



# OGDEN PREPARATORY ACADEMY

## Official Policy

### 7. Students

#### 7.33.POL Gender Identity and Inclusion Policy

Effective/Revision Date: 11/10/2022

Page 1 of 4

### PURPOSE

Ogden Preparatory Academy (the School) recognizes that academic success depends on access to an educational environment that is safe, conducive to the learning process, and free from unnecessary disruption.

The School values educational equity which the Utah State Board of Education has defined as: “acknowledging that all students are capable of learning, educational equity is the distribution of resources to provide equal opportunities based upon the needs of each individual student. Equitable resources include funding, programs, policies, initiatives, and support that recognize each student’s unique background and school context to guarantee that all students have access to high-quality education.”

School policies should advance the goals of creating a respectful school climate for all students, defending constitutional protections, maintaining the trust of the community, and accommodating the needs of students and parents.

### POLICY

Ogden Preparatory Academy (the School) will follow all state and federal regulations regarding issues related to gender identity and inclusion.

~~In alignment with Draft 4 of the Gender Identity Guidance for Utah Public Education,~~ the School shall “accept a student’s consistently asserted gender identity even if the gender identity is different from the biological sex. A ‘consistent assertion’ involves more than a casual declaration of gender identity, but it does not necessarily require any substantiating evidence. Establishing gender identity can present differently from student to student.”

Through collaboration with parents, school officials, and qualified professionals, combined with clear ~~procedures~~ ~~policies~~ and implementation plans, students who are transgender or gender

nonconforming will have an equal opportunity to be fully engaged in the school environment and to achieve academic success.

## **DEFINITIONS**

1. Sex: the biological, physical condition of being male or female, determined by an individual's genetics and anatomy at birth
2. Gender Identity: The behavioral, cultural, or psychological traits typically associated with one sex.

## **SCHOOL RECORDS AND STUDENT PRIVACY**

Each Utah school is required to maintain an official permanent record of each student. The record should include the legal name and sex as shown on the student's official birth certificate or other approved legal documentation.

Documentation is required when a change in the name and/or sex of a student is requested to be reflected in the official school record. For a legal change of name, a court order or birth certificate is required demonstrating the student's new name and/or sex.

The School shall follow rules and regulations, which state surveying students about their gender identity without the prior written consent of students' parents or guardians is prohibited (53E-9-203(1)(c)).

The Family Educational Rights and Privacy Act (FERPA) serves to protect the privacy and confidentiality of student records, which includes a student's sex. Student information and records will be kept confidential and not disclosed without the permission of the student's parent or legal guardian unless there is legitimate educational interest, and in certain other listed circumstances permitted by law.

## **BATHROOM USE**

Students may request to use gender neutral bathrooms and changing areas at the School by making a verbal or written request with the School Counselor or Administration. The request can come from the student or the legal guardian.

## **STUDENT NAMES AND PRONOUNS**

<b>7.33.POL Gender Identity and Inclusion Policy</b>	
Effective/Revision Date: 11/10/2022	Page 2 of 4

Students may ask teachers and other school staff to refer to them by an alternative name or pronoun that does not align with those listed on their official school records. The school will honor student requests to the extent possible.

## **DRESS CODES**

Dress codes and grooming standards shall encompass reasonable and clear guidelines that are not gender-specific and are free from gender stereotypes. Any education program or activity that requires dress and/or grooming standards, such as school dances, yearbook photos, dance performances, choral concerts, and uniforms shall meet these guidelines. The OPA dress code offers options that avoid the disruption of the classroom atmosphere and decorum and prevent disturbances among students. Dress codes shall be enforced consistently for all students.

## **STAFF RESPONSIBILITIES**

Educators at the School shall treat all students with respect and fairness regardless of personal feelings and ideology while maintaining professional boundaries. Educators should not engage in counseling students regarding gender identity or sexuality, and shall refer student concerns to the school counselor.

An educator refusing to refer to a student by an agreed-upon alternative name and/or pronoun can be considered discriminatory conduct. The U.S. Department of Education’s Office for Civil Rights (OCR) and the U.S. Department of Justice’s (DOJ) 2021 guidance cites a failure to address a student who is transgender by the student’s chosen name and pronouns is an example of sex-based discrimination within the agencies’ enforcement authority under Title IX.

According to Utah Educator Standards (R277-217-3 (3)), educators shall take prompt and appropriate action to prevent harassment or discriminatory conduct toward a student or school employee that the educator knew or should have known may result in a hostile, intimidating, abusive, offensive, or oppressive environment. This does not prohibit inadvertent slips or honest mistakes, but does apply to intentional or persistent refusal to respect and use a student’s agreed-upon alternative name and/or pronoun.

*In accordance with R277-217, an educator may not “invite, suggest, or encourage a student to reconsider or change the student’s sexual orientation or gender identity.”*

<b>7.33.POL Gender Identity and Inclusion Policy</b>	
Effective/Revision Date: 11/10/2022	Page 3 of 4

## ACKNOWLEDGEMENT OF ONGOING UPDATES

The School, the Board, and the Administration acknowledge that this policy addresses issues that are undergoing frequent revision on the state and federal level. This policy will be revisited and revised as additional guidance for schools is released.

### Document History

Approved: 11/10/2022 Initial Creation

### Legal References

Utah Code R277-717

34 C.F.R. § 99.31(a)(1)

53E-9-203(1)(c)

Utah Code R277-217