

Notice of Special Called Meeting
The Board of Trustees
Fort Bend Independent School District

Wednesday, June 5, 2024

This is Notice that the Fort Bend Independent School District Board of Trustees will hold a Special Called Meeting on Wednesday, June 5, 2024, beginning at 6:00 PM in the Board Room of the FBISD Administration Building, 16431 Lexington Blvd, Sugar Land, TX 77479. The agenda packet for the meeting is available at <https://meetings.boardbook.org/Public/Organization/649>.

Members of the public may view the live stream of the meeting at the following address: <https://www.fortbendisd.com/BoardMeetingLivestream>.

1. Call to order
2. Pledge of Allegiance
3. Convene in closed session under Texas Open Meetings Act, Texas Government Code, Chapter 551 under the following sections: 551.071 - For the purpose of a private consultation with the Board's attorney on any or all subjects or matters authorized by law; Section 551.072 - Consider purchase, exchange, lease, or value of real property, Section 551.074 - Personnel matters, Section 551.076 - Security matters, Section 551.082 - Student discipline matter or complaint, or Section 551.0821 - Personally identifiable information about public school student
4. Reconvene in open session
5. Policy EF (Local) - Instructional Resources 2
6. Public Comment
7. Adjournment

The following Fort Bend ISD Goals may be referenced in agenda items included in this document:

- Goal 1: Fort Bend ISD will provide rigorous and relevant curriculum and deliver instruction that is responsive to the needs of all students.
- Goal 2: Fort Bend ISD will provide a positive culture and climate that provides a safe and supportive environment for learning and working.
- Goal 3: Fort Bend ISD will recruit, develop, and retain high quality teachers and staff.
- Goal 4: Fort Bend ISD will engage students, parents, staff, and the community through ongoing communication, opportunities for collaboration and innovation, and partnerships that support the learning community.
- Goal 5: Fort Bend ISD will utilize financial, material, and human capital resources to maximize district outcomes and student achievement.

For: Fort Bend ISD Board of Trustees
Date: June 5, 2024
**Action: Board Workshop: Discussion and
Feedback Regarding Policy EF Local**
Reference: Board Policy EF (Legal)
Department: Teaching & Learning

Summary

On April 8, 2024, the Board of Trustees took action convening a Board workshop regarding policy EF Local: Instructional Resources. The stated intent of the workshop is to provide the policy committee with information as the committee prepares revisions policy EF Local. The April action anticipates the policy committee will bring policy recommendations to the Board of Trustees for a vote this summer.

During the workshop, the Board will receive, consider, and discuss information related to EF Local: Instructional Resources, including laws, guidelines, and expectations influencing school libraries in Texas, current District processes, and potential revisions to policy EF (Local).

Recommended by:

Dr. Marc Smith
Superintendent of Schools

Submitted by:

Coby Wilbanks
General Counsel

INSTRUCTIONAL RESOURCES

EF
(LEGAL)

School Library

A district possesses significant discretion to determine the content of its school libraries. A district must, however, exercise its discretion in a manner consistent with the First Amendment.

Removal of Library
Materials

Students' First Amendment rights are implicated by the removal of books from the shelves of a school library. A district shall not remove materials from a library for the purpose of denying students access to ideas with which the district disagrees. A district may remove materials because they are pervasively vulgar or based solely upon the educational suitability of the books in question.

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

**Instructional
Materials**

Instructional materials selected for use in the public schools shall be furnished without cost to students attending those schools. Except as provided by Education Code 31.104(d), a district may not charge a student for instructional material or technological equipment purchased by the district with the district's technology and instructional materials allotment [see CMD]. *Education Code 31.001*

Parental Access

A parent is entitled to:

1. Review all teaching materials, instructional materials, including while the child is participating in virtual or remote learning, and other teaching aids used in the classroom of the parent's child;
2. Review each test administered to the child after the test is administered; and
3. Observe virtual instruction while the parent's child is participating in virtual or remote learning to the same extent the parent would be entitled to observe in-person instruction of the child.

A district shall make tests readily available for review by parents in person and teaching materials readily available for review by parents both in person and, if applicable, through an instructional materials portal established under Education Code 31.154 [see CMD].

The district may specify reasonable hours for in-person review. A district may not deny a parent access to an instructional materials parent portal.

Review Period

In providing access to instructional materials to a student's parent under this provision, the district shall allow access beginning not later than 30 days before the school year begins and concluding not earlier than 30 days after the school year ends.

For the entire period, the district shall include access to all instructional materials that pertain to each subject area in the grade level

in which the student is enrolled, except for tests or exams that have not yet been administered to the student and the student's graded assignments.

