

FORT LA BOSSE SCHOOL DIVISION

TITLE - **STUDENT RECORDS**

POLICY - **JRA-R**

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Cross Reference -

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Legal Reference -

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1.0 Responsibility of the Principal for Maintenance of Records

The principal will be responsible for proper maintenance of student records and for proper registration of students in the school. He/she will ensure that specific procedures are in place for updating the Cumulative File, the Pupil Support File and the Young Offenders File. Updating information refers to establishing pertinence and currency of information contained. Data that is no longer relevant should be removed from the files and destroyed. The principal will ensure that the files are kept in a secure location in the school.

Staff should carefully consider comments placed in student files and should not make subjective judgements about a student. In all cases the motivation for such comments should be to encourage appropriate change, and therefore, should always be accompanied with an indication of the desired change and a prescription for the student to achieve this change. It should be remembered that any notation is likely to constitute a permanent comment on a student when placed on a file.

2.0 The Pupil File

The pupil file will contain all the information collected or produced by a school division to support the educational progress of a pupil. The pupil file comprises the following components:

- **cumulative file**
- **pupil support file**
- **young offender file as necessary**

2.1 Contents of a Student Cumulative File

Exists for all students and will typically include:

- The student's name as registered under The Vital Statistics Act or, if the student was born in a jurisdiction outside Manitoba, the student's name as registered in that jurisdiction, and any other names and surnames by which the student is known;
- The birth date of the student;
- Student gender;
- The Manitoba Education and Training Number (MET#) and any other student identification number assigned to the student by a board;
- The name of the student's parent(s) and/or legal guardian(s);
- The addresses and telephone numbers of the student and of the student's parent(s)/legal guardian(s);
- The school division or district of which the student is a resident student, if different than the school division or district the student is attending;

- The names of all schools attended by the student and the dates of enrollment, if known;
 - The citizenship of the student, and if the student is not a Canadian citizen, the type of visa or other document pursuant to which the student is lawfully admitted to Canada for permanent or temporary residence and the expiry date of that visa or that document;
 - Any health information that the parent or legal guardian of the student or the student (Where he or she is capable of making health care decisions) wishes to be placed on the student record (e.g. allergy alerts, asthma) and, optionally, the Personal Health Information Number (PHIN);
 - An annual summary or a summary at the end of each semester of the student's achievement or progress in the courses and programs in which the student is enrolled i.e. report cards and transcripts;
 - The results obtained by the student on any diagnostic test, achievement test and examination conducted by or on behalf of the Province, and standardized tests under any testing program administered by the board to all or a large portion of the students or to a specific grade level of students;
 - Information about any behavioural misconduct and disciplinary measures meted out, including suspension or expulsion relating to the student;
 - Attendance records;
 - Photographs;
 - Communication regarding the student between the home and school e.g. discipline, behaviour, achievements, etc.;
 - Indications of awards, prizes;
 - A copy of any separation agreement or court order with respect to child custody or guardianship, where applicable;
- **A cross-reference listing should be added to the cumulative file which identifies the location of all information about a pupil that is held by the school division or district, including an indication of the existence and location of pupil support information not housed in the cumulative file component.**

2.2 Security of Cumulative Files

- The Principal is responsible for the security of cumulative files
- Cumulative files will be kept in a secured cabinet, in the administration area
- Cumulative files must be signed out when they are removed from their secure location.

2.3 Transfer of Cumulative Files:

- When a student transfers to another school within Fort la Bosse School Division his/her file shall be delivered under separate cover to the receiving school upon the registration of the of the transferred student at the school.

- When a student transfers to a school outside Fort la Bosse School Division, his/her cumulative file shall be forwarded to the receiving school within one week of the receipt of appropriate request from a receiving school, and in compliance with *Manitoba Pupil File Guidelines*.

The contents of the pupil file being transferred should be reviewed to ensure that only personal information and personal health information necessary for the schooling and provision of educational services to the pupil is forwarded to the new school.

The principal may wish to obtain consent from the parent(s) or legal guardian(s) to the transfer of a cumulative file component of the pupil file and particularly to the transfer of any personal health information in it. However where consent is refused or cannot be obtained, the transfer of the cumulative file component must still take place (even over the objections of the student, parents and legal guardians). The pupil and parents or legal guardians should be advised of the transfer of the file and the nature of the information transferred.

