



State of Tennessee

PUBLIC CHAPTER NO. 782

HOUSE BILL NO. 843

By Representatives Lynn, Barrett, McCalmon, Miller, Powers, Cepicky, Fritts, Littleton, Butler, Stevens, Hurt, Rudd, Todd

Substituted for: Senate Bill No. 1060

By Senators Hensley, Yager, Bailey, Bowling, Crowe, Niceley, Rose

AN ACT to amend Tennessee Code Annotated, Title 49, relative to education.

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

SECTION 1. Tennessee Code Annotated, Section 49-6-3803, is amended by deleting the section and substituting:

(a) Materials in a library collection must be suitable for the age and maturity levels of the students who may access the materials and must be suitable for, and consistent with, the educational mission of the school.

(b) For purposes of this section, a material that:

(1) In whole or in part contains nudity, or descriptions or depictions of sexual excitement, sexual conduct, excess violence, or sadomasochistic abuse, as those terms are defined in § 39-17-901, is not appropriate for the age or maturity level of a student in any of the grades kindergarten through twelve (K-12) and must not be maintained in a school's library collection; or

(2) Is patently offensive, as defined in § 39-17-901, or appeals to the prurient interest, as defined in § 39-17-901, is not appropriate for the age or maturity level of a student in any of the grades kindergarten through twelve (K-12) and must not be maintained in a school's library collection.

(c) Each school operated by an LEA and each public charter school shall maintain a current list of the materials in the school's library collection. The list must be posted on the school's website.

(d) Each local board of education and public charter school governing body shall adopt a policy for developing and reviewing school library collections. The policy must include:

(1) A procedure for the development of a library collection at each school that is appropriate for the age and maturity level of the students who may access the materials, and that is suitable for, and consistent with, the educational mission of the school;

(2) A procedure for the local board of education or public charter school governing body to receive and evaluate feedback from a student, a student's parent or guardian, or a school employee regarding one (1) or more of the materials in the library collection of the student's or employee's school; and

(3) A procedure to periodically review the library collection at each school to ensure that the school's library collection contains materials appropriate for the age and maturity level of the students who may access the materials, and that are suitable for, and consistent with, the educational mission of the school.

(e) If a local board of education or public charter school governing body receives feedback according to the procedure established pursuant to subdivision (d)(2), then the local board of education or public charter school governing body shall evaluate and determine, within sixty (60) days from the date on which the feedback was received,

HB843

whether the material is appropriate for the age and maturity level of the students who may access the materials, and whether the material is suitable for, and consistent with, the educational mission of the school. If a local board of education or public charter school governing body does not make a determination within sixty (60) days from the date on which the feedback was received, then the student, student's parent or guardian, or school employee who submitted feedback on the material may request the state textbook and instructional materials quality commission to evaluate the material, pursuant to § 49-6-2201(m)(1)(D).

(f) If the local board of education or public charter school governing body determines that material contained in the school's library collection is not appropriate for the age and maturity level of the students who may access the materials, or is not suitable for, and consistent with, the educational mission of the school, then the material must be removed from the library collection.

(g) The procedures adopted pursuant to this section are not the exclusive means to remove material from a school's library collection, and do not preclude an LEA, a school operated by an LEA, a public charter school, or the governing body of a public charter school from developing or implementing other policies, practices, or procedures for the removal of materials from a library collection.

(h) A local board of education's or public charter school governing body's determination made on whether a material is appropriate for the age and maturity level of the students who may access the material, and whether the material is suitable for, and consistent with, the educational mission of the school, does not establish a contemporary community standard for purposes of title 39, chapter 17, part 9.

SECTION 2. Tennessee Code Annotated, Section 49-6-2201(m)(1), is amended by adding the following as a new subdivision:

(D) Evaluate and determine whether a material in a school's library collection is appropriate for the age and maturity level of the students who may access the materials, and whether the material is suitable for, and consistent with, the educational mission of the school if the local board of education or public charter school governing body does not make a determination on a material for which it received feedback within sixty (60) days from the date on which the feedback was received, pursuant to § 49-6-3803(e), and the student, student's parent or guardian, or school employee who submitted the feedback requests the commission to evaluate the material. The commission shall issue the commission's determination 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.

SECTION 3. If any provision of this act, or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 4. This act takes effect July 1, 2024, the public welfare requiring it.

