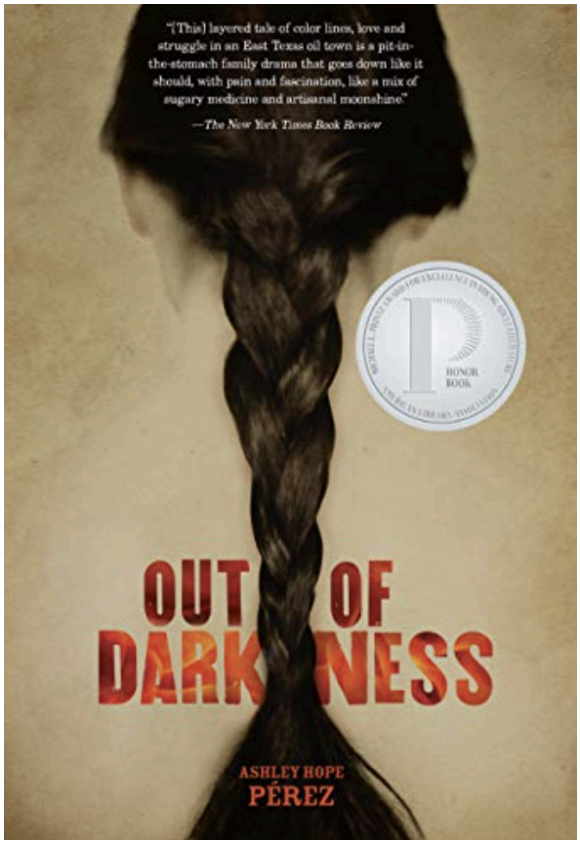


“Out Of Darkness”

By Ashley Hope Perez
Published by Carolrhoda Lab
Publication Date: September 2, 2015

Word Counts

- nigger 23
- cunt 1
- dirty Mexican 3
- cornhole 1
- titties 1
- f*ck 2
- d*ck 2
- p*ssy 4
- a*s 1
- b*tch 1
- b*stard 5
- sex 1
- pregnant 4
- rape 2
- drunk 3
- beer 6
- shit 8
- damn 29
- Jesus 4 (in vain)
- God 13 (in vain)

Title Summary

New London, Texas, 1937. Naomi Vargas and Wash Fuller know about the lines in East Texas as well as anyone. They know the signs that mark them. They know the people who enforce them. But sometimes the attraction between two people is so powerful, it breaks through even the most entrenched color lines. And the consequences can be explosive.

Ashley Hope Pérez takes the facts of the 1937 New London school explosion, the worst school disaster in American history, as a backdrop for a riveting novel about segregation, love, family, and the forces that destroy people.

Main Character

Naomi, Beto, Henry

Passage #1 from Out of Darkness

Chapter # or name

Pg 380-381

The rape scene (p. 380-381)

Beto tied Wash to the tree with shaking fingers. He was sobbing now. “That wasn't so hard, was it?” Henry said when Beto finished. He crossed to the tree and tested the knots one by one before turning his back to Wash. “Look at me, son," he said to Beto. "Now I'm going to show you another side of what it means to be a man. What do you do with a field you own? You plow it.” He walked over to Naomi. “Lie down,” he told her. “Don't do this, Henry." Naomi's lip trembled as she spoke. “Down," Henry ordered. She dropped to her knees. The clouds cleared then, and tears shone on her face. Beto wanted to run to her, but he couldn't move. “**Lie back. Open your legs. Stop crying.** Don't try to tell me this is the first time you've done this,” Henry said. "Henry,” she protested, “I haven't-I've never-” “You've lied enough already," he said. Then **he pushed her back until her head was on the ground.** “Beto, you come here. Watch. But don't try anything. I've got the gun right here.” Beto looked long enough to see the revolver his father held near his sister's face. The shotgun lay on the far side of Naomi, out of reach.

