

Policy: IIA BROOKINGS SCHOOL DISTRICT 5-1 INSTRUCTIONAL MATERIALS SELECTION PRINCIPLES FOR THE SELECTION and PURCHASE OF MATERIALS

In the belief that the success of educational programs is dependent to a degree upon the quantity and quality of books, musical literature, and other educational media made available to students, it is the policy of the schools to implement the philosophy and **objectives** of education in the district.

(See objectives in italics below)

Brookings School objectives from website: <https://www.brookings.k12.sd.us/domain/28>

- 1. Student academic excellence and achievement through quality programs and an innovative teaching and learning environment.*
- 2. Aligned learning community connected to and engaged with the community and stakeholders.*
- 3. Effective internal and external communications to engage and inform the community and stakeholders.*
- 4. Aligned and integrated effective organizational systems.*
- 5. High performing staff, leadership, and school board governance.*
- 6. Maintain fiscal stability, accountability, and alignment through effective financial practices.*

POLICY OF SELECTION

We believe that the School Board is responsible to the people and therefore must reflect the opinion of the community. We feel that this responsibility is best satisfied by: Providing materials that will **enrich and support the curriculum, taking into consideration the varied interests, abilities, and maturity levels** of the pupils served. **Providing materials that will stimulate growth in factual knowledge, literary appreciation, aesthetic values, worthy use of leisure time, and ethical standards.** Providing a background of information, which will enable pupils to make intelligent judgments in their daily life. Providing materials on opposing sides of controversial issues so that young citizens may develop the practice of critical reading and thinking. Providing materials representative of the many ethnic, and cultural groups and their contributions to our American heritage. **Placing principle above personal opinion and reason above prejudice in the selection of materials of the highest quality in order to assure a comprehensive collection appropriate for the uses of the school.**

CRITERIA FOR SELECTION

The educational goals of the local school district, individual student learning methods, teaching approaches, curricular needs, faculty and student needs, and existing materials must be considered in the selection of new textbooks, **library books**, technology audio-visual resources and other updated materials. The content of the material should: Contribute to the objectives of the instructional program. **Be appropriate to the level of the student. Reflect the problems, aspirations, attitudes and ideals of a particular social group in a pluralistic society. Have artistic, historic and/or literary qualities** or scientific accuracy. Stimulate creativity. Relate to today's world. Gift materials should be judged by the criteria listed in this section and should be accepted or rejected on the basis of those criteria.

RESPONSIBILITY FOR SELECTION OF MATERIALS The Board of Education is legally responsible for all matters relating to the operation of the Brookings Public School District. The responsibility for the selection of instructional materials is delegated to the district's professionally trained personnel. Selection of materials involves many people; principals, teachers, supervisors, and librarians. **The process of selection should be expedited by reviews, recommended lists, standard bibliographic tools, or personal examination.**

INTELLECTUAL FREEDOM AND RESPONSIBILITY Materials should present a fair view concerning the problems and issues of our time, international, national, and local. Books and other materials shall not be proscribed or removed from the library or classroom because of partisan approval or disapproval. Two basic factors, truth and art, will be considered in the selection of materials. The first is factual accuracy, balance, authoritativeness, and **integrity**. The second is quality of stimulating presentation, imagination, vision, creativeness, **style appropriate to idea, vitality, and distinction.**

RECONSIDERATION OF MATERIALS While no parent or group of parents has the right to determine the reading matter or musical literature for students other than their own child, the board does recognize the right of an individual parent to request that the child not have to read a given book or perform a specific musical selection, provided a written request is made to the appropriate building principal. Requests for the reconsideration of books or other materials used in the school must be submitted in writing to the principal on a form prescribed by the administration. Objections thus submitted will be considered by a committee consisting of two (2) teachers and one (1) librarian for library materials (print or non-print), or three (3) teachers for other than library materials (print or nonprint). The committee, appointed by the principal, shall review the material and judge whether it conforms to the above stated principles. The committee will submit its report, in writing, to the principal, with a copy to the district's superintendent. This report must be completed in thirty (30) days from the time the complaint is received. The person submitting the complaint will be given the opportunity to discuss it with the committee if so desired. Appeals from the decision may be made through the principal, to the central administration, to the School Board for the final decision. Adopted: 01/09/1978 (5148) Revised: 03/14/1994 Revised: 08/08/2005 Reviewed: 07/15/

South Dakota 2022 Codified Law (https://sdlegislature.gov/Statutes/Codified_Laws)

22-24A-2. Definitions.

