



The Mandatory Collection Development Standards: What You Need to Know Webinar Summary Notes | February 2024

Texas State Library and Archives Commission

As required by HB 900, the Texas State Library and Archives Commission (TSLAC) adopted [mandatory collection development standards](#) for school libraries. The new rules are in the Texas Administrative Code, Title 13, Part 1, Chapter 4, Subchapter A, Rule §4.2.

Each Texas public school district board or governing body must approve and institute a collection development policy that describes the processes and standards by which a school library acquires, maintains, and withdraws materials as outlined in the standards.

The standards provide a baseline for districts to develop their policies. There is flexibility that allows districts to customize their policies to meet local expectations and needs as long as any added procedures do not conflict with the minimum requirements in the standards.

While HB 900 and the standards do not specify a compliance deadline or timeline, the law and standards are in effect, so districts should be reviewing existing policies to determine compliance and make needed updates as soon as feasible.

TSLAC developed an [FAQ](#) and [checklist](#) to help districts implement the new standards. They are working on an optional collection development policy template and guidance document for school boards and district staff that should be available in the near future. TSLAC also plans to offer online training later this spring and into the summer. Check the [TSLAC website](#) for updated information.

The 5th Circuit (federal court of appeals with jurisdiction over TX, MS, and LA) has upheld a preliminary injunction preventing TEA from enforcing the parts of House Bill 900 that required book distributors to rate library books as sexually explicit or sexually relevant.

The court determined that the independent booksellers who brought suit had standing, a ripe claim, and a likelihood of success on the merits. The booksellers demonstrated likely financial damage if they did not comply with the compelled speech required by the rating mandate, and the assignment of the ratings was neither “government speech” nor so factual and uncontroversial (like a nutrition rating) or necessary to government operations that the mandate should enjoy an exception to First Amendment standards for free speech.

The Fifth Circuit Court of Appeals’ recent ruling does not affect the new collection development standards as a whole. Districts are still required to institute a collection development policy

addressing the minimum standards in the rule. However, the ruling does carry implications for two provisions in the rule.

The collection development standards include references to two sections of the new law that are currently encompassed by the injunction. Under §4.2(c)(5), a collection development policy must “[i]nclude a process to determine and administer student access to material rated by library material vendors as "sexually relevant" as defined by Education Code, §35.001 consistent with any policies adopted by the Texas Education Agency and local school board requirements.” Under §4.2(c)(7)(B), a collection development policy must “[p]rohibit the possession, acquisition, and purchase of . . . library material rated sexually explicit material by the selling library material vendor under Education Code, §35.002[.]” Because of the injunction, library material vendors are not currently required to rate materials; therefore, these two provisions of the collection development standards are effectively inoperative at this time. In addition, it is important to reiterate that the other provisions in the collection development standards prohibiting the possession, acquisition, and purchase of harmful material, as defined by Penal Code, §43.24, and library material that is pervasively vulgar or educationally unsuitable as referenced in *Pico v. Board of Education*, 457 U.S. 853 (1982) are not impacted by the lawsuit and remain in effect.

Because legal proceedings regarding this matter are ongoing, district staff are advised to consult with their legal counsel with any questions specific to their policy implementation.

Texas Association of School Boards (TASB) Policy Updates

In April 2022, TASB released updated policies that separated instructional materials (EFA Local) from library materials (EFB Local).

In November 2023, TASB released an updated EFB (Legal) policy that reflects the new HB 900 requirements in the education code.

In February 2024, TASB released an updated EFB (Local) policy that reflects the new collection development rules.

To obtain a copy of any of the updated policies, librarians should talk to their district administration. TASB does not make the policies publicly available.

TASB will finalize their full policy update in May 2024, which will include the EFB (Local) policy released in February, and an updated EFB (Legal) policy that will include the collection development standards referenced in the Administrative Code, in addition to the HB 900 requirements in the Education Code.

The May policy packet is customized for individual districts so will roll out over the course of a few weeks.

TASB anticipates that the model EFB(Local) policy in the full policy update to be released in May 2023 will be identical to the model policy currently available to districts' policy contacts.

Districts that are interested in making a change should ask their TASB policy consultant to put together a packet that the superintendent can present to the school board for consideration. The packet will be customized to fit their local preference. In the full policy update beginning in May 2024, TASB will recommend that all districts separate content on instructional materials at EFA from library materials at EFB.

Classroom Libraries

There was a great deal of discussion about how the new regulations apply to classroom libraries and the school librarian's role and responsibility in applying the standards to classroom libraries.

