

INSTRUCTIONAL RESOURCES
LIBRARY MATERIALS

EFB
(LOCAL)

Definitions

Instructional materials are defined by Texas Education Code 31.002 as content that conveys the essential knowledge and skills of a subject in the public school curriculum through a medium or a combination of media for conveying information to students. [See EFA]

For purposes of this policy, library materials, whether held in a formal school library or in a classroom, are defined as any book, record, file, or other instrument or document in the District's library catalog, excluding textbooks, for independent use by students and faculty outside of the District's core educational program.

While instructional materials and library materials are both considered instructional resources, they are not the same, and the terms shall not be used interchangeably.

Objectives

Since school and classroom libraries are viewed as places for voluntary inquiry, library materials must be treated differently from instructional materials used in classroom instruction. This policy provides criteria for the selection, removal, and replacement of library materials, focused on maximizing transparency with parents and community members while meeting student needs to provide supplemental enrichment in their learning with appropriate materials. Through the provision of these library materials, the District shall recognize that parents hold an essential role in the education of their children, have the right to guide what their children read, and are the primary decision makers regarding a student's access to library material. The District should communicate effectively with parents regarding library collection development.

The District shall apply the standards, dimensions, and expectations as defined by rule 13 Administrative Code 4.1 [see EFB(LEGAL)], library standards approved under Texas Education Code 33.021, and any related guidance including the Texas State Library and Archives Commission's (TSLAC's) [Guidance for School Libraries on Collection Development](#),¹ as well as the [School Library Programs: Standards and Guidelines for Texas](#),² to evaluate and set goals for the school library collection in alignment with Board-approved policies and procedures. Guidance from outside organizations that do not have authority over the District, such as the American Library Association and the Texas Library Association, do not supersede this policy or any controlling law, rule, or regulation.

**Avoiding
Inappropriate
Material**

In addition to the above criteria for selection, all material should be appropriate for students.

No library material shall be used, distributed, or made available to students if it contains content that can meet the harmful material standard [see EFB(LEGAL)]. If in question, the District will err on

the side of caution with regards to material that is potentially harmful to minors and in violation of Penal Code 43.24.

No library material shall be possessed, acquired, or purchased if it has been rated sexually explicit material by the selling library material vendor under Texas Education Code 35.002 or if it is pervasively vulgar or educationally unsuitable as referenced in *Pico v. Board of Education*, 457 U.S. 853 (1982).

No library material shall be possessed, acquired, or purchased if it contains indecent or profane content or refers a person to an internet website containing content prohibited by this policy, including the use of a link or QR code, as defined by Texas Health and Safety Code 443.001.

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]

Obscene material is not protected by the First Amendment to the United States Constitution.

These collection development standards shall apply to all library materials, as that term is defined above, available for use or display, including material contained in school libraries, classroom libraries, online catalogs, library mobile applications, and any other library catalog a student may access.

Prohibited Materials

Library materials that are pervasively vulgar, obscene, or that adopt, support, or promote subject matter that has been prohibited by law or by the District's Content Guideline Exhibit, including any such instructional resources described in EMB(LOCAL), are prohibited materials.

Prohibited materials shall not be used, introduced, or provided to any students in any District school or otherwise.

For purposes of this policy, see the definition of "obscene" in EFB(LEGAL).

Responsibility for Selection

The legal responsibility for the purchase of all library materials is vested in the Board. The Board or those whom it appoints will provide final approval for all new materials added to the library. Recommendations for new material and reorders of existing materials shall be made by the District-level library supervisor or similar administrator designated by the Superintendent. This individual, with the assistance of other school personnel, shall discharge this obligation consistent with the Board's current adopted selection criteria

and procedures, including the standards set forth in Texas Education Code 33.021.

Criteria for Selection

The District-level library supervisor or designated administrator shall work cooperatively with library staff, faculty, and the administration to interpret and guide the application of this policy in making selections. To ensure parental and community engagement, the District shall make the selection process of library materials readily available for parental and community review, with a list of all library materials posted online on the District's website, and the content of all materials available for direct review during reasonable hours specified for such review.

