

A Response from Equality Virginia on the Recently Adopted Model Policies for Transgender Students (July 2023)

“When it comes to transgender kids, the Youngkin administration’s cruelty is the point. Last month, Governor Youngkin and the VDOE made a dangerous, politically motivated decision to ignore the thousands of Virginians who submitted public comments in opposition to his proposed model policies – policies which single out transgender and nonbinary youth in our schools. Now, Attorney General Jason Miyares, through a non-binding opinion, is advising school districts to comply with model policies that are out of compliance with state and federal law and out of step with Virginia’s values” **said Narissa Rahaman, executive director of Equality Virginia.** “Instead of addressing the very real issues we have ahead of us, Governor Youngkin and his administration continue to push a culture war, removing resources for teachers, ignoring the rights of parents in Virginia and doubling down on it with a non-enforceable opinion from the attorney general. The Governor is showing what his priorities are through this policy: disregarding expert opinion, harming students and eroding trust between parents, educators and school personnel. All students in Virginia deserve an education that allows them to learn and grow free from harm; transgender and non-binary students must be afforded the equal opportunity to learn in a safe and affirming school environment. Equality Virginia will keep fighting for the lives and livelihoods of trans kids – and all LGBTQ+ Virginians – against the tide of cruelty seeping out of the governor’s mansion.”

In July, the Youngkin administration’s VDOE released its model policies on the Privacy, Dignity, and Respect for All Students in Virginia’s Public Schools after an eight month delay. In 2021, the VDOE released model policies regarding the treatment of transgender and non-binary students in Virginia public schools. The model policies addressed common issues regarding transgender students in accordance with evidence-based best practices and include information, guidance, procedures, and standards relating to: compliance with applicable nondiscrimination laws; maintenance of a safe and supportive learning environment free from discrimination and harassment for all students; prevention of and response to bullying and harassment; maintenance of student records; identification of students; protection of student privacy and the confidentiality of sensitive information; enforcement of sex-based dress codes; and student participation in sex-specific school activities, events, and use of school facilities. All local school boards were required to adopt the policy as a baseline by the start of the 2021-2022 school year.

In September 2022, the Youngkin administration and the Virginia Department of Education released a proposed policy for 2022 that reversed the Model Policies for the Treatment of Transgender Students in Public Elementary and Secondary Schools. The policies, titled the Privacy, Dignity, and Respect for All Students in Virginia’s Public Schools – received no public input while being drafted and were not developed in accordance with evidence-based best practices – put transgender and non-binary students at risk for harm and discrimination. Over 70,000 public comments, a majority in opposition to the policies, were submitted during the 30-day public comment period. VDOE twice missed their own deadline to provide an update on the policy or respond to public comments challenging the legality.