

COMMITTEE REPORT
On
SEX EDUCATION IN THE PUBLIC SCHOOLS
To
THE GOVERNOR
And
THE GENERAL ASSEMBLY OF VIRGINIA



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COMMITTEE REPORT
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Richmond, Virginia
October 29, 1970

To: HONORABLE LINWOOD HOLTON, *Governor of Virginia*

and

THE GENERAL ASSEMBLY OF VIRGINIA

Public school participation in the education of our children on matters of life and sex is a matter of justifiable parental and citizen concern. Growing public interest in this topic was reflected in the introduction of several bills during the 1970 Session of the General Assembly to curtail or regulate sex education in the public schools and in the controversy generated during the Session on this subject. The General Assembly declined, however, to intervene precipitously in matters of public school curriculum and instruction without careful investigation.

To obtain a full report on the status of and administrative control over sex education in our schools, the 1970 General Assembly created this Committee and directed it to discuss these matters thoroughly with State education officials and report directly back to the Governor and General Assembly on the substance of these discussions.

Senate Joint Resolution No. 61 is the directive for this study and report and states:

“Whereas, it is the concern of a large number of parents, with children in the public schools of the Commonwealth, as to the type of programs with respect to sex education that is being taught in certain of the public schools; now, therefore, be it

“Resolved by the Senate of Virginia, the House of Delegates concurring, That a Committee of ten persons is created to discuss with the State Board of Education such programs respecting the teaching of sex education in the public schools of the Commonwealth. The Committee shall be composed of ten members, five to be appointed by the Chairman of the Senate Committee on Education and Public Institutions from the membership thereof and five to be appointed by the Chairman of the House Committee on Education from the membership thereof. The Committee shall meet with the State Board of Education as many times as may be requisite, and discuss such programs in order to resolve any problems which may be inherent therein. The Committee shall make a report on such discussions and present the same to the Governor and the General Assembly no later than September one, nineteen hundred seventy.”

The purpose of this Resolution was clearly to give the General Assembly the means and the opportunity to investigate the present status of sex education programs in Virginia's public schools and to review the procedures for approving such programs.

This Committee was appointed pursuant to the Resolution by the Chairmen of the Senate and House Committees on Education after the 1970 General Assembly adjourned. Appointed from the Senate Education Committee were Hunter B. Andrews, Hampton; D. Woodrow Bird, Bland; James D. Hagood, Clover; J. Harry Michael, Jr., Charlottesville; and Edward E. Willey, Richmond. House Education Committee members appointed were Grady W. Dalton, Richlands; George J. Kostel, Clifton Forge; Julien J. Mason, Bowling Green; W. Roy Smith, Petersburg; and Stanley C. Walker, Norfolk. The Committee selected Senator Willey to serve as Chairman.

This Report is based on extensive discussions by Committee members with the State Board of Education at its annual August 1970 meeting and with representatives of the State Department of Education on several occasions.

Senate Joint Resolution No. 61 directed the Committee to conduct such discussions for the purpose of promoting the resolution of any problems relating to sex education in the public schools. The Resolution does not call for recommendations for legislative action but requests a factual accounting of present procedures and programs involving this particular aspect of public school education.

Therefore it is the goal of this Report to inform—not to persuade. The following text and the appendices will describe the status of sex education in our schools and the development of strengthened procedures to regulate and review the teaching of sex education and the use of relevant materials.

I. The Program Prior to 1970

From the outset, it should be explained that sex education, as a separate course or approved program of instruction, does not exist in Virginia. Teachers are not certified for the purpose of offering sex education instruction, nor are separate courses in sex education as such approved or offered in Virginia. Instruction on sex education has been covered in related courses such as biology or health education. This has generally been true to date; it should continue to be the case under new regulations adopted by the State Board of Education in 1970. The only exceptions have been for pilot projects which have now expired.

