

INSTRUCTIONAL RESOURCES
INSTRUCTIONAL MATERIALS

EFA
(LOCAL)

Note: For information related to the selection process and accounting of instructional materials, as this term is defined by state law and rule, see EF(LEGAL) and EFA(LEGAL).

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

The District shall provide instructional materials designed to teach the Texas Essential Knowledge and Skills (TEKS) and further the District's educational mission. The overarching criterion for instructional materials is education suitability.

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.

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 objective of instructional materials is to implement, enrich, and support the District's educational program.

In accordance with state and local standards, classroom collections (including both personal collections and District-provided collections) must meet the standards set forth in this policy. Instructional resources or materials that are used as assigned reading, whether from classroom collections, campus libraries, or District-adopted materials, must meet the standards set forth in this policy.

The Board shall rely on District professional staff to select and acquire instructional materials that meet the selection criteria outlined in this policy.

**Protection from
Inappropriate
Material**

Instructional materials shall not include "harmful material" as defined by Penal Code 43.24(a)(2), "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 set out in Education Code Chapters 33 and 35.

Penal Code 43.24(a)(2) defines "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;

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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 such 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) defines "obscene material" as material that:

1. The average person, applying contemporary community standards, would find that taken as a whole appeals to the prurient interest in sex;
2. Depicts or describes:
 - a. Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, including sexual intercourse, sodomy, and sexual bestiality; or
 - b. 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
3. 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) defines "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 Education Code Section 28.002(a), that describes, depicts, or portrays sexual conduct, as defined by Penal Code Section 43.25 in a way that is patently offensive, as defined by Penal Code Section 43.21. No instructional material shall be used if it contains content that can meet the sexually explicit material standard.

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Instructional materials must also 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]

Selection Criteria

Instructional materials shall be chosen from the list of resources adopted by the State Board of Education (when appropriate and/or available) in accordance with Education Code Chapter 28, Subchapter A, administrative regulations, and this policy. In the selection of instructional materials, 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 and enjoyment of learning.
3. Develop a balanced collection presenting multiple viewpoints related to controversial issues so that students have an opportunity to develop, under guidance, skills in critical 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. Meet high standards for artistic quality and/or literary style, authenticity, educational suitability, factual content, physical format, presentation, readability, and technical quality.
6. Are appropriate for the school level.
7. Include accurate and authentic factual content from authoritative sources for nonfiction works.
8. Have a high degree of potential user appeal and interest.
9. Are free of obscene material.
10. Do not contain "sexually explicit material" as defined by Education Code Section 33.021 or "sexually relevant material" as defined by Education Code Section 35.001.1.
11. Do not contain "harmful material" as defined by Section 43.24, Penal Code.
12. Are not pervasively vulgar or educationally unsuitable as referenced in *Pico v. Board of Education*, 457 U.S. 853 (1982); 457 U.S. 853 (1982).

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13. Do not feature gratuitous or explicit nudity that does not contribute to educational objectives, cultural understanding, or artistic merit. Books that do so will not be included in the library collection.
14. Do not contain nudity. Materials containing nudity, even if deemed educationally suitable, will be selected with consideration for the age and maturity level of the intended audience. [See specific guidance below for elementary and middle schools]
15. Promote literacy.
16. To the extent possible, while ensuring instruction in the TEKS, are 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.

17. Balance cost with need.

18. Do not contain material adopting, supporting, or promoting gender fluidity. Any instructional materials adopting, supporting, or promoting gender fluidity, including but not limited to displays, communications, and related signage, will be prohibited in the District's classroom collections and, if present, removed from any District setting. District staff will not instruct, refer, or otherwise guide any student to any internet website, chat room, or other online forum for publication for instruction or other information regarding gender fluidity, unless such website, chat room, or other online forum has been approved for use in the District's instructional materials. [See also EFB]

Gender Fluidity

Gender fluidity is defined as any belief, theory, or ideology that:

- 1. Espouses the view that gender is merely a social construct;
- 2. Espouses the view that it is possible for a person to be any gender or no gender (i.e., non-binary);
- 3. Espouses the view that an individual's biological sex should be changed to "match" a gender different from that person's biological sex; and
- 4. Supports hormone therapy or other medical treatments or procedures to temporarily or permanently alter a person's body so that it "matches" a gender different from that person's biological sex.

Instruction Regarding Founding Documents

When providing instruction regarding the founding documents of the United States, they 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

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Martin Luther King Jr.'s speech "I Have a Dream," all taken as a whole.

