

Considerations for Using Student Preferred Names

Lesbian, gay, bisexual, transgender, questioning, and intersex students, as well as those who may align themselves with another non-heteronormative identity (LGBTQI+) face many societal challenges when it comes to the use of preferred names and pronouns in both private and public spaces. This document provides guidance to schools seeking to support LGBTQI+ students and their families as they begin to tackle this concern as well as others related to identity.

Students may request the use of a preferred name for a variety of reasons; including reasons that do not relate to their sexual orientation, gender identity, or gender expression. As a general rule, it is best practice to recognize students using the name that most closely aligns with their identity – referred to as their preferred name. The use of preferred names is not new in education. Many students prefer to use names other than what is on their birth certificate or school enrollment forms. Preferred names include the use of shortened versions of longer names, such as a Nicholas who wants to be referred to as Nick, the use of middle names in lieu of first names, or the use of preferred names that differ entirely from a student’s given name. Schools should always seek to respect the identity related decisions of students and their families.

The use of preferred names or pronouns to signify a change in identity can be challenging and pose many questions for school leaders. The remainder of this document will explore some frequently asked questions related to this issue.

Frequently Asked Questions

1. Are school leaders legally obligated to recognize a student’s preferred name and/or pronouns?

The question as to whether school leaders are obligated to recognize a student’s preferred name and/or pronouns is not yet settled. There are currently multiple lawsuits underway across the nation that seek to reach a determination on this issue. The U.S. Department of Education (USED) has also sought to provide clarity on this issue. In June 2021, the USED released a [Notice of Interpretation](#) indicating that it would consider a leader’s unwillingness to recognize a student’s preferred name and/or pronouns as a violation under Title IX. While the enforcement of this interpretation is currently “enjoined and restrained from implementation” in Kentucky based on a federal lawsuit, the Office of Civil Rights has pursued investigations in other states based on this interpretation of Title IX. In June 2022, the USED released [proposed amendments](#) to the Title IX regulation that would reinstate this interpretation. Those proposed amendments are not yet finalized.

It should be noted that in 2020, the Supreme Court of the United States held in [Bostock v. Clayton County](#) that Title VII of the Civil Rights Act of 1964 protects employees from

discrimination related to sexual orientation and gender identity. This landmark ruling has been used to argue that the standard must also be applied to students under Title IX.

While certainty on the legal implications of using or not using a student's preferred name and/or pronouns may be several years away, in the meantime, school leaders should consult with their local board counsel for advice on specific issues in their districts.

Notwithstanding the legal uncertainty, to reemphasize what has been stated above it is considered best practice to both recognize and use a student's preferred name and/or pronouns when these preferences are requested. A study published in 2019 in the journal [Youth and Society](#) found that the use of preferred names at school was associated with large reductions in negative health outcomes and positive improvements in mental health outcomes. A 2018 study published by the [Journal of Adolescent Health](#) also found that the use of preferred names reduced depression, suicidal ideation, and suicidal behavior in transgender youth. Based on the established best practices and evidence cited in this discussion, schools seeking to build and maintain a safe and inclusive environment should recognize and use a student's preferred name and/or pronouns.

2. How should schools support students seeking to use a preferred name and/or pronoun at school?

When discussing the use a preferred name and/or pronoun at school, appropriate education staff, such as a school counselor, school-based mental health provider, or another student-identified safe and supportive adult, should provide information to the student concerning the potential challenges and realities of using a preferred name and/or pronoun in the education setting. Educators should work to balance a positive and supportive message with an honest reflection of the potential impacts this change could have on the life of the student.

For example, a student may not have fully conceptualized that the school is not an incubated space that exists separate from the rest of their life. Students should be made aware that changing their name and/or pronoun at school may likely lead to information about their sexual orientation or gender identity becoming known to those outside the school building; such as parents/caregivers, other children, and/or community members.

Educators involved in the conversation should actively plan to support the student through this period. This support may include ongoing counseling, bullying and harassment monitoring and response, or supporting the student as they seek to inform family members or other relatives of their decision. Appropriate school staff should offer to facilitate conversations between students and their families and provide a supportive, safe space for families to have potentially difficult conversations.

