



Spectrum Academy Board of Directors		
Policy: GENDER INCLUSION		
Approved: 11/17/21	Revised:	Monitoring: As Needed

I. PURPOSE

The purpose of this policy is to have Spectrum Academy address, through its administrative procedures, issues some students and employees, including intersex, transgender, and gender nonconforming individuals, may confront as they navigate a system designed using a traditional gender binary format. This policy should be interpreted consistent with the goals of maximizing the integration of intersex, transgender, and gender nonconforming students and employees; maintaining the privacy of all individuals; ensuring all students equal access to educational programming, activities, and facilities; ensuring all employees equal access to employment opportunities; and providing professional development for school or departmental staff on topics related to gender inclusion. Spectrum Academy will set forth its specific processes for implementing this board policy through the accompanying administrative procedures.

II. POLICY

The Spectrum Academy Board of Directors strives to support the dignity, safety, and well-being of all students, , regardless of their gender identity or expression, including intersex, transgender, and gender nonconforming students and employees. In upholding the principles of equity and inclusion, the board supports the full integration and healthy development of those who are transgender or gender non-conforming, and prohibits the stigmatization of any such individual. The board is committed to fostering a climate where difference is valued for the positive contribution that it makes to creating a more vibrant and diverse community. The board is committed to protecting all individuals against discrimination because they do not fit stereotypical views about boys and girls or men and women,

III. DEFINITIONS

These definitions are provided not for the purpose of labeling students but rather to assist in understanding these administrative procedures and the legal obligations of Spectrum Academy staff. Students may or may not use these terms to describe themselves.

3.1 Assigned Sex: Refers to one’s sex assigned at the time of birth, which usually aligns with a child’s anatomical sex and phenotype.

3.2 Bullying: See, Board Policy “[Bullying](#)”

3.3 Discrimination: See, Board Policy “[Non-Discrimination](#)”

3.4 Gender Expression: The manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerisms.

3.5 Gender Identity: Refers to one’s internal sense of one’s own gender. It may or may not correspond to the sex assigned to a person at birth, and may or may not be made visible to others.

3.6 Gender Nonconforming: A term for people whose gender expression differs from stereotypical expectations. This includes people who identify outside traditional gender categories



or identify as both genders. Other terms that can have similar meanings include gender diverse or gender expansive.

3.7 Gender Transition: The process in which an individual changes aspects of themselves (e.g. appearance, name, pronouns, and/or physical changes to their body) to be more congruent with the gender they know themselves to be, also known as the individual's affirmed gender.

3.8 Harassment: See, Board Policy "[Non-Discrimination](#)"

3.9 Intersex: A term for a combination of chromosomes, gonads, hormones, internal sex organs, and genitals that differs from the two typical patterns for male or female bodies.

3.10 Sexual Orientation: An enduring pattern of romantic, emotional, or sexual attraction (or a combination of these and/or a lack thereof) to persons of the opposite or same sex, or to more than one sex.

3.11 Supervisor: The principal or director having administrative authority over an employee.

3.11 Transgender: An adjective describing a person whose gender identity or expression is different from the sex assigned at birth. A transgender male is someone who identifies as male but was assigned the sex of female at birth (FTM); a transgender female is someone who identifies as female but was assigned the sex of male at birth (MTF). Trans is another accepted term for referring to a transgender individual.

IV. PROCEDURES FOR IMPLEMENTATION

The Spectrum Academy Board of Directors fosters an environment that is safe and free from discrimination for all individuals regardless of sex, sexual orientation, gender identity, or gender expression. These administrative procedures should be interpreted consistent with the goals of reducing the stigmatization of and improving the integration of transgender and gender nonconforming individuals and maintaining the privacy of all students and employees. These administrative procedures use the terms transgender and gender nonconforming as inclusive terms for all forms of gender identity and expression. Bullying, cyber-bullying, hazing, discrimination, retaliation, and harassment based on a student's or employee's transgender or gender nonconforming status is prohibited. Such actions are illegal and abusive, and can negatively affect not only the school or work environment, but also an individual's health and well-being. If a school has an objective basis, such as privacy concerns, that would justify questioning whether a student's asserted gender identity or expression is genuine, the principal may verify that the gender identity or expression is sincerely held by gathering documentation from individuals, referred by the student or parent, such as, but not limited to, parents/legal guardians, friends, and/or teachers, which support that the student's actions, attitudes, dress, and manner accurately reflect the student's gender identification and expression consistently asserted at school.