Prior to 1954, there was no official State regulation or policy on sex education as a separate aspect of the public school curriculum. During that year, expressions of parental and citizen concern about certain features of courses relating to sex education in some of the public schools came to the attention of the State Board of Education. At its August 1954 meeting, the Board adopted a basic regulation requiring that State Board approval be obtained prior to using any materials relating to sex education in courses in the public schools or circulating such materials in public school libraries. This regulation was amended in October of the same year to include textbooks specifically, as well as film and visual aid materials, books and pamphlets generally, in the list of items requiring advance State Board approval. The adoption of this regulation left the decision of whether or not to include sex education materials in the curriculum to the localities and did not alter the usual practice of covering such materials in courses such as biology or health. The text of the August 1954 regulation and the October 1954 amendment is found in the summary statement on sex education prepared by the Department of Education and carried as Appendix I.

As more interest in teaching sex education developed in the various localities and more requests for approval of such materials were submitted to the State Board, the necessity for spelling out procedures for approval became apparent. In 1963 a set of procedures was prepared and distributed by the Department of Education which is also reported in full in Appendix I. Three main steps were spelled out in the 1963 procedures.

First, after a review of the pertinent sex education material by school personnel at the local level, the local school division superintendent was to submit a written request for approval of the materials to Department of Education personnel. His request was to describe the method (approved by the local school board) in which such materials would be used, and he was required to forward copies of the materials to the Department.

Second, a professional committee within the staff of the Department was to review the material and, if it found the material acceptable, to forward it to the Textbook and Curriculum Committee of the State Board of Education.

Third, the State Board was to act on the request and its decision to approve or disapprove the material to be reported to the locality.

Under the 1954 regulation and 1963 procedures, various materials were approved for use by some 28 localities. Appendix I lists the localities for which any sex education materials have been previously approved. These 28 localities offer some type of sex education instruction within an approved subject such as home economics, health or physical education or biology. There is a further breakdown in Appendix III on the courses in which sex education materials are used and the grade levels at which such instruction takes place.

The number of items that were approved in total up to 1970 was 114. Eleven of these items have been subsequently disapproved either because they were out of print or because they are now deemed untimely or undesirable. In considering these statistics, two points should be kept in mind. First, the statistics do not show the total number of items for which some type of approval has been requested because the Department of Education has in the past sent back many items at the Departmental level of review without any further attempt by the locality to gain approval of the materials. Second, no locality utilizes all 103 approved items since these items have been approved only for use in the locality requesting them. Thus a filmstrip or book or pamphlet approved for use in one town or for one school is not available for use in any other locality unless approval for such use is obtained from the State Board.

II. State Board Action in 1970

The bedrock of this Report concerns the action taken by the State Board at its August 1970 annual meeting. Prior to that time the Board had followed the same basic 1954 policy for 16 years. As a result of the interest expressed by the 1970 General Assembly and in anticipation of discussions with this Committee, the Board had a thorough review of past policy and practice made. Following that review and discussions with this Committee, the Board adopted new regulations and procedures and formal guidelines at its August 1970 meeting. The full text of the report approved by the State Board at that time is carried in Appendix II. In essence, the Board's report expresses a revision and strengthening of the prior regulations and procedures concerning the approval of sex educa-

tion materials and states as a matter of Board policy the guidelines that are to be followed by the local school divisions which obtain approval of materials to be used in covering sex education in any course of instruction.

We have included the full text of the 1954 regulations and procedures in Appendix I and the 1970 regulations, procedures and guidelines in Appendix II so that they may be readily compared. A review of the two sets of regulations demonstrates that the State Board has strengthened their approval procedures and established more specific and useful guidelines in the following instances:

- (1) The basic responsibility for determining whether to include sex education in the school program is stated to be that of the local school authorities in 1970 Regulation 1. This is simply an expression of former policy and reaffirms the basic premise that there should be local control over the offering of any sex education instruction.
- (2) 1970 Regulations 2 and 3 reiterate the 1954 Regulation which required State Board approval of sex education materials.
- (3) 1970 Regulation 4 spells out that materials for which State Board approval is requested must have been reviewed and approved by the local school board. This requirement was not plainly stated in the 1963 procedures, which simply required that materials be "carefully reviewed" at local level by school personnel. The old procedures, conceivably, could have meant that administrative personnel at the local level would have reviewed materials, possibly without stating approval of them. This new Regulation 4 makes plainly mandatory the requirement of initial local board review and approval of materials.
- (4) 1970 Regulation 5 specifies that each locality must submit its own request although materials have been approved previously for a different locality. This is basically a formal statement by the Board of what has been the past policy.
- (5) In looking at the procedures which the 1970 State Board report sets out, it can be seen that procedure number 1 gives a clearer and more specific statement (than the old 1963 Department procedures did) of the precise types local action required and the method for submitting a request to the State Board to obtain approval of materials. The procedure is strengthened in that it spells out that the request must state the school, the course, the grade level and the makeup of the class where the materials for which the request is being submitted will be utilized. Thus the local board must first determine that the materials are to be used in a certain school, in connection with, for example, biology or health or home economics, at a certain grade level and in a class for boys alone or girls alone or a coeducational class. In addition, the local request must specify the instructional value of the materials in connection with the course in which they will be used. This procedure will assure that the State Board will know for what purposes the pertinent material will be used at the time it takes action and that the local board's action has been taken on specific issues. For example, it is important to know, before evaluating any film or book, the age of the children who will study it and the course in which it will be offered. In some instances a film could be too mature for

