

September 28, 2022

Virginia Department of Education
Office of Policy: Department of Policy and Communications
Office of the Superintendent: Executive Director, Parental Engagement
P.O. Box 2120
Richmond, Virginia 23218-2120
policy@doe.virginia.gov

Dear Madam or Sir:

Please accept the City of Alexandria's comment on Governor Youngkin's "2022 Model Policies on the Privacy, Dignity, and Respect for All Students and Parents in Virginia's Public Schools." The City of Alexandria supports the Alexandria City Public Schools' (ACPS) position, which is to continue to follow ACPS policy and practice respecting individual rights and protecting students from discrimination due to gender expression, gender identity, sexual harassment, and transgender status.

The proposed policies issued September 16 remove protections for transgender and non-binary students in Virginia's public schools, stigmatizing them and undermining their dignity, and the policies put vulnerable students' lives at risk.

The Alexandria Human Rights Code includes protection in education on the bases of sex, sexual orientation, gender identity, and transgender status. The Alexandria Human Rights Commission has expressed concern over the Governor's new model policies, citing conflict with anti-discrimination laws; potential danger to students from abuse, homelessness, and suicide; inconsistent and confusing mandatory provisions regarding students' names; the undermining of local authority; and creation of an environment in public schools antithetical to learning and nurturing.

The City's LGBTQ+ Task Force, with input from SCAN of Northern Virginia and Safe Space NOVA, provides context to these concerns, explaining that the "proposal turns back the clock on years of progress and is directly contrary to the City's current, successful, and affirming policies." Specifically, "the proposed policies seek to restrict which bathrooms transgender and non-binary students can use, force students to participate in events, sports and other school activities based on their sex assigned at birth and hinder the ability of teachers and staff to offer any support, without also outing the student to parents."

Further, as the Task Force explains, the legal name and sex of a student cannot be changed "even upon written instruction of a parent or eligible student" without an official legal

document or court order. Absent full support from both parents, teachers and other school officials can only refer to a student by the name and pronouns associated with their sex at birth. Even with paperwork and parental support, teachers and staff would be empowered to ignore a student's name and pronouns if they feel doing so would violate their religious beliefs. This puts the wishes of adults over the needs and safety of children.

With these proposed policies, Virginia joins a growing number of states across the U.S. seeking to adopt discriminatory and harmful restrictions on LGBTQ+ students. Targeting some of the most vulnerable children in our schools not only undermines their ability to pursue an education, but it also undermines our educational system as a whole and contributes to the already high number of LGBTQ+ students who attempt suicide. The Trevor Project's 2021 National Survey on LGBTQ Youth Mental Health found that more than 42% of LGBTQ youth seriously considered attempting suicide in the previous year, including more than half of transgender and non-binary youth. However, LGBTQ youth who had access to LGBTQ-affirming spaces — including schools — reported lower rates of attempting suicide than those who did not.

The proposed 2022 policies received no public input while being drafted, were not developed in accordance with evidence-based best practices, are directly contrary to the Code of Virginia, would force transgender and non-binary students to be out to their parents, and will put them at risk for domestic violence, homelessness, and discrimination in all areas of life including at school. We urge you not to implement them.

The City of Alexandria is one of 110 cities in the U.S. to receive the maximum possible score of 100% on the 2021 Municipal Equality Index (MEI), a national assessment by the Human Rights Campaign of LGBTQ+ equality in municipal policies, laws, and services. For the second consecutive year, the City of Alexandria achieved this maximum score based on criteria including non-discrimination laws, the City as an employer, law enforcement, local leadership's public positions on equality, and how inclusive the City's laws, policies and services are for the LGBTQ+ community.

While the Governor's policies target, demean and diminish LGBTQ+ youth, particularly transgender and non-binary students, Alexandria City leaders and community members will support, uplift, and provide a safe, nurturing environment for LGBTQ+ youth so that they can flourish.

VTY,
Mayor Justin Wilson & Members of City Council