

Virginia Board of Education Agenda Item



Agenda Item: V

Date: June 27, 2013

Title	Report on Surveys Regarding Parental Notification Related to Controversial or Sensitive Materials		
Presenter	Dr. Linda M. Wallinger, Assistant Superintendent for Instruction		
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Purpose of Presentation:

For information only. No action required.

Previous Review or Action:

No previous review or action.

Action Requested:

No action requested.

Alignment with Board of Education Goals: Please indicate (X) all that apply:

	Goal 1: Accountability for Student Learning
	Goal 2: Rigorous Standards to Promote College and Career Readiness
	Goal 3: Expanded Opportunities to Learn
	Goal 4: Nurturing Young Learners
	Goal 5: Highly Qualified and Effective Educators
X	Goal 6: Sound Policies for Student Success
	Goal 7: Safe and Secure Schools
	Other Priority or Initiative. Specify:

Background Information and Statutory Authority:

Goal 6: The survey on school division parental notification policies was conducted as a way to inform members of the Board of Education in determining if and/or how to proceed in developing regulations to address use of controversial and/or sensitive instructional materials in the classroom.

At its meeting on February 28, 2013, the Virginia Board of Education approved proposed revisions to the [Regulations Governing Local School Boards and School Divisions \(8VAC20-720\)](#) that require local school boards that adopt *textbooks* other than those approved by the Board of Education to seek from the publishers of such books a certification of content accuracy and an agreement to correct, at the publishers' expense, any content or editorial errors. Another section within the same Regulations addresses the selection and utilization of *instructional materials* by local school boards:

[8VAC20-720-160](#). Instructional materials.

A. Local school boards shall be responsible for the selection and utilization of instructional materials.

B. Local school boards shall adopt policies and criteria for the selection of instructional materials that shall include, at a minimum:

1. The rights of parents to inspect, upon request, any instructional materials used as part of the educational curriculum for students, and the procedure for granting a request by a parent for such access, in accordance with the Protection of Pupil Rights Amendment, 20 USC § 1232H, and its implementing regulation, 34 CFR Part 9;
2. The basis upon which a person may seek reconsideration of the local school board's selection of instructional materials, including but not limited to materials that might be considered sensitive or controversial, and the procedures for doing so; and
3. Pursuant to § [22.1-253.13:7](#) of the Code of Virginia, clear procedures for handling challenged controversial materials.

During the February meeting, Board members discussed whether or not the section on instructional materials ([8VAC20-720-160](#)) should also include language related to parental notification, alternative materials, and/or opt-out provisions.

In order to assist in future decision making, the Board of Education requested the Virginia Department of Education (VDOE) to collect information from school divisions regarding their policies on selecting and utilizing instructional materials. Questions were to be developed related to:

- Advance parental notification of sensitive or controversial materials, and
- Opportunities for parents to request alternative materials for their children.

The Department was also asked to seek input from the membership of the Virginia School Boards Association (VSBA), the Virginia Education Association (VEA), the Virginia Parent-Teacher Association (PTA), the Virginia Association for Elementary School Principals (VAESP) and the Virginia Association for Secondary School Principals (VASSP) regarding policies within their school divisions on selecting and utilizing instructional materials, especially related to the same two items.

From August 1, 2012, to June 15, 2013, the Board of Education received comments delivered during public comment periods preceding Board meetings as well as 54 e-mails and 3 letters from 44 individuals, urging the Board to extend the parental notification and opt-out provisions of the existing Family Life Education regulations to other subject areas.

Summary of Important Issues:

With the assistance of Board members and input from questions raised in written correspondence to the Board, the VDOE developed two online surveys to collect the requested information, one for public school divisions and one for the five professional organizations. For the purposes of the survey, *instructional materials* were defined as materials used for classroom instruction that are not part of the textbook approval process.

On April 16, 2013, e-mail requests containing the link to the online survey were sent to division superintendents and the contacts for the five professional organizations, with a response requested by May 3, 2013. On May 6, 2013, a reminder was sent to those school divisions and organizations that had not responded.

Summary of School Division Survey Questions and Responses

By May 10, 2013, 108 school divisions (81.8%) had responded to the survey. A summary of the school division survey responses is below, with their complete responses available in Attachment A.

Percentages shown are based on the number of school divisions that responded to the *question*, not the total number of divisions that responded to the *survey*. Percentages may not total 100 percent due to rounding.

	Yes	No	Don't Know	Answered Question / Skipped Question
1. Which school division do you represent?	108 (81.8%) of 132 school divisions responded to the survey.			
2. Does your school division have a policy related to the selection and utilization of instructional materials?	106 98.2%	1 .9%	1 .9%	108 100%
3. Does your Instructional Materials Policy require that parents receive advance notice prior to the use of potentially sensitive or controversial materials in the classroom?	51 48.1%	48 42.3%	7 6.6%	106 / 2 98.2% / 1.8%
4. If yes, when must the advance notice occur?	When the student enrolls in the course for the next year			2 / 3.9%
	At the beginning of the school year			13 / 25.5%
	Just prior to use of the instructional materials			16 / 31.4%
	No specific time period			20 / 39.2%
	Don't know			0
	# School divisions that answered the question			51
	# School divisions that skipped the question			57

	Yes	No	Don't Know	Answered Question / Skipped Question
5. If yes, does the notice include a description of the topics, vocabulary, or content that are sensitive or controversial?	31 62.0%	16 32.0%	3 6.0%	50 / 1 98.0% / 2.0%
6. How does your school division define “sensitive or controversial materials”?	<ul style="list-style-type: none"> • Related to Family Life Education – 24 / 24.2% • No definition (with no further clarification) – 21 / 21.2% • No formal definition, but with clarification – 11 / 11.1% • Specific school division policies cited – 11 / 11.1% • Defined by the parent/community – 7 / 7.0% • Materials on which individuals have differing opinions – 5 / 5.0% • Materials that are biased or discriminatory – 5 / 5.0% • Don't know/not sure – 2 / 2.0% • Other responses – 13 / 13.1% 			99 / 9 91.7% / 8.3%
7. How did your school division arrive at this definition?	<ul style="list-style-type: none"> • School board policy development process – 17 / 19.8% • Not applicable because no definition exists – 16 / 18.6% • Based on policy guidelines of the Virginia School Boards Association – 13 / 15.0% • Prevailing practice – 10 / 11.6% • Committee approach – 9 / 10.5% • Don't know/not sure – 9 / 10.5% • Related to Family Life Education – 5 / 5.8% • Other responses – 7 / 8.1% 			86 / 22 79.6% / 20.4%

	Yes	No	Don't Know	Answered Question / Skipped Question
8. Does your policy contain an opt-out procedure that allows a student to be excused from all or part of the classroom instruction related to sensitive or controversial materials?	78 73.6%	17 16.0%	2 1.9% N/A 9 / 8.5%	106 / 2 98.2% / 1.8%
9. Is the parent's permission required for a student to opt out of using certain materials or engaging in certain assignments?	88 82.2%	4 3.7%	1 .9% N/A 14 / 13.1%	107 / 1 99.1% / .9%
10. Are alternate materials or assignments required if the student is permitted to opt out?	73 68.9%	14 13.2%	4 3.8% N/A 15 / 14.2%	106 / 2 98.2% / 1.8%
11. What would be the benefit to your school division if there were statewide regulations requiring advance notification to parents about the intended use of sensitive or controversial materials?	<p><i>Benefits</i></p> <ul style="list-style-type: none"> • Would provide consistency across the Commonwealth – 26 / 25.7% • Would be helpful and provide clarity in making local decisions – 11 / 10.9% • Not necessary, but a definition or guidance on what is “controversial or sensitive” would be helpful – 8 / 7.9% • More awareness by parents – 3 / 3.0% <p><i>No Benefits or No Need</i></p> <ul style="list-style-type: none"> • Would not be beneficial because personal and/or community values differ too much – 17 / 16.8% • No need because current practice is working – 15 / 14.9% • No need, with no further elaboration – 15 / 14.9% <p>Not sure – 6 / 5.9%</p>			101 / 7 93.5% / 6.5%

	Yes	No	Don't Know	Answered Question / Skipped Question
<p>12. What burdens might be imposed on your school division if there were statewide regulations <i>requiring advance notification to parents</i> about the intended use of sensitive or controversial materials?</p>	<p><i>Burdens</i></p> <ul style="list-style-type: none"> • Would be difficult to impose a statewide definition on values determined at the community level – 31 / 31.6% • Would require more administrative work and/or present a fiscal burden – 28 / 28.6% • May create issues where there are currently none – 4 / 4.1% • Would interfere with instruction – 2 / 2.0% <p><i>No Burdens</i></p> <p>Would not present a burden – 17 / 17.3%</p> <p>Would depend on the requirements of the regulations – 10 / 10.2%</p> <p>Other responses – 6 / 6.1%</p>			<p>98 / 10</p> <p>90.7% / 9.3%</p>
<p>13. What would be the benefit to your school division if there were statewide regulations <i>requiring the development of options for alternative materials</i> in cases where sensitive or controversial materials are used or topics are discussed?</p>	<p><i>Benefits</i></p> <ul style="list-style-type: none"> • Would provide consistency across the state – 17 / 17.5% • Could/would create resources to inform decision making in the school divisions – 11 / 11.3% • Would require local school boards to take action – 2 / 2.1% <p><i>No Benefits or No Need</i></p> <ul style="list-style-type: none"> • Not necessary; Board of Education guidance is sufficient – 50 / 51.5% • Not the role of the state; school divisions can and do make these decisions locally – 8 / 8.2% <p>Not sure – 2 / 2.1%</p> <p>Other responses – 7 / 7.2%</p>			<p>97 / 11</p> <p>89.8% / 10.2%</p>

	Yes	No	Don't Know	Answered Question / Skipped Question
<p>14. What burdens might be imposed on your school division if there were statewide regulations requiring the development of options for alternative materials in cases where sensitive or controversial materials are used or topics are discussed</p>	<p><i>Burdens</i></p> <ul style="list-style-type: none"> • Would require more administrative work and/or present a fiscal burden – 39 / 41.1% • Would interfere with local authority and/or local values – 12 / 12.6% • May create unintended consequences; current policies are adequate – 11 / 11.6% • Would interfere with instruction – 5 / 5.3% • Would be difficult to interpret/apply the state's definition of "controversial or sensitive" at the local level – 4 / 4.2% • Would require further policy development – 4 / 4.2% <p><i>No Burdens</i></p> <p>Would not present a burden – 15 / 15.8%</p> <p>Would depend on the requirements of the regulations – 4 / 4.2%</p> <p>Don't know – 1 / 1.1%</p>			<p>95 / 13</p> <p>88.0% / 12.0%</p>
<p>15. Is there any additional information on this topic you wish to add?</p>	<ul style="list-style-type: none"> • No/not applicable – 27 / 47.4% • No need for a statewide policy; should be a local decision and local policies are adequate – 12 / 21.1% • Parental notification and/or opt-out provisions already exist in local policy – 7 / 12.3% • Would be an unfunded mandate that adds to administrative burden – 4 / 7.0% • No need for the state to regulate an area that is not of substantial concern across the entire Commonwealth – 3 / 5.3% • Other responses – 4 / 7.0% 			<p>57 / 51</p> <p>52.8% / 47.2%</p>

Summary of Professional Organization Survey Questions and Responses

By May 14, 2013, the Department had received survey responses from all five organizations [Virginia School Boards Association (VSBA), Virginia Education Association (VEA), Virginia Parent-Teacher Association (PTA), Virginia Association for Elementary School Principals (VAESP) and Virginia Association for Secondary School Principals (VASSP)]. The responses are listed below.

