

The IMRA Suitability Rubric will be presented for final approval by the State Board of Education at the January / February 2024 board meeting. The below represents the Suitability Rubric as approved at the December 13th special-called meeting for first reading.

Instructional Materials Review and Approval: Suitability Rubric

Section I. Overview

1. Purpose: The goal of the Instructional Materials (IM) Suitability Rubric is to provide guidance for determining that the IM is “suitable for the subject and grade level” per [Texas Education Code \(TEC\) Sec. 31.022\(a\)](#). Under the Instructional Materials and Review Approval process, IM will be reviewed on the basis of suitability, as well as quality, TEKS coverage, factual errors, and compliance with parent portal requirements.
2. Structure: The rubric is arranged by category with a suitability indicator and corresponding guidance supporting the indicator, if applicable.
3. Scoring: Suitability evaluations are intended to support LEAs in making decisions that best meet state expectations. IM are scored as Meets Suitability Indicator or Does Not Meet Suitability Indicator. The SBOE members will use the determinations provided by the reviewers to decide and vote on an IM’s suitability.

Section II. Suitability Indicators

1. Prohibition on Common Core

1.1. The IM is not designed to comply with common core state standards. ([Texas Education Code \(TEC\) Sec. 28.002\(b-1\)-\(b-4\)](#))

2. Alignment with Public Education’s Constitutional Goal

2.1. In a way fitting for the intended subject and grade, the IM seeks to prepare children for self-governance, including by:

- 2.1.1. promoting citizenship, patriotism, democracy, understanding of the essentials and benefits of the free enterprise system, respect for recognized authority, and respect for individual rights;
- 2.1.2. treating violence, if it appears, in the context of its cause and consequence and not presenting violence for reasons of unwholesome excitement or sensationalism;
- 2.1.3. presenting positive aspects of the United States and Texas, their heritage, and their abundant natural resources; and
- 2.1.4. not encouraging or condoning current activities that promote civil disorder, social strife, or disregard of the law. (SBOE Operating Rule Sec. 2.9(c)(4)(B)) This section does not prohibit the teaching of historical examples of demonstrations such as peaceful protests or boycotting.

2.2. The IM does not teach or require a practice prohibited by TEC Sec. 28.0022 (a)(4)(A)-(C):

- 2.2.1. one race or sex is inherently superior to another race or sex;
 - 2.2.2. an individual, by virtue of the individual's race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;
 - 2.2.3. an individual should be discriminated against or receive adverse treatment solely or partly because of the individual's race or sex;
 - 2.2.4. an individual's moral character, standing, or worth is necessarily determined by the individual's race or sex;
 - 2.2.5. an individual, by virtue of the individual's race or sex, bears responsibility, blame, or guilt for actions committed by other members of the same race or sex;
 - 2.2.6. meritocracy or traits such as a hard work ethic are racist or sexist or were created by members of a particular race to oppress members of another race;
 - 2.2.7. the advent of slavery in the territory that is now the United States constituted the true founding of the United States;
 - 2.2.8. with respect to their relationship to American values, slavery and racism are anything other than deviations from, betrayals of, or failures to live up to the authentic founding principles of the United States, which include liberty and equality; or
 - 2.2.9. include any materials developed through the 1619 Project. ([TEC Sec. 28.0022\(a\)\(4\)\(A\)-\(C\)](#))
3. Parental Rights and Responsibilities
- 3.1. The IM should recognize and not contradict that parents have the right to “direct the moral and religious training” of their children and the duty to support their children’s education. ([Texas Family Code Sec. 151.001 \(a\)](#))
4. Prohibition on Forced Political Activity
- 4.1. The IM does not compel teachers to discuss a widely debated and currently controversial topic of public policy or social affairs ([TEC 28.0022\(a\)\(1\)](#)) and supports teachers who choose to discuss them with material that allows them to explore the topic objectively and in a manner free from political bias. ([TEC 28.0022\(a\)\(2\)](#))
 - 4.2. The IM does not require or award a grade or course credit, including extra credit, for a student’s work for, affiliation with, or service learning in association with any organization engaged in:
 - 4.2.1. lobbying for legislation at the federal, state, or local level, if the student’s duties involve directly or indirectly attempting to influence:
 - 4.2.2. social or public policy or the outcome of legislation;
 - 4.2.3. social policy advocacy or public policy advocacy;
 - 4.2.4. political activism, lobbying, or efforts to persuade members of the legislative or executive branch at the federal, state, or local level to take specific actions by direct communication; or
 - 4.2.5. participation in any internship, practicum, or similar activity involving social policy advocacy or public policy advocacy. ([TEC Sec. 28.0022\(a\)\(3\)](#))
5. Protecting Children’s Innocence

