

West's Tennessee Code Annotated
Title 49. Education
Chapter 6. Elementary and Secondary Education
Part 38. Age-Appropriate Materials Act of 2022

T. C. A. § 49-6-3803

§ 49-6-3803. Collection review; policy adoption; evaluation; removal

Effective: July 1, 2024

Currentness

(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, 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.

Credits

2022 Pub.Acts, c. 744, § 1, eff. March 24, 2022; 2023 Pub.Acts, c. 472, §§ 1 to 3, eff. May 17, 2023; 2024 Pub.Acts, c. 782, § 1, eff. July 1, 2024.

T. C. A. § 49-6-3803, TN ST § 49-6-3803

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