*Taking Home
Materials*

A student's parent is entitled to request that a district allow the student to take home any instructional materials used by the student. Subject to the availability of the instructional materials, a district or school shall honor the request. A student who takes home instructional materials must return the instructional materials to school at the beginning of the next school day if requested to do so by the student's teacher.

*Students Without
Reliable Access
to Technology*

A district must provide the instructional materials to the student in printed format if the student does not have reliable access to technology at the student's home. This requirement does not require a district to purchase printed copies of instructional materials that the district would not otherwise purchase. A district may comply with this requirement by providing the student a printout of the relevant electronic instructional materials.

*Learning
Management
System or Online
Portal*

A district that uses a learning management system or any online learning portal to assign, distribute, present, or make available instructional materials as defined by Education Code 31.002 [see EFA] to students shall provide login credentials to the system or portal to each student's parent.

Education Code 26.006

**District Instructional
Material Review**

The board shall establish a process by which a parent of a student, as indicated on the student registration form at the student's campus, may request an instructional material review under Education Code 31.0252 [see below] for a subject area in the grade level in which the student is enrolled.

The process:

1. May not require more than one parent of a student to make the request;
2. Must provide for the board to determine if the request will be granted, either originally or through an appeal process; and
3. May permit the requesting parent to review the instructional material directly before the district conducts an instructional material review.

If the parents of at least 25 percent of the students enrolled at a campus present to the board in which the campus is located a petition for the board to conduct an instructional material review under Education Code 31.0252, the board shall conduct the review, un-

less the petition is presented by the parents of less than 50 percent of the students enrolled at the campus and, by a majority vote, the board denies the request. A review shall include a review of instructional materials for each subject area or grade level specified in the petition.

The board is not required to conduct a review for a specific subject area or grade level at a specific district campus more than once per school year.

Parental access to instructional material provided by an instructional material review conducted under this provision is in addition to any other right to access instructional material granted by the Education Code or school district policy.

Education Code 26.0061

The Texas Education Agency (TEA) shall develop standards that a district may use to conduct a review of instructional materials used by a classroom teacher in a foundation curriculum course to determine the degree in which the material corresponds with the instructional materials adopted by the district and meets the level of rigor of the essential knowledge and skills for the grade level in which it is being used. Education Code 31.0252

Harmful Materials

“Harmful material” means 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.

Penal Code 43.24(a)

Obscene

“Obscene” means material or a performance:

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.

Penal Code 43.21(1)

**Federally Required
Parental Inspection**

All instructional materials, including teacher's manuals, films, tapes, or other supplementary material, that will be used in connection with any survey, analysis, or evaluation as part of any program funded in whole or in part by the United States Department of Education shall be available for inspection by the parents or guardians of the children. *20 U.S.C. 1232h(a)* [For more information about the Protection of Pupil Rights Amendment (PPRA), see FA.]

INSTRUCTIONAL RESOURCES

EF
(LOCAL)

Philosophy

The Board believes students benefit from access to a broad range of instructional resources that are educationally suitable and that align to the Texas Essential Knowledge and Skills (TEKS) for each subject of the required curriculum.

Instructional Resources

“Instructional resources” include print and electronic classroom instructional and library materials, including textbooks, supplementary resources for classroom use, and any other instructional materials, used for formal or informal teaching and learning purposes. The District shall acquire, use, and maintain instructional resources that are educationally suitable.

Educationally Suitable:

“Educationally Suitable” instructional resources must be 1) age appropriate considering the relevant student population’s ability/reading level, social and emotional development, and interests; and 2) satisfy the following educational standards:

1. Enrich and support the TEKS-mandated curriculum;
2. Meet high standards for artistic quality and/or literary style;
3. Promote literacy, literary appreciation, and reading for enjoyment;
4. Are educationally significant, factually accurate, and from authoritative sources;
5. Are designed to provide various sides of controversial issues that motivate students to examine their own attitudes and behavior [see EMB regarding instruction about controversial issues];
6. Promote understanding of civic duties, responsibilities, rights, and privileges as citizens participating in a free and democratic society;
7. Promote critical thinking skills and the ability to make informed judgments and choices in their daily lives;
8. Represent a variety of contributions by ethnic, religious, and cultural groups to the national heritage and world community;
9. Are not obscene, pervasively vulgar, harmful material as defined by Texas Penal Code section 43.24, or pornographic and are free of graphic images or descriptions of sexual acts that stimulate sexual desire or advocate or promote unlawful

sexual activity or sexual activity amongst minors [see also EMB regarding instruction about controversial issues and EHAA regarding human sexuality instruction];

10. No instructional materials used in elementary schools shall contain depictions or descriptions 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. No materials in elementary school libraries shall include visual depictions or illustrations of explicit frontal nudity;
11. Do not advocate or promote racial, ethnic, sex-based, or religious stereotypes; and
12. Do not advocate or promote unlawful or criminal activity, including the illegal use of alcohol, tobacco, or illegal drugs by minors.