1. In general, are your members aware of their school division policies related to the selection and utilization of instructional materials?

All organizations responded “yes.”

2. What would be their position on statewide regulations requiring advance notification to parents about the intended use of sensitive or controversial materials?

Virginia PTA	No issues with this. Want parents to be notified.
Virginia Association of Elementary School Principals	<p>Parents have the right to know and should be given an opportunity to preview sensitive material. This would be burdensome for school boards because what one person deems sensitive or controversial another might not, so one will always be second guessing. Since parents already have the right to inspect the curriculum and the instructional materials at any time, then this right should suffice.</p> <p>I do not feel we should mandate advance notification to parents about the intended use of sensitive or controversial material. I have mixed feelings about this...at the elementary level, we often offer such notice but it is hard to predict what people will take issue with. In the past 5 years, I have had parents raise objections to a video about slavery, the DARE program (one for concern about informing kids about drugs, another objecting to our use of the program because they feel drugs should be legal), a book in our library about Muslim holidays that was displayed along with other books about religions, etc.</p> <p>We had those who wanted to talk about Newtown and those who did not and of course those who "opted out" of allowing students to watch the President's back to school address. In an era of conspiracy theories, birthers, etc., it is nearly impossible to predict what is "sensitive or controversial."</p>
Virginia Association of Secondary School Principals	Responses from VASSP board members regarding selection of textbook materials indicated that they had not observed problems in their school divisions with the current local process. Moreover, they do not believe that state definitions or regulations are appropriate or necessary in the area of local textbook adoption. Creating an additional bureaucratic

	<p>process where little if any problem exists is unnecessary and could lead to additional expense for local school divisions.</p> <p>Our sampling indicates that the localities represented by our membership have broad, general parameters to follow regarding sensitive or controversial material and work to provide alternative assignments when requested.</p> <p>The VASSP Board believes that a local process should be maintained and that the state should respect that localities have varying priorities.</p>
Virginia Education Association	I think there would be concern on what was defined as sensitive and controversial materials. What is sensitive in one area may not be in another. The regulations would have to be very broad.
Virginia School Boards Association	No response

3. What are the pros and cons of such a statewide regulation?

Virginia PTA	<p><i>Pros</i> All parents would be notified</p> <p><i>Cons</i> None listed</p>
Virginia Association of Elementary School Principals	<p><i>Pros</i></p> <ul style="list-style-type: none"> • Open communication of all stakeholders • Input from all stakeholders • Everyone would be informed <p><i>Cons</i></p> <ul style="list-style-type: none"> • Open for more scrutiny and more conflict or complaints from stakeholders • Transparency • The aspect of double communication • Reaffirming our commitment to students and our community • Finding time or creating a process for parents to view the materials • The difficulty in anticipating all concerns and where do we draw the line
Virginia Association of Secondary School Principals	No response

Virginia Education Association	<p><i>Pros</i> Consistency across the state</p> <p><i>Cons</i> Too restrictive and not applicable to particular areas of the state</p>
Virginia School Boards Association	No response

4. What would be their position on a statewide regulation requiring the development of *options for alternative materials* in cases where sensitive or controversial materials are used or topics are discussed?

Virginia PTA	Notify parents
Virginia Association of Elementary School Principals	<p>I think if there were a statewide regulation, then there should be options available for alternative materials. There should be a variety of resources available to cover the material that would be appropriate for all students.</p> <p>Why would the state choose to adopt controversial materials? I feel that it is moving in this direction no matter what so I would say, keep the options simple, reasonable and achievable (meaning monetarily and with minimum “red tape”).</p> <p>Again, seems like opening the door to many issues. In addition, what would keep a parent from objecting to an entire unit of study or teaching practice and using this to demand an alternate? After our struggles with math textbook adoption, I could see parents claiming that nontraditional algorithms are controversial and asking for an alternative math curriculum.</p>
Virginia Association of Secondary School Principals	No response
Virginia Education Association	They would be very opposed to the state setting requirements for alternative materials. In the systems that have tackled this issue, materials have already been developed by either the division, the school, or the individual teacher.
Virginia School Boards Association	No response

5. What are the pros and cons of such a statewide regulation?

Virginia PTA	None listed
Virginia Association of Elementary School Principals	<p><i>Pros</i></p> <ul style="list-style-type: none"> • Everyone is included • Choice • Reaffirming our commitment to students and our community <p><i>Cons</i></p> <ul style="list-style-type: none"> • Cost of alternative materials • It might not be a simple, reasonable, or achievable option. • The difficulty in anticipating all concerns and where do we draw the line.
Virginia Association of Secondary School Principals	None listed
Virginia Education Association	<p><i>Pros</i></p> <p>None</p> <p><i>Cons</i></p> <p>Making more work for teachers/systems where the materials have already been developed.</p>
Virginia School Boards Association	No response

6. Is there any additional information on this topic you wish to add?

Virginia PTA	No response
Virginia Association of Elementary School Principals	No
Virginia Association of Secondary School Principals	No response
Virginia Education Association	<p>I shall not today attempt further to define the kinds of material I understand to be embraced within that shorthand description and perhaps I could never succeed in intelligibly doing so. But I know it when I see it, and the motion picture involved in this case is not that. —Justice Potter Stewart, concurring opinion in <i>Jacobellis v. Ohio</i> 378 U.S. 184 (1964), regarding possible obscenity in <i>The Lovers</i>.</p> <p>It is impractical for the State Board of Education to set meaningful guidelines on what are and are not sensitive or controversial materials. They will either be viewed as too restrictive or not restrictive enough. It is a decision best left to the individual school boards and the communities they serve.</p>
Virginia School Boards Association	No response

Impact on Fiscal and Human Resources:

Department staff provided the staff resources to collect, analyze, and report the required data. School division personnel provided the responses to the survey questions.

Timetable for Further Review/Action:

None at this time.

Superintendent's Recommendation:

The Superintendent of Public Instruction recommends that the Virginia Board of Education accept the Report on Surveys Regarding Parental Notification Related to Controversial or Sensitive Materials.

**Report on Surveys Regarding Parental Notification Related
to Controversial or Sensitive Materials
June 27, 2013**

School Division Responses to Open-Ended Questions

**Responses to Question #6:
How does your school division define “sensitive or controversial materials”?**

- Related to Family Life Education – 24 / 24.2%
- No definition (with no further clarification) – 21 / 21.2%
- No formal definition, but with clarification – 11 / 11.1%
- Specific school division policies cited – 11 / 11.1%
- Defined by the parent/community – 7 / 7.0%
- Materials on which individuals have differing opinions – 5 / 5.0%
- Materials that are biased or discriminatory – 5 / 5.0%
- Don’t know/not sure – 2 / 2.0%
- Other responses – 13 / 13.1%

Related to Family Life Education - 24

1. Notification concerning sensitive material is only sent for Family Life Education lessons and outside productions focused on "improper behaviors by adults toward students."
2. The only thing we have officially determined is the Family Life Curriculum. Other decisions are made as needed.
3. Special emphasis on the thorough evaluation of materials related to controversial or sensitive topics such as Family Life Education.
4. Family Life curriculum is the main content area that addresses this issue.
5. The policy does not define "sensitive or controversial materials" except to say "such as Family Life Education."
6. These are only identified as part of our Family Life curriculum. Other sensitive materials should be sent to the building administrator for review before sharing with students.
7. We do not define specific materials as controversial or sensitive. However, the policy references the topic of Family Life.
8. A specific definition for "sensitive or controversial" does not exist. Materials that are associated with the Family Life Education program are considered sensitive.
9. For the purposes of this survey, prior written notice of sensitive topics with an "opt out" option applies to the Family Life curriculum. The school division does endorse the practice of allowing students/families the option of choosing an alternative reading selection in the event there is an objection to a class novel as well.
10. Materials related to controversial or sensitive topics such as Family Life Education.
11. Our division defines these types of materials in relation to "family life situations" and/or writings that align with sensitive or controversial situations or interpretations.
12. The policy states "Special emphasis on the thorough evaluation of materials related to controversial or sensitive topics such as Family Life Education." There is no specific definition.
13. We send out information about our family life curriculum to parents. Historically, this is the only instructional material that we specifically provide parent notice about.

14. It is not specifically defined. However, in Policy 6.62 regarding instructional materials selection, special emphasis is to be given “on the thorough evaluation of materials related to controversial or sensitive topics such as Family Life Education.”
15. The parental notice is required only in the Family Life policy.
16. The closest division policy comes to this definition is to state, "special emphasis on the thorough evaluation of materials related to controversial or sensitive topics such as Family Life Education."
17. Example given: Family Life
18. We define sensitive or controversial materials as those that are taught through our Family Life Education Objectives or as those materials that need to be reviewed by our Family Life Education Advisory Committee.
19. It is defined through the use of an example: " ...thorough evaluation of materials related to controversial or sensitive topics such as Family Life Education." An "opt out" option is included in the specific policy on family life, but not in the broader Instructional Materials policy.
20. The wording in the policy is "special emphasis on the thorough evaluation related to controversial or sensitive topics such as Family Life Education."
21. Family Life Education materials.
22. As required for sex education and sensitive topics relating to this area.
23. All instructional materials up for adoption at the division level are open for review prior to use. In certain circumstances, such as family life curricular materials, community involvement teams are established. There are opt-out procedures involved for parents or guardians who do not want their children included in all or part of the program.
24. We have defined "sensitive or controversial materials" in the areas of Family Life Education and Science Dissection. We have not had a need to develop a definition beyond those areas.

No definition (with no further clarification) - 21

No definition (without further elaboration) - 18

1. We don't have a "definition" as such. We consider family life education as containing sensitive and controversial materials.
2. No specific definition; Policy reads "special emphasis related to controversial or sensitive topics such as..."
3. Lots of policies concerning sensitive and/or controversial materials, but no definition was found.

No formal definition, but with clarification - 11

1. We do not have a specific written definition. We make parents aware there might be sensitive and controversial topic/content within a course, and leave it to the parents to decide if their child will participate.
2. Our division does not have a formally stated definition of "sensitive or controversial materials" either in policy or procedures. However, our policy requires that procedures for evaluation of sensitive and controversial materials insure that they are appropriate "in relation to instructional goals and objectives."
3. We do not have a definition. We have a procedure that is followed by those (parents or citizens) who may consider any library book or instructional material as being "controversial." What is controversial for one person may not be controversial for another person. With this in mind, we would be very hesitant to develop a definition that could be interpreted as limiting a person's right to complain about any of the instructional materials that we might use. In the past, we

have had a few complaints about library books such as Tom Sawyer or Huckleberry Finn--both of which contain passages that someone might consider controversial. In these types of cases, the person complaining follows a procedure that the complaint is reviewed by a committee. If necessary, the complaint can be referred to our School Board for a final decision.