3.0 Pupil Support File:

3.1 Contents of a Pupil Support File:

- The results obtained by the student on any diagnostic test, achievement test and examination conducted by or on behalf of the Province, and standardized tests under any testing program administered by the board to all or a large portion of the students or to a specific grade level of students
- Any other assessment or evaluation that the parent/legal guardian or the student wishes to be placed on file
- The most recent Individualized Education Plan (IEP) and/or Health Care Plan specifically devised for a student, and any amendments to these plans
- Up-to-date notations of referrals to/contacts with external agencies (e.g. child and Family Services) or caregivers
- Admission advisement concerning whether the student has used or is continuing to use social services, psychological/psychological/psychiatric or counselling resources of any agency or of any school previously attended
- General information related to special funding
- Notations of pullout for resource or challenge work
- Detailed documentation from school clinicians and special education/resource staff about all inter-agency contacts and the provisions of any other resource services from within or outside of the school division or district that are occurring
- Ongoing health/psycho-social/counselling information, whether medical, psychological or behavioural
- School clinician reports and related correspondence, notes from meetings and discussions concerning intervention strategies, contact logs and consultation notes
- Referrals to other agencies and individuals
- The results obtained on specialized diagnostic tests
- Reports from services providers such as agencies, hospitals, and clinics

Once a Pupil Support File has been opened a cross- reference listing will be included in the cumulative file (Cumulative File Insert). When a school outside our division requests the cumulative file a “Consent to release the existing Pupil Support File” should be completed and placed in the cumulative file prior to it leaving the school.

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3.2 Security of Pupil Support File:

- Contents of a Student Support File is confidential and should be kept separately in a secured area away from the cumulative file and the Young Offender File. Pupil Support information may be kept in more than one location within a school, as long as these separate locations are recorded in the cumulative file.
- The Pupil Support File must be signed out when removed from the secure location.

3.3 Transfer of a Pupil Support File: Out of Division

- The contents of the Pupil Support File being transferred should be reviewed to ensure that only personal information and personal health information necessary for the schooling and provision of educational services to the pupil is forwarded to the new school.
- The transfer of the Pupil Support File component of the pupil file should normally be done with the consent of the parent(s), or legal guardian(s). However, where consent is refused or cannot be obtained, the transfer of the pupil support file component must still take place. The pupil and parent(s) or Legal Guardian(s) should, of course be advised of the transfer of the file and of the nature of the information transferred.

Before forwarding the file, the principal of the sending school shall examine the contents to ensure that irrelevant and judgmental reports/comments have been removed.

4.0 Young Offender File:

- A Young Offender File will exist only for a few students and will be created where a court may provide information on a youth for purposes of assisting the school.

4.1 Contents of Young Offender File:

- The type of youth court order with which the young person is expected to comply i.e. bail, probation, conditional supervision, temporary release
- The expected expiry date of the court order
- The offence for which the order has been made
- The particular terms of the order which relate to school attendance or any other educational matter
- Prior record of offences if safety of staff and students may be at risk
- Any identifiable individual or group that may be at risk from the young offender
- Patterns of behaviour which may signal the onset of activity which may affect safety
- Any recommendations for reducing the risk of violence and increasing the level of safety

4.2 Security of Young Offenders File

- The Young Offender File has the highest level of security. Records should be kept in a locked cabinet, under the control of the principal.
- A list should be attached to the young offender file listing the persons that have access to the information. Only those people on the list should have access to the young offenders file component.

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4.3 Access to Young Offenders File

- Access by school personnel is on a strict “need to know” basis only. Young offender information in a pupil file can only be disclosed by school staff:
 - to ensure compliance by the pupil with an authorization respecting temporary release or with an order of any court concerning bail, probation or conditional supervision
 - to ensure the safety of staff, students or other persons connected with the school
- The principal of the school, is the custodian of the young offender information and bears the responsibility for the receipt and release, maintenance, protection and security of young offender information.

4.4 Transfer, Retention and Destruction

- If a student transfers to another school division or district, the young offender file component must be destroyed immediately.
- The principal must inform the justice official responsible for the student that he/she is no longer attending the school, and the name and location of the new school where the student is attending.
- The justice official is responsible for advising the new school of any pertinent information.

