**Transgender Student Protections Policy Paper**

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This paper reviews the SB 161 policy which is relevant to transgender student protections. The policy requires the Virginia Department of Education to create model policies regarding the treatment of transgender students in Virginia public schools (LIS SB 161, 2020). The bill also requires Virginia school boards to adopt and enforce polices similar to those of the model policies (LIS SB 161, 2020). The paper will discuss the purpose and intended results of the policy, as well as the expected outcomes, policy implementation, actual results, strengths, and weaknesses of the policy. The paper will also address areas of improvement for the policy and implications for social work.

The SB 161policy was introduced by Senator Jennifer B. Boysko. The Senate patrons for the bill are Senator Adam P. Ebbin, Senator Jennifer L. McClellan, and Senator Joseph D. Morrissey (LIS SB 161, 2020). The bill was filed December 19, 2019. It was passed by the Senate on January 21, 2020 and by the House of Representatives on February 20, 2020 (LIS SB 161, 2020). The bill was approved by the Governor, March 4, 2020. There is a companion house bill that is identical to SB 161 called HB 145 which was introduced by Delegate Marcus B. Simon (LIS HB 145, 2020). The purpose of SB 161is to address common issues related to transgender students and their treatment in Virginia public schools (LIS SB 161, 2020). The overall goal of the policy is to give guidance to the Virginia school boards and public schools for how to treat transgender students, specifically in regards to procedures and standards.

The policy has two parts: part one requires the Virginia Department of Education to create model policies relevant to the treatment of transgender students in public elementary and secondary schools and part two requires the Virginia school boards to create and implement polices based off the model policies (LIS SB 161, 2020). The policy calls for the use of the best evidenced-based practices to guide the addressing of common issues and for the model policies to include procedures, guidance, information, and standards (LIS SB 161, 2020). The procedures, guidance, information, and standards should be relevant to maintaining a learning environment that is safe, supportive, and free of discrimination, complying with nondiscrimination laws, preventing bulling and harassment, maintaining student records, identifying students, protecting students’ privacy and confidentiality, enforcing sex-based dress codes, and participating in sex-specific school activities not including athletics (LIS SB 161, 2020). The policy is supposed to address the problem by educating people in power in the educational system including school board members, principals, and teachers, and supporting transgender students. It is an appropriate solution to the problem because it is a state-wide macro approach to the implementation of supportive policies for transgender students in Virginia public schools. The solution, if implemented adequately, should affect everyone involved with Virginia’s public schools, and hopefully improve the lives of transgender students.

By passing the policy, it was intended that the policy would address the treatment of transgender students by creating and implementing relevant policies in public schools to make schools safer and more supportive of transgender and non-binary students. Therefore the policy should guarantee transgender and non-binary youth equal educational experiences and provide safer experiences without bullying, harassment, and discrimination (Equality Virginia FAQ, 2020). The policy is supposed to lessen the problem by addressing common problems transgender students face as well as by educating and guiding teachers, school administration, and school board members about transgender students. Other ways the policy aims to lessen the problem is through updating standards and procedures concerning transgender students to make them more relevant and appropriate for all students. The Virginia Department of Education was expected to have developed and shared the model policies by December 31, 2020. From there, the Virginia school boards were required to have adopted the policies by the start of the 2021-2022 school year. This is a permanent policy that amends the Code of Virginia by adding a section to the code. The expectations of the policy as it was being passed include that the bill would help to provide clarity for those involved in the educational system regarding transgender students and their treatment (Paschall, 2020). Advocates of the bill hoped that proper pronoun and chosen name usage would be one result of the bill passing (Paschall, 2020).

The policy was put into effect by the respective entities fulfilling their parts of the policy. The first part of the policy involves the Virginia Board of Education who is responsible for creating the model policies. The second part of the policy involves the Virginia school boards who are responsible for complying with the law and adopting their own versions of the model policies (LIS SB 161, 2020). The bill does not specifically mention this, but it is assumed that once the school boards create their policies; the policies must be implemented in the public schools in each district. The bill does not specifically mention who is supposed to oversee the implementation of the policy, but there are some organizations who are unofficially tracking school district compliance. An article by Virginia Mercury reports that the State Attorney General is able to enforce the state law, but there has been no evidence to support that the Attorney General will force compliance with the bill (Masters, 2021). As of October 29, 2021, only two Virginia school divisions had adopted policies that were fully consistent with the model policies (Masters, 2021). At this time, there were at least six Virginia school boards who had voted to reject the policy. Also, it was reported that many school boards have adopted policies that fall short of the Virginia Department of Education’s minimum guidelines (Masters, 2021).

