

OUT POLITICS AND POLICY

Parents who want Youngkin's transgender policies enacted sue Virginia Beach school board

The new policies let teachers refer to trans students by the name and pronouns associated with their sex assigned at birth unless parents have agreed in writing to their child's preferred gender.



— Gov. Glenn Youngkin. Drew Angerer / Getty Images file

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By The Associated Press

Two Virginia Beach parents have filed a lawsuit seeking to force their local school system to adopt Republican Virginia Gov. Glenn Youngkin's new model policies for the treatment of transgender students.

The lawsuit, filed on the parents' behalf by the conservative-leaning Cooper and Kirk law firm, alleges that local school boards must adopt the policies [adopted earlier this year by the Youngkin administration](#). Those policies roll back many accommodations for transgender students urged by the previous Democratic administration.

Last month, the Virginia Beach School Board narrowly voted down a proposal that would have adopted the Youngkin administration's policies.

School boards across the state have taken varied approaches to the issue. Some school boards with conservative majorities have adopted the policies. More liberal jurisdictions, especially in northern Virginia, have balked.

Youngkin and Republican Attorney General [Jason Miyares](#) have said school boards must adopt the new rules, which they say are designed to give parents a greater say in how their children are treated at school. But it has been unclear whether state law provides any mechanism to force counties to adopt the regulations, and opponents say the policies violate federal law by codifying discrimination against transgender students.

The new policies give teachers and students the right to refer to a transgender student by the name and pronouns associated with their sex assigned at birth. And they require teachers to use pronouns associated with that unless parents have agreed in writing to the student's preferred gender.

The policies also call for school systems' sports teams to be organized by the sex assigned at birth, meaning that transgender girls would be unable to participate on girls' sports teams.

The lawsuit, filed Monday in Virginia Beach Circuit Court, seeks a declaration that school boards must adopt regulations consistent with the Youngkin administration's model policies, and an injunction requiring the Virginia Beach board to adopt them.

It says the parent plaintiffs "want to protect their children from being compelled to use biologically inaccurate names and pronouns, forced to use bathrooms and locker rooms with members of the opposite sex, or required to pretend during athletic competition that gender identity can override the enduring physical differences between boys and girls."

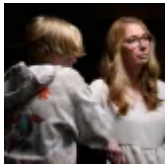
Calls to the school system seeking comment were not immediately returned Tuesday morning.

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When the Virginia Beach School Board [debated the issue last month](#), five members supported the new policy, five opposed and one abstained, so the model policies were not adopted.

Beverly Anderson, an opponent of the policies, called them politically motivated. She said Youngkin “doesn’t know what’s best for Virginia Beach, for our 65,000 students. He’s going for what he thinks is going to bring out his base of supporters” in the November legislative elections, where control of both chambers is up grabs.

Victoria Manning, who voted to adopt the policies, cited the central role that [education played in Youngkin's 2021 victory](#) as evidence that voters support his position.

“Virginians elected Gov. Youngkin for this very reason,” she said.

A state law passed in 2020 required the state to develop model regulations and county school boards to adopt them, but it included no enforcement mechanism. The model policies developed by Democratic Gov. Ralph Northam’s administration were greeted favorably by advocates for transgender students, but many school boards did not adopt them. At the time, the Department of Education told school districts failing to adopt the policies that they assumed all legal risks for noncompliance.

Opponents of Youngkin’s policies have said they violate federal law. They cite court rulings in favor of transgender student [Gavin Grimm](#), the former Virginia high school student whose lawsuit over his district’s transgender bathroom ban led to a ruling that the policy was unconstitutional.

The lawsuit says that the Grimm case is not as broad as transgender student advocates claim.



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