

A Playground Bully in the General Assembly: How Governer Youngkin's Model Policies Intentionally Endanger Children and Democracy

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Governor Youngkin's [update](#) to the Model Policies of the Virginia Department of Education is a cruel threat to the dignity, well-being, learning, and safety of the children they claim to protect. It is an explicit attack on young members of the vulnerable transgender community and invites horrific, empirically-recorded trauma into their lives under the guise of "advocating." These new Model Policies deny students the right to even choose their own nicknames, much less preferred names and pronouns, used by school staff and teachers. The existence of appropriate, accessible facilities—including single-occupant, universal restrooms—for students is subject to the approval of parents before even plans will be made for them. School administration is given a blank check to report "about all matters that may be reasonably expected to be important to a parent" without the consent of the student. It fails to include a clear definition of what makes such an expectation reasonable in the first place and lacks the prerequisite for danger of harm involved in established Mandated Reporting. A 2021 study by [The Trevor Project](#) reveals that 61% of transgender students endure bullying for their identity, and that 32% of these individuals have attempted suicide at least once. The anti-discrimination components of the Act are to be implemented "in a manner that ensures no student is discriminated against or harassed on the basis of his or her sex"; where 'sex' is explicitly defined as "biological sex" in the document, the Department of Education has intentionally relieved itself of protecting children on the basis of their gender identity without parental oversight.

Overall, the Model Policies strip students of any meaningful agency over their own identity and the ability to self-advocate in an environment meant to cultivate critical and respectful thinkers as well as meaningful social interactions. Students are being told they must have accepting families to be validated by their institution: a cruel and complicated impossibility for many that will force them to misidentify themselves or risk at-home violence for having their identities nonconsensually revealed. Governor Youngkin's administration has presented a policy that utilizes its own misleading and shrewdly-crafted language to authorize and manipulate support for their hate-motivated withdrawal from the well-being of children that they do not like. It is the new classroom bully, and it has more oppressive power than any classmate could to deprive transgender students of their confidence and security.

The primary case made by the new Model Policies of the Virginia Department of Education is that all of the policies above are meant to uphold a caretaker's 14th Amendment right to rear their own child. It blends this narrative with an alleged threat against the 1st Amendment right to Free Exercise, which is plainly untrue. The Free Exercise Clause of the 1st Amendment "protects citizens' right to practice their religion as they please, so long as the practice does not run afoul of a 'public morals' or a 'compelling' governmental interest". But where [73% of transgender youth have endured psychological childhood abuse and 19% bear the horror of sexual abuse](#), it is dishonest to suggest that there is not a moral dilemma to this policy. The same study from the American Academy of Pediatrics overall indicates that when a child is revealed to be transgender, they are 1.84x more likely to become victims. By insisting on parent involvement to such a needlessly

refined extent, Governor Youngkin is predisposing a large majority of the minors targeted by these policies to this abuse.

Moreover, it is ingenuine to characterize this as a threat to religious freedom at all. The absence of the Act does not encourage children to “become transgender”, it simply allows them to “be”. There is no replacement of legal documentation by the information transgender students or any students who use a name other than their birth name, in the official record. The school is not insisting that students challenge the beliefs of their parents in any way by allowing them to define themselves in the educational environment, nor is it disturbing the religious exercise of those families by ensuring children feel safe. Parents do not lose the ability to exert their familial values in any capacity. There is a willful misrepresentation of the First Amendment in the Act as a code that “forbids government actors to require individuals to adhere to or adopt any particular ideological beliefs, which eliminates the nuance that religious beliefs are a separate legal category from expression and that such non-dangerous expression of self in the form of affirming one’s gender identity *is* protected. The Yungkin Administration is disproportionately elevating an inaccurate description of religious freedom that violates the Establishment Clause by proxy of the public school system. It is imposing itself in the private life of citizens in a way that is entirely unprecedented and dangerous. It creates a precedent for imbuing a specific ideal of religious belief—Christian Nationalism—in the homes of non-Christians and minority Christians for future condemnation of ideology arbitrarily deemed to be encroaching. To religious and secular communities alike, this should be seen as a threat to religious freedom under the Establishment Clause.

As a transgender student who endured the American public school system, I carry my share of traumatic experiences that make this a very tangible concern for me. Our identities are not an “ideology”, they’re simply who we are. Putting us in harm’s way over a perceived difference in “belief” is a disgusting and dehumanizing overreach of governmental authority as well as a violation of adolescent human dignity contrary to the alleged (but unsupported by the body of the Model Policies) interests of the Act. If nothing else, it is a statistically sound means of raising the transgender suicide and at-home abuse rates. Religious bodies must be horrified by this gross misappropriation of rights meant for their protection to promote Christian Nationalism. Teachers and school staff must not accept that their role as educators and mentors is to contribute to the trauma and subsequent diminishing performance of their pupils. Transgender human beings, especially not minors, do not deserve to be told through legislative code that they are better off dead or hurting.

Please, submit a [public comment](#) on September 26th to express that acts of terror against communities deemed ideologically unacceptable is not only illegal but a moral and religious travesty.

With love and desperation,
A Transgender Youth in Peril