Passage #2 from Out of Darkness

Chapter

Pg 389

Graphic violence describing parts of a head being blown off and sticking to a tree trunk (p. 389)

"trigger, felt the gun lifting to his shoulder. “See? It's easy," Henry said. His Adam's apple bobbed against the skin of his neck. “I taught you this, son. Just

fire.” And it was easy Henry fell backward. A good part of his head was on the trunk of the tree behind where he had been standing. Beto had been aiming for Henry's heart, but he missed. He looked around at what had been his family. a Beto did not notice Jim Fuller's arrival. Did not register his presence until he pulled the shotgun away and tossed it in the direction of Henry's body. Jim crouched down beside Wash and Naomi and checked for a pulse. Beto vomited, took a step toward the bodies, then vomited again. He was still dry-heaving into the leaves, choking on his own sobs, when Jim turned around. Wash's father was dry-eyed and calm.
"Come with me, son," he said, taking Beto by the shoulders.

Passage #3 from Out of Darkness

Chapter
Pg 68

The graphic child molestation description on page 68 is literally CHILD pornography

"Henry was staring right at her. He grinned. “You thought you fooled me, but I fooled you," he said. "I knew you were awake.” He closed the door behind him and locked it. He had put locks on all the bedroom doors the week before. When Estella asked him why, he said simply, "It's how a house should be." She hadn't protested. Henry came to the side of her bed and pulled back the covers. Naomi sat up quickly and scrambled backward. "Shh," he said. He took one of her hands in his and squeezed it. “Come on over here.” He pulled her to her feet, close to him. **He shifted in his pajamas, and the part of him that made him a man stuck out, reddish purple and frightening**. She had never seen one before except on a baby. This was different. **He lifted her hand to his mouth and licked it. Then he lowered her hand down and closed it around the hardness. His hand moved hers.** His left hand gripped her shoulder, pressing her head tight against the hard, flat plane of his stomach. **She watched her hand move back and forth like it didn't belong to her. I**n the distance, she heard the train pass. **A moment later, the thing leaped. Henry's whole body shuddered, and a hot mess lay across her palm and between her fingers. Henry wiped himself quickly** with a handkerchief. Then, never letting go of her shoulder, he urged her toward the door. “Come on," he said once it was open. He walked her to the bathroom

and then guided her hand to the sink. “There,” he said, rinsing her hand and patting it dry. “All better." He walked back to his room like he had merely gone to get a glass of water. In the morning, when her mother asked her what was wrong, Naomi smiled a bright, false smile and said that it was nothing. Henry, sitting across from her at the table, raised his eyebrows at her over the top of his coffee cup and smiled. “She's a good girl, ain't she?” he said. **He winked at her** as if he were promising to keep her secret rather than commanding her to keep his.

Passage #4 from Out of Darkness

Chapter

Pg 33

The gang rape planning (p. 33) full of sexually explicit slang:
"the girls had to admit that, prettier than any girl in school. Elliott Grovener whistled. Dot Miller hissed back, “Go on, catch yourself a disease.” a Some of us could be jealous, and the greenest of all was Miranda Gibbler. None of us liked Miranda; all of us pretended to. She was ugly and had spite enough to poison the whole town. But what mattered was her daddy's money. “A Mexican is a Mexican is a Mexican," she said, plenty loud for the rest of us to hear. The girls among us followed Miranda's lead and began to tally flaws. Clothes from five years ago, a braid long out of style. Patch on the back hem of her dress. And also: how come her name is Smith when Smith isn't Mexican? Look at her, making eyes at Fred Carter, not wasting any time. The boys among us had no trouble getting past the plain clothes and laying down plans. Take her out back, we boys figured, then: **hand on the titties**; **put it in her coin box; put it in her cornhole; grab a hold of that braid; rub that calico.** The nicer boys among us thought, buy her ice cream first; dance with her once or twice? “Looking for the cigar factory?” Miranda said when the Mexican girl her way to the one empty seat at the front of the room. Miranda raised her eyebrows at Vanessa and Gladys and Betty Lee. They laughed. Some of us joined in. Most of us couldn't see the Mexican girl's face from where we sat. Still we wondered, could Mexicans blush? walked past on"

Law, Legal, Education Code

Florida

847.0123 (b)

Any book, pamphlet, magazine, printed matter however reproduced, or sound recording that contains any matter defined in s. 847.001,explicit and detailed verbal descriptions or narrative accounts of sexual excitement, or sexual conduct and that is harmful to minors.

