



## **Act Now to Defend Trans and Nonbinary Students in Virginia!**

### Messaging and talking points on Governor Youngkin's Proposed Policies for the Treatment of Transgender Students in Virginia Public Schools

On Friday, September 16<sup>th</sup>, under the guidance of Governor Youngkin, the Virginia Department of Education (VDOE) released [new proposed model policies](#) for the treatment of transgender and nonbinary students in our public schools. These policies stoke fear and divide us while seeking to erase the very existence of LGBTQ students in classrooms across Virginia. Specifically, the proposed policies seek to:

- Deny students access to school facilities and sports teams;
- Mandate that teachers [deadname](#) and misgender their students; and
- Force teachers to [out](#) students to their guardians<sup>1</sup>

Policies that deny trans and nonbinary youth from using bathrooms and locker rooms that match their gender identity are associated with those students experiencing higher rates of sexual assault victimization.<sup>2</sup>

Our public schools should be safe places for children to learn and grow, not arenas for politicians to wage partisan culture wars. By joining together as supportive parents, teachers, and students, we have the power to ensure that our schools are places where all children can learn and thrive.

### **What we believe...**

Every child has the right to learn in a safe and supportive environment that respects their humanity and upholds their dignity.

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<sup>1</sup> Many trans and nonbinary children face rejection and even abuse among unsupportive families. Forcibly outing them to their parents is a form of/could result in child abuse. Sadly, for many students, school is one of the few places where they can safely be themselves.

<sup>2</sup> <https://publications.aap.org/pediatrics/article/143/6/e20182902/76816/School-Restroom-and-Locker-Room-Restrictions-and?autologincheck=redirected?nfToken=00000000-0000-0000-0000-000000000000>

Governor Youngkin's proposed policies for the treatment of trans and nonbinary students in our public schools sends an incredibly dangerous message that some students do not belong, and in fact *should not exist*. This is not only in contradiction to state law<sup>1</sup>, but according to recent Supreme Court rulings, it is also in violation of the Equal Protection Clause of federal Title IX rules<sup>2</sup>.

Discovering oneself is an important part of growing up, and every child deserves to have support and guidance as they learn about themselves, their family and friends, and their place in the world. Studies have shown that policies like these result in more frequent and escalating harassment, discrimination, and physical violence toward trans and nonbinary students. These policies also have the effect of creating significantly higher rates of depression, suicidal ideation, and suicide attempts relative to [cisgender](#) students<sup>3</sup>.

Furthermore, denying trans and nonbinary youth from using restrooms and locker room facilities that match their gender identity increases the prevalence of sexual assault victimization<sup>4</sup>. The evidence is clear – trans and nonbinary youth are likely to experience higher rates of sexual assault and peer victimization *when policies like these are adopted*.

The Action Alliance recognizes that sexual and domestic violence is linked to other forms of oppression and that supporting equality and respect for ALL people, regardless of sexual orientation, gender identity, or gender expression, is integral to creating a Virginia free from sexual and domestic violence.

## **Act now to defend trans students!**

Every child deserves to be safe, supported, and loved by adults in their life. Join us in taking action to support the freedom and dignity of students across the Commonwealth!

**Submit public comment opposing Governor Youngkin's proposed transphobic and anti-student policies.**

These proposed policies have not gone into effect yet in Virginia. They must go through a 30-day public comment period before consideration. The last day to submit public comment is October 26<sup>th</sup>. The most important thing that we can do right now is use our voices in support of LGBTQ students across the Commonwealth. Equality Virginia has created a convenient portal where you can write your own comment (or copy and paste our talking points) and submit [here](#). And the ACLU of Virginia has created an [action hub](#) to protect trans students. You can also go straight to the [Virginia Department of Education](#) and submit your comment.

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<sup>1</sup> Va. Code § 22.1-23.3.

<sup>2</sup> Grimm v. Gloucester Cnty. Sch. Bd., 972 F.3d 586(4th Cir. 2020), as amended (Aug. 28, 2020), cert. denied, 141 S. Ct. 2878, 210 L. Ed. 2d 977 (2021)

<sup>3</sup> National Institute of Health, Differences in Suicide Risk Among Subgroups of Sexual and Gender Minority College Students (Sept. 8, 2020), <https://www.nimh.nih.gov/news/research-highlights/2020/difference-in-suicide-risk-among-subgroups-of-sexual-and-gender-minority-college-students>.

<sup>4</sup> Journal of Pediatrics, School Restroom and Locker Room Restrictions and Sexual Assault Risk Among Transgender Youth (2019) 143 (6): e20182902. <https://doi.org/10.1542/peds.2018-2902>

More than 58,000 comments have already been submitted, most of them opposed to the new policy! Right now, it's important for us to demonstrate our power and commitment to ensuring safe and healthy futures for all young Virginians.

## Sample Script and Talking Points

*(Insert individual or organizational name. If submitting organizational comment, insert sentence describing work/mission of agency)* respectfully submits comment in opposition to the proposed 2022 Model Policies on the Privacy, Dignity, and Respect for All Students and Parents in Virginia's Public Schools (the "2022 Model Policies"). These policies are not only in direct violation of state and federal law<sup>1</sup>, but they also deny the rights of students, parents, and school personnel to recognize the inherent dignity and worth of every child.

All children have the right to learn in a safe and supportive environment that respects their humanity and upholds their dignity. However, the 2022 Model Policies send a dangerous message that some students do not belong, and in fact, *should not exist*.

Discovering oneself is an important part of growing up, and every child deserves to have support and guidance as they learn about themselves, their family and friends, and their place in the world.

Studies have consistently shown that policies like those proposed result in more frequent and escalating harassment, discrimination, and physical violence toward trans and nonbinary students. These policies also lead to significantly higher rates of depression, suicidal ideation, and suicide attempts relative to cisgender students<sup>2</sup>. The consistent misgendering of a student has a profoundly negative impact on their ability to learn in the classroom.<sup>3</sup>

Contrary to what is recommended in the proposed model policies, consistent use of a student's affirmed name can reduce suicidal behavior and suicidal ideation.

Furthermore, denying trans and nonbinary students from using facilities that match their gender identity increases the prevalence of sexual assault victimization<sup>4</sup>. The evidence is clear – *students will*

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<sup>2</sup> National Institute of Health, Differences in Suicide Risk Among Subgroups of Sexual and Gender Minority College Students (2020), <https://www.nlm.nih.gov/news/research-highlights/2020/difference-in-suicide-risk-among-subgroups-of-sexual-and-gender-minority-college-students>.

<sup>3</sup> Journal of Adolescent Health, Chosen Name use is linked to reduced depressive symptoms, suicidal ideation, and suicidal behavior among transgender youth (2018) 6 (4): P503-505. [https://www.jahonline.org/article/S1054-139X\(18\)30085-5/fulltext](https://www.jahonline.org/article/S1054-139X(18)30085-5/fulltext)

<sup>4</sup> Journal of Pediatrics, School Restroom and Locker Room Restrictions and Sexual Assault Risk Among Transgender Youth (2019) 143 (6): e20182902. <https://doi.org/10.1542/peds.2018-2902>

*experience higher rates of sexual assault, peer victimization, and suicide if policies like these are adopted in Virginia.*

***(Insert individual or organizational name)*** recognizes that sexual and domestic violence is linked to other forms of harm and that supporting equality and respect for ALL people, regardless of sexual orientation, gender identity, or gender expression, is integral to creating a Virginia free from sexual and domestic violence.

The 2022 Model Policies will significantly and irreparably harm Virginia's students and families and as antiviolence advocates; we firmly oppose their adoption.