Terms used in §§ [22-19A-1](#), [22-24A-1](#) to [22-24A-20](#), inclusive, [22-24B-1](#), [23A-27-14.1](#), and [43-43B-1](#) to [43-43B-3](#), inclusive, mean:

- (1) "Adult," any person eighteen years of age or older;
- (2) Child pornography," any image or visual depiction of a minor engaged in prohibited sexual acts;
- (3) "Child" or "minor," any person under the age of eighteen years;
- (16) "Prohibited sexual act," actual or simulated sexual intercourse, sadism, masochism, sexual bestiality, incest, masturbation, or sadomasochistic abuse; actual or simulated exhibition of the genitals, the pubic or rectal area, or the bare feminine breasts, in a lewd or lascivious manner; actual physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breast with the intent to arouse or gratify the sexual desire of either party; defecation or urination for the purpose of creating sexual excitement in the viewer; or any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed. The term includes encouraging, aiding, abetting or enticing any person to commit any such acts as provided in this subdivision. The term does not include a mother's breast-feeding of her baby;

22-24A-3 Possessing, manufacturing, or distributing child pornography--Felonies—

Terms used in §§ [22-19A-1](#), [22-24A-1](#) to [22-24A-20](#), inclusive, [22-24B-1](#), [23A-27-14.1](#), and [43-43B-1](#) to [43-43B-3](#), inclusive, mean:

- (1) "Adult," any person eighteen years of age or older;
- (2) Child pornography," any image or visual depiction of a minor engaged in prohibited sexual acts;

22-24A-7. Liability for civil damages.

Any person, except a minor, who knowingly participates in any conduct proscribed by §§ [22-19A-1](#), [22-24A-1](#) to [22-24A-20](#), inclusive, [22-24B-1](#), [22-49-1](#) to [22-49-3](#), inclusive, [23A-27-14.1](#), and [43-43B-1](#) to [43-43B-3](#), inclusive, is liable for civil damages.

Source: SL 2002, ch 109, § 14; SDCL § 22-22-24.7; SL 2005, ch 120, § 407; SL 2014, ch 109, § 20.

22-24-25.1 County or municipal ordinance establishing contemporary community standards test.

Community standard language” according to SDBOR 5-9-23 <https://southdakotasearchlight.com/briefs/south-dakota-board-regents->“ Language in the policy bars non-student minors from attending programs that include “content that is patently offensive to prevailing community standards in the adult community as a whole with respect to what is suitable material for minors.”

22-24-25.1. County or municipal ordinance establishing contemporary community standards test.

Any county or municipality may provide, by ordinance, for a contemporary community standards test to regulate the sale, distribution, and use of obscene material and to regulate obscene live conduct in any commercial establishment or public place within its jurisdiction.

Source: SDCL, § 22-24-25 as added by SL 1978, ch 162; SL 1994, ch 167, § 2; SL 2004, ch 155, § 1; SL 2005, ch 120, § 302.

Community standard language” as stated by SD Board of Regents 5-9-23

<https://southdakotasearchlight.com/briefs/south-dakota-board-regents->

22-24-27. Definition of terms.

Terms used in §§ 22-24-25 to 22-24-37, inclusive, mean:

- (1) "Contemporary community standard," the contemporary community standard of the state in which the question of obscenity is to be tested, by the average person, of the state;
- (2) "Distributed," to transfer possession of, whether with or without consideration;
- (3) "Exhibit," to show or display;
- (4) "Harmful to minors," includes in its meaning the quality of any material or of any performance or of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sado-masochistic abuse, if it:
 - (a) Predominantly appeals to the prurient, shameful, or morbid interest of minors; and
 - (b) Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and
 - (c) Is without serious literary, artistic, political, or scientific value;
- (5) "Magistrate," any circuit court or magistrate judge;
- (6) "Material," anything tangible which is harmful to minors, whether derived through the medium of reading, observation, or sound;
- (7) "Matter" or "material," any book, magazine, newspaper, or other printed or written material; or any picture, drawing, photograph, motion picture, or other pictorial representation; or any statue or other figure; or recording, transcription or mechanical, chemical, or electrical reproduction; or any other articles, equipment, machines, or materials;
- (8) "Minor," any person less than eighteen years of age;
- (9) "Nudity," within the meaning of subdivision (4) of this section, the showing of the human male or female genitals, pubic area, or buttocks with less than a full opaque covering, or the showing of the female breast with less than a full opaque covering or any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state;
- (10) "Obscene live conduct," any physical human body activity, whether performed or engaged in alone or with other persons, including singing, speaking, dancing, acting, simulation, or pantomiming, where:

- (a) The dominant theme of such conduct, taken as a whole, appeals to a prurient interest;
 - (b) The conduct is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters; and
 - (c) The conduct is without serious literary, artistic, political, or scientific value.
- In prosecutions under §§ [22-24-27](#) to [22-24-37](#), inclusive, if circumstances of production, presentation, advertising, or exhibition indicate that live conduct is being commercially exploited by the defendant for the sake of its prurient appeal, such evidence is probative with respect to the nature of the conduct;

(11) "Obscene material," material:

- (a) The dominant theme of which, taken as a whole, appeals to the prurient interest;
- (b) Which is patently offensive because it affronts contemporary community standards relating to the description or representation of sado-masochistic abuse or sexual conduct; and
- (c) Lacks serious literary, artistic, political, or scientific value.