Instructional resources will not be considered educationally unsuitable merely because they include references to sexual matters or criminal activity. But instructional resources that advocate or promote sexual or criminal activity will be deemed educationally unsuitable. Access to instructional resources containing sexual matters and references to criminal activity may be restricted in a manner determined by the Superintendent or his designee to ensure only age appropriate access is allowed. No instructional resource shall be considered educationally unsuitable or removed based solely on the ideas contained in the material or the personal background of the author of the material or characters in the material.

**Superintendent
Authority**

While ultimate authority over instructional materials rests with the Board, the Board delegates authority to the Superintendent as the District's instructional leader to make decisions in accordance with this policy regarding the acquisition, use, maintenance, restriction of access to, and removal or rejection of all instructional materials. In addition to the ability to exercise this authority directly, the Superintendent also has the authority and discretion to convene a review committee to inform decisions regarding the acquisition, use, maintenance, restriction of access to, and removal or rejection of any instructional resource.

The Superintendent shall establish administrative procedures consistent with this policy regarding acquiring, using, maintaining,

restriction, removing or rejection of instructional resources, including procedures that allow parents, District employees, and community members to request acquisition, or object to use, of instructional resources. The administration shall publish the administrative procedures on the District's web site.

**Library Materials-
Parent
Consideration**

While District personnel may assist students in selecting educationally suitable library materials, the ultimate determination of appropriateness for a parent or guardian's own child remains with the parent or guardian. Parents and guardians are encouraged to communicate with campus librarians and teachers about special considerations about their child's self-selection of library materials. In accordance with state law and administrative procedures, parents may restrict their child's access to library materials and select alternative library materials for their child. [For information on parental rights regarding instructional resources see EF(LEGAL).]

**Maintenance of
Library Materials**

The administration shall periodically evaluate and update the District's library materials considering the age, relevance, and diversity of materials offered. The administration shall establish administrative procedures for regular maintenance of library materials on each campus. These maintenance procedures shall include repair, replacement, removal of materials, and a schedule(s) for inventory purposes. Disposal of any District-owned library materials shall be in accordance with District policy and procedures. [See CI]

**Protesting
Instructional
Resource
Decisions**

Students, parents, guardians, District employees, and community members can protest administrative decisions regarding the acquisition, use, and maintenance of instructional resources by filing a grievance pursuant to the applicable grievance policy for each group. See Board Policy FNG (students, parents and guardians), Board Policy DGBA (District employees), Board Policy GF (community members), which shall be applied in a manner consistent with the modified timelines and principles in this Policy.

Any such grievance will be provided directly to the Superintendent for initial evaluation under the Superintendent's delegated authority. In the event the Superintendent elects to refer the matter to a committee, the Superintendent shall convene a committee to review the item in its entirety. The committee shall complete its review within 30 school days of the committee's creation and issue its recommendation to the Superintendent. The Superintendent may accept, reject, or modify the committee's recommendation. The Superintendent's decision on the committee's recommendation may be appealed to the Board by filing a written appeal notice with the Department of Student Affairs, on a form provided by the District, within ten days of the date of the written Level Two response.

The following principles shall guide the Board and staff when considering grievances about instructional resource decisions:

1. If an instructional resource is retained following the completion of a challenge, the District is not required to, but may, reconsider its decision within two calendar years of the final decision;
2. A parent's or guardian's ability to control access to instructional resources extends only to their own child; and
3. Except as determined by the Superintendent or Superintendent's designee, or upon request by a student's parent or guardian for their own child, access to an instructional resource shall not be restricted during any period of administrative or Board review or grievance process.

INSTRUCTIONAL RESOURCES

EF
(LOCAL)

Philosophy

The Board believes students ~~and staff~~ benefit from access to a broad range of instructional resources that are educationally suitable and that align to the Texas Essential Knowledge and Skills (TEKS) for each subject of the required curriculum, ~~represent varied points of view, and enhance student learning through literacy rich environments. The Board has confidence in staff selection of instructional resources; and supports transparency and parental rights to view instructional resources.~~

Instructional Resources

“Instructional resources” include print and electronic classroom instructional and library materials, including textbooks, supplementary resources for classroom use, and any other instructional materials, used for formal or informal teaching and learning purposes. The District shall acquire, use, and maintain instructional resources that are educationally suitable.

