Sec. 1. DEFINITIONS

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

a) *Instructional materials*

Instructional materials are defined as content in the school's core educational program that conveys the essential knowledge and skills of a subject in the public school curriculum through a medium or a combination of media for conveying information to students, and as further defined by Education Code 31.002(1-a).

b) *Library materials*

For purposes of this policy, 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 to supplement and support the Raul Yzaguirre Schools for Success ("RYSS")'s core educational program.

c) *Open-source instructional material*

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. Education Code 31.002(1-a).

d) *Technological equipment*

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. Education Code 31.002(4).

Sec. 2. OBJECTIVES

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

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RYSS 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.

Sec. 3. AVOIDING INAPPROPRIATE MATERIAL

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). Texas Education Code §33.020(2) defines indecent content as content that portrays sexual or excretory organs or activities in a way that is patently offensive. Texas Education Code §33.020(4) defines profane content as content that includes grossly offensive language that is considered a public nuisance.

No library material shall be used if it contains content that can meet the harmful material standard or if it contains indecent content or profane content. Finally, the library 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.

Sec. 4. RESPONSIBILITY FOR SELECTION

While the legal responsibility for the purchase of all instructional materials is vested in the RYSS School Board, the responsibility for the selection of library materials is discharged to the RYSS Executive Director of Academics and the Library Media Specialist. The Board will provide final approval for all new materials added to the library. The Board is responsible for ensuring RYSS's compliance with the library standards under Texas Education Code §33.021.

The Board must vote to approve or reject the list of library materials that have been donated to or are proposed to be procured by a school library in an open meeting, except that the Board need not vote on the library materials included in Texas Education Code §33.026(f).

Sec. 5. CRITERIA FOR SELECTION

All selected material shall be appropriate for students as described under Texas Penal Code §43.24(a)(2) which 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

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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 or if it contains indecent content or profane content. 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.

The district-level library supervisor shall work cooperatively with library staff, faculty, and the administration to apply this policy in making selections for school library collections. To ensure parental engagement, RYSS shall make the selection process of library materials readily available for parental review, with a list of all library materials posted online on the district's website, and the content of all materials available for direct review during reasonable hours specified for such review.

RYSS shall also make the list of library materials proposed to be selected by the library accessible for review by the public for at least 30 days before final approval.

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;
6. Balance cost with need.
7. Avoid inappropriate material as defined above.

In addition to the above criteria, fiction, narrative nonfiction (memoirs and biographies), and graphic novels must each meet the following selection criteria, with each RYSS campus 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.

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5. If narrative nonfiction, present information with the greatest degree of accuracy and clarity.

The following selection objectives are adopted to ensure the selected material is aligned with RYSS educational program and curriculum

- To provide materials that enrich and support the curriculum and personal needs of the users, considering their varied interests, abilities and learning styles
- To provide materials that stimulate growth in factual knowledge, literary appreciation, aesthetic values, and ethical standards in the pluralistic society
- To provide a background of information which enables students to make intelligent judgments in their daily lives
- To provide materials on opposing sides of controversial issues that users may develop the practice of critical analysis
- To provide materials which realistically represent our pluralistic society and reflect the contributions made by all groups and individuals to our American heritage
- To principle above personal opinion and reason above prejudice in selection of materials of the highest quality to assure a comprehensive library media collection for all users.

The following criteria for selection addresses the educational goals of RYSS

- Relevance to today's world, reflecting problems, aspirations, attitudes and ideals of society
- Educational significance
- Need of, and value to the collection
- Contributions of the subject matter to the curriculum and interests of students
- Overall quality as based on preview and examination of materials by professional personnel
- Reputation and significance of the author, producer and publisher
- Validity, currency, and appropriateness of material
- Contribution the material makes to breadth of representative viewpoints on controversial issues
- Appeal of the material to the library's users
- Artistic quality and/or literary style
- Quality and variety of format
- Value commensurate with cost and/or need
- Timeliness or permanence
- Integrity
- Not inappropriate, as defined above.

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Prior to any material being selected for inclusion, all library material shall have been read, reviewed, and recommended for inclusion by the district-level library supervisor or individual(s) designated by that supervisor/media specialist. 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.

Sec. 6. ACQUISITION PROCEDURES

The district-level library supervisor shall select material based on their own expertise and solicit recommendations from others. Recommendations for library acquisitions shall involve administrators, teachers, other RYSS 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 the district-level library supervisor to be no longer appropriate and the periodic replacement or repair of mate- rials still of educational value.

School library materials orders shall be approved by the district-level library supervisor for both orders at the district and campus level.

When acquiring new library material content not previously acquired, the district-level librarian or designee shall submit a list to the Superintendent for inclusion in a board agenda. The Board shall be provided the list at least thirty days prior to action.

RYSS may not purchase library material from a library material vendor who is listed on the Texas Education Agency's list of library material vendors who fail to comply with Education Code 35.003(b). *Education Code 35.003(d)*.

a) *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 thirty (30) days before board action. The Superintendent or designee shall then contact the district-level library supervisor to obtain copies of professional re- views of any library material in question. If so desired, the board member can obtain a copy of the library material from another source.

b) *Board action*

The order of purchase 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.

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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.