847.001 (6)

“Harmful to minors” means any reproduction, imitation, characterization, description, exhibition, presentation, or representation, ofwhatever kind or form, depicting nudity, sexual conduct, or sexual excitementwhen it:
(a)Predominantly appeals to a prurient, shameful, or morbid interest;
(b)Is patently offensive to prevailing standards in the adult community as a whole with respect to what issuitable material or conduct for minors; and
(c)Taken as a whole, is without serious literary, artistic, political, or scientific value for minors.

1006.34

4. Any instructional material containing pornography or otherwise prohibited by s. 847.012 may not be used or made available within any public school.

Texas

Texas Penal Code Violations

Texas PENAL CODE
TITLE 9. OFFENSES AGAINST PUBLIC ORDER AND DECENCY
CHAPTER 43. PUBLIC INDECENCY
SUBCHAPTER B. OBSCENITY

Sec. 43.22. OBSCENE DISPLAY OR DISTRIBUTION

Sec. 43.22. OBSCENE DISPLAY OR DISTRIBUTION. (a) A person commits an offense if he intentionally or knowingly displays or distributes an obscene photograph, drawing, or similar visual representation or other obscene material and is

reckless about whether a person is present who will be offended or alarmed by the display or distribution.

(b) An offense under this section is a Class C misdemeanor.

Acts 1973, 63rd Leg., p. 883, ch. 399, Sec. 1, eff. Jan. 1, 1974. Amended by Acts 1993, 73rd Leg., ch. 900, Sec. 1.01, eff. Sept. 1, 1994.

Sec. 43.23. OBSCENITY

(a) A person commits an offense if, knowing its content and character, he wholesale promotes or possesses with intent to wholesale promote any obscene material or obscene device.

(b) Except as provided by Subsection (h), an offense under Subsection (a) is a state jail felony.

(c) A person commits an offense if, knowing its content and character, he:

(1) promotes or possesses with intent to promote any obscene material or obscene device; or

(2) produces, presents, or directs an obscene performance or participates in a portion thereof that is obscene or that contributes to its obscenity.

(d) Except as provided by Subsection (h), an offense under Subsection (c) is a Class A misdemeanor.

(e) A person who promotes or wholesale promotes obscene material or an obscene device or possesses the same with intent to promote or wholesale promote it in the course of his business is presumed to do so with knowledge of its content and character.

(f) A person who possesses six or more obscene devices or identical or similar obscene articles is presumed to possess them with intent to promote the same.

(g) It is an affirmative defense to prosecution under this section that the person who possesses or promotes material or a device proscribed by this section does so for a bona fide medical, psychiatric, judicial, legislative, or law enforcement purpose.

(h) The punishment for an offense under Subsection (a) or (c) is increased to the punishment for a felony of the second degree if it is shown on the trial of the offense that obscene material that is the subject of the offense visually depicts activities described by Section 43.21(a)(1)(B) engaged in by:

(1) a child younger than 18 years of age at the time the image of the child was made;

(2) an image that to a reasonable person would be virtually indistinguishable from the image of a child younger than 18 years of age; or

(3) an image created, adapted, or modified to be the image of an identifiable child.

(i) In this section, "identifiable child" means a person, recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature:

(1) who was younger than 18 years of age at the time the visual depiction was created, adapted, or modified; or

(2) whose image as a person younger than 18 years of age was used in creating, adapting, or modifying the visual depiction.

(j) An attorney representing the state who seeks an increase in punishment under Subsection (h)(3) is not required to prove the actual identity of an identifiable child.

Sec. 43.24. SALE, DISTRIBUTION, OR DISPLAY OF HARMFUL MATERIAL TO MINOR

(a) For purposes of this section:

(1) "Minor" means an individual younger than 18 years.