Schools may also consider adopting formalized Gender Support Plan protocols. These protocols provide a framework to support students seeking to use preferred names and/or pronouns and potentially make other gender related changes while at school. School leaders may benefit from a review of the Gender Support Plan materials provided by [Gender Spectrum](#).

3. Should a school inform a parent/caregiver of a student’s sexual orientation or gender identity against a student’s wishes?

The involuntary disclosure of a student’s sexual orientation or gender identity, commonly referred to as “outing”, is an extremely dangerous practice. School leaders must balance their responsibility to protect the health and safety of a student with their responsibility to keep parents informed of important educational issues. If a student voluntarily discloses their sexual orientation or gender identity to an educator with the assumption that this information is to be kept private, it is best practice for the educator to maintain that confidence and keep this information confidential.

The involuntary disclosure of sexual orientation or gender identity introduces unnecessary risk into the lives of LGTBQI+ students. In the [2018 LGBTQ Youth Report](#) published by the Human Rights Campaign, students describe involuntary disclosure as “extremely stressful” and in [GLSEN’s 2019 National School Climate Survey](#), it was revealed that more than 40 percent of students do not report acts of bullying or harassment for fear of being publicly outed.

LGBTQI+ students face a wide range of safety issues and must feel free to communicate about those issues to school staff. According to the [Centers for Disease Control and Prevention](#), more than one third of LGBTQI+ students experience bullying at school and nearly a quarter of LGBTQI+ students have experienced sexual violence. Transgender students specifically are at an extremely high risk for suicidal ideation and suicide attempts. A 2018 study published by the [American Academy of Pediatrics](#) found that more than half of transgender youth had attempted suicide. This finding has been reported many times since, such as in [this 2020 article](#) published in the Journal of Interpersonal Violence. This study also found that interpersonal microaggressions and a lack of feelings of belonging at school contributed to an ongoing increased suicide risk of six months or longer. For support creating a strong sense of belonging at school, please visit [KDE’s Diversity, Equity, Inclusions, and Belonging](#) webpage.

For some students, the act of the involuntary disclosure of their sexual orientation or gender identity is a life or death issue. Educators entrusted with this information by a student must actively work to protect student privacy and students must feel a sense of trust with the educators in their lives so that other health and safety issues may be adequately addressed.

4. Is it ever appropriate for a school to disclose sexual orientation or gender identity to a parent/caregiver?

In some instances, it may be appropriate for school leaders to disclose sexual orientation or gender identity to a parent/caregiver. Whenever possible, schools should seek to avoid an involuntary disclosure by providing support to students and encouraging them to self-disclose when they feel safe to do so.

An involuntary disclosure may be necessary in instances where immediate concerns for the health and safety of the student outweigh the longer-term concerns posed by an involuntary disclosure. For example, if an educator learns that a student is planning to run away from home due to fears related to their sexual orientation or gender identity, it would be appropriate to inform the parents of this immediate risk without consent from the student. In this scenario, it is important to remember that, while the risk of running away from home presently outweighs the risks related to that of the involuntary disclosure, the disclosure has introduced new risks of self-harm and suicidal ideation or behaviors into the life of the student which should be monitored.

A parental/caregiver notification would also be necessary if the student wanted to formally change their name and/or pronouns on official school records; such as their report card, student identification card, or diploma. Pursuant to the [Family Educational Rights and Privacy Act \(FERPA\)](#), parents have the right to inspect and review educational records and to request that a school corrects educational records. The right to control student records do not transfer to the student until the student reaches their eighteenth birthday. Educational records cannot be changed at the request of the student; therefore, a parental notification is required. As this instance is nonemergent, the school should not engage in an involuntary disclosure, but should instead seek to support the student and encourage a self-disclosure prior to changing the educational record.

5. How do I add a student's preferred name and/or pronoun to Infinite Campus?

The guidance document [Enrollment data standard – Protected Identity Information](#) provides detailed directions for updating a student's preferred name and/or pronoun in Infinite Campus (found at the top of page 7). As Infinite Campus records are official records under the FERPA, the KDE suggests that education leaders secure parental approval before changing the record. Districts should not involuntarily disclose a student's sexual orientation or gender identity for the purposes of changing a record, rather they should support the student and encourage a self-disclosure prior to seeking permission to add the student's preferred name and/or pronoun to Infinite Campus.