Vista Charter School Name Changes Policy

I. Purpose and Scope

State law provides that harassment or discrimination includes the knowing or intentional use of a name other than a student's chosen name, as defined in C.R.S. 22-1-145(1). Schools must implement a written policy outlining how the local education provider will honor a student's request to use a chosen name and may include a process for including a student's chosen name on school records. A written policy adopted pursuant to this law must comply with the federal Family Educational Rights and Privacy Act of 1974.

This specific policy outlines the process by which students at Vista Charter School may change the name they are referred to at school to align with their gender identity. It is drafted using the CSI Name Changes Policy sample framework. While the sample language provides a helpful starting point, the policy is tailored to the school's own practices and preferences within statutory boundaries. This document may not be inclusive of everything a school could have in its policy, and the school is encouraged to have all policies reviewed by legal counsel and by CSI prior to adoption.

Students may choose to be identified in school by the first name that they have designated in accordance with this policy, and may request a change to their name or gender on their official student record through the school's process for amending student education records.

II. Definitions

- **"Chosen Name"**: As defined in Colorado law, is any name a student requests to be known as that differs from the student's legal name, to reflect the student's gender identity.
- **"Legal Name"**: An individual's legal name as it appears on official government documents such as licenses, passports, and birth certificates.

III. Use of a Chosen Name or Preferred First Name

The Board directs the Head of School to establish procedures allowing students to inform the school of their chosen name (or a preferred first name such as a nickname) without altering their official name in school records.

- Students will not be required to provide proof of a legal name change to select a chosen or preferred name for use at school and during extracurricular activities, and do not need parental approval.
- Parents may be notified of their student's name change if appropriate.
- School staff must strive to use the chosen or preferred name of all students.
- The school understands that honest mistakes may occur, but the intentional or knowing refusal to use a student's chosen name (for example, intentionally referring to the student by their legal name, another name that does not correspond to the student's gender identity, or avoiding use of their name) is prohibited under this policy and under Colorado law.
- Students who request a name change that is different from their legal first name agree that the designated name is, or will be, truly used to identify themselves.
- A name change cannot be used for any illegal purpose.
- The school reserves the right to deny a preferred first name if it is vulgar or offensive, obscene, or is used for misrepresentation.

IV. Name Changes on Official Student Records

The school is required to maintain a permanent student record (“official record”) that includes a student’s name and gender.

- Students or parents who wish to alter the student’s name or gender must follow the school’s process for amending student records.
- The school will not process a name change on a student’s official record without a parent signature or a court order.

V. Disclosure to Third Parties and Privacy

Information about a transgender student’s gender identity, legal name, or sex assigned at birth may constitute confidential personally identifiable information.

- Disclosing transgender status to students, staff, or third parties may violate privacy laws, such as the federal Family Educational Rights and Privacy Act (FERPA).
- Accordingly, the school will work with students and their families to keep personally identifiable information related to gender identity confidential in accordance with state and federal privacy laws.
- In situations where school staff or administrators are required by law to use or to report the legal name or biological sex of a student who is transgender but whose official record has not been amended, school staff and administrators must adopt practices to avoid the inadvertent disclosure of such confidential information.

VI. Legal References

- 34 C.F.R. § 99.1 et seq. (Family Educational Rights and Privacy Act regulations)
- 34 C.F.R. § 99.20(d) (Parents and students have the right to request a school change name and gender marker on their record if they feel it is incorrect, misleading, or violates privacy, and schools must provide parents with an opportunity to inspect and review educational records)
- 34 C.F.R. § 99.31 (Permitted reasons for disclosure of student records)
- 3 C.C.R. 708-1:81.6(A)(4) (Sexual orientation harassment is deliberately misusing an individual’s preferred name, form of address, or gender-related pronouns)
- C.R.S. 22-1-145 (Knowing or intentional failure to use a chosen name is discriminatory, and schools are required to use a student’s chosen name and adopt a policy on the subject)
- C.R.S. 22-1-145(b) (Gender identity means an individual’s innate sense of the individual’s own gender, which may or may not correspond with the individual’s sex assigned at birth)

Adopted: XXX, 20XX