

NOTE: In accordance with T.C.A. § 49-6-2201(m)(1)(A), the Tennessee Textbook and Instructional Materials Quality Commission amended and approved this document during a regularly scheduled meeting held on October 2, 2024. This is the current version.

Library Guidance Document

A. Guidance: Definitions

"Library collection" means the materials made available to students by a school operated by an LEA or by a public charter school, but does not include materials made available to students as part of a course curriculum.

"Materials" means books, periodicals, newspapers, manuscripts, films, prints, documents, microfilm, discs, cassettes, videotapes, videogames, applications, and subscription content in any form.

"Documentation" means known or recorded facts, official documents, minutes, and or conversations evidencing the local LEA or public Charter School decisions.

"Days" means regular schools days identified by the annual school calendar not to include holidays, in-service days and weekends.

For the exclusive purposes of Section D, "Library Materials(s) Commission Appeals Process", the term "Calendar Day(s)" means a period of twenty-four (24) hours starting from midnight and shall include both weekdays and weekends. The term "calendar day(s)" in a particular month refer to the total number of days of a particular month.

The terms "Local Board of Education" and "LEA" shall mean and refer to the same.

B. LEA Guidance: Process for Reviewing Library Materials

Each LEA should identify the employee(s) responsible for library collection development. Each school must maintain a current list of the materials in the school's library collection that is posted on the school's website. When reviewing library materials, school employees should ensure the following standards met:

1. Materials are suitable for and consistent with the educational mission of the school;
2. Materials are appropriate for the age and maturity levels of the students who may access them. Material that; in whole or in part contain nudity, or descriptions or depictions of sexual excitement, sexual conduct, excess violence, or sadomasochistic abuse, as those terms are defined in T.C.A. § 39-17-907, is not appropriate for the age or maturity level of a student in any of the grades kindergarten through twelve (K-12). Further, material that is patently offensive as defined in T.C.A. § 39-17-901 or appeals

to the prurient interest, as defined in T.C.A. § 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) pursuant to T.C.A. § 49-6-3803;

3. Materials contain literary, historical, and/or artistic value and merit;
4. The collection as a whole offers a variety of viewpoints; and
5. Materials must be in compliance with statutes and TN Code.

LEAs may add additional standards through a policy or procedure adopted by the local board of education. Each policy should identify the employee(s) responsible for periodically reviewing the district's library collection. Each LEA or school should develop a review process to ensure library materials are reviewed on a regular basis and are consistent with the standards above.

C. Receipt and Evaluation of Feedback on Library Materials

Each LEA must adopt a board policy that establishes the process in which the local board of education or public charter school governing body receives feedback on library materials. The district should provide a form for school employees, students, or a student's parents/guardians to submit to the district. Each LEA should also develop a review process that addresses the above standards by evaluating the following:

- Purpose of the materials,
- Authenticity and accuracy of the materials,
- Appropriateness, to include age and maturity level,
- Content; and
- Reviews

At a minimum, the process should include the following if feedback is received from a school employee, student, or student's parent/guardian:

1. Inform the school employee, student, or student's parent/guardian of the selection procedures and make no commitments.
2. Request the school employee, student, or student's parent/guardian to submit a Request for Reconsideration of Library Materials form.
3. Inform the principal (and other appropriate personnel).
4. Within three **(3)** days, notify the ad hoc materials review committee that feedback has been submitted. The review committee is appointed by the principal and includes certified library media personnel, representatives from classroom teachers, one or more parents, and may include one or more students.
5. Keep challenged materials available for use during the reconsideration process.
6. Upon receipt of the completed form, the principal shall notify the Director of Schools.
7. The principal shall request review of the challenged materials by the ad hoc materials review committee within fourteen **(14)** days upon receipt of the completed form. The principal will inform the Director of Schools of the review committee's progress.
8. The review committee shall take the following steps after receiving the

challenged materials:

- a. Read, view, or listen to the contested material in its entirety;
 - b. Check general acceptance of the material by reading recognized and evaluative reviews provided by the employee responsible for library collection development;
 - c. Determine the extent to which the material is appropriate for the age and maturity levels of the students who have access to the materials and whether the material is suitable for, and consistent with, the educational mission of the school;
 - d. Complete an appropriate Checklist for Reconsideration of Library Materials, judging the material for its strength and value; and
 - e. Present a recommendation to the principal for further action and to the Director of schools for purposes and information.
 - f. If further action is needed, the complainant can request additional procedures for a Board Review of challenged material.
 - g. Materials must be in compliance with statutes and TN Code.
9. The local board of education or public charter school shall review the recommendation presented by the review committee and make the determination whether the material is appropriate for the age and maturity levels of the students who have access to the materials and whether the material is suitable for, and consistent with, the educational mission of the school and established policies by the LEA's schools, or of the public charter schools.
10. If it is determined that the material, 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 T.C.A. § 39-17-901, or is patently offensive, as defined in T.C.A. § 39-17-901, or appeals to the prurient interest, as defined in T.C.A. § 39-17-901, or is not suitable for, and consistent with, the educational mission of the school, the Board shall require the school to remove the material from the library collection or grade level for which it has been deemed appropriate or inappropriate pursuant to T.C.A. § 49-6-3801.

This process is not the exclusive means to remove material from a school's library collection, and does 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 or grade level.

D. Library Materials(s) Commission Appeals Process

A school employee, student, or student's parent/guardian may 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 or grade level pursuant to T.C.A. § 49-6-2201(m)(C).

1. Submitting an Appeal:

- a. Requests for appeals may be submitted to the Textbook Commission via the Textbook Commission website within five (5) calendar days of the local board of education or public charter school governing body's decision. The request for an appeal shall be submitted via clicking this link [Library Materials Appeal Request Form](https://stateoftennessee.formstack.com/forms/libraryappeal) or by visiting <https://stateoftennessee.formstack.com/forms/libraryappeal>.
- b. The appeal must include documentation evidencing the local board of education or public charter school governing body's decision.
- c. Upon the Textbook Commission's receipt of an appeal submitted by a school employee, student, or student's parent/guardian, the Textbook Commission shall request supporting documentation from the initial LEA or public charter school governing body that was used by the LEA or public charter school governing body in making their determination, including, but not limited to, the book(s) or material(s) that are the subject of the appeal. The LEA or public charter school governing body shall provide this information to the Textbook Commission within twenty (20) calendar days of the Textbook Commission's request to the LEA or public charter school governing body seeking said supporting documentation.
- d. An appeal that meets all required guidelines set forth by the Textbook Commission in accordance with T.C.A. §§ 49-6-2201(m)(C) and 49-6-2201(m)(D), *as applicable*, will be heard at the next regularly scheduled meeting of the Textbook Commission if the appeal was received by the Textbook Commission at least thirty (30) calendar days before the next regularly scheduled meeting of the Textbook Commission.

2. Review of Library Materials by the Textbook Commission:

- a. The Commission shall review all information included in the appeal and supporting documentation provided by the local board of education or public charter school governing body.
- b. The Commission shall determine if the following factors were considered by the local board of education or public charter school governing body:
 - i. Are the materials suitable for and consistent with the educational mission of the school;
 - ii. Are the materials appropriate for the age and maturity levels of the students who may access the material. Material that; in whole or in part contain nudity, or descriptions or depictions of sexual excitement, sexual conduct, excess violence, or sadomasochistic abuse, as those terms are defined in T.C.A. § 39-17-907, is not appropriate for the age or maturity

level of a student in any of the grades kindergarten through twelve (K-12). Further, material that is patently offensive as defined in T.C.A. § 39-17-901 or appeals to the prurient interest, as defined in T.C.A. § 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) pursuant to T.C.A. § 49-6-3803;

- iii. Do the materials contain literary, historical, and/or artistic value and merit; and
- iv. Does the collection as a whole offer a variety of viewpoints.
- c. The Commission shall issue its findings on appeal in writing to each LEA and/or public charter school.
- d. Upon receiving the Commission's findings, 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.

3. Limitations on Appeals from Decisions made by a local board of education or public charter school governing body:

- a. Library materials that have already been reviewed by the Commission may be appealed after three (3) calendar years of the initial review.
- b. Individual students, school employees, or a student's parents/guardians may only file no more than two (2) appeals with the Commission within one (1) calendar year timeframe. Individual students, school employees, or a student's parents/guardians may only appeal one item with each submission.