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Governor Terry McAuliffe
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Re: H.B. 2191

I am writing on behalf of the National Council of Teachers of English to ask you **to veto HB2191**, proposed legislation which **you vetoed last spring in the form of HB516 and which three weeks ago was rejected by the Virginia Board of Education**. In the following paragraphs, I will explain why the bill's call for parental notification of "sexually explicit content" in school materials *is not an acceptable condition for judging educational materials* but an attempt

- to have parents (and ultimately educators) judge educational materials by a label—"sexually explicit content"—rather than by their value as literature and significance to the curriculum and the Virginia Standards of Learning,
- to second-guess the local processes already in place for the selection of *educational materials* by educational experts and community review of those materials, and
- to foist the views of a small group of parents and friends on all parents and their children,

Note that HB2191's newly added definition of "sexually explicit content" as content that involves any criminal sexual assault defined and punishable as a felony by the Virginia legal code is not remotely helpful when applied to instructional materials, nor does it change why HB516 and the proposed amendments to the Virginia School Board regulations failed.

HB2191 *is not in any way a simple parental notification*. Rather the bill provides for a blatant form of red-flagging, a "practice [that] reduces complex literary works to a few isolated elements—those that some individuals may find objectionable—rather than viewing the work as a whole." (*NCTE Position Statement Regarding Rating or "Red-Flagging" Books*: <http://www.ncte.org/positions/statements/rating-books>)

In order to support the curriculum in schools, trained professionals select texts *in their entirety, not for one passage*. It serves no purpose for anyone to focus—as

some have done during discussions of this proposed regulation since 2013—on individual words or actions in a text or on their personal feelings about the text. The language and situations in a work—in any text under study—*must be seen in the context of the entire work and why it was chosen to promote student learning in the classroom.*

HB2191 asks teachers and the community to "judge a book by its cover"—to label texts just as Hester Prynne was labeled with a big "A" for adultery in Hawthorne's *The Scarlet Letter*. As such, the regulations proposed in HB2191 would taint core literature—works by old masters such as Chaucer and Shakespeare; modern classic writers such as Ellison, Hosseini, Lee, Joyce, and Angelou, that form the basis of many English classes; and adolescent novels by writers such as Anderson, Hopkins, Chobosky, and Knowles—books that kids love to read and that, therefore, make readers out of kids.

HB2191 would mandate schools to judge entire works of literature by acts of their characters that might be considered in the law as felonious "criminal sexual assault" *instead of by the literature's educational value and importance in helping students meet the aims of the curriculum and the Virginia Standards of Learning.*

Then, instead of growing up as thinkers critically evaluating the theme and meaning of what they read, students would learn that the behavior of a character in a single incident—taken totally out of context of both the theme and meaning of the whole work—is worth more than the text itself, that a label is worth more than the totality of a work, and that judging a work by a label is worth more than reading and thinking about the work. And so, a popular entertainment rating system like the MPAA ratings, which by the Motion Picture Association's own admission *are not at all ratings of educational value*, would govern the texts that our children read in school. Texts that are expertly selected by trained educators to engage students and help them grow as critical thinkers and lifelong readers, texts Virginia schools value for this purpose, texts that form the basis of a solid education and pave the path to success after graduation—all these would be rated as entertainment is currently rated.

NCTE cares deeply about this issue as a matter of educational importance and has written before about the dangers of labeling texts "sexually explicit." We wrote to the State Board of Education in January 2017 and in November 2016 as well as a signatory both times on letters from the National Coalition Against Censorship. We wrote you in March 2016 and wrote commends on the State Board of Education forum in January 2014. NCTE members have provided strong testimony against labeling texts to the State Board and to members of your office. Along with this letter, we have again joined the National Coalition Against Censorship and nine other organizations in a letter opposed to HB2191.

As a reminder, the National Council of Teachers of English is a nonprofit educational organization of 30,000 members and subscribers dedicated to improving the quality of literacy instruction and learning at all educational levels, a purpose we've held for over 100 years. Our more than 85 regional, state, and local affiliates with a total membership over 18,000 include the Virginia Association of Teachers of English (VATE). NCTE and its affiliates stand for the procedures *already in place in Virginia schools:*

- local policies for text selection and use that draw upon the expertise of educators and that include community input, *policies which 98% of Virginia public schools already have in place*;
- alternative text policies that give parents and guardians who object to the assigned text the opportunity to request that their students study an alternative text, *policies which 75% of Virginia schools already have in place*;
- text reconsideration policies and processes schools use to reevaluate a text a parent or guardian challenges.