~~District and campus staff shall select and acquire~~
Educationally Suitable:

~~“Educationally Suitable” instructional resources that must be 1)~~

~~1. Enrich and support the TEKS-mandated curriculum, the aims and objectives of individual schools and specific courses, and campus improvement plans;~~

2.

~~Are age-appropriate to the subject area~~ considering the relevant student population’s ability/reading level, social and emotional development, and interests; and 2) satisfy the following educational standards:

1. Enrich and support the TEKS-mandated curriculum;

3-2. Meet high standards for artistic quality and/or literary style;

4-3. Promote literacy, literary appreciation, and reading for enjoyment;

5-4. Are educationally significant, factually accurate, and from authoritative sources;

6-5. Are designed to provide various sides of controversial issues that motivate students to examine their own attitudes and behavior [see EMB regarding instruction about controversial issues];

7-6. Promote understanding of civic duties, responsibilities, rights, and privileges as citizens participating in a free and democratic society;

- ~~8.7.~~ Promote critical thinking skills and the ability to make informed judgments and choices ~~judgments~~ in their daily lives;
- ~~9.8.~~ Represent a variety of contributions by ethnic, religious, and cultural groups to the national heritage and world community; ~~and~~
- ~~10.9.~~ ~~Are free of graphic images portraying sex acts~~ Are not obscene, pervasively vulgar, harmful material as defined by Texas Penal Code section 43.24, or pornographic and are free of graphic images or descriptions of sexual acts that stimulate sexual desire or advocate or promote unlawful sexual activity or sexual activity amongst minors [see also EMB regarding instruction about controversial issues and EHAA regarding human sexuality instruction].
- 10. No instructional materials used in elementary schools shall contain depictions or descriptions 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. No materials in elementary school libraries shall include visual depictions or illustrations of explicit frontal nudity;
- 11. Do not advocate or promote racial, ethnic, sex-based, or religious stereotypes; and
- 12. Do not advocate or promote unlawful or criminal activity, including the illegal use of alcohol, tobacco, or illegal drugs by minors.

~~11.~~

Instructional resources Library Materials

~~In addition to the criteria governing instructional materials generally, staff shall select and acquire library materials that:~~

- ~~12.~~ ~~Represent a balanced collection presenting varied viewpoints and a global perspective;~~
- ~~13.~~ ~~Have received state or national awards, favorable professional library reviews from state or nationally recognized review publications, or are included on recommended reading lists developed by library professionals and educators;~~
- ~~14.~~ ~~Cover topics, authors, series, or genres that fill gaps in the school library collection; and~~
- ~~15.~~ ~~Meet student interests recognizing the diversity of interests among the District's student populations.~~

INSTRUCTIONAL RESOURCES

EF
(LOCAL)

**Administrative
Procedures**

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

will not be considered educationally unsuitable merely because they include references to sexual matters or criminal activity. But instructional resources that advocate or promote sexual or criminal activity will be deemed educationally unsuitable. Access to instructional resources containing sexual matters and references to criminal activity may be restricted in a manner determined by the Superintendent or his designee to ensure only age appropriate access is allowed. No instructional resource shall be considered educationally unsuitable or removed based solely on the ideas contained in the material or the personal background of the author of the material or characters in the material.

**Superintendent
Authority**

While ultimate authority over instructional materials rests with the Board, the Board delegates authority to the Superintendent as the District's instructional leader to make decisions in accordance with this policy regarding the acquisition, use, maintenance, restriction of access to, and removal or rejection of all instructional materials. In addition to the ability to exercise this authority directly, the Superintendent also has the authority and discretion to convene a review committee to inform decisions regarding the acquisition, use, maintenance, restriction of access to, and removal or rejection of any instructional resource.

The Superintendent shall establish administrative procedures consistent with this policy regarding ~~standards for selecting acquiring, using, maintaining, restriction, removing or rejection of instructional resources and a process for reconsidering denial of an educator's, parent's, or guardian's request, including procedures that the allow parents, District use of an instructional resource employees, and community members to request acquisition, or object to use, of instructional resources. The administration shall publish the administrative procedures on the District's web site.~~

Library Materials
**Parent
Consideration**

While District personnel may assist students in selecting educationally suitable library materialmaterials, the ultimate determination of appropriateness for a parent or guardian's own child remains with the student and their parentsparent or

Guiding Principles
Complaints

~~guardians~~guardian. Parents and guardians are encouraged to communicate with ~~the~~ campus librarians and teachers about special considerations about their child's self-selection of library materials. In accordance with state law and administrative procedures, parents may restrict their child's access to library materials and select alternative library materials for their ~~student~~child. [For information on parental rights regarding instructional resources see EF(LEGAL).]

