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Virginia School Districts Ordered to Reverse Gender Policies Violating Title IX

July 26, 2025

– Categories: Human Rights



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The U.S. Department of Education's Office for Civil Rights (OCR) ruled that five Northern Virginia school districts, including Fairfax, Loudoun, Arlington, Prince William, and Alexandria, violate Title IX by allowing students to access sex-separated facilities and participate in athletics based on gender identity rather than biological sex.

According to the Office for Civil Rights (OCR), a division of the U.S. Department of Education, the policies in Fairfax, Loudoun, Arlington, and Prince William counties, as well as the City of Alexandria, are not in compliance with Title IX of the Education Amendments of 1972. Title IX prohibits sex-based discrimination in any education program or activity receiving federal financial assistance. The OCR concluded that these school systems' current gender identity-based rules undermine the rights, safety, and privacy of other students, particularly biological females.

The investigation found that female students had avoided using locker rooms and restrooms due to the presence of biological males, with some reports of inappropriate behavior, such as males observing girls while changing. OCR issued a proposed Resolution Agreement requiring the districts to rescind those policies within 10 days or face enforcement, including potential referral to the U.S. Department of Justice. The schools must instead enforce facility access and athletic participation strictly based on biological sex.

Governor Glenn Youngkin praised the OCR's findings, stating that the school divisions were violating federal law and neglecting their responsibility to protect students' safety, privacy, and dignity. He added, "Common sense is back, with biological boys and girls in their locker rooms and bathrooms, and boys out of girls' sports."

Attorney General Jason Miyares also welcomed the move. "I fought to prevent the Biden Administration's radical Title IX re-interpretation from being imposed on Virginia's public schools," Miyares said. "Thankfully, we won that battle in court. Today, I am encouraged that the federal government is now working alongside us to restore sanity in public education."

Each of the affected school divisions enacted policies permitting transgender students to use restrooms, locker rooms, and participate in sports consistent with their gender identity. For example, Fairfax County Public Schools' policy explicitly prohibits requiring a transgender student to use a facility inconsistent with their gender identity. Loudoun County Public Schools allowed students to use restrooms and locker rooms matching their "consistently asserted gender identity." Similar language was found in the regulations of Arlington, Prince William, and Alexandria school districts.

The proposed Resolution Agreement requires the districts to rescind gender-identity-based facility and sports policies; issue memoranda clarifying that future policies must separate

students strictly by biological sex; and adopt biology-based definitions of “male” and “female” in all Title IX practices.

If the districts fail to comply, the Department of Justice may step in to enforce the resolution. The move signals a significant shift in how federal education law will be interpreted and applied, with a renewed emphasis on protecting student privacy and ensuring fairness in athletics and school life.