a 13-year-old or of a type which a biology teacher could explain but a home economics teacher could not.

- (6) The second 1970 procedure which the State Board adopted alters the prior practice whereby the Department of Education's professional review committee could send material back to the locality with the recommendation that it is inappropriate. All materials under the new procedures will be reviewed at the Departmental level and forwarded to the State Board in order to give the State Board a full picture of the types of material which are being considered throughout the State. Under this procedure, the materials in question will be forwarded by the Superintendent of Public Instruction with the Departmental committee's recommendations and comments to the State Board's Textbook and Curriculum Committee.
- (7) One major change effected by the 1970 State Board report is the formal adoption as a matter of State Board policy for the guidelines set out previously only through Departmental communication to the locality. The guidelines are made quite specific and cover some points which deserve particular emphasis. Most importantly, they specify that any instructional program involving sex education should be developed with considerable citizen, parent-teacher association and parental review of the materials to be used and of the type of program to be offered. This is particularly important since many problems which arise concerning this field can be traced to misinformation or a lack of information being provided to concerned parents and citizens. This is one aspect of the general procedures and guidelines to which special attention should be paid at the local level.

III. Conclusion

The 1970 Report of the State Board builds upon the past regulations and policies which governed State Board and local procedures regulating the approval of sex education materials. Insofar as the Board's report strengthens the review procedures, clarifies the steps which must be taken at the local level to gain approval for sex education materials, specifies that approval will depend on the exact use to which such materials will be put, and emphasizes that full information is to be provided parents and concerned citizens, the Board's 1970 Report represents an improvement over past Board and Department of Education policies and procedures in this field.

Generally speaking, the determination whether any sex education materials or programs will be offered at the local level is the basic responsibility of the local communities, school boards, school personnel and citizens—those most directly informed of local conditions and the desirability of offering such materials in any school or school division. Copies of this report will be made available to the appropriate local school officials and local school board members so that they may be fully informed of the 1970 Board Report and the impact of the new regulations, procedures and guidelines.

We emphasize that should any teacher undertake to offer any type of program or material which is not approved or has not received local review and approval and State Board approval, he would be subject to discipline by the local school board and his refusal to adhere to the procedures described above could be grounds for reviewing his em-

ployment contract. Moreover, the local school superintendents are directly responsible to the State Board of Education and subject to discipline at that level.

We express our appreciation to the State Board of Education and Department of Education for their full cooperation.

Respectfully submitted,

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APPENDIX I

SUMMARY STATEMENT ON SEX EDUCATION INCLUDING TEXT OF 1954 REGULATIONS AND 1963 PROCEDURES

(Prepared by State Department of Education)

At its annual meeting in August of 1954, the State Board of Education adopted the following regulation requiring approval by the Board of sex education materials prior to their usage in the public schools:

No films, filmstrips, nor slides on sex education shall be shown to the students in any public school in Virginia unless such films, filmstrips, or slides have been first approved by the State Board of Education for this purpose; and no book nor pamphlet on sex education shall be made available for circulation through the school libraries for the students of any public school unless such book or pamphlet has been similarly approved by the State Board of Education.

The development of this regulation was prompted at least in part by concerns voiced by a group of citizens regarding the use of certain materials in their school division.

