

— BE A BLUE —

Model Policy Legislation and BVCPS Policies/Procedures

Dr. Tony Francis, Superintendent
School Board Presentation
July 22, 2021

BVCPS

ACADEMICS ARTS ATHLETICS —

Va. Code § 22.1-23.3: Treatment of transgender students; policies.

The Department of Education shall develop and make available to each school board model policies concerning the treatment of transgender students in public elementary and secondary schools that address common issues regarding transgender students in accordance with evidence-based best practices and include information, guidance, procedures, and standards relating to:

- 1) Compliance with applicable nondiscrimination laws;
- 2) Maintenance of a safe and supportive learning environment free from discrimination and harassment for all students;
- 3) Prevention of and response to bullying and harassment;
- 4) Maintenance of student records;
- 5) Identification of students;
- 6) Protection of student privacy and the confidentiality of sensitive information;
- 7) Enforcement of sex-based dress codes; and
- 8) Student participation in sex-specific school activities and events and use of school facilities. Activities and events do not include athletics.

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

2020, cc. [153](#), [154](#).

VDOE Guidance

[Superintendent's Memo #085-21](#)

[VDOE's Gender Diversity Webpage](#)

- The link to the VDOE's *Model Policies for the Treatment of Transgender Students in Virginia's Public Schools* Word document can be found on this page.

VSBA Policies that support Reflect VA Code § 22.1-23.3

1. Compliance with existing nondiscrimination laws.

Policy AC: Nondiscrimination

The School Board is committed to nondiscrimination with regard to gender identity.

No Change to Current Policy.

VSBA Policies that support Reflect VA Code § 22.1-23.3

1. **Compliance with existing nondiscrimination laws.**

Policy JB: Equal Educational Opportunities/Nondiscrimination

Equal educational opportunities are available for all students, without regard to gender identity. Educational programs are designed to meeting the varying needs of all students.

No Change to Current Policy.

VSBA Policies that support Reflect VA Code § 22.1-23.3

1. Compliance with existing nondiscrimination laws.

Policy JFHA/GBA: Prohibition Against Harassment and Retaliation

The SB is committed to maintaining an educational environment that is free from harassment. The Board prohibits harassment on basis of gender identity. It is a violation of this policy

- for any student or personnel to harass a student
- for school personnel to tolerate harassment

No Change to Current Policy.

2. Maintenance of a safe and supportive learning environment free from discrimination and harassment for all students.

Research has shown that LGBTQ+ students experience higher levels of victimization because of their gender identity and/or gender expression and have more adverse outcomes compared to their cisgender and heterosexual peers (Human Rights Campaign Foundation, 2018):

- 73 percent of surveyed LGBTQ+ youth have experienced verbal threats because of their actual or perceived LGBTQ+ identity.
- 77 percent of surveyed LGBTQ+ youth report feeling depressed or down over the past week, and more than 70 percent report feelings of worthlessness and hopelessness in the past week.
- 95 percent of surveyed LGBTQ+ youth report trouble sleeping at night.

(VDOE, 2021)

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VSBA Policies that support Reflect VA Code § 22.1-23.3

2. Maintenance of a safe and supportive learning environment free from discrimination and harassment for all students.

Policy AD: Educational Philosophy

The School Board

- is committed to providing equal opportunity for every student
- treats all members of the school community equitably and with respect

No Change to Current Policy.

(VSBA, 2021)

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VSBA Policies that support Reflect VA Code § 22.1-23.3

2. Maintenance of a safe and supportive learning environment free from discrimination and harassment for all students.

Policy AE: School Division Goals and Objectives

The school division is committed to the equality of educational opportunity and the recognition of each student's individuality.

Programs allow an individual approach to each student's educational needs.

No Change to Current Policy.

(VSBA, 2021)

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VSBA Policies that support Reflect VA Code § 22.1-23.3

2. Maintenance of a safe and supportive learning environment free from discrimination and harassment for all students.

Policy CH: Policy Implementation

The school board authorizes the superintendent to create and update regulations necessary to carry out the policies adopted by the Board.

No Change to Current Policy.

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VSBA Policies that support Reflect VA Code § 22.1-23.3

2. Maintenance of a safe and supportive learning environment free from discrimination and harassment for all students.

Policy IGBC: Parent and Family Engagement

The School Board recognizes that the education of each student is a responsibility shared by the school and the student's family.

No Change to Current Policy.

(VSBA, 2021)

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VSBA Policies that support Reflect VA Code § 22.1-23.3

2. Maintenance of a safe and supportive learning environment free from discrimination and harassment for all students.

Policy JFC: Student Conduct

Policy prohibits bullying, harassment, intentional injury and making threats.

Policy AC: Nondiscrimination; Policy JB: Equal Educational Opportunities/... and Policy JFHA/GBA: Prohibition Against Harassment and Retaliation

(VSBA, 2021)

No Change to Current Policy.

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VSBA Policies that support Reflect VA Code § 22.1-23.3

3. Prevention of and response to bullying and harassment.

Policy GCL: Professional Staff Development

The School Board provides professional development designed to educate School Board employees about bullying and the need to create a bully-free environment.

Policy IGAI: Character Education

The division's character education program addresses the inappropriateness of bullying.

Policy JFC: Student Conduct

Prohibits bullying, harassment, hazing, intentional injury, threats, etc.

(VSBA, 2021)

No Change to Current Policy.

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VSBA Policies that support Reflect VA Code § 22.1-23.3

4. Maintenance of Student Records

Policy JO: Student Records

The School Board maintains accurate and complete student records in accordance with federal and state laws.

