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# **BURLINGTON SCHOOL DISTRICT PROCEDURE**

## **PROCEDURE CODE F3RPT: SUPPORT FOR TRANSGENDER AND GENDER NONCONFORMING STUDENTS**

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### **Summary**

This procedure provides direction for BSD staff, students, and families concerning the needs of transgender and gender-nonconforming students. Schools should be proactive in creating a school culture that respects and values all students and fosters understanding of gender identity within the school community. This procedure is intended to help school and district administrators take steps to create a culture in which transgender and gender nonconforming students feel safe, supported, and fully included, and to meet each school's obligation to provide equal educational opportunities for all students.

Schools and District administrators should adopt a student-centered focus regarding transgender and gender nonconforming students. No single policy, approach, or accommodation will apply in all circumstances. Schools must determine support for transgender and gender nonconforming students on a case-by-case basis, informed by the individual student's needs.

This guidance is based on the following core principles of educational access and equity for all students:

- All students have a gender identity which is self-determined.
- All persons, including students attending school, have privacy rights.
- All students have a right to feel safe at school.
- All students have a right to a school environment free from discrimination.

### **Name and Gender Change Process**

There are two kinds of student gender and/or name changes.

- **Legal Gender or Legal Name Change:** The family has provided legal documentation of a gender or name change. We will change the gender in all of our databases/systems and notify the State of Vermont of this change.

- Gender\* or Name Change: The student uses a gender that is not their legal gender or a name that is not their legal name. We store the student's legal gender in a special part of PowerSchool to use for state reporting, state testing, SAT/ACT, etc., but we use the student's desired gender in all circumstances we can control.

*\*As of January 2025, the state still is only accepting M/F for gender in state reporting.*

When there is a legal name or gender change, families simply bring the documentation of these changes to the school's administrative assistant; the school counselor will complete our [Name and/or Gender Change Template](#) and send it to the data team. (Staff can use the [Name and Gender](#) presentation for directions on how to complete this process.)

If a student wishes to use a name and/or gender different from what is supported by legal documents, they should begin with their school counselor. An important piece of this conversation involves speaking with the student and/or family to let them know where their chosen name will appear and where their legal name will still be used. See below for more information; *it is the school's responsibility to help students navigate this piece.*

### **What happens when we receive a student request to make a change to their name and/or gender.**

- School counselor meets with the student and/or family to determine the nature of the change. With the student, create a copy of the Name and/or Gender Change [Template](#) and fill it out.
- School counselor shares the completed document with BSD's Data Team. The request is reviewed and then shared with others involved in the process including BSD's IT department, the school's administrative assistant, etc.
- School counselor schedules a follow-up meeting with the student to review the document and the process, and make sure everything is going as expected.
- We are responsible for storing the student's legal name and using it in certain circumstances like state reporting and state assessments.
- An important piece in the non-legal name change process involves speaking with the student and/or family to let them know where their name will show up and where their legal name will still be used; it is the school's responsibility to help them navigate this piece.
  - When parents complete Returning Student Registration they will see the gender and name fields - not what is in hidden legal fields.

### **Privacy**

Except as set forth herein, school personnel should not disclose information that may reveal a student's transgender or gender-nonconforming status; this is protected under the Family Educational Rights and Privacy Act (FERPA),

Schools must work closely with the student (and with the family, if appropriate) in devising an appropriate plan regarding the confidentiality of the student's transgender or gender-nonconforming status that works for both the student and the school. In some cases, transgender and gender nonconforming students may feel more supported and safe if other students are aware of their gender identity. In these cases, school staff should work closely with the student, families, and other staff members on a plan to inform and educate the student's peers. It may also be appropriate to engage external resources to assist with educational efforts.

The support of the student's family may vary. Some parents may be very supportive and advocate for the student with the school. Other students may not have a supportive home environment; in these cases, schools should develop a plan for information sharing which supports the student, while honoring a parent's right to information. All plans for sharing information must comply with all applicable laws, regulations, policies, and guidelines. Privacy considerations may also vary with the age of the student.

### **Names/Pronouns**

Students should be addressed by school staff by the name and pronoun corresponding to their chosen gender identity. Students are not required to obtain a court-ordered name and/or gender change or to change their pupil personnel

records as a prerequisite to being addressed by the name and pronoun that corresponds to their gender identity. For students who undergo gender transition while attending the same school, it is important to develop a plan for initiating use of any new name and/or pronouns. The plan can also include when and how this is communicated to students and their parents, staff, and other individuals within the school community (i.e., substitute teachers, bus drivers, athletic coaches, etc.).

Within the school or school district when a transgender or gender nonconforming student is using a chosen name and gender identity different from those listed in legal documents, their birth name and assigned sex will be kept confidential by school and district staff. Even if a student has previously been known at school or in school records by their birth name, the school administrator should direct school personnel to use the student's chosen name and pronouns and not the student's birth name. To ensure consistency among teachers, school administrators, substitute teachers, and other staff, every effort should be made to immediately update student education records (attendance records, report cards, etc.) with the student's chosen name and appropriate gender markers and not circulate records with the student's birth name and assigned sex.