V. Student Confidentiality/Privacy

- A. Students, and all other individuals, have a right to privacy.
- B. School personnel must take reasonable steps to protect students' privacy related to their transgender status, including their birth name or sex assigned at birth. Nonconsensual disclosure of personally identifiable information, such as a student's birth name or sex assigned at birth, could be harmful to or invade the privacy of transgender students and may also violate the Family Educational Rights and Privacy Act ("FERPA") and the Student Data Protection Act. A school may maintain records with this information, but such records should be kept confidential.
- C. Students may choose to have their parents participate in this process; the age of the student will impact the school's involvement of parents, however parental participation is not required for a student to request an accommodation. When appropriate, school



personnel should work closely with the student and parent in devising an appropriate plan regarding the confidentiality of the student's transgender status.

1. Parental involvement should be addressed on a case-by-case basis, and the school must balance the goal of supporting the student with the requirement that parents be kept informed about their children. The paramount consideration in such situations should be the health and safety of the student, while also making sure that the student's gender identity is affirmed in a manner that maintains privacy and confidentiality.
2. Each student situation should be handled according to the maturity of each individual student, while still respecting that student's rights.
 - a) Grades K-5: Generally, the parent or guardian will inform the school of an impending transition. However, it would be appropriate to approach the parent of an elementary school student if school personnel believe that a gender identity or expression issue is presenting itself at school and creating difficulty for the student.
 - b) Grades 6-12: Generally, notification from students' parents about their students' gender identity, gender expression, or transition is unnecessary, as the parent may already be aware and supportive. School personnel should work closely with the student to assess the degree to which, if any, the parent will be involved in the process, and school personnel must consider the health, wellbeing, and safety of the transitioning student prior to parent notification of the transition process.

- D. In order to maintain privacy and confidentiality regarding their transition and gender identity, transgender students may wish – but are not required - to transition over a summer or school break, or between grades.
- E. Depending on the nature of the requested accommodation, the timing of the student's transition, and/or the student's individual circumstances, complete confidentiality of the student's transgender status or gender identity may not be possible.
- F. To protect a student's privacy, school staff should take care not to inadvertently disclose information that is intended to be kept private or that is legally protected from disclosure (such as confidential medical information).
- G. Individual schools should only collect and maintain information about students' gender when necessary. For example, miscellaneous forms that include a line for parents to fill in indicating their student's gender should be reviewed to see if such information is necessary or irrelevant, and if irrelevant, district and school administrators should delete the line with the gender marker request.

VI. Employee Confidentiality/Privacy

- A. Transgender employees have the right to discuss their gender identity or expression openly, or to keep that information private. The transgender employee gets to decide when, with whom, and how much to share their private information. Private information should not be discussed with students. Information about an employee's transgender status (such as the sex they were assigned at birth) can constitute medical information under privacy laws like the Health Insurance Portability and Accountability Act of 1996 ("HIPAA").
- B. Supervisors, human resource services ("HRS"), or coworkers should not disclose information that may reveal an employee's transgender status or gender expansive presentation to others. This type of confidential information may only be shared with the



individual's consent and with coworkers who truly need to know to do their jobs. Where necessary, the district may maintain records with this information, but such records should be kept confidential.

VII. Student Transition Planning/Accommodations

- A. A transgender student or their parents should contact the building administrator or the students' counselor to schedule a meeting to develop a plan to address the students' particular circumstances and needs.
- B. Students may make requests for accommodation which include, but are not limited to, those described below in Sections X-XV.
- C. At the school level, the principal is the individual responsible for receiving and evaluating all requests for accommodation.
- D. Parents seeking an accommodation for their student(s) and/or students seeking an accommodation based on the student's gender identity and/or expression may notify a school administrator of the need for an accommodation.
- E. Any school employee who receives a request for accommodation shall inform the individual of the employee's obligation to notify the principal of the request, and then shall immediately notify the principal.
- F. Upon receiving the request for accommodation, the principal shall formally document the request in writing. This documentation should not be kept in the student's cumulative file.
- G. Requests for accommodation shall be evaluated by determining the reasonableness of any given situation.
- H. A student's expression of transgender identity involves more than a casual declaration of gender identity or expression, but does not require medical documentation. Since individual circumstances, needs, programs, facilities, and resources may differ; administrators and school personnel are expected to consider the needs of the individual on a case-by-case basis.
- I. Once a principal has evaluated a request for accommodation and made a determination on whether to grant or deny the request, that decision shall be communicated both orally and in writing to the person requesting the accommodation.
- J. If an accommodation request is granted, the principal will take steps to ensure that the accommodation is implemented and followed. For example, if a student is granted the reasonable accommodation of being addressed with a different pronoun, the principal shall inform the student's teachers and appropriate school staff of the accommodation to be provided.
- K. If an accommodation request is denied, the individual requesting the accommodation may follow the appeal procedures designated in Sections XVI and XVII below.

