

## Resolution - Prohibit Inappropriate Content from Schools and Libraries

**WHEREAS**, Parents and citizens have become increasingly concerned about the inappropriate and harmful content of materials in schools and libraries including **graphic images, explicit text, and referrals** to harmful resources. **Online** resources may include encyclopedias, magazines, periodicals, and eBooks. **Physical** resources may include instructional materials, reading lists resources, library books, and classroom libraries.

**WHEREAS, Pornography** use has reached such epidemic proportions that 15 state legislatures have now formally recognized it as a health crisis impacting minors. Similar to Big Tobacco, the **Pornography Industry targets youth** with advertising, resulting in increasingly younger ages of exposure. Pornography fuels sex trafficking. First exposures may occur via school supplied technology.

**WHEREAS**, Studies clearly demonstrate the mental, emotional and physical harms of pornography to minors, including depression, anxiety, difficulty forming healthy relationships, and increased acceptance of, or acting out of, sexual aggression. The AP reports that **student on student sexual violence** is a hidden epidemic in America's schools. Roughly 90% of pornography depicts acts of verbal or physical aggression against women and girls.

**WHEREAS**, Pornography and Sex Industry advertisements have been found to be extensively embedded into vendor supplied digital resources commonly referred to as "Research Databases" such as those supplied by **EBSCO** and **GALE** that are widely purchased by Texas schools as scholastic tools for K-12 students. Research Databases are proprietary and escape internet filtering, exploiting loopholes in our state statutes and federal Children's Internet Protection Act (CIPA) laws designed to **protect children from obscene and harmful** material.

**WHEREAS**, the **National Center on Sexual Exploitation (NCOSE)** has published evidence naming **EBSCO** to the Dirty Dozen List as a major facilitator of the sexual exploitation of women and children in 2017, 2018, 2019 and 2020.

**WHEREAS**, The **Texas State Library and Archives Commission (TSLAC)** administers **TexQuest**, a "statewide digital resources program that provides anytime, anywhere access to high quality, authoritative digital resources to all educators, students, and students' immediate families in Texas K-12 public schools and open enrollment charter schools" including **EBSCO** eBooks and **Gale/Cengage** magazines and periodicals that have been found to include obscene content.

**WHEREAS**, in the Miller vs California case of 1973, the Supreme Court of the United States has determined that the First Amendment of the United States Constitution does not protect materials which are obscene, defined as

1. Materials which taken as a whole, appeal to prurient interests according to contemporary community standards;
2. Materials that, according to contemporary community standards as viewed by the average person, depict or describe sexual conduct in a patently offensive way; and
3. Materials that a reasonable person finds that, taken as a whole, lack serious literary, artistic, political, or scientific value;

**WHEREAS**, Texas has a compelling state interest in protecting the health, safety and welfare of minors by enacting and enforcing Texas Penal Code Section 43.24 Sale, Distribution, or Display of **Harmful**

**Materials to Minors** which prohibits the dissemination of materials deemed harmful to minors, defined as “material whose dominant theme taken as a whole:

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

that includes **affirmative defenses** for the “sale, distribution, or display of harmful material to minors” for “scientific, **educational**, governmental, or other similar justification.”

**WHEREAS**, Texas is a **local control** state requiring school district School Health Advisory Councils to recommend human sexuality instruction based on the **centrality of abstinence** in Texas Education Code 28.004(e) that states “Any course materials and instruction relating to human sexuality, sexually transmitted diseases, or human immunodeficiency virus or acquired immune deficiency syndrome shall be selected by the board of trustees with the advice of the local school health advisory council and must:

- (1) present abstinence from sexual activity as the preferred choice of behavior in relationship to all sexual activity for unmarried persons of school age;
- (2) devote more attention to abstinence from sexual activity than to any other behavior;
- (3) emphasize that abstinence from sexual activity, if used consistently and correctly, is the only method that is 100 percent effective in preventing pregnancy, sexually transmitted diseases, infection with human immunodeficiency virus or acquired immune deficiency syndrome, and the emotional trauma associated with adolescent sexual activity;
- (4) direct adolescents to a standard of behavior in which abstinence from sexual activity before marriage is the most effective way to prevent pregnancy, sexually transmitted diseases, and infection with human immunodeficiency virus or acquired immune deficiency syndrome; and
- (5) teach contraception and condom use in terms of human use reality rates instead of theoretical laboratory rates, if instruction on contraception and condoms is included in curriculum content.”

**THEREFORE**, the State of Texas should pass legislation to prohibit inappropriate content in Texas schools and libraries and the Texas GOP should replace platform plank #147 as follows:

**Plank #147. Inappropriate Content:** We request that the Texas Legislature pass legislation that requires Texas schools and libraries to block and filter inappropriate content, such as pornography, for minors. Texas should protect parental interest, protection of minors, and local control jurisdiction by requiring library boards and school district to include parents on library committees with diversity of viewpoint representation to oversee the purchase and purging of library physical and online resources. Texas school districts should establish controversial issues board policy that includes diversity of viewpoint, respect for traditional values, and reasonable complaint process to appeal content and instruction. Operators of adult sex entertainment businesses and venues, adult entertainment of any kind, including Drag Queen Story Hour, shall not be part of educational programming in public schools, libraries, or any other taxpayer-funded program for children.

**THEREFORE**, LET IT BE RESOLVED, that a copy of this resolution be sent to the \_\_\_\_\_ County/Senate District #\_\_\_\_\_ Convention Resolutions Committee from Precinct #\_\_\_\_\_ with the recommendation that it be passed and sent to the State Convention Platform Committee of the Republican Party of Texas.