



TEA LIBRARY GUIDANCE

In response to Governor Abbott’s direction to TEA to address statewide standards to prevent the presence of obscene content in Texas public school libraries, TEA has created a model local board policy. TEA’s expressed goal in providing this model policy is to help ensure alignment between local values and state statute. This document was developed after working closely with the Texas State Library and Archives Commission and State Board of Education Chair, Keven Ellis.

Instructional materials and library materials are both considered instructional resources, but they are not the same thing. Instructional materials are defined by the education code as content that conveys the TEKS, whereas library materials are defined as print or nonprint resources, excluding textbooks, “for independent use by students and faculty outside the district’s core educational program.”

The policy provides criteria for the selection, removal and replacement of library materials, focused on maximizing transparency while meeting student need for supplemental enrichment in their learning.

SELECTION

- Districts must set goals for library collection in alignment with board-approved policies and procedures
- Districts shall apply standards, dimensions and expectations as defined by 13 TAC §4.1
- Districts shall apply Texas State Library and Archive Commission Guidance for School Libraries on Collection Development
- Districts shall apply School Library Programs: Standards and Guidelines for Texas
- **All material must be “appropriate,” referencing the Texas Penal Code for harmful material. Harmful materials are materials whose dominant theme taken as a whole:**
 - **Appeals to prurient interest of a minor in sex, nudity, or excretion**
 - **Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for minors**
 - **Is utterly without redeeming social value for minors**
- Board will provide final approval for all new materials added to the library
- District shall make selection process of library materials readily available for parental review, with a list of all materials posted online on the district website and the content available for direct review during reasonable hours specified for review
- Prior to any material being selected for inclusion, a library material must have been read, reviewed and recommended for inclusion by the district-level library supervisor or individual(s) designated by the supervisor (if more support is needed, the board may approve the engagement of a cooperative of other Texas public schools)
- Selection is an ongoing process that includes the removal of collections deemed by the board or its delegates to be no longer appropriate
- Gifts and donations will be subject to the same selection and approval process

ACQUISITION

- Recommendations for library acquisition shall involve administrators, teachers, other district personnel, parents and community representatives as appropriate
- District-level library supervisor must approve library orders at both district and campus level
- A list of new library material not previously acquired must be collected to be included in a board agenda, and the board shall be provided the list at least 30 days prior to action
- If an individual board member desires further information, he must make that request known at least 15 days prior to action and district-level library supervisor must obtain copies of professional reviews
- List then gets voted on by the board
- As new materials are received, they must be checked against a master list of materials ordered
- The process will be the same for digital acquisition

OPPORTUNITY FOR PARENT REVIEW

- Each library shall maintain a printed list of materials onsite and on the library website that shows what has been selected and what is slated for acquisition
- Superintendent or designated administrator will offer a “parent preview” at least 10 days before books are on shelves, once in the fall and once in the spring
- All materials must be made available, upon request, for parents to review in person
- School librarians are to encourage parents to share considerations regarding students’ book selections
- Parents may complete a form for library book opt-out decisions
- Librarians will accommodate individual requests within reason, which may include restricting specific titles

ROUTINE REVIEW AND REMOVAL BY DISTRICT

- Biannually, library supervisor will conduct an inventory of school library collection and equipment
- Inventory can be used to deselect and remove materials that are no longer relevant or of interest to students
- District-level supervisor should develop a collection maintenance plan that would result in removing outdated, damaged, or irrelevant materials

CHALLENGE

- Parent may formally challenge library material on the basis of appropriateness
- If the complainant wishes to file a formal request for reconsideration, this individual must be provided the “Request for Reconsideration of Library Materials” form
- Form must be submitted to library supervisor
- Library supervisor must appoint a reconsideration committee within 10 days that shall review the material and see whether it conforms to principles of selection outlined in this policy
- Committee must include district and campus-level staff (including a member who has experience using the challenged material or is familiar with the content) and two parents of students. The superintendent will chair the committee. Complainant may not be on the committee
- Prior to meeting, each member must read a copy of challenged material
- Committee must work the checklist for reconsideration of library materials and then vote

- A material that completes the formal challenge process and remains in the library cannot be reconsidered within one year of final determination

REMOVAL

- The major criterion for final decision on challenged material is the appropriateness of the resource for its intended educational use.
- **No challenged resource shall be removed solely because of the ideas expressed therein.**
- Materials can be removed because they are vulgar or based upon the lack of education suitability
- Further, making a determination of appropriateness will include a review of and compliance with 47USC 245(h)(c), Texas Penal Code 43.24(a)(2) and Texas Penal Code 43.24(b)
- Any material removed will not be added again for at least 10 years