~~The administration shall establish and publish on the District's web page procedures that allow parents, District employees, and community members to review, request the addition of, or object to the District's use of, instructional resources.~~

~~The following principles shall guide the Board and staff when considering complaints about instructional resources:~~

~~16. A parent's or guardian's ability to control access to instructional resources extends only to their own child;~~

~~17. Access to challenged material shall not be restricted during any period of administrative or Board review except when requested by a student's parent or guardian;~~

~~18. Whether the challenged resource is appropriate for its intended educational use;~~

~~19. Instructional resources shall not be removed solely because of the complainant's disagreement with the viewpoint expressed in the resource.~~

Informal
Reconsideration

~~Informal efforts to resolve complaints about instructional resource should be made using the following procedure:~~

~~20. 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 questioned resource;~~

~~21. The principal or designee shall explain the intended educational purpose of the resource and any additional information regarding its use;~~

~~22. The principal or designee may offer an alternative instructional resource;~~

~~23. If the complainant wishes to make a formal challenge, the principal or designee shall provide the complainant a copy of this policy, applicable administrative procedures, and information explaining the process for submitting a formal objection on the District's website.~~

**Campus
Reconsideration
Committee**

~~If a complaint about an instructional resource involves an instructional resource that was selected by campus staff, a Campus Reconsideration Committee appointed by the principal shall hold a conference with the complainant within 10 days of the complainant's electronic submission of their complaint. The Campus Reconsideration Committee shall determine if the instructional resource meets the criteria in this policy.~~

~~Campus Reconsideration Committees shall be comprised of an odd number of members with a minimum of five and maximum of seven members. Committee membership shall include a campus administrator and at least one instructional staff member who has experience using, or is familiar with, the instructional resource that is the subject of the complaint. Other committee members may include library and District-level staff.~~

~~The Campus Reconsideration Committee shall review the complaint, including any recommended or challenged instructional resource, in its entirety. During the scheduled conference, the complainant shall be permitted reasonable opportunity to present their complaint in accordance with applicable administrative procedures. Absent extenuating circumstances, the Campus Reconsideration Committee chair or designee shall within 30 business days of the conference provide a written report of the Campus Reconsideration Committee's decision to the complainant, the principal, and the Superintendent.~~

~~If the complainant disagrees with the decision, the complainant may appeal the decision to the Superintendent for consideration by a District Reconsideration Committee filing a written notice of appeal within 10 days of the complainant's receipt of the Campus Reconsideration Committee's decision.~~

~~A complaint will be heard by a District Reconsideration Committee instead of a Campus Reconsideration Committee if:~~

- ~~24. A complaint involves an instructional resource that was selected for District-wide use; or~~
- ~~25. The Superintendent determines a campus-level complaint filed at the campus level is more appropriately reviewed at the District level by a District Reconsideration Committee.~~

~~If formal complaints are submitted at multiple campuses regarding the same instructional resource, the Superintendent may consolidate the review of complaints for consideration by a District Reconsideration Committee.~~

INSTRUCTIONAL RESOURCES

EF
(LOCAL)

~~District-reconsideration committee~~

~~The Superintendent shall appoint a District Reconsideration Committee, which shall hold a conference with the complainant within 10 days of the complainant's electronic submission of their complaint. The District Reconsideration Committee shall determine if the instructional resource meets the criteria in this policy.~~

~~District Reconsideration Committees shall be comprised of an odd number of members with a minimum of five and a maximum of seven members. Committee membership shall include a District administrator who oversees the program in which the instructional resource is used, at least one instructional staff member who has experience using, or is familiar with, the instructional resource that is the subject of the complaint. Other committee members may include library, Campus-level staff, and District-level staff.~~

~~The District Reconsideration Committee shall review the complaint, including any recommended or challenged instructional resource in its entirety. During the scheduled conference, the complainant shall be permitted reasonable opportunity to present their complaint in accordance with applicable administrative procedures. The District Reconsideration Committee chair or designee shall within 30 business days of the conference provide a written report of the District Reconsideration Committee's decision to the complainant, the principal, and the Superintendent.~~

Appeal

~~The complainant may appeal the decision of the District Reconsideration Committee to the Board by submitting written notice of appeal to within 10 days of the complainant's receipt of the District Reconsideration Committee's decision.~~

