WHAT IS THE TRANSGENDER POLICY BILL FOR K-12 SCHOOLS?

The 2020 Virginia General Assembly enacted HB145/SB161 which requires the Virginia Department of Education (VDOE) to develop guidance concerning the treatment of transgender students in public schools in accordance with evidenced-based best practices and to set forth information, guidance, procedures, and standards. Specifically, the bills require:

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
8. Student participation in sex-specific school activities, events, and athletics and use of school facilities

In 2020 the Senate and House in Virginia passed this bill which requires the Virginia Department of Education to create guidance on the treatment of transgender students in Virginia K-12 public schools and the bill was signed into law by Governor Northam earlier this year.

In summer and fall of 2020, the Virginia Department of Education is creating the first draft of the guidance which touches on the specific topic areas outlined in the initial bill.

The Virginia Department of Education created a working group that included Side by Side, Equality Virginia, transgender youth, caregivers of transgender youth, school officials, and LGBTQ+ advocates from across the Commonwealth.

Communities can become involved in advocacy through the public comment period and interacting with local school boards.

Per Virginia law, in October 2020 the Virginia Department of Education will provide an opportunity for public comment. This is an opportunity for any individual or organization to offer their opinions and thoughts on the proposed guidance.

Once the Virginia Department of Education completes the public comment period, they will take the comments, make adaptations, and then release the final copy of the guidance to the public in December 2020.

After the Virginia Department of Education finalizes the guidance, they will then share it to all 132 school counties in Virginia and each school board will individually vote on their version of the policy.

- Each school district is required to adopt their own policies for treatment of transgender students by the 2021-2022 academic school year.
- The policies that are adopted by each school district must meet the bare minimum requirements outlined by the Virginia Department of Education guidance. However, school districts are encouraged to go beyond the minimums set by the Virginia Department of Education.
WHAT WE KNOW ABOUT SCHOOL BOARDS

Please note: 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.

- **School Boards can be elected or appointed.**
  In Virginia, some school boards are appointed by elected officials in their district, and some districts directly elect their school board members.

- **Each School Board sets their own bylaws.**
  School districts create their own bylaws that must be aligned with Virginia law and policies set forth by the Board of Education in Virginia.

- **Each School Board sets regulations on Public Comment.**
  Each school district will create their own rules related to public comment, or the time during school board meetings when members of the public can provide input into the agenda items. While each school district has slightly different rules and regulations about public comment here are a few common things to look for:

  - Notification of meetings – School Boards are required to publicly post their meeting schedules and provide public notice of any special meetings that arise. They are also required to publicly post their agendas and minutes from open sessions. It is best to check your School Board’s website for specific information in your district.
  - Requests to speak – Many school districts will set a deadline for when a member of the public must submit a request to the clerk to be added to the agenda for public comment. This is often the day of the meeting. Sometimes they will allow for people to sign-up at the meeting itself, but they will prioritize those who request to speak prior to the meeting.
  - Residency requirement – School districts will often ask for your full legal name and address to prove you are a resident of the district. It’s important to note that this information will be included in the public record and can be accessed by the general public through a Freedom of Information Act (FOIA) request.
  - Time limit – It is not uncommon for school districts to set a time limit for individual speakers as well as a time limit for public comment overall. Many districts have time clocks to keep speakers on time and will stop speakers who exceed their time.
    - Executive Session – Most school districts have special executive sessions for voting members and the clerk only. These are not open to the public and do not include public comment sessions.

- **Follow-Up is Key**
  Follow-up with individual school board members and the superintendent of your district is extremely important. Following up with a thank you or encouragement to vote differently in the future can go a long way to building good relationships with these officials.
STEPS FOR TALKING WITH YOUR SCHOOL BOARD

1. Find out when your school board is meeting.
   a. School boards are required to share meeting schedules.
2. Make sure you are engaging with the county you live in.
   a. To speak at school board meetings, you must be a resident of that county.
3. Find out what the agenda is for the upcoming meeting.
   a. School boards are required to post notes from previous meetings, as well as the agenda for upcoming ones.
4. Find out if you need to sign up to speak.
   a. Learn if and how your county requires county residents to sign up prior to speaking and how - learn of any deadlines.
5. If you choose to speak keep to the school board keep in mind
   a. How long do you have to speak? Typically, this can be no more than 2 minutes so be efficient and mindful.
   b. Share your story. Speak from your own experience and combine this with statistics or numbers that add proof to your experience.
   c. Learn of who might be there in the audience. If you think there will be individuals from an opposing viewpoint do not engage with them.
   d. Bring a support buddy. Speaking to a school board can be nerve wracking and vulnerable so bring someone to support you.

HOW TO HELP

Want to help your school board adopt the best practices for transgender students? Here are some things you can do:

- Reach out to your school superintendent and administration and let them know you are in support for best practices at your school for transgender students.
  - Encourage others to do the same!
- Make sure to review and share thoughts on the public comment from the Virginia Department of Education if it is safe for you to do so.
  - The public forum will ask your name (optional), email address, and state.
  - Address is not required, and you can choose to leave the “name” section as anonymous. The comment, however, is public record and so be mindful of personal information.
  - If you cannot share your own comments, then let others know about the opportunity to have their voices be heard.
- Once the public comment period ends, reach out to your local school board to potentially speak, share your experience, or have your support be known.
  - If you don’t feel comfortable doing this, attend the school board meetings to show support to others and encourage folks to share their voices.
- Offer support and encouragement to your school board and school administration to make it clear you support the guidance and want the best practices; share resources like LGBTQ+ organizations that can offer support to your school.
- Finally, encourage LGBTQ+ allies to share their support and let their voices be heard!