

# Virginia athletics organization plans no changes to its policy for trans athletes

FILE - Virginia Gov. Glenn Youngkin speaks during a news conference about U.S.-Japan cooperation on economic issues, April 27, 2023, in Tokyo. The athletics sanctioning organization that oversees most high school sports in Virginia told schools on Monday, July 24, that it has no immediate plans to change its regulations governing the participation of transgender athletes following the recent rollout of new guidance from Youngkin's administration on policies for trans students. (AP Photo/Eugene Hoshiko, File)

RICHMOND, Va. (AP) — The athletics sanctioning organization that oversees most high school sports in Virginia told schools this week it has no immediate plans to change its regulations governing the participation of transgender athletes despite Republican Gov. Glenn Youngkin's [new guidance](#) concerning trans students.

The Youngkin administration's [model policies](#) say student participation in athletics should be determined by biological sex, rather than gender or gender identity, with "reasonable modifications" offered only to the extent required by law.

But the Virginia High School League's executive director, John "Billy" Haun, told school leaders Monday he recommended the league's existing policies, which allow transgender athletes to participate on teams that match their gender identity under certain conditions, not be changed.

"As the VHSL fall sport season begins this week, I am recommending the League stay with the current policy which has served us well," Haun wrote in an advisory to school leaders. "We certainly will respect the decision of any school division as they address their policies and will continue to review this matter as we move forward and the new school year begins."

#### Other news

Haun noted that when previous Democratic Gov. Ralph Northam's administration first rolled out model policies for the treatment of transgender students in 2021, the league's policy — in place since 2014 — similarly remained unchanged.

The policy allows for consideration of participation by trans athletes who have undergone sex reassignment before puberty or who meet certain other conditions, such as undergoing hormone therapy "in a verifiable manner and for a sufficient length of time to minimize gender-related advantages."

A miniscule number of students participate under the policy, according

to data provided by VHSL spokesman Mike McCall. Between 2014 and the 2022-23 school year, 38 trans athletes filed appeals to participate under the process, with 34 granted.

The difference between the league's stance, which was reported earlier by The Washington Post, and the Youngkin administration's policies will likely lead to confusion for parents and school staff, said Breanna Diaz, policy and legislative counsel for the ACLU of Virginia.

Diaz noted that the 2020 law that initially directed the Department of Education to create model policies explicitly excluded the issue of athletics from the topics the guidelines should cover.

"It really is unknown territory," said Diaz, whose organization has been sharply critical of the new policies.

Pursuant to the law, school boards are asked to adopt policies that are "consistent with" the administration's.

Across the state, school boards and superintendents were beginning to process and respond to the new policies, which encompass more than just athletics and [were made final last week](#). The administration's guidelines also address issues like the use of bathrooms and other sex-segregated facilities and increase parental notification requirements about certain discussions involving gender identity.

That process of analyzing the policies will take some time, especially since some school boards have a summer break, said Scott Brabrand, executive director of the Virginia Association of School Superintendents.

But, as expected, school leaders in some blue-leaning parts of the

state have already made clear they [do not plan to adhere](#) to the Youngkin administration's guidance. A similar dynamic played out in prior years when districts in red-leaning areas declined to adopt the Northam administration's model policies.

"I don't think its going to be the same exact reaction from every school district," said Brabrand, whose organization has not taken a formal position on the matter.

The 2020 law is silent on the issue of enforcement.

"The Virginia Department of Education has fulfilled its responsibility to develop the model polices, school boards are expected to follow the law," Youngkin spokeswoman Macaulay Porter said in a statement Wednesday.

She did not directly address a question about whether the administration viewed the VHSL's guidance as being in conflict with the policies but said that under the 2020 law, the VHSL "does not have a role."

The development of the new model policies in politically divided Virginia comes as many other GOP-led states move to restrict transgender students' participation in school athletics.

At least 22 other states have enacted laws to keep transgender girls and women from playing on girls or women's school, club or intramural sports, with a majority applying from kindergarten through college. Also, North Carolina's Republican-controlled Legislature plans to consider overriding [Democratic Gov. Roy Cooper's veto](#) of a related measure, and Alaska's governor-appointed state school board [was considering a ban](#) Wednesday.

Democrats who control the Virginia Senate [blocked such legislation](#) in February.

---

Associated Press reporter John Hanna in Topeka, Kansas, contributed to this report.