Each item selected shall:

1. Support and enrich the curriculum and/or students' personal interests and learning;
2. Meet high standards in literary, artistic, and aesthetic quality; technical aspects; and physical format;
3. Be appropriate for the subject area and for the age, intellectual development, and ability level of the students for whom the materials are selected;
4. For nonfiction resources, incorporate accurate and authentic factual content from authoritative sources;
5. Earn three or more favorable reviews in standard reviewing sources and/or favorable recommendations based on preview and examination of materials by professional personnel;
6. Balance cost with need;
7. Not be in violation of Texas Penal Code 43.24 or any other applicable law, rule, or regulation;
8. Be viewed as a whole and not be excluded because of isolated passages or illustrations, language, and the like, being taken out of context;
9. Promote literacy;
- ~~10. For nonfiction resources, incorporate accurate and authentic factual content from authoritative sources;~~
- 11.10. To the extent possible while ensuring instruction in the Texas Essential Knowledge and Skills (TEKS), be designed to develop each student's civil knowledge, 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.

~~12.11.~~ 11. 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.

In addition to the above criteria, fiction, narrative nonfiction (memoirs and biographies), and graphic novels must each meet the following selection criteria, with the District determining that such materials:

1. Are integral to the instructional program.
2. Reflect the interests and needs of the students and faculty.
3. Are appropriate for the reading levels and understanding of students.
4. Are included because of their literary or artistic value and merit.
5. If narrative nonfiction, present information with the greatest degree of accuracy and clarity.

Prior to any material being selected for inclusion, a library material shall have been reviewed and recommended for inclusion by the District-level library supervisor or individuals designated by that supervisor. If more support and/or resources are needed for this review, the District may engage a cooperative of other Texas public schools and rely upon the recommendation of that cooperative.

Acquisition Procedures

The District-level library supervisor or designated administrator shall select material based on their own expertise and solicit recommendations from others. Recommendations for library acquisitions shall involve administrators, teachers, other District personnel, parents, and community representatives, as appropriate.

Selection of materials is an ongoing process that includes the removal of collections deemed by the Board or its delegates to be no longer appropriate and the periodic replacement or repair of materials still of educational value.

School library materials orders shall be approved by the District-level library supervisor or designee, for both orders at the District and campus level.

When acquiring new library material content not previously acquired, the District-level librarian or designee shall submit a list to the Superintendent. Library material on this list will be posted for public review at least 30 days prior to Board or designee approval to purchase the library materials. The public will be given the option to provide feedback on these proposed library materials during this 30-day period using the Content Guideline Exhibit. **The feedback**

	<p>will include the name of the individual providing feedback as well as their affiliation with the District <u>Individuals who want to provide feedback must use the online form maintained by the district and fill it out completely, including the name of the individual providing feedback as well as their affiliation with the district. Emails to the Board of Trustees or district staff will not be considered as feedback under this process.</u></p>
	<p>The Board or designee shall be provided the list at least 30 days prior to purchase. An email will be sent to all families and staff at that time providing notification that the list has been posted. This 30-day period will run simultaneously with the 30-day period for public review described above. The Board or designee will also be provided all feedback <u>submitted by the public using the online form</u> provided by the public that was received during the public review time period.</p>
Individual Board Member Review	<p>If any Board member questions or desires further information on any title or author, he or she shall contact the Superintendent at least 15 days before Board action. The Superintendent or designee shall then contact the District-level library supervisor to obtain copies of professional reviews of any library material in question. If so desired, the Board member can obtain a copy of the library material from another source.</p>
Board Action	<p>The order for library materials in its entirety, including any materials in question by individual Board members, shall be presented to the Board following the 30-day review period. The Board shall vote to approve or reject the order for library materials at the first open meeting of the Board held on or after the 30th day after the date the list is made accessible for review by the public.</p> <p>Prior to voting to approve or reject the list of library materials proposed to be procured in an open meeting, individual Board members shall have an opportunity to propose changes to the list of materials to be ordered and present their rationale for desiring to exclude certain books from the order, with amendments to the proposed list considered either as a group or individually, depending on Board action. After Board approval, the final list shall be processed for order. As the new materials are received, they shall be checked against a master list of materials ordered.</p> <p>The selection and acquisition of the digital library collection shall follow the same policies and procedures as the physical library collection. The District shall ensure that the method by which students access the digital library will allow students only to access age/grade-appropriate content. The curator shall apply access lev-</p>

els by consulting the peer-reviewed recommended age group, District librarians, and educators. Access levels shall be applied as follows:

Recommended Ages	Grade Span	Content Access Level
4-10	Pre-K-5	Juvenile
11-13	6-8	Middle School
14+	9-12	High School
Adult	9-12	High School

These acquisition procedures are not required to be followed with regard to the following library materials:

1. Materials to replace a damaged copy of a library material with the same ISBN that is currently in the school library catalog;
2. Materials that are additional copies of a library material with the same ISBN that is currently in the school library catalog;
3. Materials that have the same ISBN and have been approved for the same grade levels by the Board from a previous proposed list of library materials.

TexQuest Digital Resources

[TexQuest](#)³ is TSLAC's electronic instructional resources program for public schools. District participation in TexQuest is voluntary. TexQuest is supported by the Texas Legislature and by participation fees paid by school districts and open enrollment charter schools. TSLAC administers all aspects of the TexQuest program and coordinates with districts on the implementation and management of any TexQuest resources the District or school system selects to make available for its students.

TSLAC licenses resources for the TexQuest program following state procurement practices and with opportunities for community input. Professional librarians evaluate resources for inclusion in the program based on the TexQuest Collection Development Policy and actively manage the resulting contracts. Use of any or all TexQuest digital resources and e-books remains a Board decision.

Content Guidelines

As new library material is acquired, the District will utilize the content guidelines to guide any new acquisition. The Content Guideline exhibit will be based on the criteria found in EFB(EXHIBIT).

Challenge Procedures

A parent of or a person standing in parental relation to a District student, an employee, or any District resident may informally challenge library material used in the District's educational program on

the basis of appropriateness. The school receiving a complaint about the appropriateness of a library material shall try to resolve the matter informally through a telephone conference or meeting between the complainant and the school librarian, designated campus administrator, or District-level library supervisor. The conference may also include other necessary staff members as deemed appropriate by District-level library personnel and shall be governed by the content guidelines of this policy.

Materials that are in the challenge process shall be removed from shelves until the challenge process is complete.

If the informal resolution process is unsuccessful in that the complainant is unsatisfied after discussion or the administration had not removed the library material and the complainant wishes to file a formal request for reconsideration, a copy of the "Request for Reconsideration of Library Materials" form shall be provided to the complainant by the District-level library supervisor or appropriate administrator. This form shall be made available on the District's website.

If a formal objection to a library material includes an allegation that the library material includes "obscene" content, the administration shall initiate an expedited review. A campus administrator and at least one District librarian shall review the specific content alleged to be "obscene" and determine if the material is "obscene." If the content is found to be "obscene," the library material shall be immediately removed. After removal, the administrator shall prepare a written decision explaining why the content was determined to be "obscene" and provide copies to the Superintendent, other appropriate administrators, and the complainant within five school days of the removal of the library material. If, after review, the content is found not to be "obscene," the complainant may appeal the determination directly to the Board or request that the formal reconsideration process begin.

"Obscene" in this context is defined by Texas Penal Code 43.21.

For library material challenges that do not allege the material is "obscene," the following shall apply:

1. All formal concerns regarding library materials shall be submitted on the form provided by the District and shall submit the completed and signed form to the District-level library supervisor or designated administrator.
2. The District-level library supervisor shall appoint a reconsideration committee within ten business days that shall review the

challenged material and determine whether it conforms to the principles of selection set out in this policy.