(2) "Harmful material" means 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.

(b) A person commits an offense if, knowing that the material is harmful:

(1) and knowing the person is a minor, he sells, distributes, exhibits, or possesses for sale, distribution, or exhibition to a minor harmful material;

(2) he displays harmful material and is reckless about whether a minor is present who will be offended or alarmed by the display; or

(3) he hires, employs, or uses a minor to do or accomplish or assist in doing or accomplishing any of the acts prohibited in Subsection (b)(1) or (b)(2).

(c) It is an affirmative defense to prosecution under this section that the sale, distribution, or exhibition was by a person having scientific, educational, governmental, or other similar justification.

(c-1) It is a defense to prosecution under this section that the actor was the spouse of the minor at the time of the offense.

(d) An offense under this section is a Class A misdemeanor unless it is committed under Subsection (b)(3) in which event it is a felony of the third degree.

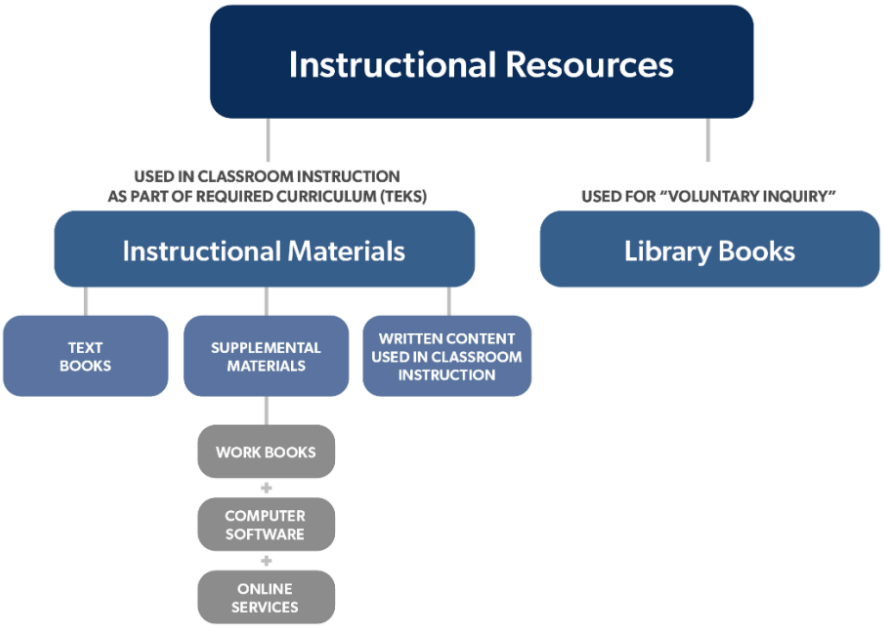
Texas ISD Legal

TASB Definition of Instructional Resources

Understanding Key Terms:

Can you explain the difference between instructional resources, instructional materials, and library books?

Here is a high-level overview outlining some key differences between instructional resources, instructional materials, and library books:



[Please see full document here.]

EF(LEGAL) - INSTRUCTIONAL RESOURCES

Table of Contents

School Library

A district possesses significant discretion to determine the content of its school libraries. A district must, however, exercise its discretion in a manner consistent with the First Amendment.

Removal of Library Materials

Students' First Amendment rights are implicated by the removal of books from the shelves of a school library. A district shall not remove materials from a library for the purpose of denying students access to ideas with which the district disagrees. A district may remove materials because they are pervasively vulgar or based solely upon the educational suitability of the books in question.

Texas Education Code

Schools may not distribute any content that contains sexuality content without a parent OPT IN.

Chapter 28

28.004(i-2)

(i-2) Before a student may be provided with human sexuality instruction, a school district must obtain the written consent of the student's parent. A request for written consent under this subsection:
(1) may not be included with any other notification or request for written consent provided to the parent, other than the notice provided under Subsection (i); and
(2) must be provided to the parent not later than the 14th day before the date on which the human sexuality instruction begins.
(i-3) Subsection (i-2) and this subsection expire August 1, 2024.

