

PARENTAL NOTIFICATION OF INSTRUCTIONAL MATERIALS WITH SEXUALLY EXPLICIT CONTENT

The purpose of this regulation is to outline the processes and procedures for: the identification of instructional materials with sexually explicit content assigned in classroom instruction, notifying parents in advance, providing parents the ability to inspect and review those materials, and ensuring parents have the opportunity to request alternative materials, in support of Policy IIA.

A. Identification of Materials. This regulation will establish clear procedures for schools to identify all instructional materials with sexually explicit content assigned in classroom instruction.

1. For the purposes of this regulation, the phrases “instructional material” and “instructional materials” mean any content assigned by the teacher for one or more students for an educational purpose, regardless of (a) the material’s format, whether printed, representational, audiovisual, electronic, or digital (such as social media content and software applications accessible through the internet), or (b) the time, place, and manner in which the content is used. Library materials are considered instructional materials when assigned by a teacher to be used (i) for the completion of an assignment from Alleghany Highlands Public Schools (AHPS), or (ii) as part of an academic or extracurricular educational program sponsored by AHPS. Student self-selected use of a library material in response to an assignment is not necessarily the direct assignment of an instructional material by a teacher. Instructional materials include any assessments purchased or created by the Division, school, and/or classroom.

2. The phrases “instructional material” and “instructional materials” do not include (1) books or materials that are selected by students for usage in research in classroom assignments; (2) independent reading materials (such as library books, books from home, public library books) that are not selected by an AHPS teacher; or (3) standardized national, or state assessments, such as ACT, SAT, NAEP (National Assessment of Educational Progress), and AP (Advanced Placement), SOL (Standards of Learning), Dual Enrollment, CTE credentialing, and/or International Baccalaureate (IB) exams.

3. In compliance with the Virginia Department of Education’s model policy guidance, nothing in the policy requires or permits the censoring of books in AHPS or the designation of instructional material as sexually explicit based solely upon the sexual orientation or gender identity of the characters contained therein.

B. Division-Level Review and Identification Process. AHPS has established the following process for identifying materials determined to be sexually explicit content under Policy IIA that is intended to be used for instruction. AHPS will maintain and publish a list of division adopted or selected resources with sexually explicit content on the AHPS website.

1. Materials with sexually explicit content will be identified by grade and subject. a. Books included as part of the language arts curriculum are reviewed for sexually explicit content by at

least two teachers when books contain content that may be identified as sexually explicit. A third reviewer is required where there may be questions or concerns about whether it meets the criteria defined in Policy IIA. The third reviewer may be a staff member or community member as appropriate. b. AHPS instructional leaders at the central office are responsible for reviewing Division-approved textbooks or instructional resources to determine if any criteria for sexually explicit content exist and include them in the Division list by grade and by subject. For materials purchased after January 2022, this occurs upon the purchase of such materials.

C. School-Level Review and Identification Process. Principals are responsible for maintaining a current list of instructional materials with sexually explicit content that may be used for instruction at their school by ensuring that such materials are included on the AHPS division list available to the public.

D. Notification. AHPS seeks to notify parents of the use of sexually-explicit materials in instruction at least 30 days in advance (or prior to the start of the school year in the case of materials used within the first 30 days of the school year).

1. Resources that have been identified as having sexually explicit content will be published on the AHPS website by grade and by subject.

2. At least thirty days prior to the intended use of any instructional materials with sexually explicit content or prior to the start of the school year in the case of materials used within the first 30 days of the school year, schools shall provide written notice to parents that (i) specifically identifies the instructional materials with sexually explicit content, (ii) informs parents of their right to review such instructional materials, and (iii) informs parents of their right to have their child use, in a non-punitive manner, alternative, instructional materials that do not include sexually explicit content. The written notice should include the title of the material, type of instructional material, author or source, and a brief description of instructional use. Such notice should be provided through regular communication methods with families, including, but not limited to, strategies such as syllabi, email, newsletters, and learning management systems.

3. Students are regularly engaged in self-selected independent reading of materials from a variety of sources. Teachers do not assign or intend to use specific titles for independent reading. Parents are encouraged to engage in conversation with their students about their ongoing selections. School staff will be available to discuss specific needs of the students and families related to independent reading. If a teacher provides a recommended book list for independent reading, the teacher will provide notification of any sexually explicit content in accordance with Policy IIA and this regulation.

4. Students may be required to conduct independent research or otherwise use student-selected materials in completion of a project. Students may utilize AHPS or non-AHPS managed resources. AHPS does not monitor or maintain non-AHPS resources. Parents will be notified of independent research requirements through regular means of communication with families.

5. AHPS recognizes that some courses include instruction in health, life sciences, social sciences, and health professions that includes the study of human anatomy and behavior. While this study may not be sexually explicit by definition, teachers will encourage communication about these topics of study with families through regular means of communication with families.

E. Parental Review, Requests for Alternative Materials, and Appeals. Schools shall defer to parents to determine whether the use of sexually explicit content in instructional materials, if any, is appropriate for their child.

1. AHPS shall provide online access for parental review of instructional materials intended for use in classroom instruction that include sexually explicit content unless it is not technically feasible or prohibited by copyright protection. Schools shall also have all instructional materials that include sexually explicit content intended for use in instruction available at the school for parent review.

2. Upon a parent's request, schools shall provide, in a manner that is not punitive, alternative instructional materials that do not include sexually explicit content for the student's use. Alternative materials may not be available for content associated with standardized national or state assessments, such as AP, SOL, Dual Enrollment, CTE credentialing, and/or IB exams.

3. Parents may change their decision concerning the use of alternative instructional materials by providing written notice to the school.

4. To ensure that the teacher has time to prepare alternative materials for students, parents should provide notice no later than five instructional days before the content is to be used in the classroom.

5. Parents who disagree with a determination on whether specific instructional materials include sexually explicit content may reach out to the teacher, principal, or Division staff to discuss their concerns. Any appeals should be pursued in accordance with the process set forth in Policy KL - Public Complaints.

Approved
