



HB 900 Implementation FAQs

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General FAQs	Definitions	Parental Consent	
Vendor Ratings	TSLAC Collection Development Standards		

This document will be updated as the Texas Library Association (TLA) receives new information. If you have questions that are not addressed by these FAQs, please submit them via this [online form](#).

[HB 900 Full Text](#)

[General FAQs](#)

Should school districts review their school library collections to identify any books that might be sexually relevant or sexually explicit?

No. The law does not require districts to review their school library collections to rate books. Book ratings are to be provided by vendors, not school librarians or other district employees.

Should school librarians remove books from their collection they think may be rated sexually explicit?

No. The law requires vendors to provide ratings of any materials fitting this category. Once ratings are received, the district must remove any books in their collection their vendor has rated sexually explicit.

What happens if a parent or community member complains about a book they consider sexually explicit found to be in a school library's collection after ratings have been received from vendors?

If that book has not received a rating from the vendor, or if the rating was sexually relevant, the individual should file their complaint with TEA. TEA has the authority to alter ratings; school districts do not have the authority to alter ratings. No materials should be removed from a school library collection until TEA has issued its decision on whether the book should be rated sexually explicit and removed.

If a parent or community member complains that a book should be rated as either sexually relevant or sexually explicit BEFORE a vendor issues their list of rated titles on April 1, 2024, should we remove the book from the collection?

No, books should not be removed based on the lack of a rating or alleged incorrect rating at any time. Before April 1, 2024, those complaints should be addressed via existing reconsideration processes at the district level. After April 1, 2024, complaints related to ratings go to TEA for final resolution.

What is the district's and school librarian's liability if a book rated sexually explicit is retained in the collection?

The law prohibits the possession, acquisition and purchase of any material rated sexually explicit by the vendor that sold the material to the district. If a vendor rated a book they sold to your district as sexually explicit and it is still part of the collection, it must be recalled by the vendor.

If someone alleges a book in your collection should be rated sexually explicit and removed, the law specifies the school district and school librarian are not liable because the responsibility for rating lies with the vendor. Once vendors issue ratings, the only way those ratings can be changed is by the vendor, or by a complaint to TEA which then reviews the material and makes a determination on the rating and notifies the vendor if a rating change is required.

Will the ratings affect book fairs or apply to books at the book fair?

The law does not specifically address ratings for books sold at book fairs.

Definitions

Who determines what is "patently offensive" in the definition of sexually explicit?

Vendors are responsible for determining which books meet the definitions of sexually explicit and sexually relevant as defined in the law. The law provides rating guidelines vendors must follow in determining whether a library material should receive a sexually explicit rating.

What does "directly related to the curriculum" mean?

The law says the definitions of sexually explicit and sexually relevant materials apply to all library materials EXCEPT for those directly related to curriculum required under Section [28.002\(a\)](#) of the Education Code. That section outlines the required curriculum including foundation curriculum and enrichment curriculum.

Does "library material" include ebooks and audiobooks? Will those require ratings from vendors?

While the law does not mention ebooks or audiobooks specifically, the definitions of sexually explicit and sexually relevant are very broad and would apply to ebooks and audiobooks.

How will the law impact school districts that partner with public libraries to provide students access to materials?

The law does not address these partnerships.

Required Collection Development Standards (TSLAC/SBOE)

These new collection development standards will not be final until January 1, 2024. Can school districts purchase library materials using their current standards and policies until those new standards are final?

Our understanding, after conversations with the bill sponsor's staff, is that school districts should operate under their current purchasing and collection development policies and procedures. Librarians should communicate with their administrators and district legal counsel to determine how to address purchasing prior to January 1, 2024, when the new required collection development standards are final.

How can librarians provide input into the new, required collection development standards TSLAC is developing?

TSLAC has been working on a review of collection development standards in the current Library Program Standards for over a year with the assistance of a committee of school librarians. Their work, plus the requirements of the new law, will inform the development of the required collection development standards for Texas School Libraries.

The new required collection development standards will be posted for public comment this fall, giving stakeholders an opportunity to provide input.

Will the new, required collection development standards replace our current collection development policies?

The TSLAC collection development standards will be minimum requirements. Districts must follow them but may add additional requirements to their own collection development policies.

Can districts add additional collection development standards and guidelines to the state-required collection development standards?

Yes, the law requires school districts to follow the required standards as part of their own policies.

Is TASB planning to issue updated EF legal and EF local policies reflecting the required collection development standards?

Once the new collection development standards are approved by TSLAC on January 1, 2024, TASB will review and make a determination if any updates are needed to their policies.

Do the new, required collection development standards apply to classroom libraries?

Yes.

Parental Consent

Can "written parental consent" for a student to check out a book rated sexually relevant be obtained via email?

Yes. The law does not specify how parental consent is to be received. Librarians should work with their district administrators on the preferred process and method for obtaining parental consent for your specific school district.