4. No formal definition, but we try to evaluate all aspects of an issue to see if there are any possibilities of controversy.
5. Our school division does not provide a specific definition for "sensitive or controversial materials." Our Division Superintendent, along with instructional administrators, works on parent notification allowing the potential for "opting out" of certain sensitive topics.
6. We do not have a definition, but we do look at materials for "educational suitability and age appropriateness as related to accuracy of subject matter."
7. There is no clear definition; rather, the policy states that training for effective citizenship involves a study of many important areas on which opinions and positions differ.
8. Our division does not define "sensitive or controversial materials." Our division policy instead utilizes the term "challenged materials" and defines the process for review of the materials based upon their "educational suitability and shall not be proscribed or removed because of partisan or doctrinal disapproval."
9. The definition is not as clearly defined as we would like, however, it generally focuses on instruction which includes content addressing sex, drugs, alcohol and other issues that would be perceived as controversial due to the personal and community standards that have been established.
10. Our policies include parents in the review of materials under consideration for use. Parents are included in our textbook adoption process and asked to review the materials. Our policies also include procedures for challenging materials. We also provide parents with advance notice relative to the topics and materials used in Family Life Education and provide opt-out options for parents. We also provide alternate reading materials in some cases for supplemental reading and instructional resources. We do not have a definition for "sensitive or controversial materials" - many times what seems sensitive or controversial to one person is totally nonsensitive or noncontroversial to another - so we deal with the issue case by case.
11. We do not define sensitive or controversial materials. We do have a policy that addresses Teaching about Controversial Issues which states that the preparation for effective citizenship includes the study of issues that are controversial. Such study will be carried out in an atmosphere free from bias, prejudice, or coercion. While our policy does not discuss opting out or not, our practice is to allow students to opt out and to be given alternative assignments.

Specific school division policies cited - 11

1. POLICY 5-1.8 TEACHING ABOUT CONTROVERSIAL ISSUES The School Board accepts training for effective citizenship as one of the major purposes of education. This can be done by recognizing that many important areas of curricular study involve issues on which individuals or groups hold differing positions. Pupils engaged in the teacher-assigned curricular study of controversial issues shall: 1. have free access to all relevant information and materials in the school; 2. conduct research in an atmosphere of freedom from bias and prejudice; and 3. form and express opinions on assigned issues. The role of the teacher in the presentation of assigned issues is vitally important. All sides of the issue shall be given to pupils in a dispassionate manner. In the discussion of controversial questions, extreme care is exercised to present facts in an accurate and unbiased manner. The goal is for the pupils to be taught to think clearly on all

matters of importance and to make decisions in light of all the material that has been presented or can be researched on the issues. Indoctrination is not the intent or purpose of the school division. Although the instructional program of the school division includes many facets of the political party system in the United States, the School Board does not approve as a part of the school program the involvement of pupils in activities that imply school endorsement of an individual political party or candidate. Principals shall prevent the distribution of partisan or sectarian literature within the school building and on the school grounds. LEGAL REFERENCE: Code of Virginia, 1950, as amended, §22.1-78. Adopted September 7, 2010

2. **TEACHING ABOUT CONTROVERSIAL ISSUES** The Radford City Public School Board recognizes that preparation for effective citizenship is one of the major purposes of education. The preparation for effective citizenship includes the study of issues that are controversial. Such study will be carried out in an atmosphere free from bias, prejudice, or coercion. In teaching about controversial issues, teachers are expected to •establish a learning environment where each student can study the issues within a curriculum that is appropriate to his or her knowledge and maturity; and •provide instruction in an atmosphere that is free from bias, prejudice, or coercion. Although the instructional program includes study of the political party system in the United States, the School Board does not endorse any political party or candidate.
3. The Board, though it is finally responsible for all book purchases, recognizes the student's right of free access to many different types of books. The Board also recognizes the right of teachers and administrators to select books and other materials in accord with current trends in education and to make them available in the schools. It is, therefore, the policy of the Danville School Board to require the materials selected for our schools be in accord with the following:
 1. Books and other reading material shall be chosen for values of interest and enlightenment of all students in the community and shall be age appropriate with respect to language and style. A book shall not be excluded because of the race, nationality, political, or religious views of the writer.
 2. Every effort will be made to provide materials that present all points of view concerning the problems and issues of our times (international, national, and local), and books or other reading matter of sound factual authority shall not be prohibited or removed from library shelves or classrooms because of partisan, doctrinal approval or disapproval.
 3. In order to maintain the school's responsibility to provide information and enlightenment, censorship of books shall be challenged. In accordance with No. 3 above, the Board has adopted the following policy when dealing with censorship of books or other materials:
 1. That the final decision for controversial reading matter shall rest with the Board after careful examination and discussion of the book or reading matter with school officials or anyone else the Board may wish to involve.
 2. That no parent, or group of parents, has the right to determine the reading matter for students other than their own children.
 3. That the Board does, however, recognize the right of an individual parent to request that his or her child not be required to read a given book provided a written request is made to the appropriate building principal. A comparable alternate assignment will be given.
4. The preparation for effective citizenship includes the study of issues that are controversial. The study of controversial issues shall be conducted in an atmosphere in which knowledge can be freely imparted and the critical thinking of students can be developed through research and classroom discussion within the guidelines of the Program of Studies. FCPS DEFINITION - An issue is controversial when there are substantial differences of opinion about it on the local, national, or international level and when these differences of opinion are accompanied by intense feelings and strong emotions on the part of individuals or groups.

5. "Sensitive or controversial materials" is implied in VSBA Policy INB as that which may be biased, prejudiced, or inappropriate to a student's knowledge and/or maturity. In addition, there is a Family Life (FLE) VSBA policy IGAH which allows parents to opt out their students.
6. We have no working definition. We do have a policy on Teaching About Controversial Issues. It is: The Harrisonburg City School Board acknowledges training for effective citizenship as one of the major purposes of education. This can be done by recognizing that many important areas are held by individuals or groups. In considering such issues, it shall be the purpose of the Harrisonburg City Public Schools to allow the student to do the following: 1. Study any controversial issue which has political, economic, or social significance and which is within the range, knowledge, maturity, and competence of the student and which does not conflict with State Board of Education regulations and the Harrisonburg City School Board's policies and regulations. 2. Study under competent instruction in an atmosphere of freedom from bias and prejudice. 3. Form and express opinions on controversial issues without jeopardizing his/her position with his/her school. The role of the teacher in the presentation of assigned issues is vitally important. All sides of the issue should be given the students in a dispassionate manner. The goal is for the students to be taught to think clearly on all matters of importance and to make their own decisions in the light of all the material that has been presented or can be secured on the issues. Indoctrination is not a policy of the Harrisonburg City Schools. Although the instructional program of the school division includes many facets of the political party system in the United States, the school board does not sanction as a part of the school program the involvement of students in activities that imply school endorsement of an individual political party or candidate. Individual class assignments and volunteer work involving students in political activities are permissible.
7. Policy INB-1 defines controversial issues as those "on which differing positions are held by individuals or groups."
8. Health Education/Sensitive Topics Materials Health education materials for sensitive topics within the approved curriculum must be reviewed by appropriate school personnel and approved by the school board before purchase. When family life education materials that may be controversial are to be recommended to the school board for approval, the superintendent or designee will provide notice to the public through the local and/or school media that books or materials of this nature are to be considered for approval by the school board and will be available at a designated location(s) for review by interested citizens for a period of not less than two weeks.
9. The procedures for selection and evaluation of instructional materials shall offer a thorough and efficient approach which ensures 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. Opportunity for the examination of materials by appropriate committees and individuals; Notice to parents that materials under consideration for approval will be available at designated locations for review by any interested citizens; Provisions should be made for those reviewing such materials to present their comments and observations, if any, to the school board; Procedures for the reconsideration of challenged materials; and Special emphasis on the thorough evaluation of materials related to controversial or sensitive topics such as Family Life Education
10. Our policy does not have a specific definition for sensitive or controversial materials but offers examples... Regulation 8.235 "...controversial issue which has political, economic, or social significance and which is within the range, knowledge, maturity and competence of the students

and which does not conflict with regulations of the State Board of Education and the local school division;" Regulation 8.510 "...sensitive topics such as sex education, moral education, and religion;" Our policy allows for the challenge of library and instructional materials by parents and community members.

11. By policy, the teacher would define the material as offensive or not.

Defined by the parent/community - 7

1. We define sensitive as any information that a parent feels is explicit.
2. Any materials with which parents or community members may take exception.
3. It is defined broadly as those materials that are challenged by a citizen of the City of Virginia Beach.
4. Sex education, moral education, religious materials, and instructional materials in conflict with the values, mores, and philosophies of significant group of parents of the children for whom the materials are intended.
5. Any materials that parents or legal guardians object to based on religious, philosophical or other grounds.
6. Materials that may violate parents' religious or moral beliefs.
7. Any material that is of concern to a parent.

Materials on which individuals have differing opinions - 5

1. Problems, subjects, or questions of which there are significant differences of opinion, unclear resolutions, or public debate that can elicit emotions based on personal belief and value systems.
2. It defines it as an area of study that involves issues on which differing positions are held by individuals or groups.
3. Issues on which differing positions are held by individuals or groups.
4. Controversial issues are defined as "issues on which differing positions are held by individuals or groups."
5. Issues on which differing positions are held by individuals or groups.

Materials that are biased or discriminatory - 5

1. Controversial are those materials that may be biased.
2. Suffolk Public Schools defines "sensitive or controversial material" as material that contains content that may be viewed as bias and discriminatory and does not reflect the all ethnic and gender perspectives.
3. Issues that are controversial will be carried out in an atmosphere free from bias, prejudice, or coercion.
4. Topics that may result in a student feeling offended or excluded from the educational process and may as a result hesitate to express his or her feelings. Examples of sensitive and/or controversial topics include: ethnicity, religion, sexually explicit art and literature, gender, family dynamics, cultural diversity, misuse or misinterpretation of statistical data, appropriateness of sources, credibility of instructional resources and research sources, historical perspectives, environmental and other political perspectives, ethics of medicine, violence in literature and course content, and offensive vocabulary, mannerisms, and behaviors in instructional resources.
5. Although there is no one interpretation of these terms, it is the intention that those responsible for curriculum development and selection of materials will be aware of the delicate needs of students at various ages/stages of development. This means that consideration should be given to

selection of materials that are age appropriate and without bias. Additionally, we are to recognize issues that a diverse community may consider controversial in nature, particularly as related to issues where the family unit may be responsible for conveying information to their children (such as would be the case in family life education).

Don't know/not sure – 2

Other responses – 13

1. Use of language and content not typical to standard conversation.
2. Sensitive or controversial materials are topics of study which may include political parties, religion, sexuality, and or family life curriculum.
3. Restricted for audience viewing.
4. Material that the average person might consider offensive.
5. Sensitive materials are those in which strong views are evident in society. Examples would include political views and religious views.
6. The regulations written by the Virginia Dept. of Education are used.
7. Materials can be challenged that are culturally insensitive.
8. A sensitive or controversial issue may be (1) any topic that society is in the process of debating; (2) any topic for which more than one position is being supported; or (3) any issue that may arouse strong emotions.
9. Anything that could be seen as controversial.
10. Family Life Topics and materials Political campaigns Referendums Local issues Digital citizenship Religious references in historical context
11. "R-rated (using the Motion Picture rating as a guide)"
12. We have committees composed of administrators, teachers, parents, and community members that meet to discuss any controversial material. This would include any material that we feel may offend any student or any parent.
13. We use a different term.

