

## JBAA - ACCESS to SEX-SEGREGATED FACILITIES

### Purpose:

This policy ensures compliance with Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.), which prohibits sex discrimination in educational programs receiving federal financial assistance. It protects the privacy, safety and dignity of all students by maintaining sex-segregated facilities based on biological sex, while providing reasonable accommodations for students seeking additional privacy. This aligns with the federal regulations (3 C.F.R. § 106.33) permitting separate toilet, locker room, and shower facilities on the basis of sex, provided they are comparable. The policy prevents a hostile environment by avoiding disproportionate burdens on students of one sex and complies with judicial precedents upholding biological- sex-based separation (e.g., *Adams v. School Board of St. Johns County*, 57 F. 4<sup>th</sup> 791 (11<sup>th</sup> Cir.2022)).

### Definitions:

- **Biological Sex:** The objective, immutable characteristic determined at birth based on reproductive anatomy and chromosomes, as indicated on the student's original birth certificate issued at or near the time of birth. If the original birth certificate is unavailable or does not specify sex, the district may rely on other official records (e.g., medical documentation) or require a certified copy of an amended birth certificate reflecting the sex assigned at birth.
- **Sex-Segregated Facilities:** Multi-user restrooms, locker rooms, changing areas, showers, or similar private spaces designated for use by one biological sex (male or female).
- **Single-User Facilities:** Private, lockable restrooms or changing areas available to any individual student regardless of biological sex or other characteristics, for enhanced privacy.
- **Private Spaces:** Includes but is not limited to restrooms, locker rooms, showers, and overnight accommodations during school-sponsored activities (e.g., field trips).

### Scope and Requirements:

#### 1. Access Based on Biological Sex:

- Students must use sex-segregated facilities corresponding to their biological sex. For example:
  - Biological females (as defined above) shall use facilities designated for females.
  - Biological males shall use facilities designated for males.

- This applies to all school premises, including during school hours, extracurricular activities, and school sponsored events.
- Staff and visitors shall follow the same access rules based on their biological sex.

## **2. Accommodations for Privacy:**

- Single-user facilities shall be made available at each school building for any student who requests additional privacy due to discomfort, medical needs, or other reasons. These facilities must be comparably accessible, clean, and equipped (e.g., with toilets, sinks, and mirrors) to sex-segregated ones.
- If a student or parent/guardian requests an alternative (e.g., via a written request to the principal), the school shall provide access to a single-user facility or other reasonable option without requiring disclosure of personal information beyond the request itself.
- In compliance with HB23-1057 for new or renovated buildings, non-gendered single-stall restrooms shall be provided where required by state building codes, but they shall not replace or convert existing sex-segregated multi-stall facilities unless approved by the board to maintain Title IX compliance.

## **3. Prohibitions**

- No student shall be permitted to access sex-segregated facilities inconsistent with their biological sex, regardless of self-identified gender, presentation, or other factors.
- The district shall not convert sex-segregated multi-stall facilities to all-gender use, as this has been deemed a Title IX violation by OCR (e.g., in Denver Public Schools, August 2025 findings).
- Policies or guidance allowing access based on gender identity are rescinded to avoid creating a hostile environment or discriminating on the basis of sex.