



## ***Guidance Document for Senate Bill (SB) 13 Library Materials Policy***

*Note: This model policy & guidance is effective as of 8/21/2025. This document is subject to change.*

SB 13(89R), and related statute, administrative rule, and legal precedent establish a variety of requirements for Texas public schools related to how to manage library materials, including policies that school boards must establish. This document offers school systems non-binding guidance on the issues they should consider in the adoption of those policies, along with model policy language. More information can be found online on the [Texas Education Agency Model Policies and Guidance for Texas School Systems](#) webpage.

Of note, SB 13 created two new statutes Texas Education Code (TEC), §33.023 (Parental Access to Library Catalog and Access by the Parent's Child to Certain Library Materials), and TEC, §33.024 (Parental Access to Student Library Records), both of which are expressly applicable to traditional school districts *and* open-enrollment charter schools. This guidance document supports implementation of those statutes.

Additionally, TEC §§ 35.001, 35.002, 35.0021, and 35.003 predate SB 13, but they are subject to a court injunction and not currently enforceable. See Case No. 1:23-cv-00858-ADA, in the United States District Court for the Western District, Austin Division. As a result, this policy excludes references to those requirements, including provisions of the Texas Administrative Code that incorporate such requirements (e.g., 13 TAC § 4.2(c)(5)). In the event the injunction status changes, new guidance will be issued.

### ***Purpose***

*Notes: School systems may wish to include a short section that describes why this policy is being adopted. The Texas State Library and Archives Commission (TSLAC) has adopted mandatory library collection development standards, and school system policies must comply with all TSLAC standards, including the recognition that parents are the primary decision makers regarding a student's access to library materials. See [13 Tex. Admin. Code § 4.2](#).*

*Model Policy Language [revise as necessary]:*

Because school and classroom libraries are viewed as places for voluntary inquiry, library materials must be treated differently from instructional materials used in classroom instruction. This policy provides criteria for the selection, acquisition, removal, and

replacement of library materials, focused on maximizing transparency with parents and community members while meeting student needs to provide supplemental enrichment in their learning with appropriate materials. This policy shall apply to all library materials available for use or display, including material contained in school libraries, classroom libraries, and online catalogs.

In school libraries, students shall be afforded the opportunity to self-select texts as part of literacy development. While teachers and librarians are trained in selecting materials in accordance with Board policy and may provide guidance to students in selecting texts, the ultimate determination of appropriateness lies with the student and parent. The district recognizes that parents are the primary decision-makers regarding their student's access to library materials, and the need to keep parents informed as to the materials that are available for their students.

## **Definitions**

*Notes: To ensure clarity, certain terms related to library materials should be defined. Some of the definitions will be driven by statute, others can be refined to meet local policy needs. It is recommended that districts ensure definitions comply with the requirements of the TEC, TSLAC rules, and the Texas Commissioner decision [Parent v Lovejoy, No. 073-R10-08-2024 \(April 29, 2025\)](#).*

*Model Policy Language [revise as necessary]:*

For purposes of this policy:

- "Library Material" is defined by TEC, §33.020(3), to mean any book, record, file, or other instrument or document in a school district's library catalog. Library Material includes material in stand-alone libraries and also material in classroom libraries.
- "Instructional materials" are defined by TEC, §31.002, as content that conveys the essential knowledge and skills of a subject in the public school curriculum through a medium or a combination of media for conveying information to students. While instructional materials and library materials are both considered instructional resources, they are not the same, and the terms shall not be used interchangeably.
- "Harmful material" has the meaning assigned by Texas Penal Code, §43.24.
- "Indecent content" has the meaning assigned by TEC, §33.020(2).
- "Obscene content" is defined by the United States Supreme Court in *Miller v. California*, 413 U.S. 15 (1973), as content that appeals to an average person's prurient interest, depict or describe sexual conduct in a "patently offensive" way, and, taken as a whole, lack serious literary, artistic, political or scientific value.
- "Profane content" has the meaning assigned by TEC, §33.020(4).
- "Pervasively vulgar", as referenced in the United States Supreme Court's plurality opinion in *Board of Education v. Pico*, 457 U.S. 853 (1982) and further clarified by Texas Commissioner Decision *Parent v Lovejoy*, No. 073-R10-08-2024 (April 29, 2025), requires a finding of fact that vulgarity is present and referenced throughout the material (e.g., library book). Since "pervasive" means existing in or spreading through every part of

something, to determine if a material is “pervasively vulgar,” one would need to review the entirety of the material (e.g., the whole book).

