



**RESOLUTION OF CARROLL COUNTY BOARD OF SUPERVISORS  
REGARDING THE VIRGINIA DEPARTMENT OF EDUCATION "MODEL POLICIES  
FOR THE TREATMENT OF TRANSGENDER STUDENTS IN VIRGINIA'S PUBLIC  
SCHOOLS"**

**WHEREAS**, the Carroll County Board of Supervisors (the "Board") is aware of the recently-adopted Virginia Code Section 22.1-23.3, which requires the Virginia Department of Education ("VDOE") to develop certain model school board policies concerning the treatment of transgender students in public elementary and secondary schools, including access to school facilities and participation in school activities by transgender students (the "Model Policies"); and,

**WHEREAS**, the aforesaid statute requires local school boards, including the Carroll County School Board, to adopt local policies that are consistent with the Model Policies developed by VDOE; and,

**WHEREAS**, the Board has reviewed the VDOE Model Policies, and is concerned with both the substance of the policies and the process used in developing such policies; and,

**WHEREAS**, it is well-established that the United States Constitution protects a parent's rights to make decisions concerning the care, custody and control of their children, including the rights to make decisions concerning the upbringing, *education* and care of the child, and such rights have been recognized as fundamental rights protected by the Due Process Clause of the Fourteenth Amendment; and,

**WHEREAS**, the VDOE Model Policies do not appear to adequately protect the fundamental constitutional rights of parents concerning the education of children in that the policies appear to provide for withholding certain information concerning a students' transgender status from the students' parents or custodians; and,

**WHEREAS**, the VDOE Model Policies do not adequately protect school students or staff who have religious reservations concerning the implementation of the policies; and,

**WHEREAS**, the VDOE Model Policies appear to have been adopted in a hurried manner that did not adequately account for public input and concerns raised from the public regarding the implementation of the VDOE Model Policies; and,

**WHEREAS**, the VDOE Model Policies are particularly problematic with regard to the use of certain school facilities, including school restrooms, school locker rooms and showering facilities for the following reasons:

- 1) The Model Policies do not appear to adequately protect the privacy rights of non-transgender students who may be uncomfortable in using these facilities in the presence of students of differing biological sex;
- 2) The Model Policies fail to adequately respect the First Amendment rights of non-transgender students under the Free Exercise Clause, for whom changing clothes or using the bathroom in the presence of students of differing biological sex would violate the tenets of their religions—a group which is likely to include, among others, many Jewish, Muslim and Christian students adhering to teachings of their respective religions;
- 3) The Model Policies, by prohibiting even the most basic inquiry into a student's gender identity before using a restroom, could prevent a school from punishing acts of misconduct in a restroom and do not adequately consider legitimate safety concerns for students;
- 4) To the extent that the Model Policies would permit or require the availability to students of alternative restroom or changing facilities, no funding has been identified by the VDOE or other state entity which would be available to the County to modify current school facilities and instead constitutes an unfunded mandate which will burden the taxpayers of Carroll County; and,

**WHEREAS**, the Model Policies do not appear to provide adequate protection for the First Amendment rights of students and school staff, because they compel that students be addressed by their preferred gender pronouns, when such compelled speech may violate the religious beliefs of the students or staff members; and,

**WHEREAS**, the Model Policies are internally inconsistent in that they provide that gender identity is a matter of subjective self-identification, which school staff have no way of knowing unless the individual communicates their gender identity to school staff, but the policies also appear to prohibit school staff from questioning a student as to their gender identity, and at the same time prohibit school staff from communicating a student's gender identity to others. Thus, the policies appear to create a "Catch-22" situation where the very questions that would enable compliance with the policy are questions that school staff are forbidden to ask; and,

**WHEREAS**, the Board is concerned that the Model Policies concerning dress codes were not adequately considered and could have unintended consequences, especially in the context of physical education classes; and,

**WHEREAS**, the Board is aware of current litigation filed against VDOE, and is of the opinion that the Model Policies should be suspended pending the outcome of the litigation; and,

**WHEREAS**, the Board is committed to the safety and well-being of all students and strongly opposes bullying, harassment or mistreatment of any student, but observes that such conduct is already prohibited by existing law and policy; and,

**WHEREAS**, the Carroll County Board of Supervisors wishes to express its support for the First Amendment rights of all students and school staff, and further to express its opposition to the VDOE policies as currently formulated.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF CARROLL COUNTY, VIRGINIA AS FOLLOWS:**

1. That the Board of Supervisors hereby expresses its opposition to the VDOE Model Policies for the Treatment of Transgender Students in Virginia's Public Schools as currently formulated for the reasons stated herein;

2. That the Board of Supervisors hereby encourages the VDOE and the Virginia General Assembly to suspend the implementation of VDOE's model policy pending the outcome of current litigation filed with regard thereto;

3. That the Board of Supervisors hereby encourages the VDOE and the Virginia General Assembly to reconsider the VDOE policies for the Treatment of Transgender Students and suspend their application pending such reconsideration;

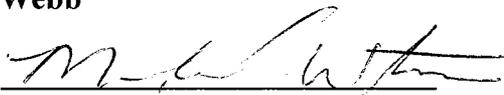
4. That the Board of Supervisors expresses its support for the First Amendment rights of its citizens, including the right to free exercise of religion and the rights of parents to direct the upbringing and education of their children;

*Adopted this, the 14th day of June 2021, by the Board of Supervisors in the County of Carroll, Virginia*

**For**

**Against**

**Rex Hill  
Dr. Tom Littrell  
Robbie McCraw  
Tracy Moore  
Phillip McCraw  
Joe Webb**

By:   
**Clerk, Carroll County Board of Supervisors**