

INSTRUCTION

Instructional Materials and Equipment

Parental Notification Regarding Instructional Materials with Sexually Explicit Content

This is a new policy.

I. PURPOSE

To establish clear procedures for schools to (i) identify all instructional materials with sexually explicit content, (ii) ensure parental notification of any instructional materials with sexually explicit content, (iii) permit parents to review all instructional materials with sexually explicit content, and (iv) ensure alternative instructional materials, that do not include sexually explicit content, are provided in a non-punitive manner for any student whose parent so requests.

Per the Code of Virginia Section 22.1-1, this policy shall not be construed to require or provide for (1) the censoring of books in public elementary and secondary schools, or (2) the designation of instructional material as sexually explicit based solely upon the sexual orientation of the characters contained therein.

II. DEFINITIONS

- A. The Code of Virginia Section 2.2-2827 states that “Sexually explicit content” “means (i) any description of or (ii) any picture, photograph, drawing, motion picture film, digital image or similar visual representation depicting sexual bestiality, a lewd exhibition of nudity, as nudity is defined in Section 18.2-390, sexual excitement, sexual conduct or sadomasochistic abuse, as also defined in Section 18.2-390, coprophilia, urophilia, or fetishism.”
- B. The Code of Virginia Section 22.1-1 defines “parent” or “parents” as “any parent, guardian, legal custodian, or other person having control or charge of a child.”
- C. In accordance with R3009, the phrases “instructional material” and “instructional materials” mean all print and digital resources that are approved by the School Board through a formal process for use in all schools, materials approved by the local school, or materials selected by the teacher. However, the phrases “instructional material” and “instructional materials” do not include standardized national or state assessments, such as ACT, SAT, NAEP, IB and AP or SOL exams.

III. IDENTIFICATION OF INSTRUCTIONAL MATERIALS WITH SEXUALLY EXPLICIT CONTENT

- A. The division shall establish a process for identifying instructional materials with sexually explicit content.

- B. Schools shall identify the specific instructional materials that include sexually explicit content which may be used during upcoming school year and communicate to parents at the start of the school year. Schools will follow the criteria and process outlined in R3005 and R3007 when assigning supplementary instructional materials.
- C. The identification of sexually explicit content is required for materials that teacher(s) assign or select for student use. In accordance with R3005, selection of books for independent reading or for choice reading within a genre is the responsibility of the student and the student's parents or guardians. Students are expected to abide by the acceptable use policy as outlined in the Student Rights & Responsibilities (SR&R document Appendix A) when using audiovisual, electronic, or digital resources accessible through the internet.

IV. NOTICE TO PARENTS

- A. At least thirty (30) days prior to the use of any instructional materials with sexually explicit content, principals or their designee 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.
- B. Parents will receive standardized written communication from schools identifying specific instructional materials with sexually explicit content and the option for an alternative material. Such written communication will be translated into the most common correspondence languages as determined by the Department of Special Services.

V. PARENTAL RIGHT TO REVIEW OF INSTRUCTIONAL MATERIALS WITH SEXUALLY EXPLICIT CONTENT AND RIGHT TO ALTERNATIVE INSTRUCTIONAL MATERIALS

- A. Teachers shall maintain a current list of instructional materials with sexually explicit content currently in use within their course on a site accessible to parents.
- B. Principals shall have all instructional materials that include sexually explicit content available for parent review at the school and online access will be provided when technically feasible or not prohibited by copyright protection.
- C. Schools shall defer to parents to determine whether the use of an instructional material with sexually explicit content is appropriate for their child.
- D. Parents shall communicate their request for an alternative instructional material to the teacher using [Form IS-710, Request for Alternative Instructional Materials](#). The form will be translated into the most common correspondence languages as determined by the Department of Special Services.
- E. Upon a parent or student's request, schools shall provide, in a manner that is not punitive, alternative instructional materials for the student that do not include sexually explicit content.

- F. Parents may change their decision with respect to the use of alternative instructional materials by providing notice to the school.

Legal References: Code of Virginia Section 18.2-390, 22.1-1, Section 2.2-2827

See also the current versions of:

Regulation 3005, Program and Supplemental Instructional Print Materials,
Identification, Evaluation, and Approval

Regulation 3007, Program and Supplemental Instructional Electronic Media
Identification, Evaluation and Approval

Regulation 3009, Challenged Library and Instructional Materials

Student Rights and Responsibilities (Appendix A)

Policy

adopted: December 15, 2022

FAIRFAX COUNTY SCHOOL BOARD