- “Educationally unsuitable”, as referenced in the United States Supreme Court’s plurality opinion in *Board of Education v. Pico*, 457 U.S. 853 (1982) and further clarified by Texas Commissioner Decision *Parent v Lovejoy*, No. 073-R10-08-2024 (April 29, 2025), is a very broad term, and many factors could make a book educationally unsuitable. A book could be determined unsuitable for some pedagogical reason, because it encourages harmful behaviors, or because of innumerable other factors. It could be determined due to specific sections of content, or holistically. Conversely, there are well recognized and respected works of literature that have been taught in public schools for generations that include portions of content that some find objectionable but that contain significant educational value when taken as a whole, and that may be deemed educationally suitable. Given the numerous factors that could be used, a finding of fact must include reasoning for a book being unsuitable or suitable.
- “TSLAC” is the Texas State Library and Archives Commission.
- “LSLAC” is the local school library advisory council created by TEC, § 33.025.

## ***Roles and Responsibilities for Policy Implementation***

*Notes: Since multiple people are involved in various components of implementation of this policy, roles and responsibilities for key personnel are included in this guidance document.*

*Model Policy Language [revise as necessary]:*

To ensure effective implementation of this policy, the superintendent shall designate a district-level library supervisor to carry out all responsibilities set forth in this policy.

Key district personnel with responsibilities identified in this policy include:

- District-level library supervisor – Designee of superintendent overseeing district libraries with certain responsibilities spelled out in this policy. *[Note: this role may be held by an individual with other additional responsibilities, including a campus librarian.]*
- Campus librarian – campus level staff member with responsibility for administering a campus library
- LSLAC chair – described below
- LSLAC members – described below

## ***Library Material Requirements and Prohibitions***

*Note: The TEC and TSLAC Rules are specific with regard to what must be true and what cannot be true of library materials. Both sources should be incorporated into district policy.*

*Model Policy Language [revise as necessary]:*

No library material shall be used if it is harmful material, if it is obscene content, if it contains indecent or profane content, if it is pervasively vulgar or educationally unsuitable, or it violates any other prohibitions contained in Texas Education Code §33.021(d)(2)(A). The possession, acquisition, and purchase of any such library material is strictly prohibited. Obscene content is not protected by the First Amendment to the United States Constitution.

All library materials must be age appropriate and suitable for students. Library materials must comply with the Children's Internet Protection Act (CIPA) as specified in 47 U.S.C. §254(h)(5), including technology protection measures.

Where appropriate, the district-level library supervisor will work in alignment with the recommended [School Library Programs: Standards and Guidelines for Texas](#) adopted by TSLAC under [13 TAC §4.1](#). Additionally, the district-level library supervisor will work in alignment with TSLAC's [Collection Development Standards](#).

## ***Library Catalog Requirements***

*Notes: SB 13 created TEC, §33.023, captioned Parental Access to Library Catalog and Access by the Parent's Child to Certain Library Materials, which expressly applies to both traditional school districts and open-enrollment charter schools. Additionally, TSLAC rules recommend that school districts communicate effectively with stakeholders regarding collection development, including opportunities for students, parents, educators, and community members to provide feedback on library materials and services. The below policy language recommends that districts create an online "form" that gives stakeholders the ability to provide such feedback. The content and creation of such a form is optional and within the discretion of the district.*

*Since SB 13 applies to library materials in individual classroom libraries, the district's library catalog must include all materials available in classroom libraries. Accordingly, to ensure statutory compliance, it is recommended that the district's policy prohibit the use in classroom libraries of materials not contained in the district's library catalog. In practice, this prohibition will impact a teacher's ability to create and curate their own classroom library by collecting books and magazines from external sources. It is also recommended that the district's policy assign responsibility to the school librarian to ensure that all library materials in classroom libraries comply with this policy.*

*Model Policy Language [revise as necessary]:*

The school district shall develop and maintain a catalog of all library materials, which shall include but not be limited to library materials in all school libraries, in all classroom libraries, and that are made available to students online. The catalog will include identifying information such as the title, author, and subject. The catalog shall be made accessible to parents via the school system's parent portal, include a search feature, and be updated as district collections change and at least annually. *[Note: some districts may not have this capability and could consider an alternative: The catalog will be posted as a PDF on*

the district's website, updated at least annually.] The catalog shall denote where materials are available (e.g., in a specific classroom vs. a school library).