The State Board in October of 1954 amended this regulation to read as follows:

No films, filmstrips, nor slides on sex education shall be shown to the students in any public school in Virginia unless such films, filmstrips, or slides have been first approved by the State Board of Education for this purpose; and no book nor pamphlet on sex education shall be made available for circulation through the school libraries for the students of any public school; *nor any textbooks*

adopted locally and used in any public school which deals with sex education unless such books or pamphlets have been similarly approved by the State Board of Education.

In September of 1963 the following procedures for approval of sex education materials were prepared and distributed to all localities:

1. After a specific book, pamphlet, film, filmstrip, or other instructional materials relating to sex education have been carefully reviewed at the local level by the appropriate school personnel, the division superintendent should submit to the Director of Secondary Education in writing his request for approval of such materials for use in his school division. In submitting his request, the division superintendent should clearly indicate in his letter a specific recommendation, approved by the local school board, concerning the precise manner in which such materials are expected to be used. In addition, the requests must be accompanied by copies of the materials for which approval is being requested.
2. When the request accompanied by the material has been received in the Department of Education, the material will be reviewed in terms of the request by a committee representative of the professional staff of the Department. If, in the judgment of the committee, the material is considered to be appropriate for use in the schools, the committee will make its recommendation to the Textbook and Curriculum Committee of the State Board of Education through the Superintendent of Public Instruction. If, however, the committee deems the materials to be inappropriate for use in the schools, the division superintendent will be notified in writing to this effect by the Director of the Division of Secondary Education. After receiving such notice from the Director of Secondary Education, the division superintendent, if he so desires, will have the privilege of further pursuing his request through the office of the Superintendent of Public Instruction.
3. Official action taken by the State Board of Education with respect to requests for the approval of sex education materials will be communicated to the division superintendent of schools by the Superintendent of Public Instruction.

Guidelines were available to localities interested in incorporating sex education instruction into existing courses of the curriculum.

At the January, 1970 meeting, the State Board placed under study the entire program including materials, approval procedures, and the regulation with the view of eliminating any obsolete or unsuitable material. The Board also notified those school divisions for which the films "Phoebe" and "The Game" and the filmstrip series "A Basis for Sex Morality" had been approved to discontinue usage of these materials until further action following the completion of the study.

By January of 1970 a total of 114 instructional items [books, films, filmstrips, recordings, et cetera] had been approved. One or more of these instructional materials had been approved for each of the following counties and cities:

Counties

Albemarle
Arlington
Bath
Caroline
Chesterfield
Essex
Fairfax
Hanover
Henrico
Prince William
Roanoke
Smyth
Southampton
Stafford
Wythe

Cities

Chesapeake
Clifton Forge
Covington
Hampton
Lynchburg
Martinsville
Newport News
Norfolk
Richmond
Roanoke
Suffolk
Waynesboro
Winchester

It should be noted that a particular item was approved in response to a specific request of a locality. General approval was not given for any material to be used throughout the public school system.

The Board was privileged to have members of the Committee of the General Assembly appointed pursuant to Senate Joint Resolution No. 61 join in a thorough discussion of sex education in the public schools at the Board's annual August 1970 meeting. At this session the Board adopted a report on sex education [a copy of which is attached as Appendix II]. The Board also discontinued its approval of the following materials:

Emotional Health
Phoebe
The Game
A Basis for Sex Morality
Confidence Because
Grooming for Boys Series
Grooming for Girls Series
Sex Education: U.S.A.
Answers to Health Questions in Physical Education
What Everyone Should Know About Syphilis and Gonorrhea
Sex and the Teen-age Girl

In addition, the Board reapproved all other sex education instructional materials for those localities only for which such materials had been previously approved.

APPENDIX II

REPORT ON SEX EDUCATION

APPROVED BY THE STATE BOARD OF EDUCATION ON
AUGUST 19, 1970

The decision to include sex education in the curriculum of a public school rests with the local school authorities.

A locality that elects to offer sex education in one or more of its schools, must comply fully with the regulations and procedures of the State Board of Education and should utilize the guidelines promulgated by the Board for the locality's assistance.

Such instruction, if provided, must reflect those values basic to a wholesome personal life and morally sound relationships with others. Indeed, all instruction should contribute to the development of high moral character. It is recognized, of course, that the achievement of this fundamental objective is not lodged solely with the school.

