

# ROCKWELL CHARTER HIGH SCHOOL

## Gender Inclusion Policy

Approved 4/11/2023

### Purpose

The Board of Directors of Rockwell Charter High School strives to ensure that all individuals in the school community are safe, included, and respected in their working and learning environments, regardless of their gender identity or expression, including intersex, transgender, and gender-nonconforming students and employees. In upholding the principle of inclusion, the board supports the full integration and healthy development of those who are transgender or gender nonconforming, and prohibits the stigmatization of any such individual.

The purpose of this policy is also to establish procedures to support the school's administration in addressing challenges that transgender, gender nonconforming, and intersex individuals may confront as they navigate a system designed using a traditional gender binary format. This policy seeks to integrate transgender, gender nonconforming, and intersex students and employees; to maintain the privacy of all individuals; to ensure all students equal access to educational programming, activities, and facilities; to ensure all employees equal access to employment opportunities; and to provide professional development for school and staff on topics related to gender inclusion.

### Definitions

- **Assigned Sex:** Refers to one's sex assigned at the time of birth, which usually aligns with a child's anatomical sex and phenotype.
- **Bullying:** The definition of bullying is that described in Rockwell's *Bullying Policy*.
- **Education Record:** Means the same as that term is defined in the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g.
- **Gender Expression:** The manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerisms.
- **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. Gender Identity has the meaning provided in the Diagnostic and Statistical Manual (DSM-5). A person's gender identity can be shown by providing evidence, 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.
- **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.
- **Gender Transition:** A process by which an individual may change 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. This term may also refer to an individual's affirmed gender.
- **Harassment:** The same as this term is defined in Rockwell Charter High School's *Bullying Policy*.
- **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.
- **Non-Discrimination:** See Rockwell Charter High School's *Non-Discrimination Statement*.
- **Parent:** Parent means a parent or legal guardian with legal custody of the child in question.
- **Sex:** Sex means the biological, physical condition of being male or female, determined by an individual's genetics and anatomy at birth.

- **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.
- **Transgender:** An adjective describing a person whose gender identity or expression is different from the sex assigned at birth.

### **Parental Rights and Primary Responsibility**

Rockwell Charter High School shall ensure that no part of this policy shall shield a student's education record from the student's parent, interfere with the fundamental parental right and primary responsibility to direct the education of the parent's child, or interfere with a parent's freedom of access to information regarding the parent's child. Notwithstanding any other provision of law, Rockwell will not prohibit a parent of a child from accessing the child's education record or without written parental consent make changes to a student's education record regarding a student's gender identity that does not conform with the student's sex.

### **Gender Inclusion**

Rockwell Charter High School fosters an environment that is safe and free from discrimination for all individuals regardless of sex, sexual orientation, gender identity, or gender expression. This policy uses 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.

### **Student Confidentiality and Privacy**

The school's personnel must take reasonable steps to protect the privacy of a student related to their transgender status, including their birth name or sex assigned at birth. A school may maintain student records with this information, but such records should be kept confidential.

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. Such breaches of confidentiality may also violate the Family Educational Rights and Privacy Act ("FERPA") and the Utah Student Data Protection Act.

To protect a student or employee'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). 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.

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. While parental permission is required to change a student's formal education record regarding a student's gender identity that does not conform with the student's sex, parental permission is *not* required for a student to request a general accommodation.

## **Employee Confidentiality and Privacy**

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.

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").

Administrators, the Business Office, 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 school may maintain records with this information, but such records should be kept confidential.

## **Student Transition Planning or Accommodations**

A transgender student or their parents should contact the Executive Director to schedule a meeting to develop a plan to address a student's particular circumstances and needs. Upon receiving the request for accommodation, the Executive Director shall formally document the request in writing. Students may make requests for accommodation which include, but are not limited to, those described below.

## **Records and References**

The official records of a student, such as a student's permanent record, standardized test scores, and legal name in a student information system 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 a court order. Under FERPA, an eligible student or parent may request that the student's formal education record be amended to correct information that is misleading, inaccurate, or in violation of the student's privacy rights.

Students may ask for accommodations regarding their unofficial records. Unofficial records may include, but are not limited, to the following:

- Changing a student's unofficial record to reflect the student's preferred name, such as on daily school assignments, etc.
- Changing a student's unofficial record to reflect the student's preferred pronouns and identified gender.
- Addressing a student by the student's preferred name and consistent with preferred pronouns.

## **Dress Code for Students**

Rockwell Charter High School will enforce its dress codes as written and published. Students shall have the right to dress in accordance with their gender identity within the guidelines of the dress codes adopted by the school.

## **Statements of Accommodation**

Rockwell Charter High School aims to support transgender and gender nonconforming students by providing accommodations to transgender and gender nonconforming students that are reasonable and legally required.

- 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.
- The school will not impose on transgender, nonbinary, and gender nonconforming students any conditions on the use of facilities that are not required of other students.
- If a transgender or gender nonconforming student requests an alternative arrangement, it should be provided in a way that protects the student's ability to keep the student's transgender status private.
- Any student, whether transgender, gender nonconforming, or not, may express a need or desire for increased privacy in a restroom or changing room.
- The Executive Director should provide a student who requests additional privacy with reasonable alternative arrangements. Reasonable alternative arrangements may include:
  - the use of a private area to change.
  - the implementation of a separate changing schedule.
  - the use of a single stall restroom.

