Sample School Board Resolution
Based on The Unanimously Passed Russell County Resolution

WHEREAS, Virginia Code § 22.1-23.3 directed the Virginia Department of Education ("VDOE") to propose policies to "address common issues regarding transgender students" for eight specific categories; and

WHEREAS, VDOE issued in March 2021 its "Model Policies for the Treatment of Transgender Students in Virginia’s Public Schools;" and

WHEREAS, Virginia Code § 22.1-23.3 (B) directs each Virginia school board to "adopt policies that are consistent with but may be more comprehensive than the model policies developed by the Department of Education;" and

WHEREAS, The _________ County School Board is, consistent with VDOE, committed to ensuring "a positive, safe, and nurturing learning environment for all students" (VDOE Model Policies, p.8); and

WHEREAS, The ________ County School Board also committed to ensuring the civil rights of parents, teachers, staff, and students; and

WHEREAS, a "comprehensive" policy regarding transgender students," as directed by Virginia Code § 22.1-23.3, must consider and protect the rights of parents, teachers, staff, and other students, as well as the applicable requirements of federal and Virginia law; and

WHEREAS, Virginia Code § 1-240.1 states, “A parent has a fundamental right to make decisions concerning the upbringing, education, and care of the parent’s child;” and

WHEREAS, both the United States Supreme Court (Meyer v. Nebraska, 262 U.S. 390, 399, 401 (1923); Troxel v. Granville, 530 U.S. 57, 65-66 (2000)) and Virginia Supreme Court (L.F. v. Breit, 285 Va. 163, 182 (2013)) have held that parents have a fundamental right to decide the upbringing, education and care of their child; and

WHEREAS, both the United States Constitution (1st Amendment) and the Virginia Constitution (Article I, Sections 12 and 16), as well as the Virginia Religious Freedom Restoration Act (Va. Code § 57-2.02(B)), protect the free speech and freedom of religion rights for _______ County Public Schools teachers, students, and staff; and

WHEREAS, the United States Constitution (14th Amendment) ensures the due process and equal protection of laws for all students in _______ County; and

WHEREAS, the ________ County School Board has thoroughly reviewed the “model” policies drafted by the VDOE and has found those policies to have legitimate constitutional issues; and

WHEREAS, the ________ County School Board does not support violating the
constitutional rights of any parent, teacher, staff member or student; and

WHEREAS, the _______ County School Board currently has in place appropriate policies to create a positive, safe and nurturing learning environment for all students.

NOW, THEREFORE, the _______ County School Board affirms that the school Board follows all Virginia and federal laws and is committed to ensuring the protection of all parents, teachers, staff and students; and

BE IT FURTHER RESOLVED that the _______County School Board expressly rejects the “model policies” drafted by the VDOE as they currently have legitimate constitutional issues, do not adequately address the practical implementation of such policies in the school system and would put the school board in the position of potentially violating multiple constitutional rights of students, parents and employees.