Sample Comment

I submit this comment in support of the Virginia Department of Education’s (VDOE) 2022 Model Policies on the Privacy, Dignity, and Respect for All Students and Parents in Virginia’s Public Schools. The model policy, which provides guidance to Virginia public schools on handling gender nonconforming students, should be an example to other states that are attempting to balance the interests of students, parents, and school officials in a way that will create an inclusive school environment for everyone.

The model policy’s primary guiding principle is to ensure that parents have control over “decisions with respect to their children.” Specifically, it upholds the rights of parents under the Fourteenth Amendment by allowing them to take the lead in working with their school to determine the appropriate response to a student’s expressed gender nonconformity. The model policy also protects the First Amendment rights of teachers and students by prohibiting schools from mandating that they adhere to the ideological belief that gender identity is subjectively determined.

The vast majority of Virginians share the goal of preventing any student—including gender nonconforming students—from being treated as less deserving of respect than their peers. They also recognize that many issues surrounding gender identity are complicated and involve multiple legitimate interests that frequently conflict with one another. The VDOE’s 2022 model policy does an exemplary job of balancing those competing interests by recognizing constitutional rights while at the same time reaffirming the commitment to creating a welcoming school environment for gender nonconforming students.