

INSTRUCTIONAL MATERIALS

The Spotsylvania County Public School Board is responsible for the selection and use of instructional materials.

The superintendent or the 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.

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.

Definitions

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 defined in Section 18.2-390, sexual excitement, sexual conduct, or sadomasochistic abuse, coprophilia, urophilia, or fetishism.

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.

For the purposes of this policy, the phrases "instructional material" and "instructional materials" mean any content used by 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. All library materials are considered instructional materials. ~~when 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 the ACT (American College Testing), SAT (Scholastic Assessment Test), NAEP (National Assessment of Educational Progress), and AP (Advanced Placement), or SOL (Standards of Learning).

Identification of Instructional Materials with Sexually Explicit Content

The leadership at each school shall establish a process for identifying instructional materials with sexually explicit content.

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

Notice to Parents

At least 30 days prior to the 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. Such notice shall be provided in writing to parents and families through syllabi, email, newsletters, learning management systems, U.S. Mail, and/or in person at a parent-teacher meeting.

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

Principals shall maintain a current list of instructional materials with sexually explicit content by grade and subject on the school's public website.

Principals shall provide online access for parental review of instructional materials that include sexually explicit content, unless not technically feasible or is prohibited by copyright protection. Schools shall also have available at the school for parent review all instructional materials that include sexually explicit content.

Schools shall defer to parents to determine whether the use of sexually explicit content in instructional materials, if any, is appropriate for their child. **This will be done through an opt-out questionnaire on Parentvue or in writing. Refusal to complete the Parentvue questionnaire or submit opt-out in writing will be considered consent to access sexually explicit material.**

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.

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

ADOPTED: June 8, 1987

REVISED: June 25, 2007, effective July 1, 2007

REVISED: July 20, 2009

REVISED: June 23, 2014

REVISED: July 8, 2019

REVISED: December 1, 2022

REVISED:

LEGAL REF: 20 U.S.C. Section 1232h
Code of Virginia, 1950, as amended, Sections 2.2-2827, 18.2-390, 22.1-1, 22.1-16.8

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CROSS REF: IGAH: Family Life Education
IGBC: Parent and Family Engagement
IIAA: Textbook Selection, Adoption, and Purchase
IIAB: Supplementary Materials Selection and Adoption
IIBD: School Libraries/Media Centers
IIBEA/GAB: Acceptable Computer System Use
INB: Teaching about Controversial Issues
JOB^: Administration of Surveys and Questionnaires
KLB: Public Complaints About Learning Resources

SELECTION AND REVIEW OF INSTRUCTIONAL MATERIALS

Critical to the development of curriculum is the selection of instructional materials, including library resources and textbooks. Text, media, and other aids must enhance the achievement of those specific goals, objectives, and strategies ~~which that~~ have been identified and stated. Therefore, the selection or exclusion of materials in the classroom or library should also be procedurally and substantively consistent with the policies of the School Board.

The selection of instructional materials has generally been the prerogative of the Board, with the exception of those items related to sex education and religious/moral education (Board of Education, Bylaws and Regulations). The State Board of Education provides that the selection of all instructional materials is the responsibility of the local Board. The state adopts basal textbooks in the subject areas specified by the Board of Education (Virginia Constitution, Article VIII, Section 5).

The State Board of Education places with local School Boards the responsibility for the selection, approval and utilization of instructional materials. In the selection of instructional materials, the local School Board is responsible for the following:

1. developing local criteria for selection.
2. approving materials which are consistent with instructional goals and objectives.

Principles for Selection of Instructional Materials and Procedures for Reconsideration of Challenged Materials

A. Statement of Principle

Instructional materials should support and enrich the curriculum by stimulating growth of factual knowledge, literary appreciation, aesthetic values and ethical standards. Instructional materials also provide background information for the development of opinions and informed judgments.

B. Responsibility for Selection

The Spotsylvania County School Board is legally responsible for all matters relating to the operation of the Spotsylvania County Public Schools. The responsibility for the selection of educational materials is delegated to professional instructional personnel employed by the Board.

C. Personnel Responsible for Selection

The sSelection of instructional materials is a continuous process ~~which that~~ involves principals, supervisors, faculty, parents, and students. The responsibility for coordinating the selection process rests with the professional personnel, in accordance with the following criteria and procedures.