**Responses to Question #7:
How did your school division arrive at this definition?**

- School board policy development process – 17 / 19.8%
- Not applicable because no definition exists – 16 / 18.6%
- Based on policy guidelines of the Virginia School Boards Association – 13 / 15.0%
- Prevailing practice – 10 / 11.6%
- Committee approach – 9 / 10.5%
- Don't know/not sure – 9 / 10.5%
- Related to Family Life Education – 5 / 5.8%
- Other responses – 7 / 8.1%

School board policy development process - 17

1. Through research and School Board discussion.
2. School Board Policy
3. The School Board voted on Regulation 3280 Controversial Issues
4. School Board discussion
5. This is what is in the policy adopted by the School Board.
6. Board committee work and board action, July 2005
7. This was determined by the school board.
8. Noted in Board Policy
9. Not clearly defined, but an example is provided in the policy
10. Through the policy development and approval process.
11. Policy guidelines.
12. Discussion by administrators and instructional specialists. Approval by Policy Review Committee and then School Board.
13. Policy 304P - Selection of Materials (in part) General It is the policy of the Frederick County School Board to provide a wide variety of instructional materials that include textbooks, supplemental materials, and library media materials to support the curriculum and enrich the educational program of the school. A school library media center in each school shall provide a wide range of materials on appropriate levels with a diversity of appeal and point of view.
Justification: The division has employed this policy since 1990.
14. The school division has maintained this definition since the policy was instated in 1983.
15. During policy review of Section 3000 - Instruction
16. It is part of our policy.
17. The aforementioned policy was developed in June 25, 2007, and is currently being reviewed as part of the division's policy review process.

Not applicable because no definition exists - 16

1. N/A as there is no definition of "sensitive or controversial materials" found in the review of our policies.
2. There is no definition in our policy of "sensitive or controversial materials."
3. There is not a clear definition
4. We do not define "sensitive or controversial materials."
5. We do not have a specific definition, as stated in the previous response.
6. Not applicable (without further elaboration) - 11

Based on policy guidelines of the Virginia School Boards Association - 13

1. We use the VSBA policy service for such definitions; it addresses "controversial issues," but not "materials." In general, topics considered as "protected areas" under PPRA would be considered as "sensitive" or potentially "controversial."
2. Virginia School Board Association
3. It is currently wording in a policy adopted through the VSBA. Parents have the opportunity to write a complaint about any supplementary materials used in the classroom.
4. The policy uses language provided through VSBA policy services.
5. I imagine that this is based on a model policy obtained from the VSBA -- generally all policies are broad in nature and come from "sample language" provided by VSBA. Currently, our division is reviewing and updating ALL policies/regulations. This is one of the policies that is up for review and the regulations will be revised accordingly.
6. VSBA policy guidelines
7. From VSBA policy. We also have local school board and school regulations concerning these issues.
8. Policy Manual and guidance regulations from VSBA, VDOE, ASCD, etc.
9. Policy IIAB-R has been in existence since 12/94.
10. I believe this policy came from VSBA.
11. Adoption of VSBA Policy INB
12. We use VSBA policies.
13. VSBA

Prevailing practice - 10

1. We have relied on being sensitive to the topics being taught. We have typically taken a conservative approach to sensitive and controversial materials and therefore have not had to deal with this very often.
2. These procedures allow us to connect the evaluation of 'sensitive or controversial materials' to appropriate instructional goals and objectives designed to meet the needs and interests of the students in our community.
3. Though we do not have a formal policy or definition, our practice is to inform parents of any potentially sensitive or controversial material and allow time to review if requested. As the years have passed, we have realized how many topics that once were not controversial have become so.
4. As required.
5. Collective understanding.
6. This definition is based on input and experience.
7. Despite the care taken to select appropriate and valuable materials and the qualifications of the persons involved in the selection, occasional objections to a selection may be made. When such objections occur, principles of freedom of information and the professional responsibility of the staff are defended rather than specific materials.
8. We consider issues of sensitivity, bias, and controversy whenever making decisions on selection of instructional materials to support our curricula.
9. Previous practice.
10. General consensus.

Committee approach - 9

1. Collaboration between administrators, staff, and community members.
2. WJCC's School Health Advisory Committee developed our opt out policy for Family Life and Sex Education which was adopted by our School Board.
3. Committee approach involving representation from the community, parents, and teachers. They used the Family Life Education program guidelines provided by the VDOE and approved by the Virginia Board of Education.
4. An evaluation committee.
5. By use of committees that include teachers, parents, students, and administrators.
6. Depending upon the scope of the approval/adoption, education professionals may be assisted by parents/community members to determine the “educational suitability and age appropriateness as related to accuracy of subject matter” for specific materials.
7. Discussion and work between central office staff, school-based staff, and citizen/parent advisory groups.
8. The areas deemed sensitive in Family Life or Science Dissection were determined by a curriculum committee and our School Board.
9. Committee established the definition.

Don't know/not sure - 9

Don't know/unsure (without further elaboration) - 4

1. I do not know as it was established more than 7 years ago.
2. Unsure, it is in policy.
3. Not sure. Policy was last revised in 2008.
4. Don't know. The policy was done by previous administration - is on the update list this summer.
5. Local policy that has been in place several years. In place before I became superintendent.

Related to Family Life Education - 5

1. Practices regarding family life curriculum.
2. Because of some of the content in FLE.
3. A Family Life committee developed the overall program guidelines.
4. This definition and information comes from the State of Virginia Family Life Education curriculum.
5. The practices of parent notification for Family Life Education have been practiced for many years. I would conjecture that definitions come from "common sense."

Other responses - 7

1. It is defined by society. When various views are expressed in the course of daily life or in the news media, controversial issues are defined.
2. In relation to the above topics . . .
3. Used VDOE regs.
4. Students, nor teachers, will be successful in programs that parents believe violate their child's rights.
5. Issues for which there are multiple perspectives were identified for the purpose of developing language broad enough to encompass many circumstances.
6. This definition was derived from the criteria and general requirements used in the division's textbook adoption process.
7. Based upon legal reference in the Code of VA, 1950, as amended § 22.1-253.13:7.C.2. 8 VAC 20-170-10.

Responses to Question #11:

What would be the benefit to your school division if there were statewide regulations *requiring advance notification to parents* about the intended use of sensitive or controversial materials?

Benefits

- Would provide consistency across the Commonwealth – 26 / 25.7%
- Would be helpful and provide clarity in making local decisions – 11 / 10.9%
- Not necessary, but a definition or guidance on what is “controversial or sensitive” would be helpful – 8 / 7.9%
- More awareness by parents – 3 / 3.0%

No Benefits or No Need

- Would not be beneficial because personal and/or community values differ too much – 17 / 16.8%
- No need because current practice is working – 15 / 14.9%
- No need, with no further elaboration – 15 / 14.9%

Not sure – 6 / 5.9%

*Benefits***Would provide consistency across the Commonwealth – 26**

1. It would allow for uniformity across the state with how parents are notified.
2. It would better define what the state considers sensitive and controversial.
3. Since we currently have a notification procedure in place, the major benefit would be the standardization of the notification letter. Currently, some parents with children transferring into WJCC Schools from other Divisions are confused or have questions about this policy.
4. All schools would be required to follow the same procedure. Definitions for "controversial" and "sensitive" would be developed so there would be consistency in vetting.
5. The benefit of having a statewide regulation regarding the advance notification to parents about the intended use of sensitive or controversial materials would provide clear expectation that would govern the behavior of all.
6. Continuity throughout the state.
7. Very beneficial to have statewide regulations that would be universal for all school divisions.
8. I think it would be beneficial to have everyone working from the same set of regulations across the state. As students become more transient, the lines are ever blurring.
9. Statewide regulations would ensure consistency of notification, as well as helping set parent expectations.
10. We would have more consistent procedures and regulations statewide.
11. Benefit of being uniform.
12. There would be continuity of language across school divisions.
13. More consistency across the state.
14. It would be clear and consistent with the rest of the school systems.

15. Would make the Opt out or Opt in procedure more uniform between divisions in the same general locality. Would empower administrators to draw from legally sound decisions made at the state level.
16. The benefit would be in uniformity across the state.
17. The definition would be more uniform.
18. Consistency across the state.
19. There would be consistency between school divisions across the state and would not put the division in a position to be defended if questioned.
20. Uniformity across state. There would be no real advantage.
21. There would be consistency throughout the state.
22. A statewide regulation would provide for consistency from one division to another.
23. The division would have a uniform set of regulations to follow for such sensitive or controversial materials, etc.
24. Consistency in materials VDOE endorsement of materials Multiple perspectives statewide and consensus for the materials
25. This would provide a common framework across the state.
26. It would give a clear definition of the terms sensitive and controversial materials that would be consistent across the state.

Would be helpful and provide clarity in making local decisions – 11

1. Technically, there could be a benefit in the event of a complaint.
2. If statewide regulations are imposed, based on best practice, then we would consider the guidance beneficial because our goal is to operate based on the best interests of students and their families.
3. It would simplify the procedures and eliminate the need to generate and revise procedures as needed to reflect changing mores.
4. It would help us to be sure we are in compliance and help us if there were litigation.
5. It would benefit our system greatly. Allowing the division to make that a policy if we do not currently have one in place.
6. It would be of great benefit.
7. More clarity as to the definition of what is considered "sensitive or offensive."
8. KWCPs would have the benefit of a definition of sensitive or controversial materials.
9. Yes.
10. It would make our policies in alignment with the state policies and not leave the decisions left up to a certain few in the division.
11. I believe it would be helpful if there were guidelines.

Not necessary, but a definition or guidance on what is “controversial or sensitive” would be helpful – 8

1. It depends upon the topic or issue, and whether there would be a statewide identification/definition of those sensitive issues.
2. A simple definition that can be clearly communicated with all parents in regard to the definition of sensitive and/or controversial materials would be beneficial.
3. The statewide regulation would only be beneficial if it provided a more clear definition of sensitive and controversial, though we will still deal with locally sensitive issues.
4. It would be helpful for the state to establish the definition of sensitive or controversial materials.

5. Guidance would be uniform across systems, thus eliminating possibility of miscommunication and/or confusion.
6. Guidelines to ensure consistency and quality as Family Life Education are taught from school division to school division.
7. I think better guidance would be related to defining sensitive or controversial materials. A regulation identifying specifically those materials seems so subjective that perhaps the better policy is for parents to be able to opt out of any part of curriculum based upon their beliefs.
8. State guidelines would allow all divisions to follow the same rules and regulations.

More awareness by parents – 3

1. If this is a statewide policy, I think it would perhaps lead to parents being more receptive of the idea.
2. The awareness for parents would be beneficial to avoid misunderstandings. Parents would have ample opportunity to ask questions. Teachers would have ample opportunity to provide an alternate assignment or arrangement for the student.
3. It would be very helpful. Parents would receive the same information in a consistent manner from all school divisions across the State of Virginia.