VIII. Employee Transition Planning/Accommodations

- A. Employees who transition on the job can expect the school's support. Supervisors and/or human resources will work with each transitioning employee to ensure a successful workplace transition.
- B. A transgender/transitioning employee who would like a workplace transition plan should contact their supervisor or human resources officer to develop a plan to address the employee's particular circumstances and needs.
- C. Employees may make requests for accommodations which include, but are not limited to, those described in Sections XVI and XVII below.



- D. Any supervisor who receives a request for accommodation shall inform the individual requesting the accommodation that they may also contact human resources to assist with the development of a plan.
 - E. Upon receiving the request for accommodation, the supervisor or human resources officer shall document the request in writing. This documentation should not be kept in the employee's personnel file.
 - F. Requests for accommodation shall be evaluated by determining the reasonableness of any given situation.
 - G. The supervisor is responsible for receiving and evaluating all requests for non-medical accommodations. All requests for medical accommodations must be directed to human resources.
 - H. When evaluating the reasonableness of a request for an accommodation, supervisors are expected to consider the needs of the individual on a case-by-case basis.
 - I. Requests for accommodation should routinely be granted absent extraordinary circumstances.
 - J. Once the supervisor has evaluated a request and made a determination on whether to grant or deny the request, that decision shall be communicated both orally and in writing to the person requesting the accommodation.
 - K. If an accommodation request is granted, the supervisor will take steps to ensure that the accommodation is implemented and followed.
 - L. If an accommodation request is denied, the individual requesting the accommodation may follow the appeal procedures designated in Sections XVI and XVII below.
- IX. Student Dress Code
- A. Schools may enforce dress codes pursuant to board policy, administrative procedures, and school rules. Students shall have the right to dress in accordance with their gender identity, within the constraints of the dress codes adopted by the school.
 - B. In regard to the dress code during graduation, students may request an accommodation to wear the graduation clothes consistent with their gender identity and expression.
 - C. Students may make other requests for accommodation related to dress based on their gender identity and expression at any time.
- X. Employee Dress Code
- A. Department dress codes will avoid gender stereotypes and instead will require attire and grooming professionally appropriate to the work unit, address safety concerns, outline legal regulations, and promote employee visibility.
 - B. Transgender and gender nonconforming employees have the right to comply with department dress codes in a manner consistent with their gender identity or gender expression.
- XI. Student Records and References
- A. The official records of a student, such as a student's permanent record, diploma, and standardized test scores 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.
 - B. Students may ask for accommodations regarding their unofficial records. Such requests may include:
 - 1. changing a student's unofficial record to reflect the student's preferred name, such as in school yearbooks, on ID cards, and on daily school assignments;
 - 2. changing a student's unofficial record to reflect the student's preferred pronoun and identified gender; and/or



3. addressing a student by the student's preferred name and consistent with preferred pronouns.

C. Under FERPA, an eligible student or parent may request that the student's education record be amended to correct information that is misleading, inaccurate, or in violation of the student's privacy rights. Such requests will follow the process outlined in

XII. Staff Records and References

A. An employee's official records will be updated to reflect a change in name or gender upon request from the employee. Most records can be changed to reflect a person's preferred name without proof of a legal name change. However, a legal name change may be required before a person's name can be changed on certain types of records, like those relating to payroll and retirement accounts.

B. An employee has the right to be addressed by the name and pronouns corresponding to the employee's gender identity.

C. The transitioning employee, human resources officer, and the employee's supervisor will develop a plan for the employee's preferred name and pronouns to be communicated to coworkers and others in the school community with a need to know.

D. An employee's school photographs, email address, and school identification will be updated at the transitioning employee's request, so the transitioning employee's gender identity and expression are represented accurately.

XIII. Student Facilities

A. Spectrum Academy aims to support transgender and gender nonconforming students by providing reasonable accommodations to transgender and gender nonconforming students.

B. A transgender or gender nonconforming student may not be required to use a locker room or restroom that conflicts with the student's gender identity. School administration, upon written request of the student and/or parents, will collaborate with the student and/or parents to identify an alternative location that satisfies the needs of the student and protects and balances the dignity, privacy, and rights of all students.

