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HOUSE BILL NO. 786

Offered January 12, 2022

Prefiled January 11, 2022

A BILL to amend the Code of Virginia by adding a section numbered 22.1-16.8, relating to the Board of Education; policy on certain instructional material and related academic activities; annual parental notification; replacement or alternative material and activities; local compliance.

Patrons—LaRock, Walker and Williams

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

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

§ 22.1-16.8. Policy on certain instructional material and related academic activities; annual parental notification; replacement or alternative material and activities; local compliance.

A. As used in this section:

"Sexually explicit content" means content that involves any criminal sexual assault defined and punishable as a felony under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 or any act defined and punishable as a felony under § 18.2-361.

"Sexual misconduct" includes unwelcome sexual advances, regardless of sexual orientation; requests for sexual favors; and other inappropriate verbal, electronic, or physical conduct of a sexual nature, including words, images, or gestures that are obscene, violent, disruptive, or disrespectful.

B. The Board shall establish a policy to require each public elementary or secondary school to:

1. Annually notify the parent of any student enrolled in a class or course in which the instructional material or related academic activities includes or may include sexually explicit content or content that depicts sexual misconduct. Such notification shall (i) directly identify the specific instructional material or related academic activities and the sexually explicit content or content that depicts sexual misconduct that is included or may be included in such material or activities and (ii) set forth the parent's options pursuant to subdivisions 2 and 3;

2. Permit the parent of any student to review instructional material that includes sexually explicit content or content that depicts sexual misconduct, upon request; and

3. Provide, as a replacement or an alternative to instructional material and related academic activities that include sexually explicit content or content that depicts sexual misconduct, instructional material and related academic activities that do not include sexually explicit content or content that depicts sexual misconduct to any student whose parent so requests.

C. Each local school board shall comply with the policy that is established by the Board pursuant to subsection B.

INTRODUCED

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