No Benefits or No Need

Would not be beneficial because personal and/or community values differ too much Decisions should be made at the local level – 17

1. We see no benefit in having a statewide regulation. What is sensitive or controversial to one community may not be that to another. It is not good to impose one set of values upon all.
2. Sensitive or controversial topics can be defined in different ways in different areas of the state. A statewide policy may limit or expand current policies for divisions.
3. It would take away one of the purposes of the School Board. We need to be regulated by our community not the State or the Feds.
4. The state should not dictate to the division in regards to what is sensitive or controversial.
5. A working definition for "sensitive or controversial materials" would be helpful – however, what is controversial is one community may or may not be controversial in another community. In our policy "Teaching About Controversial Issues" - it is stated that "preparation for effective citizenship includes the study of issues that are controversial."
6. I do not know how you can define sensitive or controversial materials in a manner that would apply to all parents. Some parents are not offended by certain books, others all. I am sure that this varies greatly within the geographic regions of the state. I think that a statewide definition would be extremely limiting and would impose undue hardship on teachers.
7. The benefit would be consistency among all schools, although it may be difficult to consistently define "sensitive and controversial" so that all people have the same understanding. Currently, in this school system, the teaching of sensitive/controversial materials, notice and opportunity to challenge/substitute materials is handled on an individual basis. This process has worked well in a small school division with only one high school.
8. The school division should be able to address these issues internally.
9. There would be NO benefit and this would constitute unnecessary regulations when we are in fact able to handle issues ourselves. As I mentioned previously, what one person would view as

sensitive or controversial would not be sensitive or controversial to another person. By promulgating unnecessary regulations, the state would interfere with and inhibit the healthy dialogue and interaction that occurs within the school division with its stakeholders. Such action would be another example of the "lack of trust" that I heard articulated by many people who attended the "Listening Tour" in Franklin County.

10. Localities are more familiar with their communities and should maintain the responsibility for the selection and utilization of instructional materials.
11. No benefits. These are local issues best left to local School Boards who represent their localities.
12. There would be no benefit to the division. Each locality has different norms that serve as triggers for questioning the appropriateness of materials and/or instruction. Frederick, for example, does not teach Family Life Education but provides units in health education entitled "Sensitive Topics." The division employs a procedure for requesting reconsideration of educational materials through regulation. This respondent has worked in multiple divisions serving different communities. From experience, two localities adjacent to each other can and do have divergent value sets. No one standard will fit all divisions.
13. We want this decision to be left to the locality.
14. None. There is no definition of what constitutes sensitive or controversial materials. Parents have the right to decide what is or is not controversial for their child. Each parent will have a different perception of what is controversial. It is unrealistic to create a state-wide regulation since different parents will consider different issues controversial. It would be extremely difficult to regulate.
15. None-locality decision.
16. No. Issues should be defined and handled locally. We do not opt out per se as part of our instructional program, but we do have opt-out as an option in our guidance program. There are too many state regs now!
17. It depends on the definition of sensitive or controversial materials. It could make it much more complicated for us.

No need for state regulations because current practice is working – 15

1. None. Current practices seem to be sufficient.
2. Given the fact that we have had so few complaints through the years and the fact that our parents have access to our policy manual which contains our policy and regulation regarding how to challenge library books and/or instructional materials, I doubt that it would benefit us much. In reference to a previous question, I could not answer yes or no because the assignment of alternative material would depend on the specific situation. For example, if an English class has a requirement that a certain book be read and a parent objects, we probably would allow the student to read a different book with a similar theme. However, we might decide not to remove a book from the library based on one complaint. On the other hand, if a parent objects to the Theory of Evolution and that topic is going to be covered over several days, an alternative assignment might be appropriate.
3. Currently, this is not an issue and our local division is able to handle any complaints. I believe it could be overwhelming for whomever does this screening.
4. This is covered by adoption of VSBA recommended policy.
5. We typically have not had issues related to the teaching of controversial issues. If problems arise, we deal with it on a case-by-case basis and provide an opportunity for students to opt out.

6. No benefits. Our division already requires advance notification to parents about sensitive or controversial materials.
7. There seems to be no clear benefits. The process that we have in place for providing a list of common instructional materials to parents at the beginning of each school year seems to be working. We have a process in place to ensure that committees are selecting materials "that are balanced to present many points of view concerning problems and issues on local, state, national, and international levels."
8. There would be no benefit. We have a local policy in place with which we feel comfortable.
9. None as we already have this at division level.
10. No particular advantage for requiring advance notice. LCPS policy does allow for challenges to instructional materials that have been selected and are in use.
11. None. Current policy provides for community and family voice and needs to be met.
12. Opt out procedures with alternate assignments are more frequent (though still rare) in the Family Life Education curriculum topics. Occasionally, a print resource (novel, most often) is questioned. Again, this is a rare occurrence. RCPS is immediately responsive to any changes in regulations and would do whatever was necessary to implement those changes. At this point, our policies and procedures would seem to be serving community needs.
13. Since FCPS has numerous regulations that address this topic already (3004, 3005, 3007, 3008, 3009, 3011, 3012, 3013, 3204, 3280), there would be no benefit because we already have set procedures for selecting materials, notifying parents, and providing alternative assignments. Staff and/or selected committee members (which include staff and parents) must already take into consideration many variables like: all materials must follow Fairfax County Public Schools (FCPS) Program of Studies and the Virginia Standards of Learning, in addition to age and grade appropriateness, cultural or ethnic differences, language or word choice, religion, disabilities, violence, implied or explicit sexual situations, and presents accurate content clearly and logically. They must try and avoid materials that: distort facts, depict outmoded roles and/or behavior patterns, include graphics, side bars, and written exercises (including case studies, problems, and experiments) that demonstrate minority stereotyping and gender bias, include descriptions that show women and/or minorities as being limited or inferior in capabilities, talent, or participation in society, and demonstrate gender bias and/or minority stereotyping by omission.
14. APS has a general policy and practice of allowing parents to opt students out of topics for religious and other reasons. While not implicit in the APS policies and procedures on this specific topic, we have used our general policy and practice to cover the admittedly rare instances that this occurs. Therefore, we do not see a direct benefit for additional regulations on this topic.
15. It would be a burden on school divisions if the state expanded the definition and not have a clear concise definition of sensitive materials.

No need for statewide regulations, with no further elaboration - 15

None – 8 responses

1. None, it would add more work for staff.
2. We do not see any benefit to this action.
3. Do not need statewide regulations
4. I do not see any benefits at this time.
5. We do not see benefit of the state requiring advance notification to parents.

Attachment A

6. There would be no benefit to the school division if there were statewide regulations on parental notification.
7. I don't think this requires statewide regulations.

Not sure - 6

Not sure – 5 responses

1. Unsure. Who would be determining what was sensitive/controversial?? Think that the process at the local level should cover and address the needs without the state making the "identification" of what are sensitive/controversial materials.

Responses to Question #12:

What burdens might be imposed on your school division if there were statewide regulations requiring advance notification to parents about the intended use of sensitive or controversial materials?

Burdens

- Would be difficult to impose a statewide definition on values determined at the community level – 31 / 31.6%
- Would require more administrative work and/or present a fiscal burden – 28 / 28.6%
- May create issues where there are currently none – 4 / 4.1%
- Would interfere with instruction – 2 / 2.0%

No Burdens

Would not present a burden – 17 / 17.3%

Would depend on the requirements of the regulations – 10 / 10.2%

Other responses – 6 / 6.1%

Burdens

Would be difficult to impose a statewide definition on values determined at the community level - 31

1. Definitions of sensitive or controversial materials by the State are not necessarily those of the local community.
2. The definition of sensitive or controversial materials will be dependent on the offended party.
3. The determination of what is "sensitive or controversial" would need to be widely disseminated. In the course of instruction, given our definition, there are many areas which could be construed to be "sensitive or controversial."
4. Every community would probably define sensitive and controversial differently. It would be costly in terms of staff time and would likely delay the instructional process.
5. Statewide regulations may not fit the needs of our locality.
6. Statewide provisions would not allow for varying values and traditions particular to different communities across the state.
7. This type of notification and identification needs to be maintained at the local level. The state does not need to get involved. The needs and demographics of each locality are different and school boards should make these decisions.
8. As noted above -- I think this would be very difficult, as what is sensitive/controversial in one division may not be in another. This appears to have the potential of being very intrusive.
9. Sensitive or controversial topics can be defined in different ways in different areas of the state. A statewide policy may limit or expand current policies for divisions.
10. Community norms regarding what is controversial can be very different across the state. Reviewing materials again to determine if they are considered sensitive or controversial.
11. Again, the issues of definition that will apply to all parents -- all belief systems, all cultural backgrounds, all educational backgrounds. I could see that it would be very difficult for teachers

to identify materials. In the long run I would fear that students would miss out on great literature or ideas because of the limitations imposed by such regulations.

12. Statewide regulations requiring advance notification would impose a state definition of what is deemed controversial without regard for the views of the locality. It would then require the review of all materials to which this definition would be applied causing staff to unnecessarily prejudice materials as controversial for fear of being out of compliance.
13. What is sensitive or controversial to some parts of the State may not be the same as in other parts.
14. Providing a common definition of sensitive or controversial materials that would be acceptable to all parents, teachers, and students across the Commonwealth would be difficult to develop and enforce. What is acceptable in Virginia Beach may not be acceptable in Wise County. We have relatively few cases of disputed materials now and a statewide regulation would likely increase the incidence of disputes being lodged; thus taking staff away from the important issues of school safety and quality instruction. The potential exists for a financial impact because alternative materials would be needed to respond to constituents opinions regarding what is acceptable for classroom use.
15. Who defines what is controversial? If a parent does think something is controversial and the School Board does not think so, who trumps who in terms of the state regulations? Additionally, what is advance notification? A teacher may decide to tackle an issue based on a current event; does she have to wait a week until parents are notified? I believe local school boards and school divisions are sensitive to the students and parents in their community and can handle any issues that arise. I am not sure we need additional state regulations that may cause additional work at a time when staffs continue to be reduced.
16. Whose definition would be used? If this mandate existed at the state level, it could be used against the division by parents with out-of-mainstream views on issues. Increased documentation and paperwork would be required of administrators and teachers.
17. The problem will be developing a definition of sensitive or controversial. Not all will agree with what materials fit this description.
18. Our community is very conservative. The statewide definition of sensitive or controversial materials may be very different from that of our stakeholders. Statewide regulations such as this one would be a burden on school divisions. Programs of Studies and published curriculum maps, clearly provide stakeholders with the standards, topics, etc., that will be covered in the classroom.
19. All communities in the state are not the same and do not share the same traditions, heritage, and value systems. What may seem controversial to one division may not to another. Having to provide advance notification for any sensitive or controversial materials based upon the state's definition and not the localities definition could be burdensome.
20. What is considered controversial is subjective. A teacher could be in danger of violating the division's policy because of a potential difference of opinion with what a parent deems controversial.
21. It will be difficult to gauge the moral compass of every community.
22. Our current policy addresses the procedure for parents to file a complaint related to learning resources. Statewide regulations would put a burden on the locality in limiting how it addresses the needs of its community in a manner appropriate for each individual division.

