



**Subject:** Resolution Affirmation of Commitment to Nondiscrimination and **Item Number:** 12D  
Anti-harassment of LGBTQ+ Youth and Adults in the VBCPS  
Educational Environment

**Section:** Information **Date:** May 23, 2023

**Senior Staff:** Kamala Lannetti, School Board Attorney

**Prepared by:** Jessica Owens, School Board Member

**Presenter(s):** Jessica Owens, School Board Member

**Recommendation:**

That the School Board adopt the Resolution Affirmation of Commitment to Nondiscrimination and Antiharassment of LGBTQ+ Youth and Adults in the VBCPS Educational Environment as a declaration of the School Board's commitment to eliminating all forms of unlawful discrimination in the educational environment.

**Background Summary:**

The School Board has received many public comments and communications concerning its intent to protect the rights of students and families in light of proposed model policy changes by the Virginia Department of Education. During the 2022-23 school year, the School Board has not had a policy presented for consideration regarding changing its policies or regulations related to transgender students. Therefore members of the public are uncertain as to the School Board's position regarding protecting the rights of students and families. The proposed Resolution is submitted for consideration by the School Board and to create the opportunity for the School Board to have a public dialogue regarding its commitment to protecting the rights of students and families.

**Source:**

**Budget Impact:**

**RESOLUTION**  
**AFFIRMATION OF COMMITMENT TO NONDISCRIMINATION AND**  
**ANTI-HARASSMENT OF LGBTQ+ YOUTH AND ADULTS IN THE VBCPS EDUCATIONAL**  
**ENVIRONMENT**

**WHEREAS**, the School Board and Virginia Beach City Public Schools (hereinafter “VBCPS) believe that every student is entitled to an education that is responsive to the student's unique needs to work toward reaching their full potential and that all individuals have the right to a safe physical, emotional, and social environment where responsibility and respect are demonstrated daily and where students are engaged in learning and are active participants in the educational environment because they feel accepted and valued; and

**WHEREAS**, LGBTQ+ youth and adults are valued members of the VBCPS community; and

**WHEREAS**, VBCPS acknowledges that LGBTQ+ youth and adults encounter many challenges both in and out of the educational environment and that those challenges can often interfere with their access to educational services and programs; and

**WHEREAS**, VBCPS further acknowledges that federal and state law, regulation and guidance regarding nondiscrimination and antiharassment based on sex, sexual orientation and gender identity are rapidly changing and at times inconsistent; and

**WHEREAS**, in 2016 the School Board amended School Board Policies 4-4 and 5-7 to prohibit discrimination based on sexual orientation and gender identity; and

**WHEREAS**, in 2020 the Virginia General Assembly amended the Virginia Human Rights Act §2.2-3900 to prohibit discrimination based on sex, sexual orientation and gender identity; and

**WHEREAS**, the School Board amended its policies and regulations regarding sexual harassment and discrimination in violation of Title IX of the Education Acts of and adopted enhanced Title IX procedures as required by federal law and regulation; and

**WHEREAS**, existing state and federal statutory and case law affirms the rights of both parents/guardians and students on issues of privacy and the right to freedom from discrimination under Title IX, Title VII and the Equal Protection Clause of the Fourteenth Amendment; and

**NOW, THEREFORE, BE IT**

**RESOLVED:** That the School Board affirms, supports, and values each of our students and staff and will continue to further our efforts to create a welcoming, safe, and inclusive learning environment providing protections for all students and staff regardless of sex, sexual orientation, gender, gender identity, or on any other characteristic protected by state or federal law; and be it

**FURTHER RESOLVED:** VBCPS is committed to eliminating all forms of unlawful discrimination and harassment in the educational environment. Accordingly, no student shall be excluded from participation in, be denied the benefits of, or be subjected to unlawful discrimination under any VBCPS education program or non-athletic activity based on sex, sexual orientation, gender, gender identity, or on any other characteristic protected by state or federal law regarding non-discrimination and anti-harassment; and be it

**FUTHER RESOLVED:** That School Board will not adopt, amend, suspend or repeal its bylaws or policies and the School Administration will not adopt, amend, suspend or repeal its regulations to violate the Virginia Human Rights Act § 2.2-3900, as amended, Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964 with regard to discrimination and harassment based on sex, sexual orientation or gender identity; and be it

**FUTHER RESOLVED:** That a copy of this Resolution be spread across the official minutes of this Board.

Adopted by the School Board of the City of Virginia Beach this \_\_\_\_\_ Day of \_\_\_\_\_ 2023