28.004(q-6)

(q-6) Before a student may be provided with instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking, a school district must obtain the written consent of the student's parent. A request for written consent under this subsection:
(1) may not be included with any other notification or request for written consent provided to the parent, other than the notice provided under Subsection (q-5); and

(2) must be provided to the parent not later than the 14th day before the date on which the instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking begins.

Also, see Sec. 43.24 SALE, DISTRIBUTION, OR DISPLAY OF HARMFUL MATERIAL TO MINOR

Other Texas Statutes and Laws

Utah

76-10-1227

Utah Code

76-10-1227 Indecent public displays -- Definitions.

(1) For purposes of this section and Section 76-10-1228:

(a) "Description or depiction of illicit sex or sexual immorality" means:

(i) human genitals in a state of sexual stimulation or arousal;

(ii) acts of human masturbation, sexual intercourse, or sodomy;

(iii) fondling or other erotic touching of human genitals or pubic region; or

(iv) fondling or other erotic touching of the human buttock or female breast.

(b) "Nude or partially denuded figure" means:

(i) less than completely and opaquely covering human:

(A) genitals;

(B) pubic regions;

(C) buttock; and

(D) female breast below a point immediately above the top of the areola; and

(ii) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(2)

(a) Subject to Subsection (2)(c), this section and Section 76-10-1228 do not apply to any material which, when taken as a whole, has serious value for minors.

(b) As used in Subsection (2)(a), "serious value" means having serious literary, artistic, political, or scientific value for minors, taking into consideration the ages of all minors who could be exposed to the material.

(c) A description or depiction of illicit sex or sexual immorality as defined in Subsection (1)(a)(i), (ii), or (iii) has no serious value for minors.

Amended by Chapter 123, 2007 General Session

https://le.utah.gov/xcode/Title76/Chapter10/C76-10-S1227_1800010118000101.pdf

76-10-1235

Chapter 10 Offenses Against Public Health, Safety, WElfare, and Morals
Part 12 Pornographic and Harmful Materials and Performances
Section 1235 Accessing pornogrpahic or indecent material on school property.

76-10-1235. Accessing pornographic or indecent material on school property.

(1) As used in this section:

(a) "Pornographic or indecent material" means any material:

(i) defined as harmful to minors in Section 76-10-1201;

(ii) described as pornographic in Section 76-10-1203; or

(iii) described in Section 76-10-1227.

(b) "School property" means property, including land and improvements, that a school district or charter school owns, leases, or occupies.

(2) Except as provided in Subsection (3), a person is guilty of accessing pornographic or indecent material on school property when the person willfully or knowingly creates, views, or otherwise gains access to pornographic or indecent material while present on school property, under circumstances not amounting to an attempted or actual violation of:

(a) distributing pornographic material as specified in Section 76-10-1204;

(b) inducing acceptance of pornographic material as specified in Section 76-10-1205;

(c) dealing in material harmful to a minor as specified in Section 76-10-1206; or

(d) indecent public displays as specified in Section 76-10-1228.

(3) This section does not apply to school or law enforcement personnel when the access to pornographic or indecent material on school property is limited to:

(a) investigation of a violation of this section; or

(b) enforcement of this section.

(4) Each separate offense under this section is:

(a) a class A misdemeanor if the person is 18 years of age or older; and

(b) a class B misdemeanor if the person is under 18 years of age.

(5) This section does not prohibit disciplinary action for actions that violate this section.

https://le.utah.gov/xcode/Title76/Chapter10/76-10-S1235.html?v=C76-10-S1235_1800010118000101

United States of America

Case

Island Trees vs Pico

This case is not a defense to keep a title carte blanc. Please see a FULL legal summary here.