Additionally, the district shall maintain a catalog of available library materials at each school in the district, make all catalogs for all district schools available on the district's website, and ensure public access to such catalogs. Each library shall also maintain a printed list of materials onsite and a virtual list on the school library website that lists library materials that are recommended for addition to the catalog and materials that have been approved for addition to the catalog but not yet acquired.

Classroom libraries shall not contain library materials that are not listed in the district's library catalog. The school librarian, or designee, at each campus shall ensure every classroom library on the campus is in compliance with this policy.

The district shall maintain a feedback form on the district's website to provide students, parents, educators, and community members an opportunity to provide feedback on library materials and services.

## ***Parental Rights & Control of Access***

*Notes: SB 13 created TEC, §33.023 (Parental Access to Library Catalog and Access by the Parent's Child to Certain Library Materials), and TEC, §33.024 (Parental Access to Student Library Records), both of which are expressly applicable to traditional school districts and open-enrollment charter schools. The statute requires a mechanism for parents to review and restrict access by their children to specified library materials. Many school systems utilize information systems that can track materials that are available in their libraries, give parents a search feature for all available materials, give parents the ability to see what materials their children have reviewed, and establish restrictions on materials for their children. This model policy language has been written assuming the school system uses such an information systems tool. For school systems without this kind of tool to manage their library catalogs, alternative policy language would be required, potentially describing how PDF lists would be posted and processes for paper forms requesting restrictions to be submitted by parents. Separately, most school systems have some kind of online parent portal system.*

*Also, TEC, §33.024 requires all school systems with a parent portal to provide parents, via that portal, with records of the library materials their students have checked out or used outside the school library. Updates to TEC, §26.004 require parents to be able to access these records, even if a district does not have an online portal. This draft policy language has been written assuming the school system has an online parent portal. For school systems without an online portal of this kind, alternative policy language would be required describing how parents can access records related to library materials their students accessed.*

*Parents must also have the ability to review and restrict student access to digital library materials. Many districts use third-party vendors to provide students with digital access to library materials, and it*

*is recommended that all digital platforms used for this purpose contain an opt-out feature that parents can utilize.*

*Model Policy Language [revise as necessary]:*

The district and each campus shall create procedures to allow parents reasonable and efficient access to review library material, including the district's online library catalog, upon parent request.

Parents may submit to the principal of their child's school, or designee, a list of library materials that the parent's child may not be allowed to check out or otherwise access outside the school library by filling out an electronic opt-out form, which the district shall maintain in a prominent location on the district's website. The district shall also create a portal for parents to submit opt-out requests through the district's library materials catalog and make the portal available in a prominent location on the district website. The parent portal shall also contain links to all district and individual campus policies related to school libraries. Regardless of parent opt-out decisions, school librarians must ensure that students are not able to access materials that are not age or grade-level appropriate.

The district shall provide each parent of a child enrolled in the district, through the district's learning management system or another online learning portal, a record of each time the parent's child checks out or otherwise uses a library material outside the school library. The record must include, as applicable, the title, author, genre, and return date of the library material.

All parental rights and control of access provisions contained in this policy shall also apply to all platforms that provide students with access to digital library materials. The district shall ensure that all such platforms provide parents with the ability to restrict student access to content.