Most importantly, *we stand for the students' right to read.*

These policies, which include community review of adopted curriculum materials, are sufficient to govern the selection of texts and to offer opportunities for parents and guardians to be involved in this endeavor. Within these already existing processes, teachers base their book choices on Virginia Standards of Learning, recommendations from professional organizations (e.g., the Virginia Association of Teachers of English and NCTE), and their own professional expertise (verified by teacher education programs and certification tests). Furthermore, teachers' choices are vetted by other teachers, department chairs, administrators, and then offered for review by the community. Advanced courses such as AP and IB, both governed by entities outside the school, have additional curriculum requirements that reflect the diversity and rigor one should expect from coursework designed to prepare students for college.

Text selection is an educator's job. NCTE's *Guidelines for the Selection of Materials in English Language Arts Programs* (<http://www.ncte.org/positions/statements/material-selection-ela>) refers to the "professional guidance" that is crucial to the selection of texts to meet the aims of the curriculum. It goes on to note,

Selecting materials requires in-depth knowledge: not just of students' backgrounds and learning experiences, but also of their abilities and interests; not just of educational objectives, but of the best practices and range and quality of materials for meeting them; not just of the particular work being considered, but of its place within the medium, genre, epoch, etc., it represents.

In our experience with school curricula, NCTE has found few instructional materials that do not include *something* that is offensive to *someone*. If literary works that are duly selected by teaching professionals are removed before they are even taught because the works carry the label "sexually explicit" or offend particular individuals or groups, there will soon be little or no good literature left to teach in our schools. Further, it would be wrong to assume that profane language, negative events, and other elements portrayed in a work are being endorsed by the author, the teacher, or the school. Rather they are a part of the "world" of the text and, in fact, classroom study provides a fertile ground for students to interpret surface aspects of literature and to exercise critical thinking as they discuss the characters and issues in a work along with its literary characteristics. In addition, as I'm certain

you know, courts have held that students have certain legal rights to receive information, even if controversial, and that schools and teachers have an obligation to teach controversial material even when they find it objectionable.

Of course, a strong partnership between parents and teachers is essential for our students to be successful. However, HB2191's suggested amendments to the regulations undermine the ability of teachers and parents to have meaningful conversations about a text. Instead, the amendments encourage parents to make decisions from a labeled listing of texts and then ask for an alternative text based only on that listing. Each parent or guardian has a right to say what texts his or her student may read. But, in the best situations, parents take time to chat with teachers about why and how a particular text is being taught, and to read the entire text, *before* objecting.

Parents and guardians have every right to know about the school's education program and to play a role in ensuring the best education for the students of the district. They are entitled to their opinions and to guide their own children's reading, but their opinions have no relevance to other parents seeking to guide their own child's education, based on their own, possibly very different, views and concerns. *The proposed regulations in HB2191, if passed, however, will favor the views of some over the many by labeling texts with their hot button issue.*

For all the reasons above, we ask you **to VETO HB2191**, which would require schools to dumb down the education process and boil down the school/parent/teacher/student relationship to a list of labels that don't represent anything meaningful about the education process.

This legislation could have the unintended consequence of eliminating books that could challenge, educate, and enlighten students, the very books that prepare students for a college curriculum, expand their horizons, and introduce them to worlds beyond their own. Given the highly competitive nature of college admissions, it is in everyone's best interests to ensure that Virginia's students receive the best education possible.

Ultimately, HB2191 creates more problems than it solves. It could unnecessarily narrow the curriculum so that students cannot participate in the discourse and critical thinking that colleges and industries require from Virginia graduates.

The current processes for book selection, reconsideration, and addressing individual concerns effectively balance the need for rigorous curriculum and sensitivity to parental values without the imposition of additional government regulation.

Education is about learning, learning about what we didn't know before, learning about different perspectives, different events, different beliefs, different sorts of people. Education is not indoctrination and it is not designed to sugarcoat reality, even the reality of fictional events. Education is designed to engage students with ideas, guide them as they wrestle with those ideas, provide them with a variety of texts of all sorts from which they can learn about the world, and help them grow into critical lifelong learners and thinkers-learners and thinkers who don't need labels like "sexually explicit" to tell them whether or not to read a text or how to

think about it. Education, as defined above, is the foundation of our democracy.

NCTE asks that you VETO HB2191. Doing so would prove an enormous service to the students of Virginia, to their parents, to teachers, and to Virginia's educational system.

Yours truly,



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