



Frequently Asked Questions: Advocating for Transgender & Non-Binary Students

What new protections do transgender and non-binary youth have in schools?

Delegate Marcus Simon's [House Bill \(H.B.\) 145](#) and Senator Jennifer Boysko's [Senate Bill \(S.B.\) 161](#) are identical bills that codify protections for transgender and non-binary students in Virginia public schools. The bills instruct the Virginia Department of Education (VDOE) to draft a model policy on the treatment of transgender (trans) and non-binary youth in schools by the end of 2020. School Boards then have until the start of the 2021-2022 school year to adopt policies consistent with, or even more comprehensive than, the VDOE model policy.

School districts' model policies must cover the following areas that schools will address:

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.

You can [read the 'platinum standard' policy recommendations](#) put forward by Virginia-based groups in June 2020, including Equality Virginia, Side by Side, and many partner organizations. You can also read the [VDOE's proposal of the model policies](#) put forth for the public comment period. GLSEN and the National Center for Transgender Equality have also published an updated [model local policy](#) on transgender and nonbinary students that can help inform local policies.

In addition, the Virginia Values Act bans discrimination against LGBTQ people in places of public accommodation, which includes educational institutions like public schools. This means that schools must offer a safe and equal learning environment to all students, teachers, and staff, including those who are LGBTQ.

These policies will allow trans and non-binary youth to be safer from bullying, harassment, and discrimination at the hands of their peers, teachers, and school staff and administrators. It will also guarantee that supports are in place to allow all youth, including trans and non-binary youth, to have access to an equal educational experience. For additional reference on student

nondiscrimination protections and inclusion in equity plans see GLSEN's recommendations [here](#).

Do these protections cover athletics?

This legislation does not cover transgender and non-binary students' participation in athletics. Instead, this is governed by the [Virginia High School League](#) (VHSL), which allows transgender youth to play on teams consistent with their gender identity through a waiver process requiring certain documentation and hearings. Many middle schools follow VHSL guidelines.

Virginia Department of Education Guidance

How can I support the Virginia Department of Education model policies?

The VDOE released proposed model policies that will be available for public comments from *January 4, 2021 through February 3, 2021*. You can [click here to read the proposed](#) guidance, which Equality Virginia and partner organizations support.

Once the 30-day period starts, please leave a comment online following these steps:

1. Navigate to the Virginia Regulatory Town Hall Page
2. Click on the "Enter a comment" bullet point
3. Type your first and last name, and the name of an organization you work with (if applicable)
4. Indicate the state where you currently live
5. Provide a current email address
6. In the "Comment subject/title" section please write: Support
7. Write your comment! Remember: ***all information that you submit through the comment forum will be public.***
8. Don't forget to hit **submit** on the bottom left corner once you have written your message.

If you prefer to submit a public comment anonymously for the safety of you and your loved ones, our sibling organization, [Side by Side, has a form](#) that will be collecting anonymous comments.

What should I write in my public comment?

If you feel overwhelmed or too busy to write something personal, you can simply say "*I support the guidance.*" Even that helps to show the VDOE the number of people who support the guidance.

The most powerful form of public comment is personal testimony, which can be just a few sentences! We know it can be difficult to know what to say so we have provided some prompting questions and sample public comments for anyone who wants to support trans and non-binary youth:

Parents, caregivers, and adult family members:

- What has been your child's experience at their school around being LGBTQ+ or their friends who might be LGBTQ+?
- What would it mean to your family if schools had safe and inclusive environments for all youth?
- How would it help your young person or their friends at school and in their daily life?

Sample public comment: My son has several gay friends and a classmate who is a transgender girl. We're Christians and taught him to love everyone so he fully supports them. Sadly, he has seen the struggles they go through with name-calling and even blatant disrespect from a school administrator. I know that if my son were struggling with these issues, I would do everything I could to make sure he has the same safe education as everyone else. I support this guidance because I want my son and all of his friends to be in a school environment that is safe and welcoming for everyone.

LGBTQ youth, LGBTQ adults, allied youth and siblings:

- What has been your experience at school around being LGBTQ+ or having LGBTQ+ peers?
- What would it mean to you if Virginia schools had safe and inclusive environments for all youth?
- How would it help you or your peers at school and in their daily life?

Sample public comment: I am a student in Albemarle County Public Schools and a member of my school's GSA (Gender-Sexuality Alliance). I have been bullied since I came out as non-binary in middle school, but luckily most of my teachers support me and I often eat lunch with them to avoid confrontations with other students in the cafeteria. I support this guidance because I would feel so much safer knowing my school is supporting me so I don't have to hide or live in fear. I want to get through the day just focusing on classes and graduation!

Educators, Administrators, and School Personnel:

- In what ways would you and your coworkers feel more prepared by having guidance on how to better serve all youth, particularly transgender and non-binary youth?
- Why is this personally impactful to you and your coworkers?
- How would the guidance set students up for success?

Sample public comment: I've been a teacher for 14 years, and I'm proud to support this guidance. My high school is in a progressive area, but most of my colleagues haven't dealt with a transgender student until this past year when two students came out as transgender boys. We wanted to do everything right for them, but it was a learning process while we reached out for information on how to support them. I know it was tough for the two students to have their role models at school not knowing how to treat them with the full respect they deserve. This guidance would allow all schools to be equipped with the policies and procedures they need to

confidently provide a safe and inclusive educational experience for all students, especially our LGBT youth.