In the divisions where school boards have complied with the law, things have presumably gotten better. As there should be protective and supportive polices in place for transgender students. Things have gotten worse or at least have not improved in areas where the school boards have refused to adopt and implement policies. In these areas, it is likely that the school boards are politicized, the policies are seemingly too specific, or people lack knowledge and familiarity with transgender people (Masters, 2021). Without the policies in place, transgender students lack the safety and support they could have. The policy is not appropriately and effectively meeting its identified purpose, as many school boards are not complying with the law and there are no consequences for non-compliance. In January of 2020, SB 20 was proposed by Senator Travis Hackworth which aimed to no longer require Virginia school boards to adopt policies relevant to the Virginia Department of Education’s model policies (Knowles, 2022). The bill was defeated in committee, which presumably supports the message that transgender polices are important (Knowles, 2022).

The policy has made some differences in the lives of students in the school divisions that have fully or partially complied with the Virginia Department of Education’s model policies. The policy has gained awareness and gathered support around the need for school policies for transgender students. The policy involves the social work values of social justice and the dignity and worth of the person and supports social diversity (NASW, 2021). Social justice is seen in the policy because a social injustice is being challenged. The policy is attempting to set standards and guidelines in schools so that transgender students’ rights are protected and they experience equal education experiences (NASW, 2021). The dignity and worth of the person is seen because the policy is attempting the address the needs of transgender students and help them to use self-determination (NASW, 2021). A specific way that the policy could help transgender students use self-determination is by supporting their want to be referred to by certain pronouns or by a name different from their birth name. Some specific strengths of the policy includes that it sets minimum standards for the school boards and requiring the adoption of policies by the school boards was a way to allow the school boards to make the policies more specific to their localities. There is a need for the policy and the policy shows support for transgender students.

One weakness of the policy is that the bill does not have specific language stating who enforces the school boards’ compliance (Masters, 2021). The Virginia Department of Education does not have the authority to penalize or pressure school boards who are not complying with SB 161 (Masters, 2021). Therefore, the policy does not state who will monitor policy implementation which includes who is supposed to report non-compliance and who the non-compliance is supposed to be reported to (Janson, 2018). The policy requires the school boards to adopt their own versions of the model policies, but the bill does not specifically say that public schools have to implement them. Another weakness or an area of confusion of the policy may be that some school boards feel that the model policies are not compatible with their community’s needs or values (Masters, 2021). Therefore, it may help if the policy was more specific about policy implementation as relevant to certain circumstances, as the policy currently states that school boards must adopt policies that either meet the minimum requirements set by the Virginia Department of Education or be more comprehensive. Some unintended results possibly include raised tempers or increased backlash by parents and school board members as well as further politicization of the school boards. Transgender students have been negatively affected because they are not fully able to benefit from the policies if the policies are not adopted by the school boards. The policy may be slightly hard to implement because there are many different opinions concerning the policies among the people on the school board and in communities. Therefore, if they do not agree with the policies they will not adopt them.

The policy could improve if there were some additions that stated who and how compliance with the policy will be monitored and what the consequences would be for non-compliance. It may be beneficial for transgender students to address transgender policies in athletic activities, as it was excluded from the bill. Some implications for social work practice include that service and social justice are ethical principles related to addressing social problems and challenging social injustices (NASW, 2021). Social workers can uses these ethical principles to guide their work and advocate for policies. Specifically, social workers could advocate for amendments to the bill or for school boards to comply with the policy without a bill amendment. Social workers could educate communities and school boards about transgender people and why there is a need for the transgender student policies. Social workers could also work with organizations like Equality Virginia to support the bill or work towards the implementation of other policies related to transgender people.

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