

Procedures: Equal Educational Opportunities

I. Purpose

To establish clear and useful guidance for Newport News Public Schools (the “School Division”) to fulfill the requirements of § [22.1-23.3](#) of the *Code of Virginia* (the “Act”) in accordance with the plain meaning of its provisions.

II. Definitions

Terms and phrases used herein 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 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.

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III. Implementation

The School Division complies with all applicable federal and state nondiscrimination laws, including Title IX of the Education Amendments of 1972, [20 U.S.C. §§ 1681-1688](#) and the Virginia Human Rights Act, *Code of Virginia* § [2.2-3900](#).

A. Maintenance of a safe and supportive learning environment free from discrimination and harassment for all Students:

1. The School Division prohibits all discrimination and will comply with all applicable nondiscrimination laws.
2. School personnel will be trained annually on health and mental wellness support to, and safety of, all Students.
3. Each school will make reasonably available, with available resources, guidance and counseling services, to all Students as provided in [8 VAC 20-620- 10](#) and pursuant to parental notification requirements therein, including that, “no Student shall be required to participate in any counseling program to which the Student’s Parents object.” Except with regard to eligible Students, Parents must be informed and given an opportunity to object before counseling services pertaining to Gender are given.
4. At the request of Parents, the School Division will designate an administrator, or counselor to speak, together with the Student’s Parents (except in the case of Eligible Students), with any Student regarding questions pertaining to Gender. This provision will not apply with regard to Eligible Students.

B. Prevention of and response to Sex-based bullying and harassment:

1. The School Division provides bullying prevention education in accordance with *Code of Virginia* § [22.1-208.01](#).
2. Any incident or complaint of discrimination, harassment, or bullying will be given prompt attention, including investigating the incident and taking corrective and/or disciplinary action, in accordance with the *Rights and Responsibilities Handbook*, by the school administrator.

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3. Bullying of any Student by another Student, for any reason, will not be tolerated in our schools. Intervening immediately to stop bullying on the spot will help ensure a safer school environment for all Students.
4. The School Division's Title IX Coordinator will be available to hear concerns from Students and Parents when Title IX related complaints are not resolved at the school level.
5. School Division staff will inform Parents of any bullying incidents that involve their child within 24 hours of learning of the allegation of bullying, per the requirements of *Code of Virginia* § [22.1-279.6\(D\)](#).

C. Maintenance of Student records:

1. The School Division is required to maintain an official record for each Student that includes the Student's legal name and sex. The school division may be required to use or report a student's legal name or Sex in some situations.
2. The School Division will change the legal name or Sex in a Student or former Student's official record only if a Parent or Eligible Student submits a legal document, such as a birth certificate, state- or federal-issued identification, passport, or court order substantiating the Student or former Student's change of legal name or Sex.

D. Identification of students:

1. Every effort will be made to ensure that a Transgender Student wishing to change his or her means of address is treated with respect, compassion, and dignity in the classroom and school environment.
2. School Division personnel will refer to each Student using only (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. Nothing in this procedure will prevent School Division personnel from using a different name for a Student when it is necessary for the student's academic instruction, such as using a name more common in a foreign country while in a foreign-language course.
3. School Division personnel will refer to each Student using only the

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pronouns corresponding to the Sex appearing in the Student's official record - that is, male pronouns for a Student whose Sex is male, and female pronouns for a Student whose Sex is female.

4. Notwithstanding the provisions of paragraphs (2) and (3) of this section, School Division personnel will refer to a Student by a name other than one in the Student's official record, or by pronouns other than those corresponding to the Sex appearing in the Student's official record, only if an Eligible Student or a Student's Parent has instructed the School Division in writing that such other name or other pronouns be used.
 5. Any written instruction from a Parent or Eligible Student under paragraph (4) of this section will be memorialized in the Student's official record and subject to the same retention, disclosure, and confidentiality requirements as the official record itself. The legal name and Sex of a Student will not be changed, even upon the written instruction of a Parent or Eligible Student, except as specified in section (C)(2).
 6. Notwithstanding the provisions of paragraph (4) of this section, the School Division will not compel School Division personnel or other Students to address or refer to Students in any manner that would violate their First Amendment protected rights.
 7. No policy, guidance, training, or other written material issued by the School Division may encourage or instruct teachers to conceal material information about a Student from the Student's Parent, including information related to Gender. Provided, however, that the School Division will comply with all laws that prohibit disclosure of information to Parents, including but not limited to *Code of Virginia* § [22.1-72.1\(B\)](#) (prohibiting parental contact where Student is at imminent risk of suicide related to parental abuse or neglect).
- E. Protection of Student privacy and the confidentiality of sensitive information:
1. The School Division will comply with the limitations on access to Student records provided in *Code of Virginia* §§ [22.1-287](#) through 289.01;
 2. The School Division will adhere to legal standards of confidentiality

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relating to sensitive Student information and personally identifiable data covered by the Family Educational Rights and Privacy Act, [20 U.S.C. § 1232g](#); and

3. The School Division will disclose sensitive student information (including any survey or evaluation related to the Student's Gender) only (i) to the Student, the Student's Parents (except in the case of Eligible Students), and school personnel with a legitimate educational interest, or (ii) when required by law.

F. Enforcement of Sex-based dress codes:

1. Students may dress in any manner consistent with maintaining a respectful, distraction-free environment which supports a focus on learning for all Students.
2. Students are not required to dress in a Gender-neutral manner. However, any dress or grooming code will provide the same set of rules and standards regardless of Gender, as required by the Code of Virginia [§ 22.1-279.6](#)

G. Student participation in Sex-specific school activities and events and use of school facilities.

1. For any school program, event, or activity (including extracurricular activities) that are separated by Sex, the participation of students will be determined by Sex rather than Gender or Gender Identity. The School Division shall provide reasonable modifications to this procedure only to the extent required by law.
2. Where state or federal law requires schools to permit Transgender Students to share otherwise Sex-segregated facilities (such as bathrooms or locker rooms) with Students of the opposite Sex, Parents will be given the right to opt their child out of using such facilities, and the child should be given access to alternative facilities that promote the child's privacy and safety. Eligible Students will also be given the right to opt out of using such facilities and be given access to alternative facilities.
3. Overnight travel accommodations, locker rooms, and other intimate spaces used for school-related activities and events will be based on Sex. The School Division will provide reasonable modifications to this

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procedure only to the extent required by law.

4. Students will use bathrooms that correspond to his or her Sex, except to the extent that federal law otherwise requires. See *Grimm v. Gloucester County School Board*, 972 F.3d 586 (4th Cir. 2020). Transgender Students will be permitted to use bathrooms that correspond to their Gender Identity.
5. Single-user bathrooms and facilities will be made available in accessible areas and provided with signage, indicating accessibility for all Students.
6. Students with a diagnosis of gender dysphoria made by a licensed health care provider should consult with the School Division's ADA coordinator regarding any requested services.

H. Athletics

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. The School Division will provide reasonable modifications to this procedure only to the extent required by law.

I. Professional Development and Training

All school mental health professionals will be trained annually on topics relating to LGBTQ+ Students, including safety and support for LGBTQ+ Students. Professional development guidelines for non-mental health professionals will be provided in compliance with Virginia Department of Education guidance to ensure the rights of all Students to a safe learning environment and an understanding of the School Board's expectations regarding the treatment of Transgender Students.

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