

TEXAS EDUCATION CODE
CHAPTER 33. SERVICE PROGRAMS AND EXTRACURRICULAR ACTIVITIES
SUBCHAPTER B. LIBRARIES

TEC, §33.021 LIBRARY STANDARDS.

- (a) In this section, "sexually explicit material" means any communication, language, or material, including a written description, illustration, photographic image, video image, or audio file, other than library material directly related to the curriculum required under Section 28.002(a), that describes, depicts, or portrays sexual conduct, as defined by Section 43.25, Penal Code, in a way that is patently offensive, as defined by Section 43.21, Penal Code.
- (b) The Texas State Library and Archives Commission, in consultation with the State Board of Education, shall adopt voluntary standards for school library services, other than collection development, that a school district shall consider in developing, implementing, or expanding library services.
- (c) The Texas State Library and Archives Commission, with approval by majority vote of the State Board of Education, shall adopt standards for school library collection development that a school district shall adhere to in developing or implementing the district's library collection development policies.
- (d) The standards adopted under Subsection (c) must:
 - (1) be reviewed and updated at least once every five years; and
 - (2) include a collection development policy that:
 - (A) prohibits the possession, acquisition, and purchase of:
 - (i) harmful material, as defined by Section 43.24, Penal Code;
 - (ii) library material rated sexually explicit material by the selling library material vendor; or
 - (iii) library material that is pervasively vulgar or educationally unsuitable as referenced in *Pico v. Board of Education*, 457 U.S. 853 (1982);
 - (B) recognizes that obscene content is not protected by the First Amendment to the United States Constitution;

- (C) is required for all library materials available for use or display, including material contained in school libraries, classroom libraries, and online catalogs;
- (D) recognizes that parents are the primary decision makers regarding a student's access to library material;
- (E) encourages schools to provide library catalog transparency;
- (F) recommends schools communicate effectively with parents regarding collection development; and
- (G) prohibits the removal of material based solely on the:
 - (i) ideas contained in the material; or
 - (ii) personal background of:
 - (a) the author of the material; or
 - (b) characters in the material.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 808 (H.B. 900), Sec. 2, eff. September 1, 2023.