23. People have different definitions of sensitive or controversial materials. If a policy existed, a teacher may inadvertently be noncompliant because he/she does not recognize the material to be sensitive or controversial.
24. The greatest burden would be defining what is considered sensitive or controversial, as what is sensitive to one group may not be sensitive or controversial to another. Our population is somewhat conservative and it could create the need to notify parents about numerous topics such as, evolution, religion, race, segregation, genocide, etc. An additional burden would be the cost of communication. Would the information have to be mailed home (postage) or could it be shared via electronic means or on a handout (paper and copy cost) provided to the student. Time and manpower to ensure that this communication was carried out would increase, along with an increase in the number of requests for alternate assignments, as well as parent conferences when there was a disagreement regarding whether something was or was not controversial or sensitive.
25. The responsibility of the Board and ACPS is to “train students for effective citizenship” (Policy INB-1) so that “students will (1) have free access to all relevant information and materials in school; (2) conduct research in an atmosphere of freedom from bias and prejudice; and (3) form and express opinions on assigned issues.” The range of issues and/or materials that could be considered as sensitive or controversial to even one parent is limitless. Without specific parameters of what the community considers sensitive or controversial the Division could be put in the position of providing advanced notice on an endless number of topics or greatly restricting the information it allows its students to access. It would deny students the opportunity for a rigorous and demanding 21st century education.
26. The State should not be defining sensitive or controversial. This is an individual and/or community issue.
27. There may be a lot of subjectivity in determining if materials fall into those categories. There may be different interpretations on the same material among neighboring school divisions or even within the same division if the review process occurs at the building level. Additional time will be required by staff to review materials.
28. Advance notification to parents about sensitive or controversial materials would be a burden because what is sensitive or controversial is subjective. We would be having debates over what is sensitive or controversial.
29. In today's society, I am not sure that a clear definition of sensitive materials can be defined for all communities, religions, or cultures. I think it would just create confusion or a right to parents that a school division probably will not be able to meet.
30. Policies and procedures must be updated. We run the risk of being held to community standards that are not representative of our community. Would this apply to standardized Internet Filtering across all school divisions?
31. Awful! The spectrum is too broad for personal views.

Would require more administrative work and/or present a fiscal burden - 28

1. It would take away from instructional time to try and keep up with more paperwork and ensuring we are adhering to the given regulations.
2. It would be one more notice to provide in a list that is already very long. It would be one more additional burden for administrators in terms of having to get required notices out to parents in a timely fashion. There is a cost in terms of administrative time to take such actions. If they are not executed correctly/timely, then there exists potential for litigation. This topic has not been an

issue for our school division historically, and we deal with such issues under broader policies regarding complaints in general.

3. More work for staff who are already overworked. It would be cumbersome and difficult to enforce as not everyone has the same interpretation of sensitive or controversial materials, parents might think some things are sensitive or controversial that the school division does not.
4. Topics that were not previously an issue could become an issue. Defining notification timelines could be a burden. I do not anticipate any significant burden unless a tremendous amount of materials/topics are identified. This could add a significant amount of additional work when we are already understaffed due to the lack of state funding.
5. Two significant burdens are the time for notifications and the monitoring of all materials.
6. Additional time, personnel, and resources (i.e., unfunded mandates).
7. Money.
8. The additional burden on a school division would be the additional monitoring and reporting for state and the personnel needed to complete this task. Again, guidance without regulation could be helpful.
9. Time commitment for review to ensure no conflict with existing policies. Distribution of notification - would the cost of the notifications fall on the school divisions?
10. We would have to assign an individual to be in charge of and manage this process. We are a very small school division with very few administrative staff so the small staff that we have, already wears many hats.
11. Certainly the wholesale notification would be burdensome unless it could be accomplished electronically. Second, some of these issues can (or should) be considered fundamentally important to public education and not subject to a standardized definition that could be purposefully misinterpreted.
12. Some burdens might be sustaining resources of a financial nature as well as making sure information is presented in a timely fashion.
13. Setting statewide regulations may tie our hands in regards to how we could work through each case on an individual basis. Depending on how the policy is worded, it may result in additional cost for communication and could create an atmosphere where opting out would become more prevalent.
14. We would have to take an in-depth look at all materials currently being used. It would create a heavier burden on teachers.
15. The step to ensuring parents have received notification will be an additional responsibility on teachers.
16. Publication expenses and mailings with postage expenses would be added financial costs as well as personnel to oversee and make sure all regulations are given as expected.
17. More bureaucracy.
18. Such regulations would impose financial and time burdens on our school division and its employees. This would be another example of providing regulations that cause educators to spend more time on unnecessary regulations and less time on our true work of educating students.
19. Additional unfunded mandates that divert the attention of schools from ensuring that students receive a quality education.
20. By reaching consensus the materials may have a more liberal or conservative bend than our local division. It may be too restrictive or not restrictive enough.

21. Burdens imposed on the school division would include consistent and appropriate monitoring of the regulation, the financial costs associated with assessing and conducting a comprehensive review of all current instructional materials, and notification to parents.
22. This requirement would be an extra burden as "sensitive materials" are open to interpretation. Anticipating a parent's or student's reaction to some portion of something used in the classroom by more than 5,000 teachers would be impossible. The LCPS policy is responsive to concerns raised through a comprehensive procedure which has served us well for many years.
23. One possibility of a burden would be the actual notification of parents in itself. Another could be the financial burden depending on the wording of the regulation as to how to notify parents. A final burden would be the actual definition of sensitive or controversial material - different parts of the state or different demographics may find these to vary.
24. Too many gray lines. We use multiple means of communication with parents. There would be financial and time barriers that could impact the flow or timeliness of the instruction.
25. While our policy does not require the parental notification, our practice for family life, evolution, and other topics that have historically been seen as sensitive or controversial, is to let parents know in advance. A statewide regulation would have the small cost burden of rewriting policy and handbooks.
26. Unfunded mandate.
27. Additional regulation will require us to conform our current practice, which has been very effective, in handling these situations.
28. Since FCPS already has regulations in place, changing those local regulations would require retraining of staff and the greater community, and could create new concerns or issues we are currently not having to address under current regulations. What one community might consider controversial another might not, so creating statewide definitions, regulations, and so forth could actually create more issues than are currently being addressed.

May create issues where there currently are none - 4

1. The only burden might be an increase in complaints which we would have to deal with in the future.
2. At this time, we have very few concerns expressed regarding family life and almost all students participate. This requirement would not be different from what we are already doing but may serve to create parental concern resulting in more students not participating for a short time period.
3. No direct burdens. However, the publication of state regulations could encourage some people to challenge or use those regulations to advance political agendas as opposed to personal beliefs which would not benefit the child and could impose time and cost challenges on a division.
4. The main burden would be defining exactly what is sensitive or controversial. We have not had many issues with parents questioning the curriculum or materials, so to require advance notice could potentially create issues where they have not previously existed. It is very difficult to pin down what is controversial or sensitive because it differs from family to family or from community to community. Currently, our teachers use professional judgment to determine when it is appropriate to notify parents in advance. If such notification does not occur and a parent objects, the student is provided with mutually agreeable/appropriate alternatives.

Would interfere with instruction - 2

1. Teaching is more spontaneous than that. We will hurt the educational process if we require teachers to script everything in advance.
2. It would unnecessarily impede instruction. It may also boarder on censorship. See the previous answer.

No Burdens

Would not present a burden - 17

None – 4 responses

1. No burden on our school division.
2. I cannot identify a burden such a requirement of notification would create.
3. None that I can foresee
4. None that I can foresee at this time.
5. None - we already make every effort to notify parents in advance when a topic might be controversial.
6. I don't believe there would be any burden at this time.
7. We don't see any burdens.
8. No burden.
9. None-it should be happening anyway.
10. We do not see that such regulations would impose a burden on our school division.
11. None that I know of....but, it was my understanding that it is already a requirement for all divisions.
12. None as we already have this at division level.
13. I do not anticipate any burden to our system if the state adopts such a policy.

Would depend on the requirements of the regulations - 10

1. Dependent upon the scope and detail of the regulations.
2. If we needed to generate new practices within our system. However, I don't believe that would be a bad thing, it would just be a change from current practice.
3. How will sensitive or controversial be defined? This could place an undue burden on divisions in the selection of materials.
4. Depends if notification must be documented (signed by parent) or just sent to all parents.
5. The burden of advance notice would depend on the time frame when advance notice is required. An unintended consequence of this regulation may be that some teachers would be discouraged from teaching valuable materials because of the process.
6. Depends on the nature of the regulation.
7. Again it would depend on the definition the state uses and what type of advanced notification.
8. We don't know until we see how the regulations are written.
9. Not sure of the level of burdens. However, we can work with our administration to find out.
10. Until such regulations were proposed or approved, this question cannot be answered. Depending on the length of time between change in regulation and effective date of implementation, it is possible that we might be challenged by a short timeline.

Other responses - 6

1. Autonomy for local school divisions may be compromised.
2. Effective communication on the intent of the advanced notice.
3. Given the dynamic nature of information and materials, it would be a huge burden.
4. Minimal impact.
5. Lack of ability to make adjustments.
6. Common sense dictates that appropriate parental notification be provided for sensitive or controversial materials. The division currently notifies parents annually of their right to opt their child(ren) out of certain activities or the study of certain topics. Additionally, all materials that may be sensitive or controversial must be approved, in advance. Permission slips are required for any video rated PG or higher. Certain supplementary materials and texts must be approved by the school board.

Responses to Question #13:

What would be the benefit to your school division if there were statewide regulations requiring the development of options for alternative materials in cases where sensitive or controversial materials are used or topics are discussed?

Benefits

- Would provide consistency across the state – 17 / 17.5%
- Could/would create resources to inform decision making in the school divisions – 11 / 11.3%
- Would require local school boards to take action – 2 / 2.1%

No Benefits or No Need

- Not necessary; Board of Education guidance is sufficient – 50 / 51.5%
- Not the role of the state; school divisions can and do make these decisions locally – 8 / 8.2%

Not sure – 2 / 2.1%

Other responses – 7 / 7.2%

*Benefits***Would provide consistency across the state - 17**

1. It would provide consistency throughout the division and make identifying alternatives a quick process.
2. Continuity throughout the state and the availability of additional resources.
3. We would have the support of the VDOE and consistency statewide.
4. Consistency
5. Provide consistency
6. Consistency.
7. Consistency would allow all divisions to be on the same page with the controversial subjects.
8. Consistency across the state.
9. Consistency with evaluation of materials.
10. There would be consistency and options for students.
11. A statewide regulation would provide for consistency from one division to another.
12. We already have options for family life, animal dissection, and reading assignments. If the state were to establish regulations for the development of options, it could provide greater consistency across the state.
13. There would be consistency in policy statewide. However, this question brings up controversial topics discussed, which presents a conflict in answering this question completely. In our division, controversial issues and topics are covered under a different set of policies, which differs from the stated purpose of this survey.
14. This would provide a common framework across the state.
15. It would be very beneficial to have statewide regulations. Regulations would help school divisions be consistent in their procedures regarding sensitive or controversial materials.
16. It would ensure that all students are being required the same high level of work.

