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Approve Selection and
Adoption of Instructional and
Library Policy (Policy 2.27)

SELECTION AND ADOPTION OF INSTRUCTIONAL AND LIBRARY MATERIALS PG-2.27 DATE ISSUED: ~~May 15, 2022~~ 1 of 4 © 2022 ILTexas. Incorporates with permission materials © 2018 Schulman, Lopez, Hoffer & Adelstein, LLP, all rights reserved.

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Sec. 2.27.1. DEFINITIONS

“Instructional materials” means content that conveys the essential knowledge and skills of a subject in the school curriculum through a medium or a combination of media for conveying information to a student. The term includes a book, supplementary materials, a combination of a book, workbook and supplementary materials, computer software, magnetic media, DVD, CDROM, computer courseware, on-line services, or an electronic medium, or other means of conveying information to the student or otherwise contributing to the learning process through electronic means, including open-source instructional material, as defined by Texas Education Code 31.1002(1-a), (1),

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“Library materials”, whether held in a formal school library or in a classroom, are defined as electronic, print, and nonprint resources, excluding textbooks, for independent use by students and faculty outside of the Charter's core educational program.

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“Open-source instructional material” is electronic instructional material that is available for downloading from the Internet at no charge to a student and without requiring the purchase of an unlock code, membership, or other access or use charge, except for a charge to order an optional printed copy of all or part of the instructional material. Texas Education Code 31.002(1-a).

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“Technological equipment” is hardware, a device, or equipment necessary for instructional use in the classroom, including to gain access to or enhance the use of electronic instructional materials; or professional use by a classroom teacher. Texas Education Code 31.002(4).

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Sec. 2.27.2. LOCAL SELECTION

INTERNATIONAL LEADERSHIP OF TEXAS (“ILTexas”) shall establish a team, as needed, to select instructional materials and technological equipment to be purchased with ILTexas’s instructional materials allotment. The team shall make selections based upon ILTexas’s instructional needs and in accordance with administrative regulations. The instructional materials allotment team shall ensure that selected materials, in combination with any other materials in use by ILTexas, allow ILTexas to certify that all students are provided with instructional materials that cover the essential knowledge and skills, as required by law. The Board shall select instructional materials in an open meeting as required by the Texas Open Meetings Act, including public notice. 19 TAC 66.104(a).

Sec. 2.27.2.1. Notice to SBOE

Each year, during a period established by the SBOE, the Board shall notify the SBOE of instructional materials selected in accordance with [Texas](#) Education Code 31.101. Education Code 31.101(a).

Sec. 2.27.2.1.1. Foundation Curriculum

For subjects in the foundation curriculum, the Board shall notify the SBOE of the instructional materials it selects from the instructional materials list, including the Commissioner's instructional materials list. [Texas](#) Education Code 31.101(a)(1).

Sec. 2.27.2.1.2. Enrichment Textbooks

-For a subject in the enrichment curriculum, the Board shall notify the SBOE of instructional material it selects from the instructional materials list, including the Commissioner's instructional materials list, or that it selected materials that do not appear on the list. [Texas](#) Education Code 31.101(a)(2).

Sec. 2.27.2.2. Supplemental Materials

The Board may select supplemental instructional materials adopted by the SBOE, as set forth at Education Code 31.035. If the Board selects supplemental instructional materials, ILTexas shall certify to TEA that the supplemental instructional materials, in combination with any other instructional materials or supplemental instructional materials used by ILTexas, cover the essential knowledge and skills for the course. [Texas](#) Education Code 31.035(d), (f).

Sec. 2.27.2.3. Open-Source Material

ILTexas may adopt state-developed open-source instructional material at any time, regardless of the instructional material review and adoption cycle. [Texas](#) Education Code 31.073(c).

Sec. 2.27.2.4. Special Education

Adopted instructional materials shall be supplied to a student in special education classes as appropriate to the level of the student's ability and without regard to the grade for which the instructional material is adopted or the grade in which the student is enrolled. 19 TAC 66.104(m).

Sec. 2.27.2.5. Duration of Selection Sec.

[Sec 2.27.2.5.1. Listed Materials](#)

If ILTexas selects subscription-based instructional material on the SBOE instructional materials list or electronic instructional material on the Commissioner's instructional materials list, ILTexas may cancel the subscription and subscribe to new instructional

materials on the SBOE list or electronic instructional material on the Commissioner's list before the end of the state contract period if:

1. ILTexas has used the instructional material for at least one school year; and
- ~~1-2.~~ ~~2-~~ TEA approves the change based on a written request to TEA by ILTexas that specifies the reasons for changing the electronic textbook or instructional material used by ILTexas. [Texas](#) Education Code 31.101(e).