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

**Elementary and
Middle School**

No instructional materials in elementary and middle schools shall contain:

1. Visual or visually implied depictions of sexual acts or simulations of such acts;
2. Explicit written descriptions of sexual acts;
3. Nonexplicit written descriptions of sexual acts, except for purposes of teaching students (as may be approved by parents) to avoid and report molestation; or
4. Books with nudity, which will not be included in classroom library collections for elementary and middle school students unless they are age-appropriate and educationally suitable. Examples of acceptable nudity may include the innocent depiction of a backside in a Dr. Seuss book or nudity that contributes to the artistic merit of a Michelangelo painting.

**Secondary Course
Reading Selections**

Parents/guardians shall be provided notice of required reading assignments for coursework in grades 6-12. If parents file a written objection on religious or moral grounds, their student shall be provided an alternative reading option as appropriate.

**Advanced
Coursework**

Advanced courses that may result in college credit will often carry specific content and course requirements. These courses are governed by the College Board and higher education institutions. Scope and sequences are provided for teachers to utilize in addition to District-provided instructional resources.

Controversial Issues

District professional staff shall endeavor to maintain a balanced collection of instructional materials representing various views related to controversial issues to foster critical thinking skills and encourage discussion based on rational analysis [also refer to policy EMB].

**Parent Request for
Instructional Material
Review**

The Superintendent or designee shall develop administrative regulations to ensure compliance with state law and rules that a parent or guardian of a District student may request an instructional materials review for a subject area in the grade level in which their student is enrolled on the basis of the following:

1. The material is not aligned with District-adopted materials; or

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	<u>2. The material does not have the appropriate rigor for the grade level for the subject area in which the instructional material is used.</u> <u>The regulations shall also address procedures for submitting a parent petition to review instructional materials, the appeal process if a petition for review is denied, criteria for reviewing any appeal, and timelines for each step in the process.</u>
Challenged Materials	A parent of a District student, any employee, or any District resident may formally challenge an instructional material maintained in the District's educational program on the basis that the 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 students. No challenged instructional material shall be removed solely because of the ideas expressed therein. All instructional material must meet the standards set out in this policy.
Guiding Principles	The following principles shall guide the Board and staff in responding to challenges of instructional materials: 1. A complainant may raise an objection to an instructional material used in a school's educational 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 instructional materials set out in this policy. 2. A parent's ability to exercise control over reading, listening, or viewing matter extends only to his or her own child as set forth in Education Code Chapter 26. 3. Access to a challenged material shall not be restricted during the reconsideration process, except as allowed in EFA(LEGAL) or if copies of the instructional material are needed for the reconsideration committee process. The District may deny access to a child if requested by the child's parent. The major criterion for the final decision on challenged instructional materials is the appropriateness of the material for its intended educational use. No challenged material shall be removed solely because of the ideas expressed therein.
Informal Reconsideration	If the District or campus receives an objection to the appropriateness of an instructional material, the staff shall try to resolve the matter informally using the following procedure:

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1. The principal or designee shall explain the school's selection process, the criteria for selection, and the qualifications of the professional staff who selected the material;
2. The principal or designee shall explain the intended educational purpose for the material and any additional information regarding its use;
3. If appropriate, the principal or designee may offer a concerned parent an alternative material to be used by that parent's child in place of the challenged material; and
4. If the complainant wishes to make a formal challenge, the principal or designee shall provide the complainant a copy of this policy and form EFA(EXHIBIT) to request a formal reconsideration of the material.

Formal
Reconsideration

A complainant shall make any formal objection to an instructional material on the form provided by the District and shall submit the completed and signed form to the principal. Upon receipt of the form, the principal shall appoint a reconsideration committee.

The reconsideration committee shall include at least one member of the instructional staff who has experience using the challenged material with students or is familiar with the challenged material's content. Other members of the committee shall include at least one District-level staff member, one campus administrator, and one parent in addition to any other appropriate individuals as determined by the District. The parent should be from the same school level as where the challenged material is available. The committee shall be composed of an odd number of participants and shall be randomly selected.

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. The committee shall weigh the strengths and weaknesses of the challenged material and shall determine if material in question remains educationally suitable. The committee shall determine by majority vote through an anonymous ballot, whether or not the challenged material shall remain in use. The committee shall prepare a written report of its findings. The Superintendent or designee, other appropriate administrators, and the complainant shall receive copies of the report.

Appeal

The decision of the reconsideration committee shall apply District-wide and is in effect for two school years following the school year

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it was challenged. An instructional material shall not be reconsidered again for reinstatement or removal until after two school years.

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

Additionally, any two individual Board members may request the Board to review the final decision of a reconsideration committee and present their rationale to the Board in an open meeting. The Board shall vote whether to uphold, modify, or reject the reconsideration committee's decision to either retain, relocate, or remove challenged material. The oversight responsibility for the review, inclusion, and removal of materials is vested in the Board.

Staff Training

The principal or designee shall annually review policies EFA(LEGAL), EFA(LOCAL), EFA(REGULATION), and CQ(LEGAL) in their entirety with the staff.