### ***Local School Library Advisory Council***

*Notes: The board **may choose** to establish a local school library advisory council (LSLAC) to assist the district in ensuring that local community values are reflected in each school library catalog. However, the board **must** establish an LSLAC if parents of at least 10 percent of enrolled students or 50 or more parents of enrolled students, whichever is fewer, present a petition to establish an LSLAC. Even if the Board does not proactively create an LSLAC, all boards should be prepared for the scenario that they are presented with a petition that would require a council's creation. Thus, all districts should adopt procedures for the creation of an LSLAC.*

*Model Policy Language for districts that will not require a petition before establishing an LSLAC :*



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A local school library advisory council (LSLAC) shall be established to assist the district in ensuring that local community values are reflected in each school library catalog. The LSLAC shall be composed of... [see below]

*Model Policy Language for districts that do not proactively establish an LSLAC and instead choose to require a petition:*

If parents of 10 percent of enrolled students or 50 or more parents of enrolled students, whichever is fewer, present a petition to establish an LSLAC, a council shall be established. If a petition satisfying these requirements is presented to the board, the district shall establish an LSLAC that is composed of ... [see below]

*Model Policy Language for composition of an LSLAC:*

The LSLAC shall be composed of 7 members, with each trustee appointing one member. [Note: As most school systems in Texas have 7 board members, this recommendation is provided to align with that. Statute requires a minimum of 5 members for the LSLAC.] The Board president shall designate the chair of the committee. A majority of appointed members must be parents of enrolled students and be individuals who are not employed by the district. [Note: it is optional for boards to include non-voting members to the LSLAC, but state law limits the roles that can serve as non-voting members. Optional policy language to include non-voting members: Each board member may appoint one non-voting member to the LSLAC, but all such non-voting members must serve in one of the following roles: classroom teacher, librarian, certified school counselor, school administrator, member of the business community, or member of the clergy.]

*Model Policy Language for the duties of an LSLAC:*

The LSLAC shall meet at least two times per school year, once in the fall and once in the spring, and at any other times, as determined by the committee chair or required by this policy, as necessary to fulfill the responsibility listed below. At least 72 hours before each meeting, the LSLAC shall post notice of the date, hour, place, and subject of the meeting on a bulletin board in the central administrative office of each campus in the school district and ensure the notice is posted on the district's website. The district shall ensure that the LSLAC meeting has an audio or video recording of the meeting and prepare and maintain minutes of the meeting that state the subject and content of each deliberation and each vote, order, decision, or other action taken during the meeting. Not later than the 10 business days following each meeting, the minutes and audio or video recording of the meeting shall be posted on the district website.

The LSLAC responsibilities are as follows:

1. The LSLAC shall review and present a recommendation to the Board of Trustees regarding changes to policies and procedures for (a) the acquisition of library

materials consistent with local community values, and (b) processing challenges received by the district.

2. The LSLAC shall determine whether library materials proposed for acquisition are appropriate for each grade level for which the library materials are proposed to be acquired, and the LSLAC shall present its determinations as recommendations to the Board of Trustees.
3. The LSLAC shall determine whether removal of any library materials is warranted based on an analysis of whether the library materials at issue contain harmful material or indecent content or profane content that is inconsistent with local community values or age appropriateness. The LSLAC shall present its determinations as recommendations to the Board of Trustees.
4. The LSLAC shall evaluate all challenges received by the district and present the committee's findings and recommendations to the Board of Trustees.
5. The LSLAC shall evaluate the applicability of, and make recommendations to the Board of Trustees if applicable, joint use agreements or strategies for collaboration between the school district and local public libraries or community organizations.
6. The LSLAC may adopt and recommend procedures to the Board of Trustees to permit the appointment of library material review committees that consist of at least five members appointed by the board of trustees, who are not on the LSLAC and a majority of whom are parents of students enrolled in the school district and are not employed by the district to review challenged library materials. The Board of Trustees may adopt or reject such recommendation. If adopted, library material review committee must meet at least two times each year and at other times necessary to review library materials and make a recommendation for action by the district and to follow the same meeting posting, minutes, and recording requirements that the LSLAC is required to follow. If rejected, the LSLAC must satisfy all requirements set forth in this policy.

All recommendations made by the LSLAC must adhere to the library standards approved by the Texas State Library and Archives Commission (TSLAC), as contained in [13 Tex. Admin. Code § 4.2](#). Before presentation to the Board, the district's legal counsel shall evaluate all LSLAC recommendations to confirm adherence to TSLAC standards. LSLAC recommendations not compliant with TSLAC rules shall not be presented to the Board.