3. The reconsideration committee shall include both District- and campus-level professional staff, including at least one member who has experience using the challenged resource with students or is familiar with the content of the challenged material, and two parents of students. The individual librarian who selected the library material should not serve on the committee. Individuals who are not parents of current students nor employees may also serve on committees. Only members of the public who have a legitimate interest in the District may serve on a committee. Members of the public who have a legitimate interest include, but are not limited to, District residents, District taxpayers, District voters, and District business owners. The Superintendent or designee shall chair the committee.
4. The reconsideration committee shall meet at least two times each year and at other times as necessary to fulfill the committee's duties. For each meeting of the committee, the District shall:
 - a. Post notice of the date, hour, place, and subject of the meeting on a bulletin board in the central administrative office of each campus in the school district and on the District's website at least 72 hours before the meeting;
 - b. Prepare and maintain minutes of the meeting that state the subject and content of each deliberation and each vote, order, decision, or other action taken by the committee during the meeting; and
 - c. Make an audio or video recording of the meeting.
5. Not later than the 10th day after the date of the meeting, the committee shall submit the minutes and audio or video recording of the meeting to the District. As soon as practicable after receiving the minutes and recording, the District shall post the minutes and recording on the District website.
6. The total voting committee membership shall be an uneven number. The complainant will be a member of the committee if they choose to do so. If the complainant chooses not to attend the committee meeting, another committee member may be appointed. The complainant's written submission shall be thoughtfully considered by the committee. When possible, the make-up of the committee will be a plurality of community members.

7. Prior to the committee meeting, each committee member shall read a copy of the library material in question. If a committee member does not wish to read the library material in its entirety, another individual may be appointed. If a committee member serves on the committee but has not read the entirety of the library material at issue, the member should inform the committee that they have not read the material in its entirety, which may lessen their credibility within the committee.
8. All committee members shall review the submitted written concern.
9. The committee shall review all items on the Checklist for Reconsideration of Library Materials. The committee must determine if the library material contains prohibited material harmful to minors as described in this policy. If the committee determines that harmful material is present in the library material, it should be removed from circulation.
10. After working through the content guidelines exhibit for reconsideration of library materials and any deliberations the committee feels necessary, committee members shall vote on the disposition of the library material being considered.

The major criterion for the final decision on challenged library material is the appropriateness of the resource for its intended educational use. The plurality opinion in *Board of Education v. Pico*, 457 U.S. 853 (1982) [see EF(LEGAL)] uses the standard that no challenged instructional resource shall be removed solely because of the ideas expressed therein. The opinion allows the removal of materials because they are pervasively vulgar or based upon the lack of educational suitability of the library material.

Further, making a determination of appropriateness will include a review of and compliance with 47 U.S.C. 254(h)(5), Penal Code 43.24(a)(2), and Penal Code 43.24(b). When determining if library material violates the Penal Code, the committee will err on the side of caution.

Challenge committees will be audio and video recorded and open to the public. Recordings of these meetings will be considered a public record for purposes of the Public Information Act.

When the committee has reached a decision, the appropriate District-level administrator shall notify the complainant. The decision shall be in written form, dated, and provided to the complainant within ten District business days of the committee's meeting. All

other appropriate staff members shall be informed of the reconsideration and the outcome.

The complainant may appeal the committee's decision to the Board. The Board shall take action on an appeal at the first open meeting of the Board after the appeal is filed.

In taking action on an appeal, the Board shall consider whether the challenged library material is suitable for the subject and grade level for which the library material is intended, including by considering:

1. Whether the library material adheres to the library standards approved under Texas Education Code 33.021; and
2. Reviews, if any, of the library material conducted by academic experts specializing in the subject covered by the library material or in the education of students in the subject and grade level for which the library material is intended.

A specific library material that completes the formal challenge process and remains in the library shall not be reconsidered within one year of final determination unless there is a District policy or legal change that changes the determination of appropriateness of the material. Any material removed shall not be eligible for consideration to be added again for at least 10 years. The District shall verify previous decisions prior to convening a reconsideration committee.

If the Board acts to remove the subject material from the school library catalog, the Board or designee shall notify each teacher assigned as the classroom teacher at the grade level for which the library material was determined to be not appropriate and instruct the teacher to remove any copy of the library material from the teacher's classroom library, if applicable. If the Board does not act to remove the subject material from the school library catalog, the Board is not required to take any action in response to a written challenge of the library material submitted before the second anniversary of the date of the determination to not remove the library material.

