

INSTRUCTIONAL RESOURCES
INSTRUCTIONAL MATERIALS

EFA
(REGULATION)

Note: For regulations related to library materials, see EFB(REGULATION).

All instructional material selections and other related processes shall be governed by policies EF(LEGAL) and EFA(LOCAL), EFA(EXHIBITS), and this EFA(REGULATION). No other governing documents shall be created or utilized unless added to regulation or exhibits by approval of the Superintendent or designee.

**English Language
Arts Class Reading
Selections**

Multiple required and choice reading selections shall be chosen as instructional materials in English Language Arts (“ELA”) classes for grades 5-12. Any selection for which at least 40% of the text is utilized shall be considered a “Literary Work”.

Levels of Review

Any new Literary Work proposed for an ELA class in grades 5-12, whether as a required or student-selected choice material, shall go through a formal review process as described herein and outlined in EFA(EXHIBIT).

First, a teacher shall propose a new Literary Work for review by submitting a Text Rationale and Approval form [see EFA(Exhibit)] to the grade-level ELA team or ELA Department, as appropriate. Department and/or grade-level ELA teachers shall review and discuss the proposed Literary Work and decide whether to recommend the proposed Literary Work to the relevant Campus Literature Committee. This decision shall be documented on the Text Rationale and Approval form. The Campus Literature Committee shall consist of the assistant superintendent for education services or designee, the principal or designee, the ELA Department or Grade-Level Chair, and a member of the ELA faculty from such campus. The Campus Literature Committee shall determine whether the proposed Literary Work should be further reviewed by a Community Feedback Group.

If needed, a Community Feedback Group shall be appointed by the principal and include no more than seven parents from the relevant campus. An ELA teacher from the relevant campus shall serve as the facilitator. Each group member shall read the proposed Literary Work in its entirety and provide feedback through completion of a Community Feedback Form. [See EFA(EXHIBIT)] The group shall then meet to discuss and make a recommendation for whether and/or how the material should be used. A summary of this

INSTRUCTIONAL RESOURCES
INSTRUCTIONAL MATERIALS

EFA
(REGULATION)

meeting shall be documented on the Community Feedback Report. [See EFA(EXHIBIT)] The Community Feedback Group is advisory in nature, and their recommendation is not binding. The final decision lies with the Campus Literature Committee. Any completed Community Feedback Forms shall remain available for the Campus Literature Committee for as long as the Literary Work remains on the HPISD Literary Works Catalog.

Following receipt of community feedback, if any, the Campus Literature Committee shall determine whether the proposed Literary Work shall be approved for usage for the upcoming academic year, for which course(s) such Literary Work shall be used, and whether such Literary Work shall be required reading or student-selected choice reading. This decision shall be documented on the Text Rationale and Approval form.

Upon completion of this process, any new proposed Literary Work shall be posted for 30 days in accordance with EFA(LOCAL) prior to any further action being taken to incorporate such Literary Work into the district's instructional program. Following this time period, approved Literary Works may be used for the upcoming school year; however, in accordance with EFA(LOCAL), a Literary Work may be subject to challenge at any time.

Teachers may select an additional Literary Work per course during the current academic year if there is an emergent need, such as a Literary Festival speaker, whose work fits the course curriculum or a significant current event. The Campus Literature Committee shall approve these materials, and parents shall be provided timely notice of the addition. In such case, parents shall have the same right to request an alternative reading assignment of comparable rigor and academic relevance without penalty as is afforded at the start of the school year.

Literary Works which are no longer being used or no longer needed for instruction may be removed from the Literary Works Catalog.

Parent Notification,
Permission, and
Opt-Out
Assurance

The District shall create and maintain a Literary Works Catalog on its website which includes the Literary Works for each course with a link to a Text Rationale and Approval form for each work.

INSTRUCTIONAL RESOURCES
INSTRUCTIONAL MATERIALS

EFA
(REGULATION)

Parents of students entering grades 5-12 shall be notified by June 15 of the Literary Works Catalog for the upcoming school year. [See EFA(EXHIBIT)]

At the start of each school year, teachers shall send parents the Literary Works permission form, which shall include a link to a Course Overview so parents may see which titles are specific to their child's course. [See EFA(EXHIBIT)]

Each parent has the right to request an alternative reading selection. For students whose parents choose an alternative reading selection, the District commits to the following assurances:

1. Teachers shall develop alternative book instructional plans which shall be approved by campus administration. The HPISD Curriculum and Instruction Department shall provide support and assistance in developing these plans. These plans shall include reading assignments and assessments that demonstrate comparable quality and rigor.
2. Students shall receive effective instruction, be included as much as possible in the regular class setting, and be allowed meaningful discussion, as much as the number of students allows.

