

To: Members of the Health and Human Services Interim Committee
From: Utah State Board of Education (USBE)
Date: September 10, 2021

You requested the Utah State Board of Education (USBE) provide responses to the following:

1. Sex designation – purposes and means

- What purposes are served by recording an individual’s biological sex on a birth certificate? On a driver license? On other government documents?

Utah law has classified “sex” as a necessary data collection, which means LEAs generally collect it without prior parental consent. The purposes of recording an individual’s biological sex on a birth certificate is first to establish a unique record within the Utah State Education system (SSID “Student State Identification”). Gender/Sex has been used in cases to facilitate matching algorithms between systems such as USHE and DWS. Likewise, the education data are disaggregated into gender/sex student groups for reporting purposes, at local, state, and federal level. One such example is the checking for gender bias or disproportionalities in the education functions. An example of disaggregated reporting of sex which is required by state law can be found in Section [53E-3-516](#), the school disciplinary and law enforcement action report.

Within USBE’s data systems, we do not distinguish between “sex” and “gender” and have rolled “gender identity” or “gender designation” all into a single data point that USBE collects. It may be different for each LEA as to how the LEA utilizes the sex/gender information. This is what USBE requires according to USBE’s UTREx specification: <https://schools.utah.gov/file/4928e0bf-2362-49bc-af75-59015f89eb4b> (See Pages 27 and 28).

- Could any of those purposes be accomplished by other means? If so, how?

If schools are unable to obtain sex/gender information from a birth certificate, school districts and charter schools will continue to collect the information from parents when students enroll in a school due to state and federal reporting requirements. The schools would not have an official state record to compare the self-reported response to, but the information would continue to be collected and would be self-reported by parents.

2. Gender designation – purposes and means

- What purposes are served by recording an individual’s gender identification on government documents?

As stated above, within USBE’s data systems, we do not distinguish between “sex” and “gender” and have rolled “gender identity” or “gender designation” all into a single data point

that USBE collects. It may be different for each LEA as to how the LEA utilizes the sex/gender information. This is what USBE requires according to USBE's UTREx specification: <https://schools.utah.gov/file/4928e0bf-2362-49bc-af75-59015f89eb4b> (See Pages 27 and 28).

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