The district-level library supervisor shall also coordinate meetings and activities of the LSLAC and ensure compliance with this policy.

### ***Library Material Acquisition and Management***

*Notes: Districts should ensure compliance with all relevant TSLAC rules in developing their local policy. For purposes of this guidance, the rule requires every LEA to "approve and institute a collection development policy that describes the processes and standards by which a school library acquires, maintains, and withdraws materials."*



*Model Policy Language [revise as necessary]:*

**Responsibility for selection.** The legal responsibility for approving the procurement and acquisition of all library materials is vested in the board. The board will provide final approval for all new materials added to the district's library materials catalog after receiving recommendations from the LSLAC and the district-level library supervisor. The district-level library supervisor is responsible for development of the library material catalog, including making recommendations for adding new library material to the catalog and reorders of existing materials. This individual, with the assistance of other school personnel, shall discharge this obligation consistent with the law and with the Board's adopted selection criteria and procedures.

**Criteria for selection.** The district-level library supervisor shall work cooperatively with library staff, faculty, and the administration to interpret and guide the application of this policy in making recommendations for additions to the library material catalog. Development of the library material catalog should consider all distinct age groups, grade levels, and possible access to materials by all students within a campus and a district. TSLAC rule 13 TAC §4.2(b) addresses the kinds of materials a school library collection should include. In addition to those collection goals, material acquisitions should balance cost with need, and for non-fiction resources, material should incorporate accurate and authentic factual content from authoritative sources.

*[Note: TSLAC rule 13 TAC § 4.2(d) lists five additional considerations for evaluating library materials, of which districts are required to utilize at least two. Districts should evaluate applicability of this list of considerations in their local context. The following paragraph in this model language incorporates considerations 1, 2, and 3.]*

The evaluation of material should also include consideration of local priorities and school district standards, recommendations from parents, guardians, and local community members, and consultation with the library staff of similarly situated school districts. Prior to any acquisition recommendations being presented to the LSLAC or Board for inclusion in the library material catalog, all recommended additions shall have been read, reviewed against applicable laws, rules, and local expectations by district staff or other individuals under the supervision of the district-level library supervisor.

**Procurement and Acquisition Procedures.** The district-level library supervisor shall manage a process to determine what material is to be considered to be added to any campus or classroom library. All materials under consideration shall be presented to the LSLAC for review and consideration, posted in accordance with LSLAC procedures, and voted on during an LSLAC meeting. After review by the LSLAC, the district-level library supervisor or designee shall present the recommendation to the board for approval.

All requests to order new library materials, to add library material to the library catalog, and to accept donated library materials at the district or campus levels should be

presented to the district-level library supervisor. Library material recommendations should also consider feedback and suggestions from stakeholders, including parents, educators, and community members.

Materials under consideration for acquisition must be posted on the district website for a minimum of 30 calendar days prior to any board action.

Library materials cannot be procured or otherwise acquired unless and until receiving board approval after considering the recommendations of the district-level library supervisor and the LSLAC. Donated materials may be accepted and stored by the district, but may not be added to the library catalog, distributed to campuses, or otherwise made available to students until receiving board approval, except as required by other law.

This procedure does not apply to the replacement of damaged library materials previously approved by the board or the order of additional copies of library materials previously approved by the board.

The selection and acquisition of the digital library collection shall follow the same policies and procedures as the physical library collection. The district shall ensure that the method by which students access the digital library will only allow students to access age- and grade-appropriate content that has been approved by the board.

## ***Challenges and Reconsideration***

*Notes: TSLAC rules require districts to create a “review committee” to review challenges and reconsideration requests related to library material. One of the responsibilities of the LSLAC is to recommend procedures for the appointment of library material review committees that consist of members who are not on the LSLAC to review challenged library materials. Since one of the duties of the LSLAC is to make recommendations related to removal of library materials, if a separate library material review committee is not established, it is recommended that districts use their LSLAC as the challenge review committee. Accordingly, the below model policy language refers to an LSLAC. However, if the district does not have an LSLAC, the policy language can be changed to reference a challenge review committee.*

*Also, there is an important distinction between challenges to library materials and a parent's right to opt their student out of instructional materials. See TEC, §26.010. It is recommended that districts adopt a separate policy governing that process and clearly delineate between library material challenges and instructional material opt-outs.*

*Model Policy Language [revise as necessary]:*

**Challenge Form and Process.** A parent or legal guardian of a district student, an employee of the district, or any district resident may formally challenge, or request that the district reconsider approval of, any library material in the district's catalog using the [Library](#)

Materials Challenge Form. The form shall be prominently displayed on the district's website. The person submitting the challenge must identify how the challenged library material violates the library standards approved under TEC, §33.021, or this policy. Completed forms must be distributed to the district-level library supervisor and school librarian upon submission.

