



Written by [R. Cort Kirkwood](#) on September 1, 2021

Va. Supreme Court Backs Teacher Who Spoke Against Transgender Policy. Two More Sue to Overturn Policy

At least for now, the Virginia Supreme Court has ended some of the “transgender” insanity in the commonwealth’s Loudoun County, where the school board suspended a teacher who refused to use preferred pronouns and names to address “transgender students.”

The court sided with Tanner Cross, who sued the school board and prevailed in a lower court.

The schools must reinstate him. But they also face a lawsuit from two other teachers who seek to overturn the crazy policy completely.



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No Free Speech for You

As [The New American reported](#) in May, the Loudoun school board suspended Cross and prohibited him from commenting at public meetings. His offense? He told the science-denying school board he would not follow its nutty policy.

Among other things, that policy warned teachers that they faced big trouble if they didn’t use a “transgender” student’s “preferred pronoun”:

The use of gender-neutral pronouns are appropriate. Inadvertent slips in the use of names or pronouns may occur; however, staff or students who intentionally and persistently refuse to respect a student’s gender identity by using the wrong name and gender pronoun are in violation of this policy.

Before the school board, Cross said he would not participate in the psychological abuse of a student who wrongly believes he is the opposite “gender.”

“I’m speaking out of love for those who suffer with gender dysphoria,” Cross said:

I love all of my students, but I will never lie to them regardless of the consequences. I’m a teacher, but I serve God first, and I will not affirm that a biological boy can be a girl, and vice versa because it’s against my religion, it’s lying to a child, it’s abuse to a child and it’s sinning against our God.

Two days later, the school put Cross on administrative leave. Cross sued. He sought a restraining order and permanent injunction against the schools that would reinstate him and stop the board from punishing him for stating his opinion publicly.



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Lower Court Backs Cross

The lower court ordered the schools to reinstate the Christian teacher after deciding that his four causes of action, based on free speech and free exercise claims, had merit.

SCOVA summarized Cross's case:

Cross' "First" and "Second Cause[s] of Action" (collectively, "free speech claims") claimed the Defendants were retaliating against him for exercising his right under the Virginia Constitution to express his views regarding "gender-identity education policy." Further, Cross asserted the Defendants erected a prior restraint by effectively banning him from Board meetings and that his suspension and the threat of further sanction was chilling his right to speak publicly as a private citizen. Relatedly, Cross claimed the Defendants violated the Virginia Constitution's prohibition on viewpoint discrimination by punishing and threatening to punish him in the future for expressing his opinion of the transgender policy but not disciplining other Loudoun County Public Schools employees who "expressed different views on proposed gender-identity education policy."

Cross' "Third" and "Fourth Cause[s] of Action" (collectively, "free exercise claims") claimed the Defendants violated his right to freely exercise his religion under the Virginia Constitution and the Act for Religious Freedom ... when they sanctioned and threatened to sanction him for his public comments. Cross asserted his "views and expression related to gender-identity education policy are motivated by his sincerely held religious beliefs, are avenues through which he exercises his religious faith, and constitute a central component of his sincerely held religious beliefs." Therefore, Cross contended, his suspension substantially burdened his free exercise of religion by diminishing his ability to profess and maintain his opinions on religious matters.

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Cross also argued that the school board retaliated against him.

The lower court agreed, told the school board to reinstate him, and enjoined it until December 31, when the order will either expire or be expanded.

New Lawsuit

The schools appealed to SCOVA, which shot down all its arguments. Now, lawyers for the county must defend the policy itself.

The [Alliance for Defending Freedom](#), which represented Cross, has filed a lawsuit in county circuit court on behalf of two women teachers.

The school board has "fully embraced a controversial and unscientific approach to students suffering with gender dysphoria and has now decided to force that approach from all members of the school community at the expense of fundamental constitutional rights," the lawsuit avers.

The policy violates the teachers' rights to religion and free speech, it "compels and restricts constitutionally-protected speech," and violates their right to due process, the lawsuit argues.

Taxpayers must foot the bill to defend the insane policy.



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