As noted above, TSLAC administers all aspects of the TexQuest program and has adopted policies for the selection and management of TexQuest resources. Challenges to material provided through the program would follow the TSLAC TexQuest content review process.

**Opportunity for
Community Review**

In recognizing that parents hold an essential role in the education of their children and have the right to guide what their children read, each library shall maintain a printed list of materials onsite

and on the school library website that shows what has been selected as well as what is slated for acquisition. The Superintendent, or designated District-level administrator, shall offer a “Community Preview” at least 30 days before books are to be placed on the shelves and at least once in the fall and once in the spring. Audio-visual materials are to be made available to parents for in-person review, upon request, on the same basis as printed materials are made available.

Other Parental Considerations

In school libraries, students are afforded the opportunity to self-select texts as part of literacy development. While librarians are trained in selecting materials in accordance with Board policy and the outlined selection criteria and may provide guidance to students in selecting texts, the ultimate determination of appropriateness lies with the student and parent.

School librarians or designated campus administrators are to encourage parents to share any considerations regarding their students’ book selections. Parents may contact the campus librarian directly and/or complete an online form for library book opt-out decisions. School librarians shall accommodate individual requests by parents, within reason, which may include restricting specific titles or books, genres, subject matter, authors, or other restrictions as requested by parents.

Parents or guardians may submit to the District a list of library materials that the parent’s child may not be allowed to check out or otherwise access for use outside of the school library. A parent or guardian may submit the list through an electronic or physical form or through the District’s online library catalog system. The District may not allow a student to check out or otherwise use outside the school library a library material the student’s parents has included on this list.

The District shall provide to parents or guardians a record of each time the parent’s child checks out or otherwise uses outside the school library a library material. This record must include, as applicable, the library material’s title, author, genre, and return date of the material.

Criteria for Gifts and Donations

Gifts and donations to the school library or classroom libraries are accepted with the understanding that the decision for use and disposition of the materials and/or funds will be determined using the same selection criteria as purchased materials as set out above. All materials should support the curriculum and needs of library users. Gifts and donations, like purchased resources, shall be removed from the collection at the end of their useful life. Gifts and donations shall be subject to the acquisition policy and process for approval before being included in the school library collection or in

a classroom library. Gifts and donations shall also be subject to the reconsideration procedure as set out in this policy. [See CDC]

The District shall not add donated library material to the school library catalog or otherwise make the donated library material available for student use unless the Board has approved the addition of that donate library material to the school library catalog for the grade levels for which the material is intended.

Book Fairs

Campuses will on occasion host book fairs. All materials at the book fair should meet all requirements and standards as outlined in this policy. If library material is donated to the campus through the book fair, the library material will be treated as a gift, and all requirements of this policy regarding acquisition, review, and removal shall be followed.

Routine Review and Removal of Materials

Biannually, the District-level library supervisor shall collaborate with campus library personnel and administration to conduct an inventory of the school library collection and equipment. The inventory can be used to determine losses and remove damaged or worn materials that can then be considered for replacement. The inventory can also be used to deselect and remove materials that are no longer relevant to the curriculum or of interest to students. Additionally, the District-level library supervisor shall develop a collection maintenance plan that includes systematic inspection of materials that would result in removing outdated, damaged, or irrelevant materials from the collection. All materials removed from the collection shall be disposed of in accordance with the District's property disposal procedures. [See CI] Incorporated into this routine review and removal of existing inventory, the District shall create an ongoing cycle to review content existing in circulation.

Due to their professional credentials, librarians can deselect materials found to be inappropriate due to any of the reconsideration guidelines without the formal reconsideration process. This can be executed at any appropriate time. The District encourages the librarians to deselect a material if found to be inappropriate to the outlined guidelines if a librarian is aware prior to a formal challenge.

¹ TSLAC's Guidance for School Libraries on Collection Development: https://www.tsl.texas.gov/sites/default/files/public/tslac/agency/exec/TSLAC_Guidelines_for_SL_Collection_Development_2022.pdf

² School Library Programs: Standards and Guidelines for Texas: <https://www.tsl.texas.gov/ldn/schoollibrarystandards>

³ TexQuest: <https://texquest.net/welcome/program>