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

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

c) ***TexQuest digital resources***

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

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

Sec. 7. CHALLENGE PROCEDURES

A parent of a RYSS student, a person standing in parental relation to a RYSS student, a RYSS employee or any person residing in the district may formally challenge library material used in the RYSS's educational program on the basis of appropriateness on the form prescribed. If RYSS receives a challenge to a library material, it shall prohibit students enrolled at RYSS from accessing the library material until the District takes action in response to the challenge.
The school receiving a complaint about the appropriateness of a library material shall try to resolve the matter informally through a telephone/video conference or meeting between the complainant and the District-level library supervisor.

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The conference may also include other necessary staff members as deemed appropriate by district-level library personnel.

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 district-level Library supervisor. The following shall apply:

1. All formal concerns regarding library materials shall be submitted on the form provided by the district and shall submit the completed and signed form to district-level library supervisor.

2. The District-level library supervisor/media specialist shall appoint a reconsideration committee within ten business days that shall review the challenged material and determine whether it conforms to the principles of selection set out in this policy.

3. The reconsideration committee shall include both district and campus-level professional staff, including at least one member who has experience using the challenged resource with students or is familiar with the content of the challenged material, and two parents of students. The 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

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because of the ideas expressed therein. The opinion allows the removal of materials because they are pervasively vulgar or based upon the lack of educational suitability of the library material. Further, making a determination of appropriateness will include a review of and compliance with 47 U.S.C. §254(h)(5), Texas Penal Code §43.24(a)(2), and Texas Penal Code §43.24(b).

When the committee has reached a decision, the appropriate District-level administrator shall notify the complainant. The decision shall be in written form, dated, and provided to the complainant within ten (10) District 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 in response to a written challenge submitted before the second anniversary of the date of the determination to not remove the library material, and any material removed will not be eligible for consideration to be added again for at least 10 years. The district shall verify previous decisions prior to convening a re- consideration 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 to the Board by filing the appropriate district grievance form.

The Board shall take action at its Board meeting, as outlined in Texas Education Code §33.027. If a challenge results in Board recommending removal of the library material from a school library catalog, the Board shall notify each teacher assigned as the classroom teacher at the grade level for which the library material was determined to be not appropriate and instruct the teacher to remove any copy of the library material from the teacher's classroom library, if applicable.

The decision of the Board, if appealed to the Board, is final and non-appealable.

Sec. 8. OPPORTUNITY FOR PARENT REVIEW

In recognizing that parents hold an essential role in the education of their children and have the right to guide what their children read, each library shall maintain a printed list of materials onsite and on the school library website that shows what has been selected as well as what is slated for acquisition. The Superintendent, or designated District-level administrator, will offer a "Parent Preview" at least ten 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.

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Sec. 9. 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 appropriate- ness 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, submit a list of library materials through the RYSS online library catalog system 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.

RYSS may not allow an enrolled student to reserve, check out, or otherwise use outside the school library any library materials rated as sexually relevant material unless the school first obtains written consent from the student's parent or person standing in parental relation. *Education Code 35.005*.
The District must provide to each parent of a child enrolled in the District a record of each time the parent's child checks out or otherwise uses outside the school library a library material. The record must include, as applicable, the title, author, genre, and return date of the library material.

Sec. 10. 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 before including in the school library collection or in a classroom library.

Sec. 11. ROUTINE REVIEW AND REMOVAL OF MATERIALS

Annually, the District-level library shall collaborate with campus library personnel and administration to conduct an inventory of the school library collection and equipment. The inventory can be used to determine losses and remove damaged or worn materials which can then be considered for replacement. The inventory can also be used to deselect and remove materials that are no longer relevant to the curriculum or of interest to students. Additionally, the District-level library supervisor 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

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with the District's property disposal procedures. Incorporated into this routine review and removal of existing inventory, the District shall create an ongoing cycle to review content existing in circulation.

Sec. 12. REVIEW AND REPORTING OF CERTAIN LIBRARY MATERIALS

Not later than January 1 of every odd-numbered year, RYSS shall:

1. Review the content of each library material in the catalog of a school library that is rated as sexually relevant material under Education Code 35.002(a) by the library material vendor;
2. Determine in accordance with the school's policies regarding the approval, review, and reconsideration of school library materials whether to retain each library material reviewed in the school library catalog; and
3. Either (i) post in a conspicuous place on the Internet website maintained by the school a report; or (ii) provide physical copies of the report at the RYSS central administrative office.

The report must include:

1. The title of each library material reviewed;
2. RYSS's decision regarding the library. Material ; and
3. The school or campus where the library material is currently located.

Education Code 35.006.

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LIBRARY REQUEST FOR RECONSIDERATION OF MATERIAL

School:_____

Title:_____

Media Format (Book/video):_____

Author/Producer:_____

Request Initiated By

Name:_____

Address:_____

Telephone:_____

Does the person making this request represent a group or organization? Yes/No

If so, please identify the name of the organization:_____

Please answer the following questions:

1. Have you read, viewed, or listened to the material in its entirety? Yes/No
2. Please cite specific pages to which you objected. (Explain your objections
3. What do you identify as the theme of the material?
4. What good features do you identify?
5. For what age group would you recommend this material?
6. In place of this material, please recommend other material, which you consider to be of equal or superior quality for the educational purpose intended.
7. Do you wish to make an oral presentation to the Library Media Committee? Yes/No

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Signature: _____ Date:_____

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