

# COMPARISON BETWEEN THE 2021 AND 2022 TRANSGENDER SCHOOL POLICIES IN VIRGINIA

## VIRGINIA TRANSGENDER SCHOOL POLICIES 2021

- **STUDENTS CAN BE CALLED A DIFFERENT NAME OR GENDER WITHOUT PARENTAL/GUARDIAN PERMISSION:** *Schools shall allow students to use name and gender pronouns that reflect their gender identity without any substantiating evidence. In the situation when parents or guardians of a minor student do not agree with the student's request to adopt a new name and pronouns, school divisions will need to determine whether to respect the student's request, abide by the parent's wishes to continue using the student's legal name and sex assigned at birth*
- **EXTRA-CURRICULARS, LOCKER ROOMS AND BATHROOMS BASED ON PREFERRED GENDER WHICH CAN BE FLUID WITHOUT ANY QUESTIONS ASKED:** *Schools shall eliminate the practice of segregating students by gender to the extent possible. For any school program, event, or activity, including extra-curricular activities that are segregated by gender, [School Division] shall allow students to participate in a manner consistent with their gender identity. School staff should not confront students about their gender identity upon entry into the restroom.*
- **OVERNIGHT TRIPS & PE CLASSES: STUDENTS MUST BE ALLOWED TO PARTICIPATE IN ACTIVITIES BASED UPON CHOSEN GENDER IDENTITY. BIOLOGICAL MALES COULD ROOM WITH BIOLOGICAL FEMALES:** *Whenever schools provide gender-specific activities such as PE classes, students should be allowed to participate in a manner consistent with their gender identity. For overnight field trips, the school should not force the student into single-occupancy accommodations that are not required for other students.*
- **PARENTAL RIGHTS: SCHOOLS CAN HAVE CONVERSATIONS WITH STUDENTS ABOUT GENDER IDENTITY WITH WITHHOLD THE INFORMATION FROM PARENTS:** *There are no regulations requiring school staff to notify a parent or guardian of a student's request to affirm their gender identity, and school staff should work with students to help them share the information with their family when they are ready to do so.*

## VIRGINIA TRANSGENDER SCHOOL POLICIES 2022

- **STUDENTS CAN ONLY BE CALLED BY A DIFFERENT NAME OR GENDER WITH WRITTEN PARENT/GUARDIAN PERMISSION:** *[School Division] personnel shall refer to a student by a name other than one in the student's official record, or by pronouns other than those appropriate to the sex appearing in the student's official record, only if an eligible student or a student's parent has instructed [School Division] in writing that such other name or other pronouns be used because of the student's persistent and sincere belief that the student's gender differs from his or her sex.*
- **MUST PARTICIPATE IN EXTRA-CURRICULARS OR OTHER SEX BASED ACTIVITIES, LOCKER ROOMS, BATHROOMS BASED ON BIOLOGICAL SEX UNLESS REQUIRED OTHERWISE BY FEDERAL LAW. SINGLE USE BATHROOMS MUST BE MADE AVAILABLE:** *For any school program, event, or activity, including extracurricular activities that are separated by sex, the appropriate participation of students shall be determined by sex. [School Division] shall provide reasonable modifications to this policy only to the extent required by federal law. Single-user bathrooms and facilities should be made available in accessible areas and provided with appropriate signage, indicating accessibility for all students*
- **OVERNIGHT FIELD TRIPS AND OTHER ACTIVITIES SHALL BE SEPARATED BY SEX:** *Overnight travel accommodations, locker rooms, and other intimate spaces used for school-related activities and events shall be based on sex. For any athletic program or activity that is separated by sex, the appropriate participation of students shall be determined by sex.*
- **PARENTAL RIGHTS: SCHOOLS CANNOT PROVIDE COUNSELING TO STUDENTS WITHOUT PARENTAL KNOWLEDGE AND ABILITY TO OPT-OUT:** *"[n]o student shall be required to participate in any counseling program to which the student's parents object." Parents must be informed and given an opportunity to object before counseling services pertaining to gender are given. At the request of parents, the [School Division] should designate an administrator or counselor to speak, together with the student's parents, with any student regarding questions pertaining to gender.*