5.0 Access to Student Records:

In order to maintain the confidentiality of student records, authorized personnel may have access to the records but may not remove them from the school building. Those having authorization are as follows:

- **Authorized Personnel.** Authorized personnel are defined as the principal of the school, teachers, and other school personnel as designated by the principal. It is understood that members of the Superintendent’s Department, and members of Student Services Department shall have access to the student records.
- **Parents/Guardians.** Parents and guardians have the right to examine the Pupil File information. This will take place in the presence of the principal or other designated personnel who are competent to interpret the information. Students over the age of 18 must authorize parental access.
- **Students.** Students, 18 years of age or over, have the right to examine the Pupil File information. This will take place in the presence of the principal or other designated personnel who are competent to interpret the information.
- **Students under 18 years of age** do not have the right to access his/her “pupil file” under the under the Public Schools Act. However, he/she may apply under PHIPPA and PHIA to access this information.

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- Non-custodial Parents. As defined by the Family Maintenance Act, Section 5.14.1(4), the non-custodial parent has right of access to a student's records unless otherwise restricted by a court order. Custodial parents must notify officially the school as to any court order restricting access by a non-custodial parent. Otherwise the school will assume that the non-custodial parent is to have the same rights and as such total access to cumulative file information.
- Police/Court Order. Police will have access to relevant student information as requested by a court order.
- Third Party Requests. These agencies will have access upon written authorization of parent/guardian of student, or written authorization from the student if 18 years of age or over. All other third party requests should be referred to the Access and Privacy Co-ordinator.
- Student under Supervision of Public Trustee. Access to information occurs upon written authorization of the Public Trustee where applicable. Examination is possible only if written permission is presented to the principal.
- Attendance Officer. The Attendance Officer has access to records in accordance with the Public Schools Act.

6.0 Refusal of Access/Appeal Process:

- A school division or district may refuse access (under the Public Schools Act) to all or part of a pupil file, to a parent or legal guardian where:
 - disclosure could reasonably be expected to constitute an unreasonable invasion of the privacy of a third party
 - disclosure could reasonably be expected to be detrimental to the education of the pupil
 - disclosure could reasonably be expected to cause serious physical or emotional harm to the pupil or another person
 - disclosure could reasonably be expected to be injurious to the enforcement of an enactment or the conduct of an investigation under an enactment
- See Public Schools Act 42.3(2) – 42.4(3)

7.0 Release of Information:

- Parents/Guardians. Copies of information will be provided to parents and guardians upon request
- Non-Custodial Parent. Copies of information will be provided unless prohibited by a court order.

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- Students, 18 years of age. Students, 18 years of age or over, will be responsible for authorizing release of information. Copies of information will be provided upon request.
- Probation Officer. Release of pertinent information to a case will occur only after parents/guardians or student (18 years of age or over) have signed an authorization for release of information.
- Other Agencies/Research and Surveys. The Superintendent may grant permission for release of information on groups of students to agencies involved in research and/or surveys where the confidentiality of students will be maintained.
- Police/Court Order. Information will be released to police as requested by a court order.
- Private and Post Secondary. Information pertaining to achievement records will be forwarded to other educational agencies. Any other information will be forwarded upon written authorization by parents/guardians or student, 18 years of age or over.
- External Agencies. Upon written authorization of a parent/guardian or student 18 years of age or over, information will be released.
- Voluntary Placement Agreements. In the case of a Voluntary Placement Agreement with a Child and Family Agency, the Agency is seen as the guardian for the child. The Agency has care and control and will be responsible for granting authorization for the release of Information.

8.0 Accuracy of Student Records:

- If a student (18 years of age or older) parent or guardian disagrees with the information included in a cumulative file they will notify the school in writing outlining the area of concern. This notification will be included in the cumulative file.

9.0 Inactive Files:

- Minimum Retention of and Disposition of Student Records will be in accordance with current Manitoba Education and Training Guidelines.
- A file shall be considered inactive one year after a student has left the Fort la Bosse School System by virtue of a transfer, discontinuation or completion of the education program.
- When a file is placed into inactive status the contents of the file should be reviewed by the school principal and any personal anecdotes or subjective comments and opinions should be removed. The file should contain records of academic achievement, and other pertinent information that was directly related to the educational program delivered to the student.

