

INSTRUCTION

Sexually explicit library materials

Public school libraries provide students with access to materials for the purposes of supporting the instructional curriculum and for choice reading for students. The School Board has determined that sexually explicit material, as defined in Code of Virginia §2.2-2827, as amended, in school libraries will be identified or prohibited as set forth in this Regulation or applicable law or regulation.

A. Elementary School Library materials

Elementary School libraries media centers will not include sexually explicit library materials. The Superintendent or designees, working with the Content Committee established in Policy 6-65, will develop procedures for identifying and removing sexually explicit materials from elementary school libraries.

1. Development of training and procedures. The Content Committee established in Policy 6-65 and the Superintendent or designees will develop training and procedures regarding the identification and removal of sexually explicit materials for the elementary school Library Media Specialists and provide such training no later than September 1, 2024. An annual training will be provided in subsequent years.

2. Incoming library materials. Incoming library materials are defined as those materials acquired for an elementary school library media center beginning with the start of the 2024-25 academic year. No incoming library materials that meet the definition of sexually explicit materials may be made available to students in an elementary school library after September 1, 2024. If an incoming library material has been determined to meet the definition of sexually explicit material, after consultation with the Department of Teaching and Learning (hereinafter "DTAL"), such material may be transferred to a secondary school library media center, returned to the seller of the material, or disposed of consistent with policy or regulation concerning surplus materials. Such material may not be given to students.

3. Existing library materials. The Superintendent or designees will develop procedures for elementary school Library Media Specialists and the Department of Teaching and Learning (DTAL) to review existing elementary school library materials to identify and remove those library materials that meet the definition of sexually explicit materials.

4. Identification of sexually explicit material in elementary school library media centers not removed after September 1, 2024. It is understood that elementary school library media centers may contain material that has not yet been reviewed for sexually explicit materials after September 1, 2024. A parent/legal guardian of a minor student enrolled at the school may request that the Library Media Specialist review a specific library material be reviewed

to determine if the library material contains sexually explicit material. Any such request must specifically identify the library material and what matter in the library material may be sexually explicit. The school library media specialist will use the following procedure after receiving such a request:

a. The library media specialist will determine if the identified library material has already been reviewed and determined not to be sexually explicit material and so inform the parent/legal guardian that the material will remain available for student access.

b. If the library media specialist determines that the identified material has not yet been reviewed, the library media specialist will remove the material from student access until the material can be reviewed in accordance with the procedures created to support this Regulation.

c. No parent/legal guardian may submit as potentially sexually explicit materials for review an entire series, collection, works of a specific author or publisher, or categories of library materials for review. A parent/legal guardian is limited to one pending request for review at a time. A request to review a library material as sexually explicit is limited to a specifically identified material and the nature of the sexually explicit material in that identified material.

5. Limitation on disciplinary action. library media specialists and other staff members who participate in the process for identification and review of library materials for elementary school library media centers under this Regulation and its supporting procedures and training will not be disciplined when sexually explicit materials are identified in elementary school library media centers if such materials are existing library materials acquired prior to September 1, 2024.

B. Secondary School Library Media Centers

Secondary school library media centers may contain sexually explicit materials in accordance with Policy 6-65, this Regulation and procedures created by the Superintendent or designee. This Regulation will apply to all incoming library materials acquired after September 1, 2024.

1. Development of training and procedures. The Content Committee established in Policy 6-65 and the Superintendent or designees will develop training and procedures regarding the identification of sexually explicit materials for library media specialists and provide such training no later than September 1, 2024. An annual training will be provided in subsequent years.

2. Incoming library materials. Incoming library materials are defined as those materials acquired for the school library media center beginning with the start of the 2024-25 academic year.

3. When sexually explicit materials made available. Library materials acquired after the September 1, 2024 that meet the definition of sexually explicit will not be made available to

students until such materials have been reviewed and the acceptance procedures completed.

4. List of sexually explicit library materials. An incoming library material that meets the definition of sexually explicit and is made available to students will be placed on a list that identifies the material as sexually explicit. The list of sexually explicit library materials will be available on the vbschools.com website for public access and written copies will be provided as required by law, regulation, or policy. Sexually explicit library materials will not be available to students until such materials have been updated on these sites.

