

Policy EFA(Local) & EFB(Local)

Board of Trustees Workshop
July 26, 2022





Timeline

- › **June 2021:** District began review of library procurement and maintenance procedures
- › **October 2021:** Began reviewing materials identified by other school districts
- › **November 2021:** Governor charged TEA with creating policies
- › **April 2022:** TEA drafts recommended instructional material policy
- › **May 2022:** TASB drafts functional policies based on TEA recommendations



Recommended

The “Instructional Materials” policy has been revised:

- › The current EF(LOCAL): Instructional Resources will be deleted.
- › Recommend adoption of new EFA(LOCAL): Instructional Materials and EFB(LOCAL): Library Materials
- › Similar to TEA draft policy



Denton ISD Library Services

- › 672,500 books and eResources
- › All available here: <https://www.dentonisd.org/Page/56907>
- › In the 3 years ending May 31, 2022 we had received 1 book challenge
- › Rate of approximately .00003 per student, or, .000001 when compared to the number of resources available to our students
- › June – received 49 challenges, 3 of which had been read by the community member filing the challenge



Core Values

In the context of library challenges, two values are at the core of our approach:

1. Parental rights
2. 1st Amendment compliance

- › School libraries serve as a repository for voluntary inquiry for students.
- › Any parent has the right and ability to opt their own student from having access to any instructional materials by notifying their campus administration librarian.
- › A challenge for removal from District libraries removes that right from parents and implicates a student's 1st Amendment free speech rights.



YOUR ROLE, AS A PARENT

As a parent, you are able to influence what your child reads, listens to, or views while at school. The options below show what you may do when you have a question about how best to help your child make decisions about their reading.

SET UP A MEETING

You may request to meet with your child's teachers, principal, or librarian to look at your options.



PROVIDE A LIST

You may provide your child's librarian a list of titles you do not want them to have access to for check out.



REQUEST RESOURCES

You may reach out to your child's teacher(s) and request they share resources that have been, or will be, assigned in class and may request an alternative assignment for your child.



PURSUE RECONSIDERATION

If you believe a resource is inappropriate, not only for your child, but for all children in the district or in a particular grade range, you may pursue a formal reconsideration.





“Although school boards have a vested interest in promoting respect for social, moral, and political community values, their discretionary power is secondary to the transcendent imperatives of the First Amendment.

The Court, in a 5-to-4 decision, held that as centers for voluntary inquiry and the dissemination of information and ideas, school libraries enjoy a special affinity with the rights of free speech and press. Therefore, the Board could not restrict the availability of books in its libraries simply because its members disagreed with their idea content.”

Bd. of Educ. v. Pico, 457 U.S. 853 (1982)



Additions to EFB (LOCAL)

Library 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).

- (2) "Harmful material" means material whose dominant theme taken as a whole:
 - (A) appeals to the prurient interest of a minor, in sex, nudity, or excretion;
 - (B) is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for minors; and
 - (C) is utterly without redeeming social value for minors.

- (1) "Obscene" means material or a performance 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.



Selection

Library materials shall be chosen in accordance with guidelines adopted by the Texas State Library and Archives Commission. In the selection of library materials, librarians and other professional staff shall ensure that the materials:

1. Enrich and support the curriculum, taking into consideration students' varied interests, abilities, learning styles, and maturity levels.
2. Stimulate growth in factual knowledge, enjoyment of reading, literary appreciation, aesthetic values, and societal standards.
3. Develop a balanced collection presenting multiple viewpoints related to controversial issues to foster critical thinking skills and encourage discussions based on rational analysis (see EMB regarding instruction about controversial issues).
4. Represent many ethnic, religious, and cultural groups and their contributions to the national heritage and world community.
5. Provide a wide range of background information that will enable students to make intelligent decisions in their daily lives.
6. Demonstrate literary merit, quality, value, and significance.



Selection (Cont'd)

7. Have received favorable professional library reviews from the state and nationally recognized review publications.
8. Have received state or national awards or are included on recommended reading lists developed by library professionals and educators.
9. Cover topics, authors, series, or genres that fill gaps in the school library collection.
10. Include accurate and authentic factual content from authoritative sources.
11. Have a high degree of potential user appeal and interest.
12. Offer a global perspective that promotes equity of access, including print and nonprint materials such as electronic and multimedia, to meet the needs of individual learners.
13. Are requested or recommended by students and teachers.
14. Mirror selections found in neighboring districts or libraries in the region.
15. Represent diverse viewpoints and cultures appropriate to each campus to ensure the collection embodies the unique background of its student population.



In general, a student is afforded the opportunity to self-select library materials as part of literacy development and the library program. District staff may assist a student in selecting library material; **however, the ultimate determination of appropriateness remains with the student and parent.** Parents are encouraged to communicate with the campus librarian and their child's teacher about special considerations regarding library materials self-selected by their student. In accordance with state law and administrative regulations, parents may select alternative library materials for their student.

Emphasis Added.



Responding to Challenges

The following principles shall guide the Board and staff in responding to challenges of library materials:

- › A complainant may raise an objection to a library material used in the District's library program, despite the fact that the professional staff selecting the materials were qualified to make the selection, followed the proper procedure, and adhered to the objectives and criteria for library materials set out in this policy.
- › A parent's ability to exercise control over instruction and instructional resources, including library materials, extends only to his or her own child as set forth in Education Code Chapter 26.
- › Access to a challenged material shall not be restricted during the reconsideration process, except the District may deny access to a child if requested by the child's parent.

The major criterion for the final decision on challenged library materials is the appropriateness of the material for its intended use. No challenged library material shall be removed solely because of the ideas expressed therein.

Questions?