D. Criteria for Selection

1. The process for evaluating materials is continuous and systematic. ~~It is preferable to examine materials before purchasing them; however, this is sometimes impractical, such as with library books. In such cases, selection is based upon bibliographic reference sources, selected lists, and reviews in reputable professional journals and publications.~~
2. First consideration is given to the needs of the individual school based on knowledge of the curriculum, of the existing materials, and of the needs of children and youth. Requests from users of the materials (administrators, department chairpersons and/or grade-level leaders, faculty, parents, and students) are given high priority. Materials are selected to provide for variations in readability and levels of comprehension.
3. Materials for purchase are considered on the basis of:
 - a. overall purpose.
 - b. timeliness.
 - c. authoritativeness.
 - d. format and cost.
 - e. objectivity.
 - f. appropriateness to the level of instruction, age level, etc.
 - g. importance of the subject matter to student interests and curriculum needs.
 - h. quality of writing or production.
 - i. readability and popular appeal.
 - j. reputation of the author, artist or producer.
 - k. accuracy and scope of coverage.
 - l. representation of differing points of view on controversial subjects.
 - m. potential use.

E. Gifts

Gifts of materials or of funds with which to purchase materials are accepted with the understanding that their use or disposition will be determined by those persons having the responsibility for acquisitions, according to the same selection criteria and procedures as purchased materials.

F. Procedures for Selection of Instructional Materials

1. In selecting materials for purchase, personnel shall evaluate the existing materials, assess curricula needs and consult where appropriate:
 - a. reputable, unbiased, professionally prepared selection aids.
 - b. department chairpersons and/or grade level representatives.
 - c. staff personnel, students, parents, library media personnel, etc.
 - d. bibliographies and suggested materials listed in textbooks.

2. In determining materials to be purchased for the school media center, personnel shall follow these procedures:
 - a. Multiple items of outstanding and frequently used materials are purchased as needed.
 - b. Worn and missing basic items are replaced periodically.
 - c. Out-of-date or no longer useful materials are withdrawn from the collection and replaced by new and appropriate materials.
 - d. Audio-visual materials believed to be desirable for which reviews are not available are requested for preview.

G. Reconsideration of Challenged Instructional Materials

~~Despite the care taken to select appropriate and valuable materials, occasional objections to a selection are made.~~ Persons requesting permission to examine instructional materials may examine such materials in a way so as not to disrupt the normal operations of the school. ~~Requests for reconsideration of challenged instructional materials will be handled one at a time in the order received but will alternate between individual challengers, in the event more than one individual requests reconsideration of materials.~~

If a complaint is made, the procedures are as follows:

1. School personnel listen to the complaint, make no commitment, advise the complainant to arrange a conference with the principal, and notify the principal of the complaint.
2. It is the complainant's responsibility to arrange a conference with the principal.
3. At this conference, the principal invites the complainant to file his objections in writing on the form "Request for Reconsideration of Instructional Materials."
4. A complainant who does not complete and return the form receives no further consideration.
5. Upon receipt of the completed form, the principal ~~will render a decision or~~ requests a review of the challenged material by an ad hoc school review committee ~~consisting of no less than three people (a teacher, a parent, and a concerned citizen), within fifteen (15) twenty-eight (28) working days,~~ and notifies the superintendent or designee that such review is being done.
6. The ~~principal or~~ school review committee takes the following steps after receiving the challenged materials:
 - a. ~~reads, r~~Reviews, ~~views or listens to~~ the material ~~in its entirety;~~
 - b. checks for sexually explicit content as defined in Virginia Code Section 22.1-16.8 and 2.2-2827, meaning (i) any description 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 Virginia Code Section 18.2-390, sexual excitement, sexual conduct, or sadomasochistic abuse, as also defined in Section 18.2-390, coprophilia, urophilia, or fetishism.

The following definitions from Virginia Code Section 18.2-390 apply:

- i. Nudity means a state of undress so as to expose the human male or female genitals in a discernibly turgid state.
 - ii. Sexual conduct means actual or explicitly simulated acts of masturbation, ~~heterosexuality, homosexuality~~, sexual intercourse, or physical contact in an act of apparent sexual stimulation or gratification with a person; clothed or unclothed genitals, pubic area, buttocks, or if such be female, breast.
 - iii. Sexual excitement means the condition of human male or female genitals when in a state of sexual stimulation or arousal.
 - iv. Sadoomasochistic means actual or explicitly simulated flagellation or torture by or upon a person who is nude or clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed.
 - c. ~~d~~Determines the extent to which the material supports the curriculum;
 - d. ~~e~~Completes the appropriate "Checklist for School Review Committee's Reconsideration of Instructional Materials," judging the material for its strength and value as a whole and not in part; and,
 - e. ~~s~~Submits the review checklist to the principal within the ~~fifteen (15)~~ **twenty-eight** day deadline.
7. Upon receipt of the checklist, the principal makes a decision as to the action to be taken – ~~removal, retention; or retention with content warning, making it available only to students whose parents have not opted their children out of accessing sexually explicit materials~~ – and notifies the complainant and the superintendent or designee in writing. Copies of the completed "Checklist for School Review Committee's Reconsideration of Instructional Materials" and the complainant's completed request for material reconsideration are to be forwarded to the superintendent also.
 8. Should the complainant not be in agreement with the principal's decision, he or she may formally request further consideration by the superintendent and the Board.
 9. The superintendent, upon meeting with the complainant, provides direction as to a further course of action.
 10. Should it be necessary, the Board is responsible for rendering a final disposition relative to the challenged material.
 11. During the time of reconsideration, the continued usage of the challenged material is left to the discretion of the principal.

ISSUED: July 1, 1995

REISSUED: June 25, 2007, effective July 1, 2007

REISSUED: June 23, 2014

REISSUED: July 8, 2019

REISSUED: May 8, 2023

REQUEST FOR RECONSIDERATION OF INSTRUCTIONAL MATERIALS

School _____

Please check **the** type of material:

- () Book ~~() Pamphlet~~ ~~() Filmstrip~~ ~~() Record~~ ~~() Computer Program~~
() Periodical ~~() Film~~ ~~() Cassette~~ ~~() Kit~~ () Other

Title _____

Author _____

Publisher or Producer _____

Request for Reconsideration Initiated By _____

Telephone _____ Address _____

City _____ State _____ Zip Code _____

Have you read this book or viewed or listened to this material in its entirety?

The following questions are to be answered after the complainant has read, viewed or listened to the material in its entirety. If sufficient space is not provided, attach additional sheets. (Please sign your name ~~to~~ **on** each additional attachment.)

1. To what in the material do you object? (Please be **as specific as possible**, ~~cite pages, frames in a filmstrip, film sequence, etc.~~)

2. What do you believe is the theme or purpose of this material?

3. What do you feel might be the result of a student using this material?

4. For what age group would you recommend this material? _____

5. Are there sections of this material appropriate for student use? Please comment.

6. Would you recommend other material of the same subject and format?

7. What grade level are you recommending this book for?

Signature of Complainant Date

Please return completed form to the school principal.

July 1, 1995

July 8, 2019

**CHECKLIST FOR SCHOOL REVIEW COMMITTEE'S RECONSIDERATION OF
INSTRUCTIONAL MATERIALS (NON-FICTION)**

Title _____ Author _____

A. Purpose

1. What is the overall purpose of this material? _____

2. Is the purpose accomplished? _____ Yes _____ No

B. Authenticity

1. Is the author competent and qualified in the field? _____ Yes _____ No _____ Not Sure
2. What is the reputation and significance of the author and publisher/producer in the field?

3. Is the material up-to-date? _____ Yes _____ No
4. Are information sources well-documented? _____ Yes _____ No
5. Are translations and retellings faithful to the original? _____ Yes _____ No

C. Appropriateness

1. Does the material promote the educational goals and objectives of the curriculum of Spotsylvania schools? _____ Yes _____ No
2. Is it appropriate to the level of instruction intended? _____ Yes _____ No
3. Are the illustrations appropriate to the subject and age level? _____ Yes _____ No

D. Content

1. Does the material contain sexually explicit content as defined in Virginia Code Sec. 22.1-16.8 and 2.2-2827, meaning (i) any description 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 Sec. 18.2-390, sexual excitement, sexual conduct or adomasochistic abuse, as also defined in Sec. 18.2-390, coprophilia, urophilia, or fetishism.