5. Limitation on disciplinary action. Library media specialists and other staff members who participate in the process for identification and review of incoming library materials for secondary school library media centers under this Regulation and its supporting procedures and training will not be disciplined for making sexually explicit materials available to students in the school library media center if they have complied with this Regulation and its supporting procedures and training. Library media specialists will not be disciplined for library materials acquired prior to September 1, 2024 that meet the definition of sexually explicit materials and are available to students.

6. Challenge to library materials acquired before September 1, 2024. An adult student enrolled at the school, or the parent/legal guardian of a minor student enrolled at the school may submit a request to the school's library media specialist to determine if the library material contains sexually explicit material and should be added to the list of sexually explicit materials. Any such request must specifically identify the specific library material, what matter in the library material may be sexually explicit, and why the failure to add the specific library material to the list of sexually explicit materials would be detrimental to a student. The school library media specialist will use the following procedure after receiving such a request:

a. The library media specialist will determine if the identified library material has already been reviewed and determined not to be sexually explicit material and so inform the adult student or parent/legal guardian that the material will remain available for students.

b. If the Library Media Specialist determines that the identified material was an existing library material prior to September 1, 2024 and not already reviewed, the Library Media Specialist will inform the adult student or parent/legal guardian that the library material is not required to be reviewed due to the date of acquisition. Additionally, the parent/legal guardian of a minor student will be informed that the process for restricting access to library materials set forth in Regulation 6-65.2.

c. If the adult student or parent/legal guardian seeks to further challenge whether the library material that should be added to the list of sexually explicit materials, the library media specialist will review the library

material to determine: 1) whether it meets the definition of sexually explicit material and if it does meet that definition; then; 2) whether students have recently checked out the library material; and 3) whether, the student interest in the library material supports maintaining the library material in the school collection; and 4) whether the library material should be added to the list of sexually explicit materials.

d. No adult student or parent/legal guardian may submit as potentially sexually explicit materials for review an entire series, collection, works of a specific author or publisher, or categories of library materials for review. Adult students and parent/legal guardians are limited to one request to review at a time. A request to review a library material as sexually explicit is limited to a specifically identified material and the nature of the sexually explicit material in that identified material.

e. The decision regarding whether the library material is sexually explicit will be final and not subject to appeal.

C. Intent of Regulation

The purpose of this Regulation, in support of Policy 6-65 regarding Content Committee, is the development of training and procedures for the identification, classification, removal as appropriate, and notification to students, parents/legal guardians and staff regarding the existence of sexually explicit library materials. At the time of adoption of this Regulation, the state and federal laws are rapidly changing and the definition of sexually explicit materials and the rights relevant to such materials may require changes to the training and processes used.

1. Accordingly, the intent of this Regulation is not to discipline or otherwise punish library media specialists and other staff who are developing and implementing the training and procedures developed under this Resolution.

2. Library media specialists, the Content Committee members and other staff members who make reasonable determinations regarding the identification, classification and/or removal of library materials under this Regulation and its supporting procedures and training will not be disciplined for such decisions.

3. Library media specialists will not be responsible for: reading or learning materials not acquired or accepted by the library media specialist for the school library; teacher/staff provided reading learning materials not provided through the school library; reading or learning materials donated for "book barns", non-library lending/sharing libraries; book sales /donations by outside organizations.

4. The School Administration will provide reasonable support and resources for staff involved in the processes under this Regulation. Division level support will be provided when it cannot clearly be determined whether material is sexually explicit.

5. Determination whether a specific library material is sexually explicit will be final at a level no higher than a chief officer position.

6. Once a library material has been reviewed for sexually explicit material under this Regulation and its supporting processes, there is no right for an adult student, a parent/legal guardian of a minor student, staff members, or citizens to further challenge the determination. Students may be further prohibited from accessing library material sexually explicit content by utilizing the procedures set forth in Regulation 6-65.2.

Legal Reference:

Code of Virginia § 2.2-2827, as amended. Restrictions on state employee access to information infrastructure.

Related links:

Policy 6-65

Regulation 6-65.1

Regulation 6-65.2

Adopted by Superintendent: 2024



APPROVED AS TO
LEGAL SUFFICIENCY

Kamela H. Lannetti
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