~~Frequency of Review~~

~~An instructional resource shall be reviewed no more than once per school year unless the Superintendent determines that a material change in circumstances has occurred such that additional review is warranted.~~

Maintenance of Library Materials

The administration shall periodically evaluate and update the District's library materials considering the age, relevance, and diversity of materials offered. The administration shall establish administrative procedures for regular maintenance of library materials on each campus. These maintenance procedures shall include repair, replacement, removal of materials, and a schedule(s) for inventory purposes. Disposal of any District-owned library materials shall be in accordance with District policy and procedures. [See CI]

Protesting
Instructional
Resource
Decisions

Students, parents, guardians, District employees, and community members can protest administrative decisions regarding the acquisition, use, and maintenance of instructional resources by filing a grievance pursuant to the applicable grievance policy for each group. See Board Policy FNG (students, parents and guardians), Board Policy DGBA (District employees), Board Policy GF (community members), which shall be applied in a manner consistent with the modified timelines and principles in this Policy. Any such grievance will be provided directly to the Superintendent for initial evaluation under the Superintendent's delegated authority. In the event the Superintendent elects to refer the matter to a committee, the Superintendent shall convene a committee to review the item in its entirety. The committee shall complete its review within 30 school days of the committee's creation and issue its recommendation to the Superintendent. The Superintendent may accept, reject, or modify the committee's recommendation. The Superintendent's decision on the committee's recommendation may be appealed to the Board by filing a written appeal notice with the Department of Student Affairs, on a form provided by the District, within ten days of the date of the written Level Two response.

The following principles shall guide the Board and staff when considering grievances about instructional resource decisions:

1. If an instructional resource is retained following the completion of a challenge, the District is not required to, but may, reconsider its decision within two calendar years of the final decision;
2. A parent's or guardian's ability to control access to instructional resources extends only to their own child; and
3. Except as determined by the Superintendent or Superintendent's designee, or upon request by a student's parent or guardian for their own child, access to an instructional resource shall not be restricted during any period of administrative or Board review or grievance process.

INSTRUCTIONAL RESOURCES
INSTRUCTIONAL MATERIALSEFA
(LOCAL)

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.

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

Selection

Instructional materials that are textbooks and related supplemental materials, which may include items from the list of resources adopted by the State Board of Education, shall be chosen in accordance with administrative regulations and the objectives above.

The Board shall rely on District professional staff 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 EMB regarding instruction about controversial issues.]
5. Promote literacy.

District professional staff may select additional instructional materials in accordance with administrative regulations and the criteria above.

Administrators, teachers, other District personnel, parents, and community members, as appropriate, may recommend instructional materials for selection. Gifts of instructional materials shall be evaluated according to these criteria and accepted or rejected in accordance with CDC(LOCAL).

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.

Reconsideration of Instructional Materials

A District employee or a parent or guardian of a District student may request reconsideration of 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.

Guiding Principles

The following principles shall guide the Board and staff in responding to a request for reconsideration of instructional materials: 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 for instructional materials set out in this policy.

2. A parent's ability to exercise control over instruction 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 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 instructional material shall be removed solely because of the ideas expressed therein.

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. 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 Request for Reconsideration

A complainant shall make any formal request to reconsider an instructional material on the form provided by the District and shall submit the completed and signed form to the [S pos receiving formal objection-instructional mat]. Upon receipt of the form, the [S pos receiving formal objection-instructional mat] 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 may include District-level staff, secondary-level students, parents, and any other appropriate individuals.

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 will continue to be used in the educational program. The committee shall prepare a written report of its findings. The Superintendent, other appropriate administrators, and the complainant shall receive copies of the report.

Frequency of Review

After an instructional material has been reviewed through formal reconsideration, it shall not be reviewed again until it is evaluated in the periodic local selection process.

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]

Note: For information related to the selection of instructional materials, see EFA.

The purpose of this policy is to ensure that the District provides a wide range of library materials for students and faculty that support student achievement and present varying levels of difficulty, diversity of appeal, and a variety of points of view. This policy also provides standards for collection development and the selection and evaluation of library materials.

**Collection
Development Policy**

In this policy, “library materials” may include printed and electronic library acquisitions, including online catalogs, and other ancillary or supplementary materials maintained in a campus library.

The library collection development standards shall apply to all library materials available for use or display, including material contained in school libraries, classroom libraries, and online catalogs.

In developing library collections, the District shall consider the age groups, grade levels, and access to library material by all students on a campus.

Responsibility

The District shall ensure librarians, professional library staff, and other designated professional staff trained on the proper collection development standards select and acquire library materials in accordance with state law and rules, this collection development policy, and administrative procedures.

