

VIRGINIA ACTS OF ASSEMBLY - 2026 SESSION

CHAPTER 322

An Act to amend and reenact § 22.1-16.8 of the Code of Virginia, relating to Department of Education; policies relating to instructional material that contains sexually explicit content; applicability; construction.

[S 19]

Approved April 6, 2026

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-16.8 of the Code of Virginia is amended and reenacted as follows:

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

A. As used in this section, "~~sexually~~":

"Instructional material" means any material, regardless of its format, assigned and provided to a student by a public school teacher directly for the completion of an assignment or curricular objective of a specific instructional program. "Instructional material" does not include any book or other audiovisual material available in any public school library unless such book or audiovisual material is specifically required or assigned by a public school teacher directly for completion of an assignment or curricular objective of a specific instructional program.

"Sexually explicit content" has the same meaning as provided in subsection A of § 2.2-2827.

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

1. Ensuring parental notification;
2. Directly identifying the specific instructional material and sexually explicit subjects; and
3. Permitting the parent of any student to review instructional material that includes sexually explicit content and provide, as an alternative, nonexplicit instructional material and related academic activities to any student whose parent so requests.

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

D. Nothing in this section, any model policy or amendments thereto adopted by the Department pursuant to subsection B, or any policy or amendments thereto adopted by a school board pursuant to subsection C shall be (i) construed to permit the censoring of books in any public elementary or secondary school or (ii) utilized as a rationale or basis for the removal of books from any public elementary or secondary school.