

Transgender Students

Definitions—

1. “Sex” This is the biological, physical condition of being male or female, determined by an individual’s genetics and anatomy at birth.
[Utah Code § 53E-9-205\(1\)\(d\) \(2023\)](#)
2. “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.
3. “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.
4. “Transgender” means that an individual’s sex differs from the individual’s gender identity.
5. “Transgender boy” (or “transgender man”) is an individual sex is female but whose gender identity is male.
6. “Transgender girl” (or “transgender woman”) is an individual whose sex is male but whose gender identity is female.

[Utah Code § 34A-5-102 \(1\)\(o\) \(2016\)](#)
[In re Childers-Gray, 2021 UT 13, ¶ 5 & n.7, 487 P.3d 96](#)

Records and References—

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 \(2023\)](#)

[Utah Code § 26-2-11 \(1995\)](#)
[Utah Code § 42-1-1 \(1933\)](#)

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 \(2023\)](#)

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 \(2023\)](#)

Facilities—

In determining which gender-segregated school facilities (restrooms and locker rooms) are to be used by transgender students, the school administrator shall take into consideration the desires of the individual transgender student and of the student’s parents as well as the privacy interests of other students. In addition to having the transgender student use the facilities corresponding with the gender identity, potential accommodations include use of single user restrooms or changing spaces or using facilities at a different time than other students. If the desired use 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.

Classes and Activities—

When 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 assigned gender 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 parents as well as the privacy interests of other students. 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.

UHSAA Extracurricular Activities—

Participation by students in non-athletic 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. Participation by transgender students in interscholastic athletic activities shall be according to Policy FAB A

[Utah High Schools Activities Association Handbook 2022-2023, Interps. & Guidelines 1.1.4](#)

Bullying and Harassment—

Policy FGAD, 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 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 student's parents if the student has not consented to such disclosure.

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.