

PARENTAL NOTIFICATION OF INSTRUCTIONAL MATERIALS WITH SEXUALLY EXPLICIT CONTENT

Loudoun County Public Schools (LCPS) is committed to providing an equitable, safe, and inclusive learning environment for all students. Pursuant to Va. Code § 22.1-16.8, LCPS endorses policies, procedures and practices that are consistent with the Virginia Department of Education (VDOE) Model Policies Concerning Instructional Materials with Sexually Explicit Content (Model Policies).

A. Purpose. To provide for advance notification of the intended use of any instructional materials with sexually explicit content in their child's education, to provide parent the ability to inspect and review those materials, and to ensure parents have the opportunity to select for their child the option of alternative instructional materials and related academic activities that do not contain sexually explicit content. This policy will also establish clear procedures for schools to (i) identify all instructional materials with sexually explicit content assigned in classroom instruction, (ii) ensure parental notification of any instructional materials with sexually explicit content to be assigned, (iii) permit parents to review all instructional materials with sexually explicit content assigned, 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. Nothing in this policy requires or permits for the censoring of books in its schools or the designation of instructional material as sexually explicit based solely upon the sexual orientation or gender identity of the characters contained therein.

B. Definitions.

1. Section 2.2-2827 of the Code of Virginia 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 Va. Code § 18.2-390, sexual excitement, sexual conduct or sadomasochistic abuse, as also defined in Va. Code § 18.2-390, coprophilia, urophilia, or fetishism." Neither the VDOE nor LCPS curriculum includes standards or endorses any instructional resources that call for instruction or instructional resources that teach sexual bestiality, lewd exhibition of nudity, sadomasochistic abuse, coprophilia, urophilia, or fetishism.

2. The following definitions will be used.

- a. "Juvenile" means a person less than 18 years of age.
- b. "Nudity" means a state of undress so as to expose the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered or uncovered male genitals in a discernibly turgid state.

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- (i) The intent of this policy refers to lewd exhibitions of nudity. Lewd exhibitions are defined as public displays of nudity, sexual intercourse, or sexual contact.

c. "Sexual conduct" means actual or explicitly simulated acts of masturbation, sexual intercourse, or physical contact in an act of apparent sexual stimulation or gratification with a person's clothed or unclothed genitals, pubic area, buttocks or, if such be female, breast.

d. "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

3. Code of Virginia § 22.1-1 defines "parent" or "parents" as "any parent, guardian, legal custodian, or other person having control or charge of a child."

4. For the purposes of this Policy, 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) 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 assigned by a teacher to be used (i) for completion of an assignment, or (ii) as part of an academic or extracurricular educational program. This includes any division, school, and/or classroom purchased or created assessments. However, the phrases "instructional material" and "instructional materials" do not include standardized national or state assessments, such as ACT, SAT, NAEP, and AP, SOL, and/or IB exams.

C. Identification of Instructional Materials with Sexually Explicit Content.

1. The Department of Instruction shall establish a process for identifying instructional materials with sexually explicit content intended to be used for instruction at both the division and the school level. All instructional materials identified in the curriculum will be reviewed and identified according to the definitions above by district and school staff.

- a. The Department of Instruction shall outline the process for identifying instructional materials intended to be used outlined in the written curriculum to support the schools.

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- b. Schools will follow the same identified process for instructional materials intended to be used beyond the core lists provided by the Department of Instruction.

2. Prior to the start of the academic year, LCPS shall identify the specific instructional materials that include sexually explicit content which are intended to be used during the upcoming school year. When determining whether instructional materials contain sexually explicit content, teachers, principals, and division staff should consider student age and maturity, and whether a parent might reasonably consider the instructional content harmful to their child.

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 on-going selections. School staff will be available to discuss specific needs of the students and families related to independent reading. Teachers will notify parents of the independent reading requirements at the beginning of each year. In the event that a teacher provides a recommended book list for independent reading, the teacher will provide notification of any sexually explicit content.

4. Students may be required to conduct independent research. Students may utilize LCPS or non-LCPS managed resources. LCPS does not monitor or maintain non-LCPS resources. Teachers will notify parents of the requirement of independent research and available resources at the beginning of each year.

D. Notice to Parents.

1. At least thirty days prior to the intended use of any instructional materials with sexually explicit content, 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.

2. Such notice should be provided through regular communication methods with families including but not limited to syllabi, email, newsletters, and learning management systems.

E. Parental Right to Review of Instructional Materials with Sexually Explicit Content and Right to Alternative Instructional Materials

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EXPLICIT CONTENT

1. LCPS shall maintain a current list of instructional materials with sexually explicit content intended to be used in classroom instruction, by grade and subject on the LCPS public website.

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

3. Schools shall defer to parents to determine whether the use of sexually explicit content in instructional materials, if any, is appropriate for their child.

4. Upon a parent'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. Alternative materials may not be available for content associated with standardized national or state assessments, such as AP, SOL, Dual Enrollment, and/or IB exams.

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

6. In order 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.

[Former Policy]
Adopted:

Legal Refs: Va. Code § 18.2-390

Cross Ref: Policy 5045, SELECTION, REVIEW AND CHALLENGE OF INSTRUCTIONAL
RESOURCES