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**Note:** For information related to the accounting of instructional materials, as this term is defined by state law and rule, see CMD.

For information related to the selection process of library materials, see EFB(LOCAL).

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The District shall provide instructional materials designed to teach the Texas Essential Knowledge and Skills and further the District's educational mission. Although the Superintendent or designee shall ensure that professional staff select instructional materials in accordance with District policy and administrative regulations, the ultimate authority for determining and approving the curriculum and instructional program of the District lies with the Board.

The following individuals may serve as the superintendent's designee(s):

- Curriculum coordinator(s),
- Instructional officers or specialists,
- Campus instructional personnel, and
- Technology manager(s) of internet and online resources.

## Objectives

In this policy, "instructional materials" may include textbooks, supplementary resources for classroom use, and any other instructional resources, including electronic resources, used for formal or informal teaching and learning purposes. The primary objectives of instructional materials are to implement, enrich, and support the District's educational program.

In accordance with state and local standards, classroom libraries are essential interactive collaborative learning environments, ever evolving to provide equal physical and virtual access to ideas, information, and learning tools for the entire school community. Classroom libraries must meet the standards set forth in this policy.

Instructional resources or material which are used as assigned reading as part of "book clubs," whether from classroom libraries or campus libraries, must meet the standards set forth in in this policy.

The District recognizes there is a vast array of material with rich educational content. It is the District's objective to choose material that meets high standards in literary, artistic, and aesthetic qualities, technical aspects, and physical format that is appropriate to

**Protection from  
Inappropriate  
Material**

students over material that may provide similar content but with elements that are pervasively vulgar or educationally unsuitable for minors in school.

Instructional materials shall not include “harmful material” as defined by Penal Code 43.24(a)(2) or “obscene” material as defined by Penal Code 43.21(a)(1) or “sexually explicit material” as defined by Education Code 33.021. In all cases, instructional materials shall be consistent with the requirements outlined in Education Code Chapters 33 and 35.

Penal Code 43.24(a)(2) describes “harmful material” as material whose dominant theme taken as a whole: (1) appeals to the prurient interest of a minor, in sex, nudity, or excretion; (2) is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for minors; and (3) is utterly without redeeming social value for minors. It is an offense in Texas to distribute this material in violation of Penal Code 43.24(b). No instructional material shall be used if it contains content that can meet the harmful material standard.

Penal Code 43.21(a)(1) describes “obscene material” that: (A) the average person, applying contemporary community standards, would find that taken as a whole appeals to the prurient interest in sex; (B) depicts or describes: (i) patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, including sexual intercourse, sodomy, and sexual bestiality; or (ii) patently offensive representations or descriptions of masturbation, excretory functions, sadism, masochism, lewd exhibition of the genitals, the male or female genitals in a state of sexual stimulation or arousal, covered male genitals in a discernibly turgid state or a device designed and marketed as useful primarily for stimulation of the human genital organs; and (C) taken as a whole, lacks serious literary, artistic, political, and scientific value. No instructional material shall be used if it contains content that can meet the obscene material standard.

Education Code 33.021(a) describes “sexually explicit material” as 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. No instructional material shall be used if it contains content that can meet the sexually explicit material standard.

Among other items, Education Code 33.021(d)(A) also states that the standards for school library collection development must 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); and (B) recognizes that obscene content is not protected by the First Amendment to the United States Constitution.

Finally, collection development policies must demonstrate a commitment to compliance with the Children's Internet Protection Act (CIPA) as specified in 47 U.S.C. 254(h)(5), including technology protection measures. [See CQ]

Elementary Schools No instructional materials in elementary schools shall contain depictions of sexual acts or simulations of such acts, implied or otherwise. This includes explicit or non-explicit written descriptions, depictions, or illustrations of sexual acts, except for the purposes of teaching students (as may be approved by parents) to avoid and report molestation. See Texas Education Code 33.021. No instructional materials shall include visual depictions or illustrations of explicit frontal nudity.