Upon receipt of a challenge to any library material, the district shall prohibit students enrolled in the district from accessing the challenged material until the district takes action in response to the challenge.

**Challenge Adjudication.** The district shall provide a copy of a written challenge to the LSLAC not later than five business days after receiving the challenge. The LSLAC shall review the challenged material, meet, and make a recommendation for action to the board with a written justification not later than 90 calendar days after a copy of the challenge is received. This can be done by the LSLAC as an entire body, or a subcommittee formed for the purpose of considering the challenge, as authorized above as duty #6 of the LSLAC.

The LSLAC or its subcommittee must make written findings of fact to support its recommendation, with an explanation of the basis of each finding, for each criteria of relevance to a board's actions on the recommendation, including:

1. whether the material is "harmful material";
2. whether the material is "pervasively vulgar";
3. whether the material is "educationally unsuitable";
4. whether the material contains "indecent content" or "profane content"; and
5. whether it refers a person to an Internet website containing content prohibited under this policy.

The board shall take action on a written challenge at the first open meeting after the 90<sup>th</sup> calendar day following district receipt of a written challenge or after the LSLAC has made a recommendation regarding the challenge, whichever is sooner.

In adjudicating a challenge, the board shall consider the following:

1. the recommendation and justification of the LSLAC;
2. reviews of materials conducted by academic experts specializing in the subject matter covered by the library material or in the education of students in the subject and grade level for which the library material is intended;
3. whether the library material is suitable for the subject and grade level for which the library material is intended; and
4. whether the library material adheres to the library standards approved by TSLAC under TEC, §33.021

The board may amend a finding of fact as provided by the LSLAC to correct any errors or omissions.

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**Board Action.** After the board vote, the appropriate District-level administrator shall notify the complainant of the result within five business days.

If a challenge to a library material results in the board removing material from the school library catalog, the district shall promptly notify each teacher assigned as the classroom teacher at the grade level for which the library material was determined to be not appropriate and instruct the teacher to remove any copy of the library material from the teacher's classroom library, if applicable.

If a challenge results in the board not removing the library material from the school library catalog, the district shall not take any action in response to written challenges to the same library material submitted before the second anniversary of the date of the determination to not remove the library material.

**Appeal of District Action.** The complainant may appeal the action taken by the board in response to a written challenge by filing the appropriate district grievance form. The board shall take action on an appeal at the first open meeting after the date the appeal is filed.

### ***Annual Inventory and Removal of Library Material.***

*Notes: TSLAC rules require the board's policy to address processes and standards by which a school library "withdraws" materials.*

*Model Policy Language [revise as necessary]:*

The district-level library supervisor shall develop a collection maintenance plan that includes at least annual systematic inspection of district library materials to evaluate removal or replacement needs for outdated, damaged, or irrelevant materials from the collection. This maintenance plan shall include an annual inventory of all school library collections and equipment, during which the district-level library supervisor shall collaborate with campus library personnel and campus administrators.

Following the annual inventory, the district library supervisor may submit a recommendation to the board to deselect and remove materials from the library catalog that are no longer relevant to the curriculum, of interest to students, or meet the standards set forth in this policy. The district shall publish in a prominent place on the district's website a list of all library material removal requests. The list must be publicly available at least 30 calendar days prior to board action, during which time individual board members may request, and if requested the superintendent shall provide, access to the proposed library material for review. Additionally, the district shall make the requested library materials reasonably available for parent review, upon request, during reasonable hours specified for such review.

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The board must approve the removal of materials from the collection. Once approved by the board, all materials removed from the collection shall be disposed of in accordance with the district's property disposal procedures.