The Superintendent shall develop administrative procedures to ensure that library collections comply with applicable law and the District’s collection development purpose and goals.

Collection
Development Goals

In addition to the requirements in state law and rules, the District’s library collections shall:

1. Present multiple viewpoints related to controversial issues [see EMB regarding instruction about controversial issues].
2. Provide a wide range of background information that will enable students to make intelligent decisions in their daily lives.
3. Include accurate and authentic factual content from authoritative sources.
4. Have a high degree of potential user appeal and interest.
5. 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.

6. Represent diverse viewpoints and cultures appropriate to each campus to ensure the collection embodies the unique background of its student population.

Selection and
Evaluation of
Materials

Library materials shall be selected and acquired in accordance with guidelines adopted by the Texas State Library and Archives Commission and the District standards and priorities expressed in this policy.

When selecting, acquiring, and evaluating library materials, librarians and other professional staff shall ensure that the materials:

1. Enrich and support the TEKS and the state and local curriculum, taking into consideration students' varied interests, maturity levels, abilities, and learning styles.
2. Foster growth in factual knowledge, literary appreciation, aesthetic values, and societal standards.
3. Encourage the enjoyment of reading, foster high-level thinking skills, support personal learning, and encourage discussion based on rational analysis.
4. Represent ethnic, religious, and cultural groups of the state and their contributions to the state, the nation, and the world.

The Superintendent shall ensure that administrative procedures regarding the selection of library materials consider at least two of the following factors:

1. Recommendations from students, parents or guardians, teachers, and District community members.
2. Consultation with District teachers and library staff.
3. Consultation with library staff from other districts.
4. Extensive review of the library material.
5. Context of the library material, including overall fit within the existing collection and support of District curriculum.
6. Reviews of the library material from sources such as professional journals in library science, recognized professional education or content journals with book reviews, national and state award recognition lists, library science field experts, and highly acclaimed author and literacy expert recommendations.
7. Coverage of topics, authors, series, or genres that fill gaps in the school library collection.

Access Plan

The District shall allow efficient parental access to the District's library and any available online catalogs.

Online catalogs shall be publicly available. The District shall publish information about library material titles, including how and where material can be accessed.

Each campus shall communicate the following to parents and guardians:

- Access to policies relating to school libraries and library materials;
- Consistent access to library materials and resources; and
- Opportunities for students, parents and guardians, educators, and community members to provide feedback on library materials and services.

Parental
Involvement

Parents and guardians are the primary decision makers regarding their student's access to library material. 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 or guardian. Parents and guardians 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 procedures, parents or guardians may select alternative library materials for their student. [For information on parental rights regarding instructional materials and other instructional resources, see EFA(LEGAL).]

The District shall focus on maximizing transparency with parents while meeting student needs and providing enrichment opportunities with library materials. Parental involvement in library acquisition, maintenance, and campus activities is encouraged.

*Access
Procedures*

School Library

A parent or guardian who wishes to access a school's library shall first submit a request to the principal. The principal or a staff member designated by the principal shall work with the parent or guardian to determine a time to access the library that will not interfere with the delivery of instruction or disrupt student use of library services.

Online Catalog

A parent or guardian who wishes to access an online catalog shall submit a written request to the principal. The principal or a staff member designated by the principal shall respond to the request in accordance with administrative procedures.

Protection from
Inappropriate
Material

Library 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); any library material that is pervasively vulgar or educationally unsuitable as referenced in *Board of Education v. Pico*; or any other material legally prohibited from inclusion in a public school library. [See EFB(LEGAL)]

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

Library materials shall comply with the Children's Internet Protection Act (CIPA), including technology protection measures. [See CQ]

Reconsideration of
Library Material

A District employee or a parent or guardian of a District student may request the reconsideration of a library material maintained in the District's library program.

*Guiding
Principles*

The following principles shall guide the review of a request to reconsider a library material:

1. An individual 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.
2. A parent's or guardian'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.
3. Access to a challenged material shall not be restricted during the reconsideration process, except the District may deny access to a student if requested by the student's parent or guardian.

In addition to compliance with state law and this policy, a 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 in the library material or the personal background of the library material's author or the personal background of the characters in the material.

*Informal
Reconsideration*

When the District or a campus receives an objection to the appropriateness of a library material, the appropriate librarian or adminis-

trator shall try to resolve the matter informally. The librarian or administrator shall explain the selection process and discuss the intended purpose for the library material.

The librarian or administrator shall offer a concerned parent or guardian an alternative library material to be used by the child in place of the material and, if requested, shall restrict the child's access to the material objected to by the parent or guardian.