In prosecutions under §§ [22-24-27](#) to [22-24-37](#), inclusive, if circumstances of production, presentation, sale, dissemination, or publicity indicate that the matter is being commercially exploited by the defendant for the sake of its prurient appeal, such evidence is probative with respect to the nature of the matter;

(12) "Prurient interest," a shameful or morbid interest in nudity, sex, or excretion, which goes substantially beyond customary limits of candor in description or representation of such matters. If it appears from the character of the material or the circumstances of its dissemination that the subject matter is designed for a specially susceptible audience or clearly defined deviant sexual group, the appeal of the subject matter shall be judged with reference to such audience or group;

(13) "Sado-masochistic abuse," flagellation or torture by or upon a person who is nude or clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound, or otherwise physically restrained on the part of one who is nude or so clothed;

(14) "Sexual conduct," within the meaning of subdivision (4) of this section, any act of masturbation, homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or if such person be a female, the breast;

(15) "Sexual excitement," the condition of human male or female genitals when in a state of sexual stimulation or arousal.

Source: SL 1968, ch 29, § 1; SDCL Supp, § [22-24-11](#); SL 1974, ch 165, § 1; SL 1976, ch 158, §§ [24-3](#) to [24-5](#); SL 1994, ch 167, § 3; SL 2005, ch 120, § 303.

Legislative Research Council

500 East Capitol Avenue | Pierre, SD 57501

22-24-29. Possession, sale, or loan as disseminating material harmful to minors.

A person is guilty of disseminating material harmful to minors if that person knowingly gives or makes available to a minor or promotes or possesses with intent to promote to minors, or if that person knowingly sells or loans to a minor for monetary consideration any material described in subdivision § 22-24-27(4).

Source: SL 1974, ch 165, § 18 (1); SL 2005, ch 120, § 304.

22-24-55. Public schools to restrict access to obscene materials on public access computers.

Any public school that provides a public access computer shall do one or both of the following:

- (1) Equip the computer with software that will limit minors' ability to gain access to obscene materials or purchase internet connectivity from an internet service provider that provides filter services to limit access to obscene materials; or
- (2) Develop and implement, by January 1, 2001, a local policy that establishes measures to restrict minors from computer access to obscene materials.

Source: SL 1999, ch 76, § 1; SL 2005, ch 120, § 312.

22-22-42. Bestiality--Acts constituting--Commission a felony.

No person, for the purpose of that person's sexual gratification, may:

- (1) Engage in a sexual act with an animal; or
- (2) Coerce any other person to engage in a sexual act with an animal; or
- (3) Use any part of the person's body or an object to sexually stimulate an animal; or
- (4) Videotape a person engaging in a sexual act with an animal; or
- (5) Kill or physically abuse an animal.

Any person who violates any provision of this section is guilty of the crime of bestiality. Bestiality is a Class 6 felony. However, if the person has been previously convicted of a sex crime pursuant to § 22-24B-1, any subsequent violation of this section is a Class 5 felony.

Source: SL 2003, ch 127, § 1; SL 2005, ch 120, § 406.

22-22-43. Sexual act with an animal defined--Proof.

For the purposes of § 22-22-42, the term, sexual act with an animal, means any act between a person and an animal involving direct physical contact between the genitals of one and the mouth or anus of the other, or direct physical contact between the genitals of one and the genitals of the other. A sexual act with an animal may be proved without evidence of penetration.

Source: SL 2003, ch 127, § 2.

Public access computer defined.

For the purposes of §§ [22-24-55](#) to [22-24-59](#), inclusive, a public access computer is any computer that is located in a public school or public library.

Source: SL 1999, ch 76, § 5.

("Computer," any electronic, magnetic, optical, electrochemical, or other high-speed data processing device performing logical, arithmetic, or storage functions and includes any data storage facility or communications facility directly related to or operating in conjunction with such device, including wireless communication devices such as cellular phones. The term also includes any on-line service, internet service, or internet bulletin board;)

[22-24-57](#). Complying public school or library not liable for damages.

No public school that complies with § [22-24-55](#) or any public library that complies with § [22-24-56](#) may be held liable for any damages that may arise from a minor gaining access to obscene materials through the use of a public access computer that is owned or controlled by the public school or public library.

Source: SL 1999, ch 76, § 3; SL 2005, ch 120, § 313.