Policy JOA: Student Transcripts

Transcripts contain information specified by VBOE.

No Change to Current Policy.

(VSBA, 2021)

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VSBA Policies that support Reflect VA Code § 22.1-23.3

5. Identification of Students

DOE Model Policies: “all school employees shall treat all students with respect and dignity.”

Policy AD: Educational Philosophy

The School Board treats all members of the school community equitably and with respect.

Policy AC: Nondiscrimination

Policy AD: Educational Philosophy

Policy AE: School Division Goals and Objectives

Policy CH: Policy Implementation

(VSBA, 2021)

No Change to Current Policy.

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VSBA Policies that support Reflect VA Code § 22.1-23.3

6. Protection of student privacy and confidentiality of sensitive information.

Policy AC: Nondiscrimination

Policy AD: Educational Philosophy

No Change to Current Policy.

School divisions should develop solutions to support a transgender student's wishes for privacy. For example, schools could consider maintaining the student's legal name and sex assigned at birth as sensitive information in their student information system that requires additional privilege to access (VDOE, 2021).

VSBA Policies that support Reflect VA Code § 22.1-23.3

7. Enforcement of sex-based dress codes

Dress and grooming codes shall be written relating to the attire or articles of attire without limits on gender expectations. Students have a right to dress in a manner consistent with their gender identity or gender expression. Schools shall administer and enforce dress and grooming codes consistently across the student body, regardless of actual or perceived gender identity or gender expression.

Requirements for attire for school-related programs, activities, and events shall be gender-neutral (VDOE, 2021).

Policy AD: Educational Philosophy

Policy AE: School Division Goals and Objectives

Policy JB: Equal Educational Opportunities/Nondiscrimination

Policy JFHA/GBA: Prohibition Against Harassment and Retaliation

Policy CH: Policy Implementation

(VSBA, 2021)

No Change to Current Policy.

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VSBA Policies that support Reflect VA Code § 22.1-23.3

8. Student Participation in sex-specific activities and events and use of school facilities.

Policy IA: Instructional Goals and Objectives

The School Board develops and implements a program of instruction that meets or exceeds BOE requirements.

Policy IICA: Field Trips

Field trips are off-campus instructional activities. Trips are approved by the superintendent or superintendent's designee pursuant to regulations.

Policy IGDA: Student Organizations

Student organizations follow the law and school division policy.

(VSBA, 2021)

No Change to Current Policy.

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VSBA Policies that support Reflect VA Code § 22.1-23.3

8. Student Participation in sex-specific activities and events and use of school facilities.

Policy JFCB: Sportsmanship, Ethics and Integrity

The School Board recognizes the value of extracurricular activities. Participants and responsible adults are expected to demonstrate the same level of responsibility and behavior at practice and competitions as is expected in the classroom.

Policy AC: Nondiscrimination

Policy AD: Educational Philosophy

Policy AE: School Division Goals and Objectives

Policy CH: Policy Implementation

Policy JB: Equal Educational Opportunities/Nondiscrimination

No Change to Current Policy.

(VSBA, 2021)

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ACADEMICS ARTS ATHLETICS

What about Restrooms and Locker Rooms?

Grimm v. Gloucester County SB, 972 F.3d 586 (4th Cir. 2020). Transgender students must have access to bathrooms that correspond to their gender identity.

“The law is clear that transgender students must be allowed to use the restrooms and locker rooms for the gender with which they identify. Students may be given other options, such as the use of private restrooms. However, if transgender students choose to use the restrooms or locker rooms designated for use by the gender with which they identify, the law requires them to be permitted to do so.”--Elizabeth Ewing, VSBA

What about Restrooms in BVCPS?

Parry McCluer High School (8-12):

All students permitted to use single occupant restrooms or one student occupying the restroom at a time with a restroom monitor.

Parry McCluer Middle School (6-7):

All students permitted to use single occupant restrooms or one student occupying the restroom at a time with a restroom monitor.

Enderly Heights Elementary School (3-5):

Continue current procedure. One occupant at a time in the restrooms that are shared by connected classrooms.

Kling Elementary School (PK-2):

Continue current procedure. One occupant at a time in the restrooms that are shared by connected classrooms.

What about Locker Rooms in BVCPS?

Goal: Remain sensitive to the rights of all students so all students feel welcome, respected, and protected.

For any student who does not want to share locker rooms or restrooms with other students,

- All locker rooms have restroom stalls available for individual use.
- For changing clothes and showering, the division will purchase portable privacy curtains to be used in these areas.
- It will be optional for students to “dress out” for physical education; however, they will be required to participate with appropriate clothing and footwear (no boots, high heels, sandals, flip-flops, etc.)

What about the participation in athletics and Virginia High School League (VHSL)?

28A-8-1 TRANSGENDER POLICY (12-14):

Students who wish to participate in a VHSL gender-specific sports team that is different from the gender identity listed on the student's official birth certificate or school records are advised to address the gender identification issue with the local school district well in advance of the deadline for athletic eligibility determinations for a current sports season. Students should not be permitted to participate in practices or to try out for gender-specific sports teams that are different from their publicly identified gender identity at the time or to try out simultaneously for VHSL sports teams of both genders.

When a school identifies a transgender student who seeks to participate in VHSL sports and/ or activities, the school principal should submit a letter requesting an appeal to the district chairman and the VHSL executive director.

For information on the process here is a link to the handbook: https://drive.google.com/file/d/1bAp-szoI6yLz_ZFzFVTbyEgiCBH0ZXGA/view The information is on pages 81-83.

*I recommend that a similar process be followed for middle school athletics.

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Questions?

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