17. Once again, it would make it easier that the policies were mandated by the state.

Could/would create resources to inform decision making in the school divisions - 11

1. A bank of instructional material that could be used statewide.
2. We currently provide options for alternative materials in cases where students opt out of sensitive topics. There would be great benefit if the state would develop standardized materials for these topics.
3. State support would be a benefit.
4. It would simplify the procedures.
5. The benefit of requiring the development of options for alternative materials in cases where sensitive or controversial materials are used or topics are discussed would provide the opportunity for the thoughtful preplanning and organizing of alternative material and instructional content to be prepared and presented to students as needed.
6. As mentioned in question 11, would provide more clarity on the definition of "sensitive or offensive" subject matter.
7. Advantage would be to provide a "library" of resources for use.
8. There would be guidance for the development of alternative materials.
9. As with all policy development, statewide regulations would assist in defining the issue.
10. It would be helpful to know we were using options available from statewide regulations.
11. If the state provided resources and access to such alternative materials, this could be productive.

Would require local school boards to take action - 2

1. Very beneficial - board would have to take action
2. We would actually get it done.

No Benefits or No Need

Not necessary; Board of Education guidance is sufficient. - 50

None - 14

1. We see no benefit with imposing more regulations.
2. None, this too would create more work for teachers.
3. I think our local practice is sufficient. I see no additional benefit from the state taking or requiring this action.
4. We can see no benefit.
5. None, unless the State is going to develop these materials.
6. No. Local control over such issues is always best as the situations can vary so much.
7. I don't see any benefits or need for this regulation.
8. Do not need more regulations
9. Not really necessary. Teachers should be allowed to develop those based upon the purpose, and learning plan for the unit/lessons.
10. This would be helpful if presented as guidelines only, not requirements.
11. Additional statewide regulations would not be of benefit as it will add another burden on school divisions for resource development. Statewide guidance may be beneficial.
12. None that I can foresee at this time. Family Life Education is very personal and initiates different responses, needs, and demands from families, communities, and educators.

13. We are capable of providing these alternatives at the local level.
14. I can see no benefit. We have a policy and procedure for parents to follow if they have complaints about learning resources. These policies serve this need.
15. This would all depend on the wording of the policy but on the surface, we do not currently see a benefit since we do not currently have issues regarding this matter.
16. There would be no benefit to the school division to having statewide regulations requiring the development of options for alternative materials as this is handled on a case-by-case basis to ensure that students participate in the instructional program. Oftentimes these materials are selected to meet the current topic in an alternate manner with consideration to the specific views of the student and his parent.
17. No specific benefit to RCPS.
18. It would be of no benefit to us because we already have procedures for the use of alternative materials.
19. None. It would be close to impossible for a state organization to anticipate what topic might constitute a need for an alternative material.
20. No specific benefit as this is already done. Unless the state offers specific materials there is no change in workload or cost to the division.
21. This is currently the process that our schools use if a book/material is challenged. There would be no benefit as our current process allows much flexibility in the development of options.
22. None. We attempt to use noncontroversial materials and where families feel materials are detrimental to the social, emotional, and intellectual needs of their children, we adjust accordingly.
23. Don't think this is needed. I think this is a local determination.
24. None. We currently have policy and procedures for notifying the division of curriculum and/or instructional material complaints and then reviewing these complaints and issuing the findings.
25. Our teachers provide material options for our students already. Regulations are not required.
26. We do not see a benefit in the state requiring the development of options for alternative materials.
27. We already provide alternative materials. There would be no benefit.
28. None as we already have this at division level.
29. None. We already do so for even those topics not deemed sensitive or controversial (e.g., virtual laboratory experiences as opposed to dissection).
30. Not sure there is a benefit.
31. No benefit. This should be left to the teachers...the professionals. We are already doing this.
32. Again, I do not see benefits from additional statewide regulations. Local school boards can contend with the issue as they see fit.
33. No benefits - Our division already requires this.
34. Not necessary and a waste of somebody's time. The divisions should be able to handle that aspect.
35. It would be one more mandate that is unnecessary at this time.
36. No benefit - just unnecessary interference with the work of the school division to do its work.

Not the role of the state; school divisions can and do make these decisions locally - 8

1. I believe this is a local division responsibility. When students/parents choose to opt out of the curriculum they consider "sensitive or controversial," alternate assessment is already provided.

Attachment A

2. The State does not need to be in control of the schools. This needs to be left to the Board and Community. As long as no one's Rights are infringed upon, the State needs to focus on other things.
3. If statewide regulations are imposed, based on best practice, then we would consider the guidance beneficial because our goal is to operate based on the best interests of students and their families.
4. Although it is the practice in LCPS to offer alternative materials when an objection is raised, this should remain an administrative practice at the local school level, not rising to a "statewide regulation."
5. On the surface, this would appear to be more of a hindrance than a support. Depending on the context, the school division and/or school may be in the best position to determine alternative options.
6. We currently have a process in policy and regulation that addresses this topic; therefore, the benefit could be minimal depending on the language of the statewide regulation.
7. The school division already provides alternative materials for students who opt out.
8. FCPS already has options and procedures for alternative materials/assignments in place per regulation.

Not sure - 2

1. Not sure that this would be beneficial
2. Not sure.

Other responses – 7

1. The benefit could be that it would create heightened awareness among our staff and division about controversial materials and topics.
2. That would be fine.
3. Cost; depending on what the state puts on the list as options.
4. The state would assume the burden of identifying the options for alternative materials.
5. This would perhaps serve a small number of students
6. The students would have a more meaningful learning experience.
7. It would require the divisions to think critically about what alternative options they would provide.

Responses to Question #14:

What burdens might be imposed on your school division if statewide regulations existed that required the development of options for alternative materials in cases where sensitive or controversial materials are used or topics are discussed?

Burdens

- Would require more administrative work and/or present a fiscal burden – 39 / 41.1%
- Would interfere with local authority and/or local values – 12 / 12.6%
- May create unintended consequences; current policies are adequate – 11 / 11.6%
- Would interfere with instruction – 5 / 5.3%
- Would be difficult to interpret/apply the state’s definition of “controversial or sensitive” at the local level – 4 / 4.2%
- Would require further policy development – 4 / 4.2%

No Burdens

- Would not present a burden – 15 / 15.8%
- Would depend on the requirements of the regulations – 4 / 4.2%

Don’t know – 1 / 1.1%

*Burdens***Would require more administrative work and/or present a fiscal burden - 39**

1. It would be one more compliance burden for school systems that are already structurally strained. There is a high dollar cost in terms of staff time to take such actions. If they are not executed correctly/timely, then there exists potential for litigation. We would always provide alternate materials on a case-by-case basis as needed. We do not need regulations in this area.
2. Time and money to create the alternative materials.
3. Additional work on teachers and principals who already have a significant workload.
4. On the surface, this would appear to be more of a hinderance than a support. Depending on the context, the school division and/or school may be in the best position to determine alternative options.
5. This would create more work for staff, it would require more staff and be difficult to teach those students who had to be taught using alternative materials in another location.
6. The state provided guidance or direction may be excessively burdensome or unintentionally impose costs on our division.
7. This would be a burdensome and costly requirement that would not improve instruction for most children. It might benefit a very small number but would cause an administrative nightmare.
8. Potential cost for the purchase of alternative materials if presented as a requirement.
9. The burden would be additional costs (money and time) required to address issues that may not have arisen or ever arise in our division but reflect an issue specific to a very narrow segment of the state.
10. Our teachers currently do this as needed! This may require unnecessary work!
11. The biggest burden will be finding time to identify the potential materials to serve as alternatives.

12. Time and staff would be required. With extensive budget cuts, staff members are already being asked to go beyond their normal duties.
13. Funding allocations.
14. Cost of options.
15. The additional burden on a school division would include the possible purchase of alternative materials and/or the personnel needed to create alternative materials. Guidance without regulation may be helpful.
16. Costs of alternate materials. Digital resources would be excellent.
17. Time and money.
18. Time consuming and taking away from more important tasks.
19. Additional time, personnel, and resources (i.e., unfunded mandates).
20. We would have to assign an individual to be in charge of and manage this process. We are a very small school division with very few administrative staff so the small staff that we have, already wears many hats.
21. This might create additional costs or labor to determine and provide appropriate materials in such an instance.
22. We are a very small school division without the central office staff needed to develop alternative materials. We would look to the state for support in developing materials.
23. Financial burden and lack of resources.
24. Expense of purchasing alternate materials.
25. Again it would create additional work for already overworked teachers.
26. Right now we are struggling with budget concerns for 2013-2014 so the first thing that comes to mind is the financial impact of the task.
27. Financial constraints in these difficult economic times might present a burden.
28. The cost of personnel to help develop them and costs of providing publications and/or handouts to stakeholders.
29. Funding to develop the options and having to offer additional options.
30. Time and staff required to develop the options and make sure it was done.
31. The imposition of statewide regulations would require staff to spend an inordinate amount of time developing and/or selecting alternative materials for all potentially sensitive or controversial materials that may go unused because parents and students have not challenged the selected resources.
32. The definition and related costs of alternatives.
33. Costs.
34. More expense for the local divisions.
35. It would cost the division time and resources to develop the materials themselves. It may also remove some of the local control on the educational curriculum.
36. It may require division to purchase additional instructional materials.
37. The impact on resources and time would likely be the greatest burden. With limited staff, we would need to review all of our curriculum for potentially sensitive or controversial material and create alternate materials. This could be quite time consuming and costly.
38. The responsibility of the Board and ACPS is to “train students for effective citizenship” (Policy INB-1) so that “students will (1) have free access to all relevant information and materials in school; (2) conduct research in an atmosphere of freedom from bias and prejudice; and (3) form and express opinions on assigned issues.” The range of issues and/or materials that could be considered as sensitive or controversial to even one parent is limitless. Without specific

parameters of what the community considers sensitive or controversial the Division could be put in the position of providing alternate materials on an endless number of topics or greatly restricting the information it allows its students to access. It would deny students the opportunity for a rigorous and demanding 21st century education.

39. Additional unfunded mandates that divert the attention of schools from ensuring that students receive a quality education.

Would interfere with local authority and/or local values - 12

1. Again, very intrusive -- believe that teachers can handle this through guidance at the local level.
2. This would ignore community standards. What is controversial in one community may not be considered controversial in another community.
3. Local decision making should prevail
4. The different localities would better be able to articulate and develop alternative materials based on demographics.
5. Again, Family Life Education is very personal and initiates different responses, needs and demands from families, communities, and educators. The availability of resources, funding, to meet the desired "wants" of each individual parent(s) or group will be very demanding.
6. Still the issue of "sensitive or controversial" being subjective and relative to the locality. Required alternatives would be a burden on small rural divisions that do not have the personnel or resources.
7. Local teachers and administrators currently select the alternative materials appropriate for individual students.
8. A statewide regulatory burden will limit division flexibility in creating options appropriate for the community it serves. Additionally, who will determine what is sensitive or controversial? This is contingent upon community values and norms, not a uniform statewide value set.
9. When these policies are not created locally, community consensus and history are not taken into consideration. Increased documentation and paperwork would be required of administrators and teachers.
10. The state solution may not be what works best in every locality.
11. More bureaucracy.
12. Lack of ability to make adjustments.