Sec. 2.27.2.5.2. Other Materials

For instructional material that is not on the instructional materials list, ILTexas must use the instructional material for the period of the review and adoption cycle the SBOE has established for the subject and grade level for which the instruction material is used. [Texas](#) Education Code 31.101(d).

Sec. 2.27.3. OWNERSHIP AND DISTRIBUTION OF INSTRUCTIONAL MATERIALS

Each instructional material purchased by ILTexas is the property of ILTexas. Electronic instructional material purchased by ILTexas is the property of ILTexas only to the extent of any applicable licensing agreement. The Board shall distribute printed instructional material to students in a manner that the Board determines is the most effective and economical. [Texas](#) Education Code 31.102.

Sec. 2.27.4. CRIMINAL OFFENSE

A Board member, administrator, or teacher commits an offense if the person receives any commission or rebate on any instructional materials or technological equipment used in the schools with which the person is associated. A Board member, administrator, or teacher commits an offense if the person accepts a gift, favor, or service that:

1. Is given to the person or the person's school;
2. Might reasonably tend to influence the person in the selection of instructional material or technological equipment; and
3. Could not be lawfully purchased with funds from the state textbook fund.

"Gift, favor, or service" does not include:

1. Staff development, in-service, or teacher training; or
2. Instructional materials, such as maps or worksheets, that convey information to the student or otherwise contribute to the learning process. [Texas](#) Education Code [Section 31.152](#). ~~Incorporates with permission materials © 2018 Schulman,~~

Sec. 2.27.5. REQUESTS FOR SUPPLIES

Employees should initiate requests for instructional supplies through the Principal.

Sec. 2.27.6. EMPLOYEE TRAINING The Board shall require the employee responsible for ordering instructional materials to complete TEA-developed training in the use of the Instructional Materials Allotment and the use of the instructional materials ordering system. ~~Training shall be completed in accordance with 19 TAC 66.107(d).~~

Sec. 2.27.7- LIBRARY MATERIALS

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 Charter shall recognize that parents hold an essential role in the education of their children and have the right to guide what their children read.

Sec. 2.27.7.1 SELECTION CRITERIA

ILTexas shall apply the standards, dimensions, and expectations as defined by rule 13 TAC §4.1, and any related guidance including the Texas State Library and Archives Commission's Guidance for School Libraries on Collection Development, as well as the School Library Programs: Standards and Guidelines for Texas to evaluate and set goals for the school library collection in alignment with board-approved policies and procedures.

In addition to the above criteria for selection, all material should be appropriate for students. Texas Penal Code §43.24(a)(2) describes harmful material as material whose dominant theme taken as a whole:

- (1) appeals to the prurient interest of a minor, in sex, nudity, or excretion;
- (2) is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for minors; and
- (3) is utterly without redeeming social value for minors.

It is an offense in Texas to distribute this material in violation of Texas Penal Code §43.24(b). No library material shall be used if it contains content that can meet the harmful material standard. 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. In addition, ILTexas shall specifically not select library materials that deal with Human Sexuality as the focus of its content.

Sec. 2.27.7.2 -APPROVAL OF SELECTED LIBRARY MATERIALS

The legal responsibility for the purchase of all library materials is vested in the Board. The Board 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 Charter level Director of Instructional Technology and Library Services 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 adopted selection criteria and procedures.

Sec. 2.27.7.3 SELECTION CRITERIA

The ILTexas- 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 engagement, the Charter shall make the selection process of library materials readily available for parental review, with a list of all library materials posted on-line on the Charter'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 non-fiction resources, incorporate accurate and authentic factual content from authoritative sources;
5. Earn favorable reviews in standard reviewing sources and/or favorable recommendations based on preview and examination of materials by professional personnel; and,
6. Balance cost with need.

In addition to the above criteria, fiction, narrative nonfiction (memoirs and biographies), and graphic novels must each meet the following selection criteria, with ILTexas 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.
6. In no instance shall materials on Human Sexuality be acquired.

Sec. 2.27.7.4 -REVIEW OF MATERIALS FOR SELECTION

Prior to any material being selected for inclusion, a library material shall ~~have been~~ read, reviewed, or recommended for inclusion by the ILTexas library supervisor or

individual(s) designated by that supervisor. If more support and/or resources are needed for this review, the Board may approve the engagement of a cooperative of other Texas public schools and rely upon the recommendation of that cooperative.

