead:

(B) The speaker of the house of representatives appoints a:

- (i) Director of schools or a person with a valid instructional leader license;
- (ii) Teacher or instructional supervisor in the lower grades, grades kindergarten through three (K-3), or a retired teacher or retired instructional supervisor who taught or supervised grades kindergarten through three (K-3); and
- (iii) School librarian or a retired school librarian;

SECTION 4. Tennessee Code Annotated, Section 49-6-2201(b)(1), is amended by deleting the subdivision and substituting instead:

(1) Except as otherwise provided in subdivisions (b)(2) and (3), each member appointed pursuant to subdivisions (a)(1)(C) and (D)(ii)(a) must be confirmed by joint resolution of the general assembly upon the recommendation of the education committee of the senate and the education administration committee of the house of representatives in the legislative session immediately following the appointment.

SECTION 5. Tennessee Code Annotated, Section 49-6-2201(d)(2), is amended by adding the following as a new subdivision:

(D) The persons appointed pursuant to subdivisions (a)(1)(A)(iii) and (B)(iii) serve an initial term of three (3) years, which must expire on June 30, 2025.

SECTION 6. Tennessee Code Annotated, Section 49-6-2201, is amended by adding the following as a new subsection:

(m)(1) Notwithstanding any law to the contrary, the commission shall:

(A) Issue guidance for LEAs and public charter schools to use when reviewing materials in a library collection to ensure that the materials are appropriate for the age and maturity levels of the students who may access the materials, and that the materials are suitable for, and consistent with, the educational mission of the school. The guidance must be issued to LEAs and public charter schools no later than December 1, 2022, and annually reviewed and updated by the commission by each December 1 thereafter;

(B) Assist LEAs and public charter schools in:

(i) Evaluating the appropriateness of materials in a library collection for which the LEA or public charter school has received feedback from a student, a student's parent or guardian, or a school employee challenging or questioning the appropriateness of materials under review by the LEA or public charter school; and

(ii) Responding to feedback, complaints, or appeals challenging the appropriateness of materials contained in the library collection of one (1) or more of the LEA's schools, or of the public charter school, filed with the LEA or public charter school as part of a review or appeals process established by the policies of the respective LEA or public charter school, if applicable; and

(C) Establish a timeline and process for a student, a student's parent or guardian, or a school employee to appeal a determination made by the student's or employee's local board of education or public charter school governing body that materials in the student's or employee's school's library collection are inappropriate for the age or maturity levels of the students who may access the materials, or that the materials are not suitable for, or are otherwise inconsistent with, the educational mission of the school, resulting in the materials' removal from the school's library collection. The commission:

(i) May limit the number of times the removal of a particular material may be appealed to the commission; the number of appeals that may be filed with the commission by an individual within a certain period of time; and the number of materials removed by a local board of education or public charter school governing body that an individual may appeal to the commission at one (1) time; and

(ii) Shall issue the commission's findings on appeal in writing to each LEA and public charter school. Each LEA and public charter school shall include, or remove, the challenged material in, or from, the library collection for each of the LEA's schools, or for the public charter school, as applicable, for the grade levels for which the commission has found the challenged material to be appropriate or inappropriate for students.

(2) As used in this subsection (m), "materials" and "library collection" have the same meaning as defined in § 49-6-3802.

SECTION 7. Tennessee Code Annotated, Section 49-6-2201(k)(1), is amended by deleting the subdivision and substituting instead:

Before July 1, 2022, six (6) members of the commission constitute a quorum for the purpose of meeting and conducting business. Beginning on July 1, 2022, seven (7) members of the commission constitute a quorum for the purpose of meeting and conducting business.

SECTION 8. Tennessee Code Annotated, Section 49-6-2201(a), is amended by adding the following as a new subdivision:

(4) The Tennessee state library coordinator shall serve as an ex officio non-voting member of the commission.


SECTION 9. Tennessee Code Annotated, Section 49-6-2201(a)(1), is amended by deleting the language "twelve (12) members" and substituting instead "thirteen (13) members".

SECTION 10. If Senate Bill 1784 / House Bill 1667 becomes law, then Sections 8 and 9 of this act take effect July 1, 2022, the public welfare requiring it. All other sections of this act take effect upon becoming a law, the public welfare requiring it.

SENATE BILL NO. 2247

PASSED: April 28, 2022


RANDY McNALLY
SPEAKER OF THE SENATE


CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 3rd day of June 2022


BILL LEE, GOVERNOR