May create unintended consequences; current policies are adequate. - 11

1. Since FCPS already has regulations in place, changing those local regulations would require retraining of staff and the greater community, and could create new concerns or issues we are currently not having to address under current regulations. What one community might consider controversial another might not, so creating statewide definitions, regulations, and so forth could actually create more issues than are currently being addressed.
2. Our current policy seems to be working. If it is left up to the division versus the state coming up with specific remedies, it may not be any burden. If it is specific remedies that require purchasing materials, then regulations may be extremely unrealistic.
3. Any additional statewide regulations related to instructional materials would impose an unnecessary layer of external control for LCPS because we have in place successful ways to respond to any objections coming from parents or students.

4. We already have policy allowing students to have an alternate assignment if parents deem the material used in class to be controversial. The burden imposed would depend upon how specific the requirements would be and potential conflict with our existing policy.
5. Without a clear definition, the state may be imposing a requirement whereby student may be opting out of critical knowledge that may even pertain to the SOL which is required knowledge.
6. We already provide options for alternative materials, when the need arises. We do this on a case-by-case basis considering the subject/topic and the student need so it is very personalized. If such development were required in advance, it might become necessary to develop multiple options for multiple courses.
7. We are a small school division. This would require manpower and funding we do not have.
8. One burden might be a larger group of students electing to opt out of essential curriculum based simply upon an erroneous or inaccurate interpretation.
9. Requests to opt out of some SOL curriculum. Additional personnel need to construct alternative materials.
10. Having statewide regulations could multiply the amount of subject matter considered "sensitive or controversial."
11. No direct burdens. However, the publication of state regulations could encourage some people to challenge or use those regulations to advance political agendas as opposed to personal beliefs which would not benefit the child and could impose time and cost challenges on a district.

Would interfere with instruction - 5

1. It would take away from instructional time to try and keep up with more paperwork and ensuring we are adhering to the given regulations.
2. Materials must be developed locally which takes us away from our basic mission focused on SOL.
3. With our expectations for differentiation and quality learning for all students, teachers already provide students with choices in learning materials. We do not need a policy and subsequent processes that may make this more difficult for our teachers and principals to do. We communicate course information routinely with parents and already provide parents opportunities to review materials students use for learning.
4. Teaching will be forever changed for the worse. Teachers cannot plan everything that they are going to do and say.
5. Again, how do you determine options for each book, for each newspaper article, each video that someone may object to...or not? I think the burden of developing options that may or may not be needed would be overwhelming. At the current time, we handle this on a case-by-case basis and it has been working.

Would be difficult to interpret/apply the state's definition of "controversial or sensitive" at the local level - 4

1. Coming to consensus on what the regulations should be may limit availability of materials to use. It would put an added burden on teachers to understand the new materials presented and to complete additional paperwork.
2. It could get complicated determining if the sensitive or controversial materials matched the State's definition.
3. It gets back to who determines what is controversial? How specific would the regulations be for school divisions? Would school divisions incur additional expenses if the state regs outline

materials that the school division does not utilize? I believe this is a local school board issue and should not be regulated by the state, especially when the state continues to cut K-12 spending and force localities to share more of the burden. I attended the Board president's listening tour. He stressed that much of what people were concerned about were local issues and not State Board issues. I believe the issue of controversial materials clearly falls into this category.

4. We already develop options but personalize them to the case so regulations from the state would inhibit that process.

Would require further policy development - 4

1. If we don't currently have options, we would have to develop them.
2. Again, the issues of defining this statewide.
3. We would have to redo what we have in place since we already have such options. Might require more resources with no additional funding.
4. The school division already provides alternative materials for students who opt out.

No Burdens

Would not present a burden - 15

None - 6

1. No burden.
2. No specific burdens.
3. There would be no burden as long as we continue to be able to determine the appropriateness of the alternative materials.
4. None as we already have this at division level.
5. None. We do this already.
6. Development of statewide regulations would not impose a burden on our school division.
7. We have optional materials available.
8. No specific burdens as this is already done. There may be cost issues if the state requires specific materials be used.
9. Since our current process allows teachers to give options for alternative materials to replace challenged materials, this would not be a burden unless the process or number of alternative materials impacted budget or time. (This would depend on the specificity of the policy.)

Would depend on the requirements of the regulations - 4

1. It would depend on the wording of the regulation. If the wording is too specific, it might not fit every situation.
2. We don't know until we see the regulations; possibly cost or availability of alternative materials.
3. The imposed regulation could result in additional funds needed to report to parents about all potentially controversial matters and to purchase alternative materials. Depending on the wording of the policy, it may not allow us to deal with concerns on a case-by-case basis but rather tie us to a standard response or method.
4. Depending on how the regulation is written, the potential exists for a financial impact because alternative materials would be needed to respond to constituents' opinions regarding what is acceptable for classroom use. Our process currently provides for the use of alternative materials

that are already in place. If the statewide regulation provided different parameters, a significant investment in manpower and the further depletion of limited financial resources would result.

Don't know – 1

**Responses to Question #15:
Is there any additional information on this topic you wish to add?**

- No/not applicable – 27 / 47.4%
- No need for a statewide policy; should be a local decision and local policies are adequate – 12 / 21.1%
- Parental notification and/or opt out provisions already exist in local policy – 7 / 12.3%
- Would be an unfunded mandate that adds to administrative burden – 4 / 7.0%
- No need for the state to regulate an area that is not of substantial concern across the entire Commonwealth – 3 / 5.3%
- Other responses – 4 / 7.0%

No/not applicable - 27

No - 21

Not at this time - 4

1. No; however, thanks for asking for our input.
2. None at this time. I would hope that all comments will be shared with each of our school divisions.

No need for a statewide policy; should be a local decision and local policies are adequate - 12

1. The state does not need to impose their values upon any given group/community.
2. I think addressing this issue at the state level in a way that goes beyond directing school divisions to make provisions for dealing with sensitive or controversial issues would be an unnecessary intrusion to local authority on this issue.
3. We have asked teachers and principals to take on so many administrative burdens that interfere with time for instruction. The requirements you have described would make it even harder and cause more frustration for teachers and school principals. Allow each community school board to deal with these issues locally rather than through administrative regulation. Trust that they have the best interest of students at heart.
4. We believe this is best left up to the localities.
5. Leave it to local superintendents and school boards.
6. There should be no reason for the Board of Education to expand its oversight beyond that which is currently in regulation or codified. Virginia should continue to value local control and the capacity for decision making by local school boards and school leadership. I will be happy to speak at a hearing regarding my perspective.
7. This is an issue that is best left to local School BoardS who are closer to the parents in their community.
8. For us, current guidelines and regulations are working well. We are opposed to additional regulations and over regulation by the state.
9. I think it would be okay to simply state that school divisions are encouraged to provide alternative instructional materials if the local school board determines that the nature of the complaint warrants providing alternative materials or instruction. I think that the local superintendent and the local school board should have the final say.
10. Challenges to materials are most frequent when the topic relates to family life education, when students are asked to share personal information, when literature topics show a situation where

adults or authority are challenged or when the character behaves in perceived 'nontraditional' ways. There is always the possible challenge in science topics (example: evolution and creationism). It is important to know the community, to understand the first amendment, and to recognize parental rights. The key to navigating the issues around sensitive or controversial materials is to be sure that communication with parents and the community is frequent and transparent. Selection of materials must include parent/community feedback. Recommended reading lists are a stronger option than required lists. Ultimately, it is the LEA's responsibility to explore options and to have professional reviews of materials that are chosen. If a complaint arises, it is important to respond promptly and to make an attempt to resolve the matter through a specific process. The best action is to meet the questions with direct, clear responses that are based on accurate information and available evidence.

11. To always be able to predetermine what may be sensitive or controversial would be very difficult, especially for secondary students. As teachers are adding rigor and incorporating more high level/critical thinking by asking deeper questions and encouraging students to compare, contrast, analyze, and synthesize, students sometimes bring up issues/topics that are unexpected or seemingly unrelated. What to one student as related to another may be sensitive? One year an issue may be deemed sensitive because of a particular group of students and another year the same issue may not be at all sensitive. Our teachers need to be skilled in knowing their students and their curriculum and in handling sensitive topics if/when they occur. Allowing teachers to exercise professional judgement regarding their students, their parents, and the curriculum they teach is working well in our school division.
12. We believe that 8 VAC 20-720-160 provides adequate direction to school divisions for establishing policy and regulations regarding this topic. Adding a statewide policy would likely lessen the ability of school divisions to meet the education needs of their individual communities.

Parental notification and/or opt-out provisions already exist in policy - 7

1. Our FLSE instruction is aligned with state standards and copies of the standards, curricula, and materials are available in each school's media center.
2. This has not been a significant issue in Arlington, in part we believe, to our existing policies and practices.
3. The course syllabi for our English classes contain an opt-out/alternative material statement regarding any assigned reading material.
4. We do have an opt-out policy specifically for Family Life Education - FLE.
5. Specific procedures for opting out of controversial topics are highlighted in the Family Life Education Policy. Parents are notified in advance of instruction and are provided a complete listing of the topics to be taught. They are also provided an opportunity to review all instructional materials. Students who do not participate in family life education are provided with alternate health-related materials and assignments. A separate policy outlines the process to challenge any instructional materials deemed sensitive or controversial regardless of subject. A separate instructional materials selection policy is being developed.
6. Several questions in this survey asked about policy related to controversial topics and options for alternative materials. Although neither is specifically addressed in our policy at present, we do have procedures and S.R.E.G.s in place that address opt out provisions and/or requests for alternative materials for family life, animal dissection, and instructional materials.
7. Currently, the only opt-out policy that we have is for the Family Life program.

Would be an unfunded mandate that adds to administrative burden - 4

1. This seems more like a mandate than a regulation. School systems have the authority and the knowledge to develop instructional programs to meet the standards required by the state.
2. Please be considerate of state mandates that could end up costing the local school division funds that are already very scarce.
3. Consistency in the advance notice and process would probably not be a burden; however, it would be preferable that the advance notice not be specific to titles, works, etc., but would be general with regard to possible sensitive/controversial material. The policy/regulation could put the burden of responsibility on the individual teacher to notify parents of sensitive/controversial instructional material within a syllabus distributed at the beginning of the school year and/or semester.
4. Regulating this just produces unfunded mandates that take more time. If anything, work with VSBA to create a solid policy that can be shared with divisions that states that alternative assignments can be issued and a policy that defines controversial material so that we have a common language.

No need for the state to regulate an area that is not of substantial concern across the entire Commonwealth - 3

1. I see no need for the State to act in an area that is not a problem for our division at this time.
2. Please keep in mind that issues affecting one region of the state may be of little concern in another. Small communities are often much better equipped to understand and respond to the needs and issues affecting their students and parents and a 'statewide definition' might not reflect those needs and issues. In fact, it might directly conflict.
3. We handle these issues on a case-by-case basis since we don't have that many cases.

Other Responses - 4

1. For question #3--we answered yes for Family Life Education (FLE). The answer would be no for other classes/curriculums. For question #4--we marked "B" for FLE and a book list with novels being read that school year. We would mark "C" for things like R-rated movie clips and so forth.
2. Care needs to be taken to ensure that censorship and intellectual freedom rights must be balanced. Questions regarding the role of the state in protecting First Amendment rights within the context of public education must be considered. Check Pico rulings.
3. I think the state should have a bank of alternate material to use so that the burden is not on the teachers.
4. I do not recommend that the state develop and impose statewide policies on this issue.