

Policy 5272

Transgender Students

A. Definitions

1. "Sex." This is ~~an individual's biological sex, either male or female, at birth, according to distinct reproductive roles as manifested by: the biological, physical condition of being male or female, determined by an individual's genetics and anatomy at birth.~~
 - a. Sex and reproductive organ anatomy;
 - b. Chromosomal makeup; and
 - c. Endogenous hormone profiles.

[Utah Code § 53E-9-205\(1\)\(d\) \(2023\)](#)

[Utah Code § 68-3-12.5\(33\) \(2024\)](#)

2. "Female" means the characteristic of an individual whose biological reproductive system is of the general type that functions in a way that could produce ova.

[Utah Code § 68-3-12.5\(12\) \(2024\)](#)

3. "Male" means the characteristic of an individual whose biological reproductive system is of the general type that functions to fertilize the ova of a female.

[Utah Code § 68-3-12.5\(18\) \(2024\)](#)

4. "Gender identity." This is the individual's internal sense of gender, and "identified gender" refers to the gender that matches this internal sense. Gender identity can be shown by information including but not limited to medical history, care or treatment of the gender identity, consistent and uniform assertion of the gender identity, or other evidence that the gender identity is sincerely held, part of a person's core identity, and not being asserted for an improper purpose.

[Utah Code § 53E-9-205\(1\)\(b\) \(2023\)](#)

[Utah Code § 34A-5-102\(1\)\(o\) \(2024\)](#)

5. “Gender expression” means the external cues or indications used to communicate gender to others, such as behavior, clothing, hairstyles, activities, voice, mannerisms, or body characteristics.
6. “Transgender” means that an individual’s sex differs from the individual’s gender identity.
7. “Transgender boy” (or “transgender man”) is an individual whose sex is female but whose gender identity is male.
8. “Transgender girl” (or “transgender woman”) is an individual whose sex is male but whose gender identity is female.

[*In re Childers-Gray, 2021 UT 13, ¶ 5 & n.7, 487 P.3d 96*](#)

B. Records and References

1. The official records of the student shall reflect the student’s legal name and gender, which is the name and gender listed on the student’s birth certificate or as changed by court order. Access to this portion of official student records shall be restricted with respect to persons other than the student’s parent to maintain the confidentiality of a student’s transgender status. Official records which reflect a student’s sex, gender, or gender identity may not be changed to a gender or gender identity which does not conform with the student’s sex without written permission of the student’s parent.

[*Utah Code § 26B-8-111 \(2023\)*](#)

[*Utah Code § 42-1-1 \(1933\)*](#)

[*Utah Code § 53E-9-205 \(2023\)*](#)

2. The unofficial records of the student shall reflect the preferred name and gender identity of the student. Students shall be addressed or referred to by the pronouns associated with the identified gender: transgender boys shall be referred to using “he” “his” and “him” and transgender girls shall be referred to using “she” and “her.” Unofficial records which reflect a student’s sex, gender, or gender identity may not be changed to a gender or gender identity which does not conform with the student’s sex without written permission of the student’s parent.

[*Utah Code § 53E-9-205 \(2023\)*](#)

3. A student’s transgender status shall not be disclosed to individuals other than the student’s parent without the student’s consent except as expressly authorized by the

superintendent following such legal consultation as the superintendent determines is appropriate.

[Utah Code § 53E-9-205 \(2023\)](#)

~~C. Facilities~~

- ~~1. See [Policy 5273 Use of Sex-Designated Facilities.](#)~~

D. Classes and Activities

1. Participation in athletic programs and activities is governed by Policy 5274 Participation in Sex-Designated Athletic Activities and Teams rather than by this policy. When other types of classes or intramural activities are segregated by gender, transgender students are to be grouped according to the student's gender identity. Where students are grouped according to qualities which may have some association with gender (such as vocal quality for singing groups), the pertinent quality shall be evaluated without regard to sex or transgender status. Where school activities involve overnight travel, lodging arrangements for transgender students shall take into consideration the desires of the individual transgender student and of the student's their parents as well as the privacy interests of other students and their parents. If the arrangement desired by the transgender student is in significant conflict with privacy interests of other students, the school administrator should consult with the superintendent and as appropriate with legal counsel.

E. UHSAA Extracurricular Activities

1. Participation by students in activities under the oversight of the Utah High School Activities Association is subject to UHSAA rules and policies. Therefore, participation of transgender students in such activities shall be governed by those rules and policies.

F. Bullying and Harassment

1. [Policy 5270 Student Rights and Responsibilities Bullying, Cyberbullying, Hazing, and Abusive Conduct](#), which prohibits bullying, cyberbullying and harassment regardless of the motivation for such misconduct, applies to prohibit bullying, cyberbullying or harassment of students because of their transgender status or gender expression. When the parent of a transgender student perpetrator is given the required notification of a bullying or harassment incident against a transgender student which is motivated by transgender status or gender expression, care should be taken to

avoid disclosing the student's transgender status to the **perpetrating** student's parents if the student **victim** has not consented to such disclosure.

2. When a student has been bullied, cyberbullied, or harassed because of the student's transgender status or gender expression, consideration should be given to what support, counseling, or other assistance the student may need to prevent such mistreatment from adversely affecting the student's ability to learn and function in the school setting.