### Selection

Instructional materials that are textbooks and related supplemental materials shall be chosen from the list of resources adopted by the State Board of Education in accordance with Education Code Chapter 28, Subchapter A, administrative regulations and the objectives above.

The Board shall rely on the Superintendent's designee(s) as outlined in this policy to select and acquire instructional materials that:

1. Enrich and support the curriculum consistent with the general educational goals of the state and District, the aims and objectives of individual schools and specific courses, and the District and campus improvement plans.
2. Are appropriate for the subject area and for the age, ability level, learning styles, interests, and social and emotional development of the students for whom they are selected.
3. Meet high standards for artistic quality, literary style, authenticity, educational significance, factual content, physical format, presentation, readability, and technical quality.
4. Present various sides of controversial issues so that students have an opportunity to develop, under guidance, skills in critical analysis and in making informed judgments in their daily

lives. [See also Board policy EMB regarding instruction about controversial topics.]

5. Promote literacy.
6. Balance cost with need.
7. To the extent possible, while ensuring instruction in the Texas Essential Knowledge and Skills (TEKS), be designed to develop each student's civil knowledge according to Education Code 28.002 (h), (h-1) and (h-2), including:
  - a. An understanding of:
    - (1) The fundamental moral, political, and intellectual foundations of the American experiment in self-government;
    - (2) The history, qualities, traditions, and features of civic engagement in the United States;
    - (3) The structure, function, and processes of government institutions at the federal, state, and local levels; and
    - (4) The founding documents of the United States;
  - b. The ability to:
    - (1) Analyze and determine the reliability of information sources;
    - (2) Formulate and articulate reasoned positions;
    - (3) Understand the manner in which local, state, and federal government works and operates through the use of simulations and models of governmental and democratic processes;
    - (4) Actively listen and engage in civil discourse, including discourse with those with different viewpoints; and
    - (5) Participate as a citizen in a constitutional democracy by voting.
  - c. An appreciation of:
    - (1) The importance and responsibility of participating in civic life;
    - (2) A commitment to the United States and its form of government; and

(3) A commitment to free speech and civil discourse.

When providing instruction regarding the founding documents of the United States, these shall be presented appropriately for the grade level, and in an objective, neutral, comprehensive, and unbiased manner that respects the entirety of the document. The founding documents of the United States include the Declaration of Independence; the United States Constitution; the Federalist Papers, including the Essays 10 and 51; excerpts from Alexis de Tocqueville's Democracy in America; the transcript of the first Lincoln-Douglas debate; the writings of the founding fathers of the United States; Frederick Douglass's speeches "The Meaning of July Fourth for the Negro" and "What the Black Man Wants"; and Martin Luther King Jr.'s speech "I Have a Dream," all taken as a whole.

District professional staff shall avoid classroom assignments which utilize instructional materials that teach prohibited concepts. [See EMB]

Administrators, teachers, other District personnel, parents, and community members, as appropriate, may recommend instructional materials for selection.

**Responsibility for Selection**

The oversight for the purchase of all instructional material shall be vested in the Board. Recommendations for new materials and reorders of existing materials shall be made by District employees as designated by the Superintendent. This individual, with the assistance of other school personnel, shall discharge this obligation consistent with the Board's adopted selection criteria and procedures.

**Secondary ELA Classroom Library Authorization**

Books are available for secondary students to check out through their English Language Arts (ELA) classroom library. Secondary parents or guardians must provide authorization for their secondary student to access the ELA classroom library. The classroom library authorization form is available on the District's website.

**Challenged Resources**

A parent of a District student, a student who is 18 years of age or older, an individual employee, or any District resident may challenge an instructional material used in the District's educational program on the basis that the instructional material fails to meet the standards set forth in this policy.

