



COMMONWEALTH of VIRGINIA
DEPARTMENT OF EDUCATION

DATE: June 8, 2023
TO: Division Superintendents
FROM: Dr. Lisa Coons, Superintendent of Public Instruction
SUBJECT: **Clarifications on School Library Management**

This memo is to serve as an update to school library guidance for all school divisions in the Commonwealth. Section 8VAC20-720-160 of the Board of Education's Regulations Governing Local School Boards and School Divisions requires local school boards to create policies that allow parents to inspect and request for reconsideration the local school board's selection of instructional materials, including materials that may be considered sensitive or controversial. Standard 7 of the Standards of Quality (i.e. § 22.1-253.13:7 of the *Code of Virginia*) states "Each local school board shall ensure that policies are developed giving consideration to the views of teachers, parents, and other concerned citizens and addressing the following: The selection and evaluation of all instructional materials purchased by the school division, with clear procedures for handling challenged controversial materials."

The 2022 General Assembly passed SB656, codified as [§ 22.1-16.8](#), which requires the Department to develop and make available to each school board [model policies](#) for ensuring parental notification and required local school boards to develop policies to notify parents of instructional materials that includes sexually explicit content, and provide, as an alternative, nonexplicit instructional material. § 22.1-16.8 defines "sexually explicit content" as having the same meaning as provided in subsection A of [§ 2.2-2827](#).

Under current law, parents are permitted to see the library materials in school libraries and can opt their children out of library services or particular topics, including graphic sexual content.

This law does not require library materials to be defined as instructional materials; instructional material definitions are made at the local level.

A number of proposed bills impacting the labeling of library of materials introduced during the 2023 legislative session failed to pass. Such bills include:

[HB1379](#) (Anderson) - PBI'd in Senate Ed and Health

[HB1448](#) (Orrock) - PBI'd in Senate Ed and Health

[HB1708](#) (LaRock) - Left in House Courts of Justice

[HB1803](#) (Freitas) - PBI'd in Senate Ed and Health

[HB1903](#) (Durant) - Left in Appropriations

[HB2136](#) (Delaney) - Left in House Ed

[SB787](#) (DeSteph) - PBI'd in Senate Ed and Health

[SB1463](#) (Chase) - PBI'd in Senate Ed and Health

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