



Virginia Department of Education
Superintendent Jillian Balow
James Monroe Bldg., 25th Floor
101 N. 14th St.
Richmond, VA 23219

Re: AAUW-VA Comment on the Proposed 2022 Model Policies on the Privacy, Dignity, and Respect for All Students in Virginia’s Public Schools

When the Virginia legislature adopted legislation in 2020 that required the Department of Education to provide school boards with model policies to support young students as they navigate the complex path to establishing their personal identity, AAUW of VA and its members applauded the protection of transgendered students’ rights. Model policies issued in 2021 after the legislation provided clear guidelines for local school boards to follow in establishing local policy.

The new model policies issued by the Virginia Department of Education clearly contradict the intention of the legislature in passing the original bill, which will only serve to confuse both school districts and individual educators. In addition, many legal scholars have stated that the proposed policy would require districts and teachers to violate Federal and Virginia law. Both the divergence from the original statutory intent of the legislature and the conflict with existing legal principles will lead to ongoing litigation, the cost of which will divert critically needed education dollars from the classroom.

From preschool through high school, most children encounter some degree of “gender tracking”—stereotypes and expectations that can set them on a lifelong path. Gender tracking in early education explains why so many professions continue to be highly gendered, with women disproportionately in lower-paying fields.

While these stereotypes inhibit all students from being their authentic self, transgender and gender-nonconforming students suffer even more, as many schools are ill-equipped to accommodate students outside the gender binary.

AAUW supports public education that promotes gender fairness, equity, and diversity, including vigorous enforcement of Title IX and all other civil rights laws pertaining to education and the enforcement of such laws. Therefore, we urge the Department of Education to revise the proposed guidelines to conform with the original intent of the legislature and to comply with Federal law.

Respectfully submitted,

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AAUW-VA