SEXUALLY EXPLICIT INSTRUCTIONAL MATERIALS

Purpose

This policy establishes clear procedures for

i. the identification of instructional materials with sexually explicit content,
ii. parental notifications of any instructional materials with sexually explicit content,
iii. parental review of instructional materials with sexually explicit content, and
iv. the provision in a non-punitive manner of alternative instructional materials that do not include sexually explicit content for any student whose parent so requests.

Definitions

"**Instructional material**" means any content used by one or more students for an educational purpose in connection with Albemarle County Public Schools (ACPS) regardless of (a) its format, whether printed, representational, audiovisual, electronic, or digital (such as materials, 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 used (a) for completion of an assignment from ACPS, or (b) as part of an academic or extracurricular education program conducted by ACPS. They include any division, school, and/or classroom purchased or created assessments. They do not include standardized national or state assessments, such as ACT, SAT, NAEP (National Assessment of Educational Progress), AP (Advanced Placement) or SOL (Standards of Learning) exams.

"**Parent**" means any parent, guardian, legal custodian, or other person having control or charge of a child.

"**Sexually explicit content**" as defined by Va. Code § 2.2-2827.

Sexually Explicit Instructional Materials

The Albemarle County Public School Board ("School Board") ensures that at least thirty (30) days prior to the use of any instructional materials with sexually explicit content, written notice is provided 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 Albemarle County School Board ("School Board") is responsible for the selection and use of instructional materials.~~

~~The Superintendent/Designee creates and updates, as necessary, guidelines and procedures for the selection of instructional materials. The guidelines and procedures are designed to ensure that appropriate instructional materials are selected and provide an opportunity for the professional staff and community to participate and be informed on the selection and use of instructional materials.~~

~~Parents may inspect, on request, any instructional material used as part of their student's curriculum.~~

~~The School Board ensures parental notification of any instructional material that includes sexually explicit content. ACPS also ensures parental notification for Family Life Education, for learning resources rated beyond the recommended ages, or other controversial materials as defined in Policy INB, *Teaching about Controversial Issues*, and Policy KFB, *Administration of Surveys and Questionnaires*.~~

~~The School Board provides alternative instructional material and related academic activities to any student whose parent requests that the student be provided with such instructional material and/or activities.~~

~~Instructional materials shall not be designated as sexually explicit based solely on the sexual orientation or gender identity of the characters therein.~~

The Superintendent is responsible for creating, implementing, and periodically updating administrative procedures for implementing this policy. Those administrative procedures ~~will~~ include:

- a process for identifying instructional materials, including supplementary materials, with sexually explicit content;
- a process for identifying, prior to the start of each school year, any instructional material that includes sexually explicit content that may be used during the upcoming school year;
- a process by which principals or their designee will provide written notice that meets all of the requirements specified above to parents at least 30 days prior to the use of any instructional materials with sexually explicit content~~, that provides written notice that meets all of the requirements specified above(a) specifically identifies the instructional materials with sexually explicit content, (b) informs parents of their right to review such instructional materials, and (c) informs parents of their right to have their child use, upon request, in a non-punitive manner, alternative instructional materials that do not include sexually explicit content~~;
- a process by which parents may change their decision with respect to the use of alternative instructional materials by providing written notice;

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- a process for maintaining a current list of instructional materials with sexually explicit content by grade and subject matter on the division's website; and
- a process for online access for parental review of instructional materials that include sexually explicit content unless such review is not technically feasible or is prohibited by ~~IIA~~ Albemarle County Public Schools copyright protection. The process shall include provisions requiring schools to have instructional materials including sexually explicit content available for review by parents.

~~Definitions~~

~~"Instructional material" and "instructional materials" mean any content used by one or more students for an educational purpose in connection with Albemarle County Public Schools regardless of (a) its format, whether printed, representational, audiovisual, electronic, or digital (such as materials, 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 used (a) for completion of an assignment from the Albemarle County Public Schools, or (b) as part of an academic or extracurricular education program conducted by Albemarle County Public Schools. They include any division, school, and/or classroom purchased or created assessments. They do not include standardized national or state assessments, such as ACT, SAT, NAEP (National Assessment of Educational Progress), AP (Advanced Placement) or SOL (Standards of Learning) exams.~~

~~"Nudity" as defined in Virginia Code §18.2-390.~~

~~"Parent" or "parents" means any parent, guardian, legal custodian, or other person having control or charge of a child.~~

~~"Sadomasochistic abuse" as defined in Virginia Code §18.2-390.~~

~~"Sexually explicit content" as defined in Virginia Code §2.2-2827.~~

Adopted: July 1, 1993
Amended: October 12, 2000, September 9, 2004; August 13, 2009; October 14, 2010; October 23, 2014; December 8, 2022
Equity Review: December 8, 2022

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Legal Refs.: 20 U.S.C. § 1232h.
34 CFR Part 9

Code of Virginia, 1950, as amended, §§2.2-2827, 18.2-390, 22.1-1, 22.1-16.8.

8 VAC 20-720-160.

Cross Ref.: IGAH, *Family Life Education*
IGBC, *Parental Involvement~~t and Family Engagement~~*
IIAA, *Learning Resources/Textbook Selection and Adoption*
IIBD, *School Libraries/Media Centers*
IIBE/GDA, *Responsible Student Use of Technology*

INB, *Teaching About Controversial Issues*
KLB, *Public Complaints About Learning Resources*
KFB, *Administration of Surveys and Questionnaires*
~~*KLB, Public Complaints About Learning Resources*~~