- 5.1. The IM does not include harmful material.
 - 5.2. The IM does not include obscene material.
 - 5.3. The IM does not include pervasively vulgar or educationally unsuitable material.
 - 5.4. The IM does not include sexually explicit material.
 - 5.5. The IM does not include sexually relevant material, subject to a requirement of the TEKS.
6. Promoting Sexual Health
 - 6.1. IM for Prekindergarten - grade 3 does not include instruction in human sexuality or topics of reproductive or sexual health. ([TAC Sec. 115.12-15](#))
 - 6.2. IM including human sexuality instruction will:
 - 6.2.1. present abstinence from sexual activity as the preferred choice of behavior in relationship to all sexual activity for unmarried persons of school age;
 - 6.2.2. devote more attention to abstinence from sexual activity than to any other behavior;
 - 6.2.3. emphasize that abstinence from sexual activity, if used consistently and correctly, is the only method that is 100 percent effective in preventing:
 - 6.2.3.1. pregnancy,
 - 6.2.3.2. sexually transmitted diseases,
 - 6.2.3.3. infection with human immunodeficiency virus or acquired immune deficiency syndrome, and
 - 6.2.3.4. the emotional trauma associated with adolescent sexual activity;
 - 6.2.4. direct adolescents to a standard of behavior in which abstinence from sexual activity before marriage is the most effective way to prevent:
 - 6.2.4.1. pregnancy,
 - 6.2.4.2. sexually transmitted diseases, and
 - 6.2.4.3. infection with human immunodeficiency virus or acquired immune deficiency syndrome; and
 - 6.2.5. teach contraception and condom use in terms of human use reality rates instead of theoretical laboratory rates, if contraception and condom use are included in the IM. ([TEC Sec. 28.004\(e\)](#))
 - 6.3. The IM does not contradict state policy regarding the protection of an unborn child. ([Texas Health and Safety Code Ch. 170A](#))
 - 6.4. The IM including human sexuality instruction will not contradict or subvert parental awareness of and involvement in human sexuality instruction. ([TEC Sec. 28.004\(c\)\(2\)\(D\), \(c\)\(6\), \(i\), \(i-2\), \(j\), \(j-1\), and \(j-2\)](#))
 7. Compliance with the Children’s Internet Protection Act (CIPA)
 - 7.1. The IM allows a school to be compliant with CIPA requirements. ([TEC Sec. 31.1011\(a\)\(1\)\(B\)\(i\)](#)); [USC Sec. 54.520](#))

Section III. Guidance to Suitability Indicators

1. Prohibition on Common Core
 - 1.1. Materials do not reference or allude to "Common Core State Standards" explicitly or implicitly. The materials terminology, instructional methodology, and assessment styles predominantly display alignment with TEKS, where appropriate.
 - 1.2. Materials are aligned to the Texas Essential Knowledge and Skills (TEKS).
2. Alignment with Public Education's Constitutional Goal
 - 2.1. Guidance:
 - 2.1.1. Preparing students for self-governance consists of cultivating in students an informed American patriotism and leading students in a close study of the founding documents of the United States and Texas to achieve the following objectives:
 - 2.1.1.1. Increase students' knowledge of the deepest and noblest purposes of the United States and Texas;
 - 2.1.1.2. Enhance students' intellectual independence so that students may become thoughtful, informed citizens who have an appreciation for the fundamental democratic principles of our state and national heritage, including as a constitutional republic; and
 - 2.1.1.3. Guide students toward understanding and functioning productively in a free enterprise society. ([TEC 4.001\(b\)](#))
 - 2.1.2. Materials do not contradict the constitutional purpose of public education of promoting a deep understanding of self-governance by advocating for opposing ideals through documents, political or economic theories, or key figures.
 - 2.1.3. If violence is depicted, materials handle it with care, providing context around its cause and consequence.
 - 2.2. Guidance:
 - 2.2.1. Materials do not teach, instruct, or train any administrator, teacher, or staff member of school to adopt a concept listed under Category II, Suitability Indicator 2. ([TEC Sec. 28.0022 \(a\)\(4\)\(B\)](#))
 - 2.2.2. Materials do not incorporate or rely on content developed through the 1619 Project or any of the concepts perpetuated by the 1619 Project, including lessons, articles, or references, but rather depict the founding of the United States primarily in relation to the Declaration of Independence in 1776 and do not position the arrival of the first enslaved Africans in 1619 as the true founding of the nation. ([TEC Sec. 28.0022 \(a\)\(4\)\(C\)](#))
 - 2.2.3. Materials should honestly address the history of slavery and should not frame it as the sole defining factor of the American experience.
3. Parental Rights and Responsibilities
 - 3.1. Materials recognize and uphold the rights of parents, ensuring content aligns with the principle that parents have the right to direct the moral and religious training of their children.
4. Prohibition on Forced Political Activity
 - 4.1. Materials do not favor or promote specific political ideologies, ensuring unbiased