The major criterion for the final decision on challenged instructional materials is the appropriateness of the material for its intended educational use by minor students. No challenged instructional material shall be removed solely because of the ideas expressed

therein [*Bd. Of Educ. V. Pico*, 457 U.S. 853 (1982)]. The opinion allows the removal of materials because they are pervasively vulgar or based upon the lack of educational suitability of the material. All decisions for removal shall be made consistent with applicable legal requirements including those that require the protection of minors from harmful, obscene, or sexually explicit material. [47 U.S.C. 254(h)(5), Penal Code Chapter 43, and Education Code Chapters 33 and 35]

Informal  
Reconsideration

When the District or a campus receives an objection to the appropriateness of an instructional material, the appropriate administrator shall try to resolve the matter informally within ten business days. The administrator shall explain the selection process and discuss the intended educational purpose for the instructional material. If appropriate, the administrator may offer a concerned parent an alternative instructional material to be used by that parent's child in place of the challenged material.

If the complainant wishes to make a formal challenge, the administrator shall provide the complainant a copy of this policy and a form to request a formal reconsideration of the instructional material.

Formal  
Reconsideration

A complainant shall make any formal challenge to an instructional material by submitting a Reconsideration of Instructional Resource form available on the District's website. Upon receipt of the form, one of five rotating reconsideration committees shall be assigned, and the Board shall be notified. Each committee shall be appointed at the beginning of the school year and shall serve, as needed, throughout the school year.

The reconsideration committee shall include:

- A non-voting committee moderator from the District,
- A District campus principal,
- A District professional knowledgeable about curriculum and instruction, reading materials, or online resources (including websites), as appropriate,
- A District professional campus educator, and
- Four parents of a currently enrolled District student.

The District shall solicit parent committee members at the start of each school year to be randomly drawn and assigned to the rotating committees. Names of the committee members shall remain confidential.

All members of the committee shall review the challenged instructional material in its entirety. As soon as reasonably possible, the

committee shall meet and determine whether the challenged material conforms to the principles of selection set out in this policy and whether the challenged material shall continue to be used in the educational program. The complainant shall have 10 minutes to present to the committee and may provide supplemental information. The complainant shall exit after presenting. Within 10 business days of the committee's meeting, the complainant shall receive written notice of the committee's findings and a copy of the report Checklist for Reconsideration of Instructional Resources.

The committee decision shall be based on a simple majority.

The Board, Superintendent, other appropriate administrators, and the complainant shall receive electronic copies of the report. Instructional materials that have been formally challenged and the determination of the reconsideration committee shall be posted on the District's website.

Instructional materials under formal review shall not be removed during the reconsideration process pending the outcome of the decision.

*Frequency of Review*

After an instructional material has been reviewed through formal reconsideration, it shall not be reviewed again within one calendar year of the date of the committee decision.

Appeal

The complainant may appeal the decision of the reconsideration committee in accordance with appropriate complaint policies, starting at the appropriate level. [See DGBA, FNG, and GF]

Additionally, any two individual Board members, acting in concert, may request the Board to review the final decision of a Reconsideration Committee and present their rationale to the Board. The Board shall vote to whether to uphold, modify or, reject the Reconsideration Committee's decision to either retain, relocate, or remove a material.

The oversight responsibility for the review, inclusion and removal of instructional materials is vested in the Board.

**Gifts and Donations**

Gifts of instructional materials shall be evaluated according to these criteria and accepted or rejected in accordance with CDC(LOCAL).

**Maintenance of Instructional Materials**

Selection of instructional materials is an ongoing process that includes the removal of materials no longer appropriate and the periodic replacement or repair of materials that still have educational value.

**Individual Board  
Member Review**

If any Board member questions or desires further information on any instructional material, he or she shall contact the Superintendent.

**Board Action**

Any two individual Board members, acting in concert, may request the Board to review for removal any instructional material(s) by notifying the Superintendent and the Board President. The Board members shall present their rationale for desiring to remove certain instructional material(s), and the entire Board shall vote to permanently retain, relocate, or remove the instructional material(s).