

Amendment No. 1 to HB1944

Curcio
Signature of Sponsor

AMEND Senate Bill No. 1944

House Bill No. 1944*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 39-17-902(e), is amended by adding the following language at the end of the subsection:

The exception in this subsection (e) does not apply to the possession of obscene material by a local education agency; a public school, including a public charter school; or an employee or private contractor of a local education agency or public school if the obscene material is harmful to minors and possessed on public school premises.

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 6, Part 3, is amended by adding the following as a new section:

An LEA or public school, including a public charter school, shall not allow obscene materials or materials harmful to minors, as defined in § 39-17-901, to be available to students in the school libraries controlled by the LEA or public school.

SECTION 3. Tennessee Code Annotated, Title 49, Chapter 6, Part 3, is amended by adding the following as a new section:

(a) Each local board of education and public charter school shall adopt a policy that allows the parent or legal guardian of a student enrolled in the LEA or public charter school to report to the director of schools or to the director of the public charter school, as applicable, if the parent or legal guardian is aware of material that is obscene, as defined in § 39-17-901, or harmful to minors, as defined in § 39-17-901, being made available to students through the parent's or legal guardian's student's school library.

(b) The policy required under subsection (a) must require the director of schools or the director of the public charter school, as applicable, to remove the questionable material from each school library under the respective director's control for a period of no less than thirty (30) days to allow the local board of education or the governing body of the public charter school, as applicable, to review the material to determine whether the material is obscene, harmful to minors, or appropriate for students.

(c) The local board of education or the governing body of the public charter school shall determine if the material is obscene or harmful to minors no later than the next regularly scheduled meeting of the board or the governing body after the thirty-day period in subsection (b). If the local board of education or the governing body of the public charter school determines that the material is obscene or harmful to minors, then the material must be permanently removed from the school library of each school governed by the local board of education or the governing body of the public charter school. If the local board of education or the governing body of the public charter school determines that the material is appropriate for students, then the material must be returned to each school library from which it was removed by the respective director upon the local board of education's or the governing body of the public charter school's determination that the material is appropriate for students, or at the end of the thirty-day period identified in subsection (b), whichever is earlier.

(d) The procedures adopted pursuant to this section are not the exclusive means to remove material from a school library, and do 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 additional policies, practices, or procedures for the removal of materials from a school library.

(e) If an LEA or public charter school fails to comply with the policy adopted pursuant to this section, then the commissioner may withhold state funds, in an amount

determined by the commissioner, from the respective LEA or public charter school until the LEA or public charter school is in compliance.

(f) Each LEA shall annually report to the department of education the material that is permanently removed from a school library of the LEA pursuant to subsection (c).

SECTION 4. If a provision of this act or its application to a person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end the provisions of this act are severable.

SECTION 5. This act takes effect July 1, 2022, the public welfare requiring it.