representation throughout and provide clear flexibility for educators without enforcing mandatory scripts or dictating specific viewpoints on any topic. When addressing debated topics, materials offer a balanced presentation of multiple perspectives without prioritizing one over the others.

5. Protecting Children’s Innocence
 - 5.1. “Harmful Material” ([Texas Penal Code \(TPC\) Sec. 43.24](#)): means material whose dominant theme taken as a whole:
 - 5.1.1. appeals to the prurient interest of a minor, in sex, nudity, or excretion;
 - 5.1.2. is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for minors; and
 - 5.1.3. is utterly without redeeming social value for minors.
 - 5.2. “Obscene Material” ([TPC Sec. 43.21\(a\)\(1\)](#)): means material or a performance that:
 - 5.2.1. the average person, applying contemporary community standards, would find that taken as a whole appeals to the prurient interest in sex;
 - 5.2.2. includes any content described by [TPC Sec. 43.21\(a\)\(1\)\(B\)](#); and
 - 5.2.3. taken as a whole, lacks serious literary, artistic, political, and scientific value.
 - 5.3. “Pervasively Vulgar or Educationally Unsuitable Material” ([Island Trees School District v. Pico \(1982\)](#)): In a plurality opinion, the U.S. Supreme Court explained that it would not be unconstitutional to exclude materials for pervasive vulgarness or educational unsuitability as long as the removal was not due to viewpoint discrimination.
 - 5.4. “Sexually Explicit Material” ([TEC Sec. 33.021\(a\)](#)): means any communication, language, or material, including a written description, illustration, photographic image, video image, or audio file that describes, depicts, or portrays sexual conduct, as defined by [TPC Sec. 43.25\(a\)\(2\)](#), in a way that is patently offensive, as defined by [TPC Sec. 43.21\(a\)\(4\)](#).
 - 5.5. “Sexually Relevant Material” ([TEC 35.001\(3\)](#)): means any communication, language, or material, including a written description, illustration, photographic image, video image, or audio file that describes, depicts, or portrays sexual conduct, as defined by [TPC Sec. 43.25\(a\)\(2\)](#).
6. Promoting Sexual Health
 - 6.1. Materials including visual aids, texts, illustrations, and examples maintain a clear boundary from human sexuality and reproductive health topics, focusing instead on age-appropriate and non-sexual health information.
 - 6.2. N/A
 - 6.3. The IM does not promote or encourage abortion as a pregnancy option.
 - 6.4. Guidance:
 - 6.4.1. Materials align with and respect parental rights and involvement, ensuring no content undermines parents' roles in human sexuality education.
7. Compliance with the Children’s Internet Protection Act (CIPA)

- 7.1. Materials, including digital and computer-generated images are devoid of visual depictions that are obscene, child pornography, or harmful. No visuals hint or allude to sexually explicit conduct, especially with minors.
- 7.2. Content is age-appropriate, aligning with the intended audience's maturity.
- 7.3. External online resources, if linked, align with CIPA standards. All linked resources are pre-screened to ensure they don't host or redirect to non-compliant content.
- 7.4. User-generated sections (comments, forums) have preventative and corrective measures against CIPA violations. Clear guidelines and moderation tools are in place to manage user content.
- 7.5. Materials note continuous updates ensure the material's alignment with CIPA standards, accounting for evolving online content dynamics.
- 7.6. Content providers offer written assurances or certifications of their material's CIPA compliance.