Adult allies:

- What would it mean to you and your city/county if all Virginia schools had safe and inclusive environments for LGBTQ+ youth?
- How might it help your friends, loved ones, and other community members?
- Why is this important to you as an ally?

Sample public comment: see the parent example above

What happens once the VDOE model policies are finalized after the public comment period?

Once the VDOE releases the final draft of the model policies by Spring 2021, all 133 school boards in Virginia will have to consider and vote to adopt policies consistent with, if not more comprehensive than, the VDOE model policies before the start of the 2021-2022 school year.

School Board Advocacy

How can I help my school board adopt the best policies for transgender and non-binary youth?

It is important that your school board members hear from you about the importance of adopting the best policies for trans and non-binary youth! There will be community members who will work against the adoption of these policies, despite the fact that Virginia law requires it. Your voice can help explain the need for these policies and the impact it will have on not only our youth but our entire community, including family members, educators, and allies.

School Board Advocacy steps:

1. Get to know your school board
2. Learn the rules and regulations for submitting public comment at school board meetings for your district. This information is usually on the school board website or you can email their clerk.
 - a. Remember that public comment is PUBLIC and your information can be accessed both at school board meetings and in meeting records
3. Follow-up after school board meetings to drive your point home
4. Share your school districts' updates with Side by Side and EV

How can I get in touch with my school board individually?

You can contact your school board personally by email, phone, or written letter. You can find their contact information online by doing a search and typing your city/county name + "school board," or by contacting the school board's clerk for that information. You can reach out to any

school board member in your city/county, but you will have the most sway with the ones who directly represent your district or are at-large members, meaning they represent the whole city/county.

You should let them know that you support best practice policies for transgender and non-binary and it may be helpful to refer them directly to the [VDOE guidance](#) or [EV's policy recommendations](#). It will also be more impactful if you share why it is personally important to you and your community, if you feel comfortable and safe doing so. You can also direct them to [local LGBTQ organizations](#) that may be able to offer support. *Please note that ANY communications with a government official, including a school board member can be made public if someone makes a request under the Freedom of Information Act (FOIA).*

How can I advocate at school board meetings?

Each school board has unique by-laws that determine how you can participate in public comment, which is the time during school board meetings when they will hear from the public on agenda items. Here are [some important notes compiled by our sibling organization, Side by Side](#):

- Public nature of meetings - Any portion of open meetings is available to the public. Most, if not all, school boards record and/or livestream their meetings and post to larger platforms like YouTube. Typically, when folks comment, they are either required/encouraged to publicly state their address which can become a part of public record. Additionally, any person in the meeting may photograph, film, record or otherwise reproduce any portion of a meeting required to be open.
- Find out when your school board is meeting.
 - School boards are required to share meeting schedules.
- Make sure you are engaging with the county you live in.
 - To speak at school board meetings, you must be a resident of that county.
- Find out what the agenda is for the upcoming meeting.
 - School boards are required to post notes from previous meetings, as well as the agenda for upcoming ones.
- Find out if you need to sign up to speak.
 - Learn if and how your county requires county residents to sign up prior to speaking and how - learn of any deadlines.
- If you choose to speak keep to the school board keep in mind:
 - How long do you have to speak? Typically, this can be no more than 2 minutes so be efficient and mindful.
 - **Share your story.** Speak from your own experience and combine this with statistics or numbers that add proof to your experience.
 - Find out who might be there in the audience. If you think there will be individuals from an opposing viewpoint do not engage with them.
 - Bring a support buddy. Speaking to a school board can be nerve wracking and vulnerable so bring someone to support you.

If you don't feel comfortable speaking publicly, please show up at school board meetings to show support and spread the word to your community!

What do I do after the school board meeting?

Sometimes the school board may have multiple hearings before they vote, or they will have one meeting dedicated to public comment and then they vote at the next meeting. If there are multiple meetings, please try to show up to as many as possible and encourage your community to do the same. That way, there are always supporters who are in the room or speaking on the policies for transgender and non-binary youth, which fosters accountability and transparency.

After every meeting, make sure to follow up with your school board members, or at least the one(s) who represent you. It also goes a long way to thank them for supporting all youth, or holding them accountable if they do not.

What do I do if my school board doesn't adopt any policies by the start of the 2021-2022 school year (August/September 2021), or adopts policies less comprehensive than the model policies?

Contact Equality Virginia, at info@equalityvirginia.org, or Side by Side [using their contact form](#) so we can track any school districts that are not in compliance with the law by the deadline.

Sources:

[Side by Side](#)

[GLSEN](#)

[Virginia Department of Education](#)

[Virginia High School League](#)

House Bill [145](#) and Senate Bill [161](#)

Collaborators

Thank you to [GLSEN](#) for offering their expertise to review and provide feedback on this information sheet. [Click here](#) to access information from their 2019 National School Climate Survey.

About Equality Virginia

Founded in 1989 as Virginians for Justice, Equality Virginia (EV) is the leading advocacy organization in Virginia seeking equality for lesbian, gay, bisexual, transgender, and queer (LGBTQ) people. EV is building a fully inclusive Commonwealth by educating, empowering, and mobilizing Virginians to ensure all LGBTQ people are free to live, love, learn, and work.

For more information, check out www.equalityvirginia.org or reach out to info@equalityvirginia.org.

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