If the individual wishes to make a formal challenge, the administrator shall make available to the individual a copy of this policy and a form to request a formal reconsideration of the library material.

*Formal Request
for
Reconsideration*

The District shall make a form to request reconsideration of library material available[S reconsideration form location].

If an employee or a parent or guardian of a District student wishes to request reconsideration of a library material, they shall follow the procedures to complete and submit the request for reconsideration form.

After a request for reconsideration form is submitted, the form shall be provided to the Superintendent. Copies of the form shall be provided to the school librarian, the Board, and any other staff designated in administrative procedures.

*Reconsideration
Committee*

For purposes of this policy, "days" shall mean District business days, unless otherwise noted.

The [S pos appointing committee] shall appoint a reconsideration committee and notify committee members within [S days to appoint committee] days of receiving the request for reconsideration form.

The reconsideration committee shall include the librarian and at least one member of the instructional staff who is familiar with the material's content. Other members of the committee may include District-level staff, secondary-level students, parents or guardians, and any other appropriate individuals.

Within [S days to provide material] days of appointment of the committee the District shall provide members of the committee the relevant materials to review. If additional time is required to obtain and distribute the materials for review, all members of the committee shall be informed that a reasonable extension of time is needed.

All members of the committee shall review the challenged library material in its entirety and determine whether the material conforms to this policy and whether the material will continue to be available in the library. The committee shall prepare a written report of its findings.

Absent extenuating circumstances, the written report shall be provided to the administration within [S days to provide report] days of the District providing the material to the committee members. In calculating timelines under this policy, the day the committee is provided the materials is “day zero.” The following business day is “day one.”

Extensions of time due to extenuating circumstances shall take into consideration the time necessary to convene the committee members, the amount of material being reviewed, and any other pending reconsideration requests being handled by the committee.

An extension of any deadline shall be promptly communicated to the individual who submitted the request for reconsideration.

The Superintendent, the school librarian, the individual submitting the request for reconsideration, and any other appropriate administrators shall receive a copy of the committee’s report.

Appeal

An individual who submitted a request for reconsideration may appeal the decision of the reconsideration committee in accordance with appropriate complaint policies, starting at the level immediately preceding Board consideration of a complaint. [See DGBA and FNG]

Frequency of Review

After a library material has been reviewed through the reconsideration process, it shall not be reviewed again within two calendar years of the reconsideration committee’s final decision.

Maintenance of Library Materials

In accordance with state guidelines and District administrative procedures, collections shall be evaluated and updated regularly based on the collections’ age, relevance, diversity, and variety. The Superintendent shall ensure administrative procedures are established for regular maintenance of the library collection on each campus. Standard maintenance procedures for any library collection include repair, replacement, and removal of materials as necessary. Regular maintenance shall also include scheduled inventories of the collection. Disposal of any District-owned library materials shall be in accordance with District policy and procedures. [See CI]

Gifts and Donations

The District shall accept gifts and donations of library materials with the understanding that the use and disposition of the materials and monies will be in accordance with District policy and the selection criteria noted above. [See CDC]

Policy Review

This policy shall be reviewed at least every three years and revised as necessary.

FORT BEND INDEPENDENT SCHOOL DISTRICT
CITIZEN'S REQUEST FOR RECONSIDERATION OF INSTRUCTIONAL MATERIALS

Requested initiated by _____

Telephone _____ Address _____

City, State, and Zip Code _____

School where material(s) are located _____

Item Description:

Author _____

Title _____

Publisher or Producer (if known) _____

Date of Publication or Production _____

Type of material _____

School(s)/Library in which the item is used _____

Person making the request represents:

_____ her/himself _____ an organization _____ other group

Name of organization or group _____

Address _____ Telephone _____

1. Did you read, view, or hear the entire work? If not which section did you review?

2. What do you believe is the theme and/or purpose of this work? _____

3. Identify parts/aspects to which you object. Cite specific pages, passages, or individual items.

4. What do you feel might be the result of exposure to this work?

5. Are you aware of reviews of this material by educational or literary critics?

Yes No (If yes, please attach copies of these reviews.)

6. For what age group do you feel this material is suitable? _____

7. In its place, what material of equal quality would you recommend that could convey as valuable a picture and perspective of our civilization? _____

8. What do you feel should be done with the material in question?

_____ Do not allow my child to use this material.

_____ Use as resource material or a choice selection.

_____ Move material to another grade/level.

_____ Remove it from the campus.

Signature

Date

Please return this form to the principal of the school where the material is located.