2.27.7.5 -ACQUISITION PROCEDURES

The ILTexas 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 Charter 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 ILTexas library supervisor or designee, for both orders at the Charter and campus level.

When acquiring new library material content, not previously [approved or currently in inventory](#) acquired, the ILTexas librarian or designee shall submit a list to the Superintendent for inclusion in a board agenda. The Board shall be provided the list at least thirty days prior to action.

Individual board member review. If any board member questions or desires further information on any title or author, he/she shall contact the Superintendent at least fifteen (15) days before board action. The Superintendent or designee shall then contact the ILTexas 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.

Board action. 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. Prior to voting, individual Board members shall have an opportunity to 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.

The selection and acquisition of the digital library collection will follow the same policies and procedures as the physical library collection. The Charter shall ensure that the method by which students access the digital library will allow students only to access age/grade-appropriate content. The curator will apply access levels by consulting the peer-reviewed recommended age group, Charter librarians, and educators. Access levels shall be applied as:

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

TexQuest digital resources.

TexQuest is the Texas State Library and Archives Commission's (TSLAC's) electronic instructional re-sources program for public schools. Charter participation in Tex-Quest is voluntary. TexQuest is supported by the Texas Legisla-ture and by participation fees paid by school districts and open enrollment charter schools. TSLAC administers all aspects of the TexQuest program and coordinates with Charters on the implementation and management of any TexQuest resources the 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.

2.27.7.6- Challenge Proceedures

A parent of an ILTexas student may formally challenge library material used in the Charter'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 ILTexas library supervisor. The conference may also include other necessary staff members as deemed appropriate by the ILTexas library supervisor.

If 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 ILTexas library supervisor or appropriate administrator. The following shall apply:

1. All formal concerns regarding library materials shall be sub-mitted on the form provided by the Charter. ~~and shall submit t~~The completed and signed form shall be submitted to the Charter-level library super-visor or designated administrator.
2. The Charter level Director of Instructional Technology and Library Services 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.

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3. The reconsideration committee shall include both Charter 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 Superintendent or designee shall chair the committee.
4. The total voting committee membership shall be an uneven number. The complainant will not be a member of the committee, but the complainant's written submission will be thoughtfully considered by the committee.
5. Prior to the committee meeting, each committee member will read a copy of the library material in question.
6. All committee members shall review the submitted written concern.
7. The committee will review all items on the Checklist for Re-consideration of Library Materials.
8. After working through the checklist for reconsideration of library materials and any deliberations the committee feels necessary, committee members will 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 *Bd. of Educ. v. Pico*, 457 U.S. 853 (1982) 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 in light of the instructional curriculum. Further, making a determination of appropriateness will include a review of and compliance with 47 U.S.C. §254(h)(5), Texas Penal Code §43.24(a)(2), and Texas Penal Code §43.24(b).

When the committee has reached a decision, the appropriate Charter-level administrator shall notify the complainant. The decision shall be in written form, dated, and provided to the complainant within ten (10) Charter business days of the committee's meeting. All other appropriate staff members will be informed of the reconsideration and the outcome. A specific library material that completes the formal challenge process and remains in the library will not be reconsidered within one year of final determination, and any material removed will not be eligible for consideration to be added again for at least 10 years. The Charter shall verify previous decisions prior to convening a reconsideration committee. 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.

Appeal of Reconsideration Committee. The complainant may appeal the decision of the reconsideration committee by filing the appropriate Charter grievance form.

2.27.7.7 OPPORTUNITY FOR PARENT REVIEW

In recognizing that parents hold an essential role in the education Parent Review 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 Charter-level administrator, will offer a "Parent Preview" at least ten (10) days before books are to be placed on the shelves, 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.

2.27.7.8 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 will accommodate individual requests by parents, within reason, which may include restricting specific titles or books.

2.27.7.9 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. All materials should support the curriculum and needs of library users. Gifts and donations, like purchased resources, will be removed from the collection at the end of their useful life. Gifts and donations will be subject to the acquisition policy and process for approval be-

2.27.7.10 ROUTINE REVIEW AND REMOVAL OF MATERIALS

Bi-annually, the ILTexas library supervisor shall collaborate with campus library personnel and administration to conduct an inventory of the school library collection and inventory can be used to determine losses and remove damaged or worn materials which can then be considered for replacement. The inventory can also be used to deselect and remove materials that ~~equipment. The~~ are no longer relevant to the curriculum or of interest to students. Additionally, the ILTexas library supervisor should 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 Charter's property disposal procedures. Incorporated into this routine review and removal of existing inventory, the Charter shall create an ongoing cycle to review content existing in circulation.