### **Classes and Activities**

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.

Accommodations that involve privacy concerns, such as overnight trips, will be addressed by the Executive Director in accordance with the purpose and goals of this policy. 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.

Transgender and gender nonconforming students are to be provided the same opportunities to participate in physical education as are all other students. 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.

### **Employee Transition Planning/Accommodations**

Employees who transition on the job can expect the school's support. The Executive Director will work with each transitioning employee to ensure a successful workplace transition. A transgender/transitioning employee who would like a workplace transition plan should contact their supervisor or the Executive Director to develop a plan to address the employee's particular circumstances and needs.

Any supervisor who receives a request for accommodation shall inform the individual requesting the accommodation that they may also contact the Executive Director to assist with the development of a plan. Upon receiving the request for accommodation, the supervisor or the Executive Director shall document the request in writing.

Requests for accommodation shall be evaluated by determining the reasonableness of any given situation. 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. Requests for accommodation should routinely be granted absent extraordinary circumstances.

Once the supervisor or Executive Director has evaluated a request and decided whether to grant or deny the request, that decision shall be communicated both orally and in writing to the person requesting the accommodation. If an accommodation request is granted, the supervisor will take steps to ensure that the accommodation is implemented and followed. If an accommodation request is

denied, the individual requesting the accommodation may follow the appeal procedures described below.

### **Staff Dress Code**

The school's dress code for employees will avoid gender stereotypes and instead will require attire and grooming professionally appropriate to the workplace, address safety concerns, outline legal regulations, and promote employee visibility.

Transgender and gender nonconforming employees have the right to comply with professional dress codes in a manner consistent with their gender identity or gender expression.

### **Employee Records and References**

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

The transitioning employee, Business Office, 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, as requested by the employee. An employee's school photograph and identification will be updated at the transitioning employee's request, so the transitioning employee's gender identity and expression are represented accurately.

### **Other Accommodations for Employees**

The school aims to support transgender and gender nonconforming employees by providing them with reasonable accommodations.

A transgender or gender nonconforming employee may not be required to use an employee restroom that conflicts with the employee's gender identity. If needed, an alternative arrangement for a transgender or gender nonconforming employee will be provided in a way that protects employees' ability to keep their transgender status private, if requested by the employee. Any employee, whether transgender, gender nonconforming, or not may express a need or desire for increased privacy in restrooms or a changing room.

### **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 and not the sex assigned at birth.

### **Health Insurance Benefits**

The school's health insurance benefits will not be denied to employees who are transgender or gender nonconforming. These benefits may include mental health services related to gender dysphoria. However, there are limitations on coverage for physical transition measures as determined by the school's medical benefits that may vary from year to year.

## **Review of Decisions**

If a student, parent, or employee is not satisfied with the decision of the Executive Director on any matter referenced in this policy, the decision may be appealed to the Board of Directors.

- The appeal to the Board must be made in writing, and mailed or emailed to the Board Secretary within thirty (30) days of the date of the Executive Director's decision.
- The Board's Executive Committee will review the matter, and may, if appropriate, request additional information or documentation.
- The Board's Executive Committee will render a decision on the appeal within thirty (30) days of receipt of the appeal unless a longer period of time is deemed necessary.
- The Executive Committee may take the matter to the full board at the committee's discretion.
- The decision of the Executive Committee is the final and decisive action in the matter; or, if the committee determines to take the matter to the full board, then the decision of the Board of Directors shall serve as the final and decisive action in the matter.

## **Training and Professional Development**

The school shall conduct training for all staff members on their responsibilities under applicable laws and this policy, including administrators, teachers, counselors, social workers, specialists, and health staff. Information regarding this policy shall be incorporated into training for new school employees.

To the extent funding is available, the school shall implement ongoing professional development to build the skills of all staff members to prevent, identify and respond to bullying, harassment, and discrimination. The content of such professional development shall include, but not be limited to:

- developmentally appropriate strategies for preventing and intervening in bullying incidents, including cyberbullying.
- classroom-management practices, curriculum, and resources that educators can integrate into their classrooms to help foster a non-discriminatory environment for all students.
- school policies regarding bullying, harassment, discrimination, suicide prevention, and responsibilities of staff.
- state law, federal law, and USBE rule regarding bullying, harassment, discrimination, and suicide prevention, and responsibilities of staff.
- state law, federal law, and USBE rule regarding parental rights in accessing and determining aspects of their child's education records.
- developmentally appropriate strategies for communication with students about issues related to gender identity or expression that protect student privacy.

## **Publication**

Parents/guardians and staff are notified at least annually of Rockwell Charter High School's board-approved policies through a dedicated email at the beginning of each school year. The board also posts its policies prominently on the school's website.

## **Outside Reporting Procedures**

If concerns cannot be resolved at the school level, discrimination complaints may be filed with the Office of Civil Rights as listed below:

Office for Civil Rights  
Region VIII, U.S. Department of Education  
Cesar E. Chavez Memorial Building  
1244 Speer Boulevard, Suite 310  
Denver, Colorado, 80204-3582

Telephone: 303-844-5695  
Fax: 303-844-4303  
TDD: 800-877-8339  
Email: [OCR.Denver@ed.gov](mailto:OCR.Denver@ed.gov)