C. An alternative arrangement for a transgender or gender nonconforming student should be provided in a way that protects the student's ability to keep their transgender status private.

D. An accommodation request regarding the use of facilities, including restrooms and locker rooms by students, requires that the principal consider numerous factors, including, but not limited to:

1. the student's preference;
2. the student's privacy;
3. the effects on the social integration of the transgender or gender nonconforming student; and
4. The desired result of minimizing stigmatization of the student.

E. ANY student may express a need or desire for increased privacy in restroom or locker room usage via a written request to the principal. Upon such request, the principal should consult with the student and/or parents in identifying the student with reasonable alternative arrangements for additional privacy.

F. Reasonable alternative arrangements may include:

1. the use of a private area to change;
2. the installation of privacy stalls or curtains, if appropriate and feasible;
3. the implementation of a separate changing schedule; or



4. the use of a single stall restroom.

XIV. Staff Facilities

- A. The school aims to support transgender and gender nonconforming employees by providing them with reasonable accommodations.
- B. A transgender or gender nonconforming employee may not be required to use an employee locker room or restroom that conflicts with the employee's gender identity. EP edits: The School Administration, upon written request of the employee will collaborate with the employee to identify an alternative location that satisfies the needs of the employee and protects the dignity, privacy, and rights of all employees.
- C. An alternative arrangement for a transgender or gender nonconforming employee should be provided in a way that protects employees' ability to keep their transgender status private.
- D. An accommodation regarding the use of facilities, including restrooms and employee locker rooms by employees, requires that the supervisor consider numerous factors, including, but not limited to:
 1. the employee's preference;
 2. the employee's need or desire for increased privacy;
 3. the employee's safety; and
 4. the desired result of minimizing stigmatization of any employee.
- E. ANY employee may express a need or desire for increased privacy in restroom or locker room usage. The supervisor should provide an employee who requests additional privacy with reasonable alternative arrangements. Reasonable alternative arrangements may include:
 1. the use of a private area to change;
 2. the installation of privacy stalls or curtains, if appropriate and feasible;
 3. the implementation of a separate changing schedule; or
 4. the use of a single stall restroom.

XV. Classes and Activities

- A. Students may request to be accommodated in their classes and activities if those classes and activities are segregated by sex. As a general rule, students should be permitted to participate in all classes and activities in accordance with their gender identity asserted at school.
- B. Classes and activities that may involve the need for accommodations may be requested using the process described in Section VII.
- C. Accommodations that involve privacy concerns, such as overnight trips, will be addressed by the principal using the factors listed above in Section VII.A-K
- D. In no case should a transgender student be denied the right to participate in an overnight field trip because of the student's transgender status.

XVI. Physical Education/Intramural Sports

- A. Transgender and gender nonconforming students are to be provided the same opportunities to participate in physical education as are all other students. Generally, students should be permitted to participate in physical education and intramural sports in accordance with the student's gender identity that is consistently asserted at school.
- B. Physical education/intramural sport activities may involve the need for additional accommodations that may be requested using the process above.
- C. Accommodations that involve privacy concerns will be addressed by the principal using the factors listed above in Section XII.