Pronouns are not stored in PowerSchool or other student information systems. BSD expectations are for teachers to routinely ask all students to introduce themselves with their chosen name and pronouns, which should be used by others.

### **Where will name and gender changes appear?**

Name and gender changes will appear in the following places

- PowerSchool
- Attendance sheets
- Student ID's
- BSD email
- Student photos
- Local Assessments (i.e. BSD academic tests)

Legal name and legal gender will continue to appear in the following places

- In a restricted field in PowerSchool (viewable by a select few employees including the building administrator, school counselor, nurse, and others determined to need to know this information).
- In all State and Federal reporting.
- Individualized Education Programs (the AEO requires the document be attached to the student's legal name, though the student's preferred name can be clarified and used after the clarification).
- In standardized tests (other than BSD-specific local assessments). To the extent we are able, in VTCAP state assessments, student names will be used on printed test tickets.

### **Official Records**

For grades 9-12, the transcripts of all students must be permanently maintained; academic records may be permanently maintained. See [State Board of Education Rule 2113](#). On records and other documents, and to the extent that the school is not legally required to use a student's legal name or sex assigned at birth, the school should use the name and gender preferred by the student. This may require the school to maintain two sets of records (one with the student's legal name and sex assigned at birth kept separate from routine school records) to avoid inadvertent disclosure.

With respect to medical records, school nurses and other licensed professionals need accurate and reliable information to ensure the student receives appropriate care, enable staff to coordinate care with other health providers or licensed professionals, and file health insurance claims with other organizations such as Medicaid. Nurses are required to accurately document clinical information relating to a patient and are also required to keep patient health records confidential. In the case of a transgender student, a school nurse should use the student's name and should only use the student's legal name when necessary to ensure the student receives appropriate care, coordinate care with other health

providers or licensed professionals, and file health insurance claims with other organizations such as Medicaid.

Under FERPA, students who are 18 and older or parents of students under 18 may request a change to the student's legal name and gender in educational records based on a claim that such records are incorrect, misleading, or a violation of privacy. A student's permanent pupil record should be changed to reflect a change in legal name or gender only upon receipt of documentation that such legal name and/or gender have been changed pursuant to applicable law.

For a legal change of gender, the student must provide a birth certificate indicating the student's legal gender. [18 V.S.A. § 5112 \(2022\)](#). (It is important to note that the AOE keeps former names and gender information archived in their central database.)

### Sports and Physical Education

BSD follows the [Vermont Principals' Association Activities/Athletics Policies: Article 1 Section 2](#). Transgender and gender-nonconforming students are to be provided the same opportunities to participate in physical education as are all other students. Generally, students should be permitted to participate in physical education and sports in accordance with the student's gender identity. Participation in competitive athletic activities and sports will be resolved on a case-by-case basis.

### Restroom and Locker Room Accessibility

The use of restrooms and locker rooms by transgender students requires schools to consider numerous factors, including, but not limited to the transgender student's preference; protecting student privacy; maximizing social integration of the transgender student; minimizing stigmatization of the student; ensuring equal opportunity to participate; the student's age; and protecting the safety of the students involved.

*A transgender student should not be required to use a locker room or restroom that conflicts with their gender identity.* Schools may consider including gender-neutral restrooms in the design of new construction and/or building renovations.

### Gender Segregation in Other Areas

In any other circumstances where students are separated by gender in school activities, students should be permitted to participate in accordance with their gender identity. Activities that may involve the need for accommodations to address student privacy concerns will be addressed on a case-by-case basis considering the factors set forth above.

### Complaints Alleging Discrimination or Harassment

Complaints alleging **discrimination or harassment** based on a person's actual or perceived transgender status, gender identity, or gender nonconformity should be handled in accordance with [Policy F29R: Prevention of Harassment, Hazing, and Bullying of Students](#).

### Clerical Information

BSD Version:	F3RPT: SUPPORT FOR TRANSGENDER AND GENDER NONCONFORMING STUDENTS
Date Adopted:	February 21, 2025
Legal Reference(s):	Title V, Section B, 504 of the Rehabilitation Act of 1973, <a href="#">29 U.S.C. §794 et seq.</a> ; Title VI of the Civil Rights Act of 1964, <a href="#">42 U.S.C. §2000d</a> ; Family Educational Rights and Privacy Act; <a href="#">20 U.S.C. §1232g</a> ; Public Accommodations Act, <a href="#">9 V.S.A. §§4500 et seq.</a> ; Education, Classifications and Definitions, <a href="#">16 V.S.A. §11(26);(30)(A);(32)</a> ; Harassment, hazing, and bullying prevention policies. <a href="#">16 VSA § 570</a> .
Policy Reference:	<a href="#">Policy F 29R Prevention of Harassment, Hazing, and Bullying of Student</a>