Records Retention
and Reporting

Records created regarding the selection of Literary Works shall be retained for five school years in electronic copy by the HPISD administration. The annual HPISD Literary Works Catalog selection and approval process shall be reported to the board of trustees each October. Included in this report shall be the current year's timeline for the annual selection process, number of opt-outs from any Literary Work, and any additional feedback received from students, parents, or staff.

**Instructional Material
Challenge Process**

In accordance with EFA(LOCAL), a District employee, parent or guardian of a District student, or an adult student enrolled in the District may formally challenge an instructional material used in the District's educational program. Upon receipt of a Challenge Form [see EFA(EXHIBIT)], the form shall be provided to the Superintendent or designee, and copies of the form shall be provided to the Board. A copy shall also be posted to the District website within 10 business days.

Formal challenges to instructional materials shall be reviewed in the order in which the related Challenge Forms were filed. The

INSTRUCTIONAL RESOURCES
INSTRUCTIONAL MATERIALS

EFA
(REGULATION)

complainant may retract a challenge at any time prior to the initiation of a challenge committee for that material.

If a formal challenge includes an allegation that the instructional material is inappropriate as defined by the following statutory protections, the District shall conduct an initial review of the material:

- (a) "harmful material" as defined by Texas Penal Code 43.24(a)(2);
- (b) material rated sexually explicit by the selling vendor;
- (c) material containing indecent or profane content;
- (d) "obscene" material as defined by Texas Penal Code 43.21(a)(1);
- (e) material that is pervasively vulgar or educationally unsuitable as referenced in *Board of Education v. Pico*;
- (f) any material that refers a person to an internet website containing prohibited content under EFA(LOCAL), including by use of a link or QR code, as defined by Health and Safety Code 443.001; or
- (g) any other material legally prohibited from inclusion in a public school library ,

At least one District-level administrator, one campus principal, and one additional professional staff member shall review the specific content alleged to be inappropriate according to criteria (a) through (g) above.

If the initial review committee determines that the instructional material may be inappropriate according to one or more of these criteria, the formal challenge shall be expedited. The District-level administrator shall notify the Superintendent, other appropriate administrators, and the individual making the formal challenge within 5 business days after the decision to expedite the formal challenge process.

If, after initial review, the instructional material does not appear to be inappropriate according to criteria (a) through (g) above , the formal challenge process shall continue as outlined in Board Policy EFA(LOCAL) and herein.

INSTRUCTIONAL RESOURCES
INSTRUCTIONAL MATERIALS

EFA
(REGULATION)

Challenge
Committees

Challenge committees shall be convened during the months of September, October, November, January, February, March, and April, as needed.

Per EFA(LOCAL), challenge committees shall consist of at least seven members. The chair shall be a District-level administrator and a non-voting committee member. The remaining committee members shall consist of an equal number of District staff and parents who are not employed by the District. In order to serve on a challenge committee, parents must have a student enrolled in the district at the educational level in which the material is in used: elementary school, intermediate/middle school, and/or high school. One of the staff members on the committee shall be a campus-level administrator from a campus with the grade level in which the instructional material is being used. All other staff member(s) serving on a challenge committee also shall work at a campus with the grade level in which the instructional material is being used.

If the instructional material being challenged is in use at more than one campus, there shall only be a singular committee, which shall make a determination for each educational level at which the material is in use. In that event, the committee shall have an equal number of staff and parents at each educational level. For example, an instructional material in use at both an elementary and intermediate/middle school campus should have an equal number of elementary school parents, elementary school staff, intermediate/middle school parents, and intermediate/middle school staff.

A District-level administrator shall maintain an annually updated list of District parents and staff interested in participating on a challenge committee, as indicated by the submission of the appropriate interest form. [See EFA(EXHIBIT)] This form shall be available before the end of each school year through at least the Friday after Labor Day.

Through a random selection process, a District-level administrator shall contact interested parents and staff, as needed to serve on a challenge committee. Parents and staff (excluding required administrators) will serve for the challenge of one instructional material at a time. Upon serving on a challenge committee at any level, such member shall not be eligible to serve on another

INSTRUCTIONAL RESOURCES
INSTRUCTIONAL MATERIALS

EFA
(REGULATION)

challenge committee in the same school year unless all other volunteers have declined.

All members of the committee, including the facilitator, are responsible for reading the instructional material in its entirety. Following discussion, the committee will vote to determine whether the material should remain in use. The committee may also make a recommendation for an alternative use. The completed Challenge Committee Report shall be provided to the Superintendent, the Board of Trustees, and the individual making the formal challenge. The final report shall also be posted to the District website within 10 business days. A database of all formal challenges and findings shall be published on the District website.

In the event a challenge committee is unable to determine by majority vote whether the instructional material shall remain in use, the process shall be repeated with a new challenge committee established by the Superintendent or designee as outlined above.

Appeals

The decision of a formal challenge process may be appealed to the Board of Trustees in accordance with appropriate complaint policies. [See DGBA, FNG, and GF] In the event of an appeal, the Guiding Principles of Challenge Process noted above shall apply.