



The Honorable Steve Landes
General Assembly Building
P.O. Box 406
Richmond, Virginia 23218

January 19, 2017

Dear Delegate Landes,

The Virginia Library Association, representing more than 1,000 members from academic, public, special, and school libraries across the Commonwealth, is a leading advocate for intellectual freedom, including the freedom to read as a basic tenet. We write to express our reservations about HB2191, a bill to amend and reenact 22.1-253.13:7 of the *Code of Virginia*, relating to school boards and procedures. We are specifically concerned about the bill's language relating to the labeling of sexually explicit instructional materials or related academic activities. We raised our voices in concern last year when a similar bill, HB516, was introduced, and then again when the proposed amendment to 8VAC-131-270, requiring public schools to "include a notice to parents identifying any sexually explicit materials that may be included in the course, the textbook, or any supplemental instructional materials" came to our attention earlier this winter. The proposed requirement in HB2191 and the amendment to the Department of Education regulation are nearly identical to the requirements contained in HB 516, which was, as you are aware, vetoed by Governor Terry McAuliffe in the spring. Aside from the First Amendment concerns this proposed amendment raises, we also believe it threatens the quality of education for students across the Commonwealth.

Of particular concern to us is that this attempt to label books is being included in a bill that is also addressing sexual abuse of students by teachers, mixing the right to read with legislation addressing criminal action. We continue to believe that the concerns that led to the drafting of HB 516, the amendment to education regulations, and now HB2191, are best addressed through local Board of Education policy rather than prescribed by regulation of the Commonwealth of Virginia, both to protect the interests of all stakeholders and to provide for flexibility when necessary.

- We support parents being actively involved in their children's education; at the same time, we believe labeling places the weight of responsibility wrongly on teachers to make judgments about what a diverse range of parents may or may not deem "sexually explicit."
- We believe institutional labeling of books or media (by policy or law) is a form of

censorship. We believe parents, students, and teachers can work together to make the best choice when there is a disagreement about what is age appropriate for an individual student, and that localities are in the best position to hear from and communicate with stakeholders in their area, respecting the uniqueness of their particular community.

- We believe this sort of regulation can turn institutional labeling into self-censorship by educators or others in an effort to avoid the conflicts and challenges intended, thereby depriving students the opportunity to be exposed to a wider range of viewpoints to choose from in developing their personal opinions. Decreasing the range of viewpoints discourages the promotion of diversity and diminishes intellectual rigor.

We hope you will stand on the side of intellectual freedom and the right to read, and reject this proposed regulatory change.

Respectfully,
Keith Weimer, President
Virginia Library Association