- D. District participation in state-wide competitive sports governed by the Utah High School Activities Association (“UHSAA”) will be resolved on a case-by-case basis by applying the UHSAA policies and appeal procedures. Therefore, the district is bound by UHSAA’s policies and must comply with them in order to maintain our membership status. UHSAA has established a Transgender Participation Policy that it states is “for the protection of competitive balance and the integrity of women’s sports.”
- E. UHSAA policy requires the district and school to make a determination of a student’s eligibility to participate in gender specific sports teams for a particular season based on the gender identification of that student:
 - 1. in school records; and
 - 2. the daily life activities in the school and community at the time that sports eligibility is determined.
- F. The determination of a student’s eligibility should be analyzed by the principal, in conjunction with the appropriate athletic director and/or coach by using the following types of evidence:
 - 1. documentation from individuals such as, but not limited to, parents/legal guardians, friends and/or teachers, which affirm that the actions, attitudes, dress, and manner demonstrate the student’s gender identification and expression consistently asserted at school;
 - 2. a complete list of medications or treatments, such as hormones or hormone blockers, taken by the student to promote gender based body changes which would modify an individual’s athletic ability;
 - 3. written documentation from an appropriate health-care professional of the student’s consistent gender identification or expression; or
 - 4. any other pertinent documentation or information which the student or parents/legal guardians deem relevant and appropriate.
- G. Principals are responsible for verifying that they have followed the criteria above when submitting a roster to UHSAA, as UHSAA relies on this verification to acknowledge that the school and the principal have determined that the students listed on a gender specific sports team are eligible for participation because of their gender identity, and that the district has determined that the expression of the student’s gender identity is bona fide and not for the purpose of gaining an unfair advantage in competitive athletics.
- H. Once a principal determines eligibility regarding a transgender or gender nonconforming student, the principal shall forward that determination, along with the appropriate evidentiary documentation to the Regional Academic Director..
- I. Appeals of a school principal’s determination shall follow Sections XVI and XVII below.
- J. The Regional Academic Director will be responsible for maintaining documentation associated with the determination in order to be able to respond to any UHSAA requests.
- K. Eligibility rosters submitted to UHSAA are subject to review by UHSAA. UHSAA has uniform procedures for hearings deciding all disputes, questions, and allegations of violations of the association’s eligibility rules or any other issues which relate to the activities under the jurisdiction of the association. If a person is charged with violating UHSAA policies related to eligibility, the person shall be entitled to a hearing before the association.
- L. determination of eligibility is not binding on UHSAA, and appeals of a UHSAA’s policies or decisions are conducted through UHSAA appeal procedures.



- XVII. Sex-Specific Employment Opportunities: In the highly unlikely event that the school creates sex-specific jobs or assignments, transgender employees will be classified and assigned in a manner consistent with their gender identity, not the sex assigned at birth.
- XVIII. Health Insurance Benefits: Health insurance benefits will not be denied to employees who are transgender or gender nonconforming. These benefits include mental health services related to gender dysphoria, however there are limitations on coverage for physical transition measures.
- XIX. Second Level Review
- A. A parent of a student or a student who is not satisfied with the outcome of the principal's decision, or an employee who is not satisfied with the outcome of a supervisor's decision, may file a request for review with the compliance officer by sending a written letter to Spectrum Academy's Title IX Coordinator, Christina Guevara (552 N Cutler Dr, North Salt Lake, UT, 84054) or Liz Banner (867 S. 800 West, Pleasant Grove, UT, 84062), containing the following information:
 - 1. Complainant's name and school location;
 - 2. the Complainant's original request for accommodation;
 - 3. the principal's/supervisor's response;
 - 4. any other relevant information; and
 - 5. a statement of the requested relief or corrective action.
 - B. Alternate methods of filing a request for review will be made available to individuals with disabilities unable to file written requests.
 - C. The request for review shall be made as soon as possible, but preferably not later than sixty (60) days after the principal's/supervisor's decision.
 - D. Review processing:
 - 1. Within ten (10) business days after receipt of the request, the human resources officer will meet with the Complainant to discuss the request and possible resolutions.
 - 2. The human resources officer will review the appropriateness of any first level response and may take any additional steps deemed necessary in order to resolve the request.
 - 3. Within twenty (20) business days after the initial meeting, the human resources officer will respond in writing to the Complainant explaining the school's position and, if appropriate, offer options for substantive resolution of the matter.
- XX. Final Review
- A. If the Complainant is not satisfied with the decision of the second level reviewer, the decision may be appealed to the Regional Academic Director.
 - B. The appeal to the Regional Academic Director must be made in writing, and mailed or hand delivered to the Regional Academic Director's office within ten (10) days of the date of the second level reviewer's decision.
 - C. The Regional Academic Director, or designee, will review the matter, and may, if appropriate, request additional information or documentation.
 - D. The Regional Academic Director, or designee, will render a decision on the appeal within fifteen (15) days of receipt of the appeal, unless a longer period of time is deemed necessary.
 - E. This decision shall serve as final administrative action in the matter.
- XXI. District Title IX Coordinator



- A. All questions related to discrimination, harassment, and retaliation should be directed to the Title IX Coordinator, Christina Guevara (North Salt Lake), at 801-657-9676, or Liz Banner (Pleasant Grove), at 801-785-9019.
- B. Title IX grievances, including the denial to amend information related to a student or employee's transgender status consistent with general practices for amending other student's or employee's records, shall be raised according to Board Policy G-19.
- C. Outside Reporting Procedures If concerns cannot be resolved at the school or district level, discrimination complaints may be filed with the Office for Civil Rights, Region D., U.S. Department of Education, Federal Building, Suite 310, 1244 Speer Boulevard, Denver, Colorado, 80204-3582