At the start of the school year, can districts offer a parental opt-out option (i.e. my child may not check out material rated sexually relevant) to satisfy the parental consent requirement?

The law does not specify the process districts should use to obtain parental consent before a student may check out materials rated sexually relevant.

Does written parental consent have to be obtained each time a student checks out material rated sexually relevant?

The law states a student may not check out library materials rated sexually relevant unless the district or school has first obtained written consent. It does not specify whether consent must be obtained each time a student wants to check out a book rated sexually relevant.

How will students know which books are rated sexually relevant?

The law does not require vendors to label library materials they have rated (i.e. no stickers required, etc.). It is unclear how vendors will provide rating information on library materials they sell to school districts; and how libraries will note that information.

Will this requirement affect school libraries' ability to offer self-checkout and have student aides working the circulation desk?

It is not clear. This will most likely depend on the process a district establishes for obtaining parental consent.

Vendor Ratings & Reporting

Can I purchase library materials before vendors submit their lists of materials rated sexually relevant or sexually explicit to TEA in April 2024?

Our understanding, after conversations with the bill sponsor's staff, is that school districts should operate under their current purchasing and collection development policies and procedures. Librarians should communicate with their administrators and district legal counsel to determine how to address purchasing prior to April 1, 2024, when vendors are required to submit their list of rated materials to TEA.

Are vendors required to provide the list of library materials rated sexually explicit or sexually relevant they have sold to school districts which are still in use?

Yes, the law requires vendors to provide a title list to TEA by April 1, 2024.

How will vendors know what materials they have sold to districts are currently in active use?

The law does not address this. Each vendor will determine their process for complying with this specific law's requirements.

Do districts have to identify which vendors sold them library materials that are currently in use or provide a list of purchased library materials to the vendors?

No, the law does not require districts to identify which vendors sold materials that are in active use or to provide a list of materials to vendors.

Are vendors required to send their lists of materials rated sexually relevant and sexually explicit to school districts in addition to submitting them to TEA?

The law does not require vendors to provide their list of rated materials directly to school districts. However, it does require vendors to “issue a recall” for library material sold to a district that is rated sexually explicit that is in active use by the district. The law does not specify how vendors are to issue the recall; this process will be determined by each individual vendor.

Do the rating requirements apply to textbooks?

No, the law including the ratings requirements, only apply to library materials; and they do not apply to library materials directly related to curriculum required under Section [28.002\(a\)](#) of the Education Code.

Do the rating requirements apply to AP required and recommended books?

The law exempts library material directly related to the curriculum required under [Section 28.002\(a\)](#) of the Education Code which includes foundation curriculum and enrichment curriculum, from the sexually explicit and sexually relevant ratings requirements.

What do vendors have to consider when they are rating library materials? For example, books that contain mature content (i.e. rape, incest, consent, etc.), may have scenes that could be considered sexually explicit, but when reviewed as a whole, the message of the book is much broader.

The law outlines rating guidelines vendors must follow to determine if a library material should be rated sexually explicit. They are required to perform a contextual analysis and consider the explicitness of the depiction of sexual conduct; whether the material consists predominantly of or has multiple repetitions of sexual activities; and whether a reasonable person would find the material intentionally panders to, titillates or shocks the reader.

How often do vendors have to provide updated lists of library materials rated sexually explicit or sexually relevant to TEA?

Vendors must provide their first list of rated materials which were previously sold to school districts in Texas and are in current active use by districts by April 1, 2024.

Vendors are required to provide TEA with an updated list of library materials they have rated by September 1 every year, beginning September 1, 2024.

How will librarians know if new materials they want to purchase are rated?

Vendors should indicate if any materials districts seek to purchase are rated sexually explicit or sexually relevant. Districts are prohibited from purchasing books rated sexually explicit.

How will a patron know if something in the school library collection has a sexually relevant rating?

Beginning in January 2025, school districts are required to post a list of any material rated sexually relevant by vendors in their collections on the district website or have printed copies available at the district office or schools. The list must include the title, and the school(s) or campus(es) where the library material is located.

Districts purchase from multiple vendors; and campus librarians may purchase the exact same book from different vendors. If one vendor labels a book sexually relevant, but another doesn't, which is correct?

The law does not address inconsistent ratings between vendors. Districts are required to follow the ratings from the vendors they purchase from.

TEA Review of Ratings

What triggers a TEA review of the rating provided by a vendor?

The law does not specify actions that may trigger a TEA rating review. We presume this will be addressed in the rulemaking process and there will be some sort of complaint process established.

If TEA determines a library material should be rated sexually explicit, is there a process for a vendor to appeal this rating?

No. The law does not provide an appeal process for TEA ratings decisions. If the vendor does not comply and update the rating within 60 days of being notified of the rating change by TEA, the vendor is placed on a "do not purchase" list which is on the TEA website. Districts cannot purchase from any vendor on that list.

When TEA issues rating updates, do they apply to all vendors, or just the vendor that sold the material in question to the school district where the complaint originated?

The law is not clear on this.