

**UPPER ARLINGTON CITY SCHOOLS
BOARD OF EDUCATION RESOLUTION
May 11, 2021**

WHEREAS, following the success of the combined operating levy and bond issue in November 2017, the Upper Arlington City School District was able to begin the first phase of the community-developed master plan, which included rebuilding the high school and rebuilding or renovating all five elementary schools to address the aging building systems and add the needed space to accommodate projected enrollment growth;

WHEREAS, over the next approximately fifteen (15) months, the design phase for the project included community input with seven community-wide meetings, six building steering committees comprised of community and staff members, six neighbor committees of residents living in the closest proximity to the buildings, and a “green team” of community volunteers with an interest in exploring environmental best practices for the new or renovated buildings;

WHEREAS, the Board strives in its leadership to make decisions grounded in our mission, our vision, and three core values:

Our mission: Challenge and support every student, every step of the way.

Our vision: Uniquely accomplished students prepared to serve, lead and succeed.

Our values: Start with heart, strength in team and contagious drive.

WHEREAS, the decisions made surrounding the District’s current construction projects have kept those core values in mind along with our long-standing philosophy of educating and supporting the whole child;

WHEREAS, when it comes to supporting the whole child, student safety and emotional wellbeing are top priorities. Private, gender-neutral restrooms were prioritized for all of the school buildings for several reasons. The primary reason was to provide students with more privacy while using the restroom. Instead of going into a room with a row of stalls that are open on the bottom and the top, the new design has separate private toilet rooms with full, floor-to-ceiling walls and a full, locking door. Because they are completely private individual toilet rooms, they can be used by any student. There is greater “potty parity” as well, without longer lines for one gender than the other. The all-gender design is also more practical and safer. It is easier for staff to supervise students when all of the students are in the same general area, which is of course not possible when students leave to go to two separate restroom areas. And, when we have students who are questioning their assigned gender or sex or who identify differently than their assigned gender or sex, they are able to use the restroom without added stress for themselves or their classmates;

WHEREAS, the Board believes that having private, all-gender restrooms is the right choice for the District because the restrooms are practical, safe, and grounded in the mission of Upper Arlington Schools and its commitment to support the whole child;

WHEREAS, the toilet rooms as designed have been constructed in accordance with Ohio's Building Code and there have not been any citations issued with regard to the construction of the toilet rooms;

WHEREAS, the City of Upper Arlington has recently issued adjudication letters disapproving the District's submitted plans to the extent they included signage of certain single occupant toilet rooms as "all gender." Along with the adjudication letter received on April 30, 2021, the Board received correction letters from the City of Upper Arlington's Chief Building Official and Plans Examiner directing the School District to designate separate toilet facilities for male and female use;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF EDUCATION AS FOLLOWS:

1. Having all-gender restrooms is the right choice for our students and such restrooms are consistent with the law. Because the City issued a directive on April 30, 2021, the Board will comply with the directive but will maintain its current appeal of the Windermere Elementary application, pending in the Tenth District Court of Appeals, as is the Board's legal right.
2. The Board directs the Superintendent, Treasurer, and Chief Operating Officer to perform those tasks necessary to comply with the City's directives regarding gender-specific restroom signage issued on April 30, 2021.
3. Should all-gender restrooms at Windermere Elementary School be affirmed on appeal, then the Board directs the Superintendent and Chief Operating Officer to re-submit applications for all-gender restrooms to the City for all other school buildings in the District.
4. The Board will continue to prioritize student safety and emotional wellbeing in support of the whole child, which with regard to restroom use means accommodating those students who consistently and uniformly assert a gender identity different from the student's sex assigned at birth. These students may continue to use the restroom for the gender with which they identify in accordance with Board Policy and Title IX of the Education Amendments of 1972 ("Title IX").
5. The Board directs the Superintendent and Chief Operating Officer to incorporate all-gender restrooms within the District's school buildings to the greatest extent permissible under the law, with the approval required by the City of Upper Arlington and consistent with any and all decisions from appeals.
6. The Board directs its staff to comply with Board Policy 5517 – Anti-Harassment, Board Policy 5517.01 – Bullying and Other Forms of Aggressive Behavior and Title IX as it implements the directives in this Resolution, including providing those legal accommodations as provided under the law to the District's transgender students.

7. The Board directs the Superintendent to update the School District community regarding this action in his Friday Update.