

Procedures: Equal Educational Opportunities - Frequently Asked Questions (FAQ)

What is the purpose of Procedure JB-P, Equal Educational Opportunities?

Procedure JB-P is intended to operationalize the obligation of Newport News Public Schools to ensure that Transgender Students are not subject to discrimination. Both State law and Procedure JB prohibit discrimination based upon Gender Identity and Procedure JB-P expands on the means of accomplishing that goal.

How is Procedure JB-P organized? And why?

Procedure JB-P is organized in a manner suggested by Va. Code § 22.1-23.3 which sets out several interrelated areas meriting attention with regard to treatment of transgender students.

It makes sense to attempt to include most, if not all, areas that may impact the non-discrimination aspects of the treatment of Transgender Students. Although many of these areas have been handled pursuant to existing School Board policy, there is value in having a single resource which may be consulted when treatment-of-transgender-student issues arises.

Does Procedure JB-P include definitions? Why are they important?

Procedure JB-P includes important definitions which define terms to be used in the Procedure. For example, there are definitions for “Student” and “Eligible Student” because the Procedure involves the treatment of Transgender Students in the context of their being a part of the larger NNPS student body.

The terms and phases in the procedures and this FAQ are defined as follows:

- A. **Eligible Student** is a Student or former Student who is 18 years of age or older or a Student under the age of 18 who is emancipated. *See Code of Virginia § [16.1-331](#) et seq.*
- B. **Gender** is a set of social, psychological, and emotional traits that classify an individual as typically masculine or feminine, although the social construct of Gender may be more diverse across a continuum rather than as a binary system.
- C. **Gender Identity** is a person’s internal sense of their own identity as a

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boy/man, girl/woman, another gender, no gender, or outside the male/female binary. Gender Identity is an innate part of a person's identity and can be the same or different from society's expectations with the sex they were assigned at birth.

- D. **LGBTQ+** is an acronym for lesbian, gay, bisexual, transgender, queer/questioning, and others.
- E. **Parent** or **Parents**, as set forth in *Code of Virginia* § [22.1-1](#), is any Parent, guardian, legal custodian, or other person having control or charge of a child.
- F. **Sex** means biological Sex or Sex assigned at birth.
- G. **Student/Students** are all persons enrolled in any Newport News Public School.
- H. **Transgender** is a self-identifying term that describes a person whose Gender Identity is different from their Sex assigned at birth. A Transgender girl was identified as a male at birth, and a Transgender boy was identified as a female at birth. As referenced in this procedure, the phrase "**Transgender Student**" is a public school Student whose Parent has stated in writing that the Student's Gender differs from the Student's Sex, or an Eligible Student who states in writing that his or her Gender differs from his or her Sex.

The new Procedure JB-P differs from the one previously approved by the Superintendent. How? What are the major reasons for this?

The Treatment of Transgender Students is required to conform to the Virginia Department of Education (VDOE) Guidelines in a manner responsive to the statutory direction established in Va. Code Sec. 22.1-23.3. VDOE modified the Guidelines which were first approved in 2021 and then changed in 2023.

Generally speaking, the new VDOE guidance provides that a Student may only be treated as Transgender, in certain outlined areas, if the Student's parent or Eligible Student states in writing that the Student's gender differs from their biological sex.

Procedure JB-P's "identification of students" section is substantially different. How does this affect the day-to-day treatment of Students?

Section II.D of the Procedure specifies that the identification of Students will be handled in each school building. The major difference between the

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previous Procedure and this one is that the Transgender Student is determined and documented by the parent.

The day-to-day treatment of Students is different in the following respects:

1. Subject to #3 below, school division personnel will refer to all Students (not just Transgender Students) by (i) the name that appears in the student's official record, or (ii) if the student prefers, using any nickname commonly associated with the name that appears in the student's official record (i.e., Robert/Bob, Jennifer/Jen, Margaret/Peggy). There is an exception which allows Students to use a name more common in a foreign country while in a foreign language course;
2. Subject to #3 immediately below, school division personnel will use the pronouns corresponding to the Sex appearing in the Student's official record;
3. The provisions of #1 and #2 immediately above may be modified: school personnel will refer to a student by a name other than the one in the student's official record, or by pronouns other than those corresponding to the Sex appearing in the Student's record only if an Eligible Student or the Student's Parent has instructed the school division in writing that another name or other pronouns be used. The written instruction from the Parent will be maintained at the Student's school and noted in the Student Information System, Synergy.
4. The school division is required to maintain an official record for each student which must include the student's legal name and sex (as opposed to parent authorized chosen name and gender identity).
5. The school division may only change a Student's legal name or sex in a Student or former Student's official record when a parent or Eligible Student submits legal documentation substantiating such change (such as a birth certificate, state or federal issued identification, court order or passport).
6. Subject to a case-by-case analysis, school division personnel will not be compelled to refer to students in any manner that would violate individual employee's First Amendment rights. If school personnel express concerns about this issue, the situation should be referred to Human Resources for analysis and guidance; and,
7. Teachers may not conceal material information about a Student from the Student's Parent, including information about Gender (subject to

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exceptions set out by law such as the possibility of suicide or potential parental abuse and neglect).

Under the new Procedure and except with regard to Eligible Students, must Parents be informed and given an opportunity to object before counseling services pertaining to Gender are given?

Yes. Before counseling services pertaining to Gender are provided to Students, Parents must be informed and given an opportunity to object before such counseling services are given. Student Support Specialists, Licensed Mental Health Professionals, School Psychologists, Professional School Counselors, and School Social Workers are bound by the same requirements regarding parental notification for counseling services pertaining to Gender. (See policy and procedure JLD/JLD-P, Guidance and Counseling.)

Section II. D of Procedure JB-P identifies how student participation in sex specific school activities and events will be handled. What are the general parameters for such participation?

Consistent with current law, for any school program, event, or activity (including an extracurricular activity) that is separated by Sex, the Student's participation will be determined by Sex rather than Gender or Gender Identity, even in instances where a student's parent or an Eligible Student has stated in writing that the Student in question is Transgender.

Do Student activities include athletics?

Yes. For any athletic program or activity that is separated by Sex, the participation of Students will be determined by Sex rather than Gender or Gender Identity, even in instances where a student's parent or an Eligible Student has stated in writing that the Student in question is Transgender.

In the specific case of bathroom use, the school division will follow current case law applicable to Virginia: Transgender Students may use a bathroom consistent with their gender identity.

Are there new rules regarding the Student dress code?

Students are not required to dress in a Gender-neutral manner. In keeping with state law, the dress code must provide the same set of rules and standards regardless of Gender, as required by the Code of Virginia [§ 22.1-279.6](#). (The Student Dress Code is provided in the *Rights and Responsibilities Handbook* on page 6.)

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