The following definitions from Virginia Code Section 18.2-390 apply:

- a. "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. Yes No
 - b. "Sexual conduct" means actual or explicitly simulated acts of masturbation, ~~heterosexuality, homosexuality~~, 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. Yes No
 - c. "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal. Yes No
 - d. "Sadomasochistic abuse" means actual or explicitly simulated flagellation or torture by or upon a person who is nude or clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed. Yes No
- 2. Is the content of this material well-presented by providing adequate scope, range, depth and continuity? Yes No
 - 3. Does this material present information not otherwise available?
 Yes No
 - 4. Does this material give a new dimension or direction to its subject?
 Yes No
 - 5. Have you read this book or viewed or listened to this material in its entirety?
 Yes No

E. Other Reviews

- 1. Source of review: _____
Favorably reviewed: _____
Unfavorably reviewed: _____
- 2. Does this title appear in one or more reputable selection aids?
 Yes No. If the answer is yes, please list **the** titles of selection aids _____

Additional Comments: _____

Recommendation by School Review Committee for Treatment of Challenged Materials

Date

Signatures of Review Committee

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July 1, 1995

July 8, 2019

May 8, 2023

**CHECKLIST FOR SCHOOL REVIEW COMMITTEE'S RECONSIDERATION OF
INSTRUCTIONAL MATERIALS (FICTION AND OTHER LITERARY FORMS)**

Title _____ Author _____

A. Purpose

1. What is the purpose, theme or message of the material? How well does the author/producer/composer accomplish this purpose?

2. If the story is fantasy, is it the type that has imaginative appeal and is suitable for children?
_____ Yes _____ No

For young adults? _____ Yes _____ No

3. Will the reading and/or viewing and/or listening to material result in more compassionate understanding of human beings? _____ Yes _____ No

4. Does it offer an opportunity to better understand and appreciate the aspirations, achievements and problems of various minority groups?

_____ Yes _____ No

5. Are any questionable elements of the story an integral part of a worthwhile theme or message?
_____ Yes _____ No _____ N/A

B. Content

1. Does the material contain sexually explicit content as defined in VA Code Sec. 22.1-16.8 and 2.2-2827, meaning (i) any description 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 Sec. 18.2-390, sexual excitement, sexual conduct or adomasochistic abuse, as also defined in Sec. 18.2-390, coprophilia, urophilia, or fetishism.

The following definitions from Virginia Code § 18.2-390 apply:

- a. "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.
- b. "Sexual conduct" means actual or explicitly simulated acts of masturbation, ~~heterosexuality, homosexuality~~, 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.

- c. "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.
- d. "Sadomasochistic abuse" means actual or explicitly simulated flagellation or torture by or upon a person who is nude or clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

_____ Yes _____ No

- 2. Does the story depict sexually explicit language as defined in Virginia Code Section 18.2-390?
_____ Yes _____ No
- 3. Does a story about modern times give a realistic picture of life as it is now?
_____ Yes _____ No
- 4. Does the story avoid an oversimplified, positive or negative, view of life? _____ Yes _____ No
- 5. When factual information is part of the story, is it presented accurately? _____ Yes _____ No
- 6. Is prejudicial appeal readily identifiable by the potential reader? _____ Yes _____ No
- 7. Are concepts presented appropriate to the ability and maturity of the potential readers?
_____ Yes _____ No
- 8. Do characters speak in a language true to the period and section of the country in which they live? _____ Yes _____ No
- 9. Does the material offend in some special way the sensibilities of women or a minority group by the way it presents either the main character or any of the minor characters?
_____ Yes _____ No
- 10. Is there preoccupation with sex, violence, cruelty, brutality and aberrant behavior that would make this material inappropriate for children? _____ Yes _____ No
- 11. If there is use of offensive language, is it appropriate to the purpose of the text for children?
_____ Yes _____ No _____ N/A
- 12. Is the material free from derisive names and epithets that would offend minority groups?
_____ Yes _____ No Young adults? _____ Yes _____ No
- 13. Is the material well-written or produced? _____ Yes _____ No
- 14. Does the story give a broader understanding of human behavior without stressing differences of class, race, color, sex, education, religion or philosophy in any adverse way?
_____ Yes _____ No
- 15. Does the material make a significant contribution to this history of literature of ideas?
_____ Yes _____ No
- 16. Are the illustrations appropriate and in good taste? _____ Yes _____ No
- 17. Are the illustrations realistic in relation to the story? _____ Yes _____ No
- 18. Have you read this book or viewed or listened to this material in its entirety?
_____ Yes _____ No

Additional Comments:

Recommendation by School Review Committee for Treatment of Challenged Materials

Date

Signatures of Review Committee

_____	_____
_____	_____
_____	_____
_____	_____

ADOPTED: July 1, 1995

REVISED: July 8, 2019

REVISED: May 8, 2023