

# 2022 SESSION

## HOUSE SUBSTITUTE

22106253D

### HOUSE BILL NO. 1009

#### AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Education

on February 9, 2022)

(Patron Prior to Substitute—Delegate Durant)

A BILL to amend the Code of Virginia by adding a section numbered 22.1-16.8, relating to the Department of Education; model policies; instructional material; sexually explicit content; parental notification.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-16.8 as follows:

§ 22.1-16.8. *Instructional material; sexually explicit content; parental notification.*

A. As used in this section, "sexually explicit content" has the same meaning as provided in subsection A of § 2.2-2827.

B. The Department shall develop and make available to each school board model policies for ensuring parental notification of any instructional material that includes sexually explicit content and include information, guidance, procedures, and standards relating to:

1. Ensuring parental notification;

2. Directly identifying the specific instructional material and sexually explicit subjects; and

3. Permitting the parent of any student to review instructional material that includes sexually explicit content and provide, as an alternative, nonexplicit instructional material and related academic activities to any student whose parent so requests.

C. Each school board shall adopt policies that are consistent with but may be more comprehensive than the model policies developed by the Department pursuant to subsection B.

2. That the Department of Education shall develop and make available to each school board model policies pursuant to subsection B of § 22.1-16.8 of the Code of Virginia, as created by this act, no later than July 31, 2022.

3. That each school board shall adopt policies pursuant to subsection C of § 22.1-16.8 of the Code of Virginia, as created by this act, no later than January 1, 2023.

4. That the provisions of this act shall not be construed as requiring or providing for the censoring of books in public elementary and secondary schools.

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