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

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

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The District shall provide instructional materials designed to teach the Texas Essential Knowledge and Skills and further the District's educational mission. Although the Superintendent 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.

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

### **Selection Criteria**

In the selection of instructional resources, whether such selection is recommended or performed by District professional staff, administrators, teachers, staff members, employees (full or part-time), contractors, contract workers, supervisors, assistants, parent volunteers, agents, trustees, vendors, or any individual or group acting on behalf of the District, all listed individuals shall ensure that the resources:

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.
6. Not be in violation of Texas Penal Code § 43.24 or any other applicable law, rule, or regulation.
7. Are designed to help students gain an awareness of our pluralistic society.
8. Are designed to provide information that will motivate students and staff to examine their own attitudes and behavior; to understand their duties, responsibilities, rights, and privileges as citizens participating in our society; and to make informed choices in their daily lives.
9. Are viewed as a whole and are not excluded because of isolated passages or illustrations, language, and the like, being taken out of context.
10. Provide a wide range of background information that will enable students to make intelligent judgments in their daily lives.
11. To the extent possible while ensuring instruction in the TEKS, are designed to develop each student's civil knowledge, including:
  - An understanding of (i) the fundamental moral, political, and intellectual foundations of the American experiment in self-government; (ii) the history, qualities, traditions, and features of civic engagement in the United States; (iii) the structure, function, and processes of government institutions at the federal, state, and local levels; and (iv) the founding documents of the United States.
  - The ability to (i) analyze and determine the reliability of information sources; (ii) formulate and articulate reasoned positions; (iii) 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; (iv) actively listen and engage in civil discourse, including discourse with those with different viewpoints, and (v)

participate as a citizen in a constitutional democracy by voting; and

- An appreciation of (i) the importance and responsibility of participating in civic life; (ii) a commitment to the United States and its form of government; and (iii) a commitment to free speech and civil discourse.

12. 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 American; the transcript of the first Lincoln-Douglas debate; the writings of the founding fathers of the United States; Frederick Douglass's speeches "The Meaning of July Fourth for the Negro" and "What the Black Man Wants"; and Martin Luther King Jr.'s speech "I have a Dream", all taken as a whole.

District professional staff 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.

All instructional materials selected should at least meet the content restrictions set out in policy EFB(local) on library materials.

### **Controversial Issues**

District professional staff shall endeavor to maintain a balanced collection representing various views when selecting instructional resources on controversial issues. Resources shall be chosen to clarify historical and contemporary forces by presenting and analyzing intergroup tension and conflict objectively, placing emphasis on recognizing and understanding social and economic problems. [See also EMB regarding instruction about controversial issues and EHAA regarding human sexuality instruction.]

**Prohibited Materials**

Instructional materials that are pervasively vulgar, obscene<sup>1</sup>, or that adopt, support, or promote subject matter that has been prohibited by law or by the District, including any such instructional resources described in EMB(LOCAL).

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

For purposes of this policy, and in accordance with Texas Penal Code 43.21, "obscene" means materials or a performance that: (A) the average person, applying contemporary community standards, would find that taken as a whole appeals to the prurient interest in sex; (B) depicts or describes: (i) patently offensive representations or description of ultimate sexual acts, normal or perverted, actual or simulated, including sexual intercourse, sodomy, and sexual bestiality; or (ii) patently offensive representations or descriptions of masturbation, excretory functions, sadism, masochism, lewd exhibition of the genitals, the male or female genitals in a state of sexual stimulation or arousal, covered male genitals in a discernibly turgid state or a device designed and marketed as useful primarily for stimulation of the human genital organs; and (C) taken as a whole, lacks serious literary, artistic, political, and scientific value.

Although the Board will rely on the District's professional staff to select and acquire instructional materials used in the District's educational program, the Board reserves the right to determine, in an open meeting that complies with the Texas Open Meetings Act, those instructional materials that are obscene or should otherwise be classified as Prohibited Materials.

On an annual basis, or as otherwise necessary as determined by the Board in its sole discretion, any and all instructional materials that address or contain human sexuality and/or nudity, sexually explicit acts, or graphic presentations of sexual behavior and sexually transmitted diseases arising out of such behavior, that the District intends to use in any manner as instructional resources, shall first be presented to the Board in an open meeting in accordance with the Texas Open Meetings Act. During the open meeting, the Administration shall inform parents, legal guardians, and the Board regarding the educational value of, and the reasoning behind, the use and selection of the materials as instructional resources. The Board shall vote on (1) whether to include or exclude the materials as instructional resources, and (2) whether to characterize such materials as Prohibited Materials.

Any and all materials that the Board has specifically voted to include or exclude from the District's available instructional materials or resources shall be posted on the District's website and

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<sup>1</sup> As that term is used in Texas Penal Code §43.21.  
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maintained in a searchable database that allows District personnel and the public to review detailed information concerning the materials including:

- a. the identity of the included or excluded materials;
- b. the Administration's position regarding the educational value of, and reasoning behind, the proposed use and selection of the materials;
- c. how each of the materials is being utilized by the District and at which campuses and classrooms the materials are available to students; and
- d. the vote of the Board.

**Challenged Resources**

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

**Guiding Principles**

The guiding principles, standards, and expectations in Policy EFB(local) relating to library materials also apply to instructional materials.

The following principles shall guide the Board and staff in responding to challenges 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 and comply with the content guidelines attached as an exhibit to EFB(local).

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.

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.

**Reconsideration**

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.

The challenge process set out in policy EFB(local) will be utilized

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for all challenges to instructional material.

**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]