

Pro-Family Women
Comparison of Virginia’s proposed 2022 Model Policies for Public Schools
with the 2021 Model Policies, 9/29/22

Note: The proposed 2022 Model Policies are not in effect yet, they have not been finalized and could possibly be challenged in court.

2022 PROPOSED MODEL POLICIES	2021 MODEL POLICIES
PARENTAL RIGHTS	
Protects parental rights by requiring that before a child can be identified as the opposite sex at school, a parent must submit a written request.	Disregarded parental rights by allowing school personnel to keep secret from parents a child’s identification as the opposite sex if the student is “not ready or able to safely share” the information with the parents. The policies stated that “[t]here are no regulations requiring school staff to notify a parent . . . of a student’s request to affirm their gender identity.” Students were the arbiters of their identity at school: “School divisions should accept a student’s assertion of their gender identity without requiring any particular substantiating evidence,…”
Counseling regarding gender cannot take place without parental notification and providing the parents an opportunity to object.	Upon the request of a student to be identified as the opposite sex, it was recommended that personnel meet with the student (and the parents if the parents were “affirming”), to develop a plan to accommodate the student’s needs and requests.
A school division cannot have a policy that encourages or instructs teachers to keep information from parents, including with regards to gender.	Instructed school divisions that they may develop a plan whereby personnel use the student’s legal name and sex-related pronouns when communicating with the student’s parents, but address the student with a different name and pronouns at school.
NAMES AND PRONOUNS	
School personnel must use a student’s name as it appears in student’s official record, as well as use the pronoun that corresponds to the sex in the student’s official record, unless a parent requests otherwise in writing, or the child is over 18 years old or emancipated.	Based solely on the student’s preference, students could use pronouns like “she/her/hers or he/him/his, use gender-neutral pronouns such as they/them/their or ze/hir/hirs, use multiple sets of pronouns interchangeably, or use their name in place of any pronoun.”
FIRST AMENDMENT RIGHTS	
Does not compel school personnel and students to address students using language that violates their constitutional rights.	“A school employee’s intentional and persistent refusal to respect a student’s name and pronoun is considered discriminatory.”

INTIMATE SPACES	
Use of locker rooms and overnight travel accommodations shall be based on biological sex, except as required by federal law.	Allowed students that identify as the opposite sex to have access to sex-segregated locker rooms and overnight field trip accommodations, consistent with their new identity.