

## Unity School District

### Administrative Rule ~~347.2~~ 347.22

#### Procedures for Handling Student Name Changes

Last Revised 8/10/2021

A student's official school records will include and will generally be maintained under the student's legal name as provided at the time of the student's initial registration and enrollment. Requests to change a student's official school records in order to reflect a change in a student's legal name shall be submitted in writing to the office of the applicable building principal and shall include copies of any applicable supporting documentation.

#### Requests Supported by a Court-Ordered Name Change

In order to request a change in a student's official school records to reflect a change in a student's legal name, an adult student, or the parent or legal guardian of a minor student, may present a copy of a court order to the office of the building principal that documents the change in the student's legal name. For a student who is a minor, the District may seek to confirm that all parents or legal guardians who are known to the District and who have the right to request and receive student records of the student in question have no reasonable basis for disputing that the court order documenting the name change is authentic and current.

#### Requests Not Supported by a Court-Ordered Name Change

If the District is not provided with a copy of a court order that sufficiently documents a change in the student's legal name, the applicable building principal may authorize changes to a student's official school records in order to reflect a change in a student's legal name if either of the following apply:

1. An adult student may file a sworn statement affirming that all of the following are true (a) the student has changed his/her legal name, (b) he/she consistently uses the new legal name for all official purposes, (c) he/she is not a registered sex offender who is prohibited by law from changing his/her name, and (d) he/she has not changed his/her name for any fraudulent purpose or in order to interfere with the rights of others. In addition:
  - Such statement shall be notarized and shall clearly identify both the student's former legal name and his/her new legal name.
  - The adult student may provide copies of or present for review by District officials such additional supporting documentation as supports the sworn statement (such as a driver's license or other government-issued photo ID that uses the new name, a social security card that reflects the new legal name, etc.).
  - The building principal may, at his/her discretion, waive the requirement for submitting the sworn statement when the request is supported by a certified copy of valid marriage license/certificate, divorce decree, or annulment and the name change request is clearly related to such event.
2. Every parent who has or who shares legal custody of a minor student, or the legal guardian of a minor student whose parents are deceased or whose parental rights have been terminated, may file a sworn statement affirming that all of the following are true: (a) the student has changed his/her legal name, (b) the student consistently uses the new legal name for all official purposes, (c) the student, parent, or guardian, as applicable, is not prohibited by law from changing the student's name, and (d) the student's name has not been changed for any fraudulent purpose or in order to interfere with the rights of others. In addition:
  - If the student is 14 years old or older, then the student shall also file a sworn statement affirming the truth of the same statements.
  - Such statement(s) shall be notarized and shall identify both the student's former legal name and his/her new legal name.
  - The person(s) submitting the sworn statement(s) may provide copies of or present for review by District officials any additional supporting documentation(s) that may support the sworn statement(s) (such as

letters of guardianship, a vital record that has been amended to reflect the student's new legal name, a driver's license or other government-issued photo ID that uses the new name, etc.).

- Before approving the modification of the school records of such a minor student in order to reflect a change in a student's legal name, and unless prohibited by applicable law, the District shall make a reasonable attempt to contact all parents or legal guardians who are known to the District and who have the right to request and receive student records. If reached, the District will inform such persons of the request to change a student's official school records to reflect a change in a student's legal name and offer a reasonable opportunity for them to present any additional records or information that they wish the District to review (e.g., a family court order that the person believes precludes the asserted name change).
- Where a request is not supported by a court-ordered name change and two custodial parents disagree concerning an asserted name change, or where the District otherwise determines that it has an insufficient basis for determining the respective rights among more than one parent or legal guardian who disagree, the building principal shall deny the request.

In any other situation that is not addressed by these procedures, and unless otherwise required by law to approve the request, the building principal shall deny a request to change a student's official school records to reflect a new name as the student's legal name.

### **Appeals**

The parent, legal guardian, or student requesting changes to a student's official school records to reflect a new name as the student's legal name may appeal a principal's denial of the request to the District Administrator by requesting an appeal in writing. Any such appeal will be treated as a request for a hearing on the denial of an amendment to the student's records. The District Administrator may meet with the appellant(s), decide the appeal based on the evidence that has been presented, and issue a decision in writing.

### **Additional Clarifications**

Except as required by a court order, applicable law, or a School Board policy:

1. Changing a student's official school records to reflect a new name as the student's current legal name under these procedures means adding the student's new legal name to the student's official school records and using that legal name prospectively, including when creating new records or when generating a new report of an existing record on which a legal name customarily appears (e.g., on a newly-printed transcript of past grades).
2. In some situations, student records may be maintained under, or refer to, both a student's new legal name and a former legal name.
3. Changing a student's official school records to reflect a new legal name generally does not mean retroactively modifying the name that appears on all records that were created prior to the name change, or redacting or deleting all references to the student's former legal name that exists in records that are maintained by the District. At the same time, nothing in these procedures shall be construed to preclude the amendment or redaction of an existing student record following a change in a student's legal name where the District determines that failing to amend the record(s) would be inaccurate, misleading, or in violation of the student's rights of privacy. However, the fact that a student has changed his or her legal name does not automatically require such a finding; and, in assessing any such situation, the District may consider the confidentiality protections that apply to student records.

Nothing in these procedures shall be construed to preclude the correction of a verifiable error in a name that has been entered into a student's records.

Changing a student's official records to reflect a change in a student's legal name under this rule/procedure is different from the District approving a student's, parent's, or legal guardian's request to regularly use an alternate name or nickname in certain school settings, while leaving the legal name that the District has on file unmodified. If a request for

a student to regularly use an alternate name or nickname in certain settings is otherwise appropriate, but District staff become aware that there is a disagreement between a student and his/her parent or guardian regarding the use of such alternate name or nickname, the District will normally (1) abide by the final decision of the parent or guardian if the student is a minor; and (2) abide by the preference of the student if the student is an adult. In this paragraph, “regularly use” includes, for example, the manner in which staff members will refer to the student and the manner in which the student will refer to himself/herself when turning in assignments, but it does not mean changing or deleting a legal name that is documented in the District’s official records for school purposes.