The new law and the new collection development rules **do not require** school librarians to take responsibility for classroom libraries.

School librarians don't have any control over what is in classrooms; administrators must determine and establish the processes and protocols for teachers to follow for purchasing books for their classroom libraries.

School districts are required to develop policies for classroom teachers to follow related to materials in their classroom libraries.

Classroom libraries must follow the TSLAC standards, but they do not have to implement those standards in the exact same way as libraries do. Districts should develop policies specifically for classroom library materials.

The law does not differentiate between materials donated to a classroom library, materials purchased by a teacher for their classroom library or materials purchased by the district for a classroom library. The collection development rules apply to materials in the classroom library that are for students to self-select, not to those directly related to the required curriculum.

Districts must have a plan that allows efficient parental access to what is included in a classroom library. For example, a PDF list of books posted on the teacher's website would provide information on and access to what materials are included in that teacher's classroom library.

The law and standards do not require classroom library materials to be included in the district's school library catalog.

Administrators should work with the school attorney to determine what public access for classroom library materials looks like for that district. The level of detail available about classroom library materials, and how that information will be accessible, is up to each district to determine.

Q&A

When do districts have to have updated policies in place? What is the deadline?

There is no compliance deadline specified in the law. However, the law has changed to include these new regulations and districts need to respond. One way they respond to new regulations requiring new policies is to update their policies. TASB received requests from boards for sample policy updates related to the new law sooner, rather than waiting for the regular policy update at the end of the school year. So, TASB issued an updated EFB Legal in November 2023 and an updated EFB Local in February 2024 for districts to consider. To see these policies, ask your district administrators if they have requested them from TASB.

What guidance will TSLAC provide for classroom library policy?

The mandatory standards require a school library collection development policy to “be required for all library material available for use or display, including material contained in school libraries, classroom libraries, and online catalogs.”

Classroom libraries are subject to a district-approved process for the “evaluation, selection, acquisition, reconsideration, and deselection” of classroom library materials. As classroom libraries are administered by classroom faculty and not school librarians, however, it is up to the district to adapt and/or enforce CD policy requirements for classroom libraries. A district’s policy for classroom libraries may be different from the school library policy, but it must adhere to the requirements noted above.

Do the updated TASB policies address classroom libraries?

Yes, the TASB legal reference policy and the TASB model local policy at EFB will match state law and rule by including classroom libraries in the collection development policy. School districts that want to differentiate procedures for school libraries from procedures for classroom libraries should adopt administrative procedures that comply with the law and rule but allow for practical differences in implementation.

If community colleges serve dual credit students who use the college library, do any of the new rules apply to that community college library?

The new law and standards do not apply to community college libraries, and do not address dual credit students. District administration, working with school attorney’s, should review the Memorandum of Understanding (MOU) between the district and community college to ensure that parents have signed off on curriculum etc.

Is EFB (Legal) from November 2023 enforceable after the Fifth Circuit Court of Appeals ruling?

Provisions related to vendor ratings are effectively inoperable.

Can a district take parts of the EFB (Local) to use and create their own?

Yes, as always, a school board may adopt local policies that reflect local needs and choices, within the bounds of the law. TASB’s model local policies are always just a starting place for your board’s consideration.

Does the searchable catalog of classroom library materials have to be detailed like a library catalog, or can it just be titles/authors or even just links to the book info online?

Neither the law nor the TSLAC standards specify the level of detail or format for the catalog of classroom library materials. Districts must establish those procedures based on what works for them.

What will our district need to adopt? What exactly is required?

Districts are required to adopt collection development policies that meet the requirements of the mandatory collection development standards rules adopted by TSLAC. TASB has provided model policies that meet those requirements (EFB Legal and EFB Local); and TSLAC has provided a checklist to assist districts in developing or revising their collection development policies.

Is informing/emailing parents what books their child is checking out a local action?

There is no requirement in the new law or mandatory collection development standards that parents be emailed or notified when their child checks out a library book.

The law does include a requirement that parental consent must be obtained if a student wants to check out a book that a vendor has rated sexually relevant. Because of recent Fifth Circuit Court of Appeals decision, library material vendors are not currently required to rate materials; therefore, this provision of the collection development standards is effectively inoperative

What if we have a relationship with our local public library? Can students access the public libraries' ebooks/audiobooks and print materials using cards the school district has purchased for students?

The partnerships between school districts and public libraries is not addressed by the law or mandatory collection development standards rules.