REGULATIONS

1. The sole responsibility for determining whether sex education shall be included in the curriculum of its schools rests with the local school division.
2. If sex education is to be included as a part of the instructional program, only those books, films, filmstrips, film loops, slides, transparencies, pamphlets, and other instructional aids which have been approved by the State Board of Education may be used in the program.
3. No book, pamphlet, or other printed material shall be made available for circulation through the school libraries or resource and media centers for the students of any public school unless such material has been approved by the State Board of Education.
4. The State Board of Education will not consider for approval any instructional materials under Regulation No. 2 or library materials under Regulation No. 3 unless such materials have received prior review and approval by the local school board.
5. Each locality shall submit its own request even though the same materials may have been previously approved for another county or city.

PROCEDURES

1. The request for approval of materials shall be transmitted by the division superintendent on behalf of his school board to the State Assistant Superintendent for Instruction. It shall be accompanied by a copy of the official action of the local school board and must be submitted thirty days prior to the regular meetings of the State Board of Education in January and August. The request shall stipulate the school(s) and course(s) including grade level(s) in which the materials are to be used, the plan for grouping with respect to the sexes, and instructional values of the materials in relation to the course objectives. A copy of the material(s) shall be made available for review purposes.

2. All materials will be reviewed by a Departmental committee and will be transmitted with the committee's recommendations via the Superintendent of Public Instruction to the Textbook and Curriculum Committee.
3. Official action by the State Board of Education will be communicated to the division superintendent of schools by the Superintendent of Public Instruction or his designee.

GUIDELINES

The following are offered as guidelines for those school divisions electing to include sex education within the curriculum of one or more of their schools:

1. The instructional program should be characterized by cooperative and careful pre-planning involving school administrators, teachers, parents, church and civic groups, local medical societies, and public health officials.
2. Parent-Teacher Associations should be provided an opportunity to understand thoroughly the purpose, scope, and nature of the content and learning experience prior to initiating the program. Parents should be provided an opportunity to review the materials used.
3. Arrangements should be made for the periodic and systematic evaluation of the instructional program from the standpoint of its effectiveness.
4. Instructional materials should be characterized by careful thought and planning to avoid overlapping and duplication of instruction and to insure the best possible development of proper attitudes and understandings on the part of students.
5. In view of opportunities for incorporating sex education instruction into existing courses of the curriculum, the establishment of special courses for such instruction is not recommended.
6. Certain phases of the instructional program should be offered only in classes in which the sexes are separated.

APPENDIX III

APPROVED SEX EDUCATION MATERIALS
CLASSIFIED BY SUBJECT AND GRADE
(Prepared by State Department of Education)

Materials have been approved for the school divisions listed below:

COUNTIES

<i>School Division</i>	<i>Subjects (s)</i>	<i>Grade(s)</i>
Albemarle	Health Education	6-12
Arlington	Health Education	5-12
Bath	Health Education	8-12
Caroline	Health Education	5-12
Chesterfield	Health Education	5-12
	Home Economics	8-12
Essex	Health Education	9-12
Fairfax	Health Education	K-12
	Home Economics	7-12
Hanover	Health Education	5-12
Henrico	Home Economics	7-12
Prince William	Health Education	8-12
Roanoke County	*Human Growth and Development	11-12
Smyth	Health Education	8-12
Southampton	Health Education	10-12
Stafford	Health Education	5-7 and 10-12
Wythe	Health Education	8-12

CITIES

Chesapeake	Health Education	5-12
Clifton Forge	Health Education	5-12
Covington	Health Education	11-12
Hampton	Health Education	7-12
Lynchburg	Health Education	7
Martinsville	Health Education	7-12
	Home Economics	7-12
Newport News	Health Education	5-12
Norfolk	Health Education	5-12
	Home Economics	10-12
Richmond	Health Education	K-12
	Home Economics	12
	Science	9-12
	**Biology	
Roanoke	Health Education	K-11
Suffolk	Health Education	7-9
Waynesboro	Health Education	7-12
	Home Economics	8-12
	***Family Life and Sex Education	9-12
Winchester	Health Education	8-12

*Approved on a pilot study basis as a semester course and is not now offered.

**Offered in grade 10.

***Approved on a pilot study basis as a six-week course and is not now offered.
September 16, 1970