



PDE Action Supports the Virginia Department of Education's 2022 Model Policies on the Privacy, Dignity, and Respect for All Students and Parents in Virginia Public Schools

Dear Superintendent Balow and the Virginia Board of Education:

PDE Action writes in support of the 2022 Model Policies on the Privacy, Dignity, and Respect of All Students and Parents in Virginia's Public Schools. As a nonpartisan, nonprofit organization working to reclaim schools from political activism, we believe that parents' rights and parental involvement in education is vital to the health and wellbeing of America's children.

Former Governor Ralph Northam's 2021 Model Policies on the Treatment of Transgender Students in Virginia Public Schools contradicted existing state law, specifically Virginia Code 1-240.1. This code states that parents have "a fundamental right to make decisions concerning the upbringing, education, and care" of their children. The 2021 Model Policies flew in the face of that law and explicitly said: "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."

It is immoral and dangerous to exclude parents from personal conversations regarding their child's mental health and wellbeing. This includes when a child decides to live as another sex.

Parents have a right under Virginia Code 1-240.1 to know what their child's school teaches about "gender identity," as well as the school's policies for handling a child's decision to transition. As the board suggests with the 2022 Model Policies, parents must be informed of, and included in, all conversations between their school psychologists, counselors, or other staff and their child. This includes, but is not limited to, conversations about a child's sexuality and "gender identity."

Your updated policies reflect this important truth. At the same time, they uphold the dignity of all students in Virginia's schools—regardless of their decision to adopt a new "gender identity." PDE Action found many elements of the 2022 Model Policies compelling. The policies affirm the importance of "efforts to protect and encourage respect for all students," and at the same time, "fully acknowledge the rights of parents to exercise their fundamental rights..."

The 2022 Model Policies state: “[t]he word sex means biological sex.” It is imperative, given the Biden Administration’s attempt to expand the definition of biological sex to include “gender identity,” that school policies uphold this fundamental truth and ensure that biological sex trumps “gender identity” in matters of separating spaces—sports teams, restrooms, bedrooms on overnight field trips—for males and females.

The 2022 Model Policies ensure that parents are responsible for making the final decision on a child’s name and pronouns, and that school staff and students are not compelled to speak in a way that is inconsistent with their moral or religious beliefs. It is critical to protect this First Amendment right.

PDE Action requests, as a matter of prudent policymaking, that you address the following items, and, if necessary, provide further explanation or definition.

- In addition to the requirements already prescribed under Appendix A, Part III., Section C., Subsection 1-2, would, or should, a medical diagnosis be required for a school to change a student’s name and/or pronouns?
- Under III. Terminology, PDE Action suggests adding a definition of “gender identity” that 1. defines its use in the context of this draft and 2. ensures that biological sex is upheld as a scientific truth that supersedes “gender” or “gender identity.”
- Appendix A, Part III., Section G., Subsection 2. It is unclear what you attempt to prescribe by noting that “students are not required to dress in a gender-neutral manner.” Surely, schools may at the same time create separate dress code policies for males and females while ensuring that there is no disparate impact on either sex. For example, a school dress code might allow females to wear skirts and males to wear shorts during warmer months, but length requirements for garments should be the same for both sexes.

PDE Action sincerely appreciates your willingness to affirm the rights of Virginia parents to direct the upbringing, education, and care of their children, and we look forward to the approval of your 2022 Model Policies.

Sincerely,
Alex Nester
Political Director, PDE Action