Federal Law

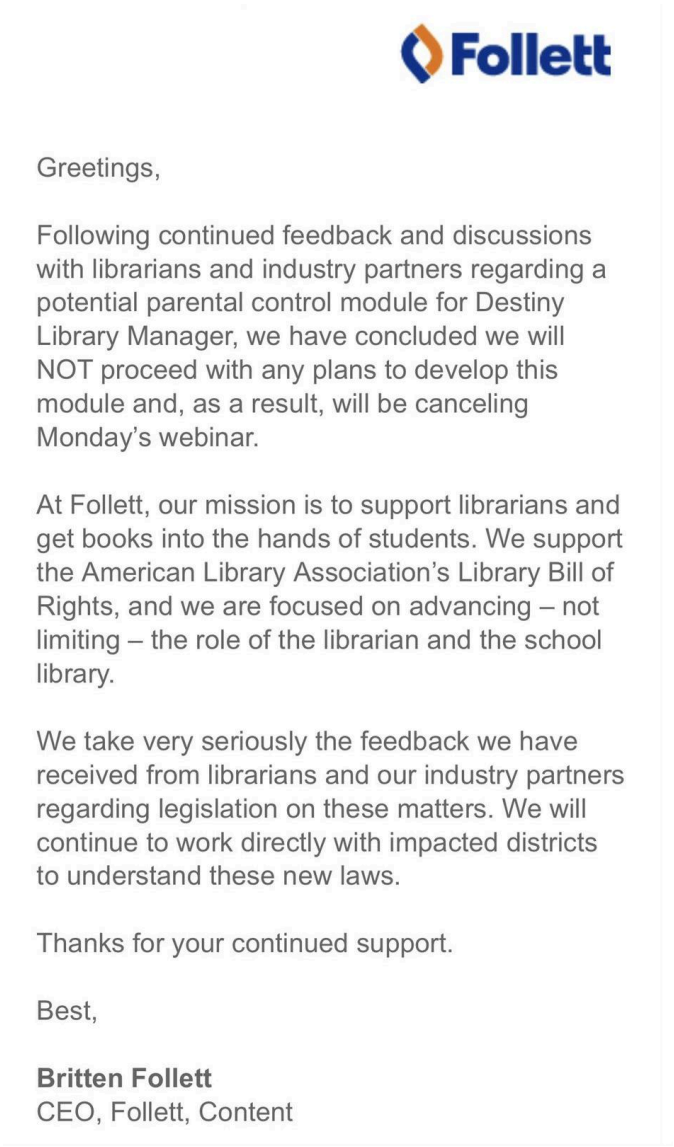
CIPA - Children's Internet Protection Act

18 U.S.C. App. III §§ 1-16. CIPA is a federal law that requires districts, as a prerequisite to receiving E-rate discounts, to certify that they have an internet safety policy that includes technology protection measures that block or filter internet access to pictures that are obscene, child pornography, or harmful to minors. The policy must also satisfy other requirements. 47 U.S.C. § 254(h)(5)(B). Similar requirements apply to districts receiving funds under the Elementary and Secondary Education Act (ESEA). 20 U.S.C. § 7131. See TASB Policy CQ(LEGAL) and (LOCAL). For more information, see FCC's CIPA Consumer Guide and E-Rate Central's CIPA Primer.

Tools

Folett Destiny Discover

Created by Follett. Click this link (https://www.gofollett.com) to search if a book is in your school.



Greetings,

Following continued feedback and discussions with librarians and industry partners regarding a potential parental control module for Destiny Library Manager, we have concluded we will NOT proceed with any plans to develop this module and, as a result, will be canceling Monday's webinar.

At Follett, our mission is to support librarians and get books into the hands of students. We support the American Library Association's Library Bill of Rights, and we are focused on advancing – not limiting – the role of the librarian and the school library.

We take very seriously the feedback we have received from librarians and our industry partners regarding legislation on these matters. We will continue to work directly with impacted districts to understand these new laws.

Thanks for your continued support.

Best,

Britten Follett
CEO, Follett, Content

Summary

- Title contains details of sexual acts.
- Title is pervasively vulgar, obscene, and not appropriate for K-12 public schools.
- The title violates penal codes.
- This title can and should be removed from all school districts.