

305.7AP – Student Personal Records

Purpose

A student record is defined in the *School Act* as any record of information in written or electronic form pertaining to (a) a student, or (b) a child registered with a school but receiving a home education.

Under the *Freedom of Information and Protection of Privacy Act*, a student record includes anything on which information is recorded or stored. This includes electronic files, handwritten files, photographs and audio and video recordings.

Section 79 of the *School Act* requires that Boards of Education establish and maintain a record for each student and each child registered with the Board's schools. The Board is also required to permit a person providing health services, social services or other support services to obtain from the records information that is required to carry out those services.

The *School Act* says that school districts must establish written procedures regarding storage, retrieval and appropriate use of student records, with provisions to ensure confidentiality and privacy for students and their families. In the case of students with special needs this section is particularly important because of the sensitivity of the information contained in students' files. Districts are also required to ensure that practices for the collection, use and disclosure of personal student information comply with the *Freedom of Information and Protection of Privacy Act*.

Section 9 of the *School Act* entitles a student and his or her parents "to examine all student records kept by a Board pertaining to the student while accompanied by the principal or a person designated by the principal to interpret the records." Individuals through the *Freedom of Information and Protection of Privacy Act*, subject to the exceptions allowed by the Act, may also request copies of the student records.

Records maintained for students with special education needs will typically include information related to identification and assessment, an Individual Education Plan and relevant follow-up and review data and information related to monitoring of progress or placement.

In accordance with the *School Act* and the *Freedom of Information and Protection of Privacy Act*, students' personal records shall be maintained in a manner that ensures the confidentiality of information and the privacy of students and their families. Students and authorized parents/legal guardians shall have access to all information in the student record.

Procedure

The student's personal record consists of all information collected or maintained by the district pertaining to the student. A student's school file shall be maintained by the school, but student records may exist in other locations. Student records shall be subject to the following guidelines regarding content, access and storage.

A. Content of Student Records

1. The Principal is responsible for the establishment and maintenance of both a Permanent Record Card and a school file for each student registered in his or her school.
2. Notes prepared by and for the exclusive use of a teacher or administrator are not considered part of the student's school file but are subject to the requirements of the *Freedom of Information and Protection of Privacy Act*.
3. The student's school file may contain, but not be limited to the following:
 - (a) school progress and achievement history
 - (b) individual educational plans
 - (c) medical information as provided at the option of the parent or public health
 - (d) a summary of interpretive tests and/or interpretive reports based on such tests.
All such entries shall include the name of the person conducting the test and the entry date.
 - (e) professional assessment reports from staff and/or from outside agencies
 - (f) demographic information including legal name, birthdate, legal guardianship, citizenship and visa information if applicable, and other information required by the Ministry of Education
4. The student's school file shall contain a reference to the location of any information that is being maintained outside the central file.

B. Access to Student Records

1. A student or parents or guardians shall have the right to review the student's records by arrangement through the school principal.
2. Achievement records will be forwarded to prospective employers, or others, only upon the written request of the student or former student or parent or guardian.

C. Removal or Correction of Student Records

1. As permitted in Section 29 of the *Freedom of Information and Protection of Privacy Act*, students, parents or guardians may request the Board to correct or remove entries in a student record. Such a request must be made in writing, either on forms provided or in a letter.

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2. The principal, upon receiving such a request, should make a recommendation to the Information and Privacy Coordinator, who may consult with the Superintendent/CEO before making a final decision.
3. If the district denies the request, the applicant shall be informed of the right to appeal to the Commissioner of Information and Privacy.

D. Security, Retention and Destruction of Student Records.

1. All employees working with student records must ensure the security and confidentiality of those records, including security of access to records.
2. The student's Permanent Record Card and Senior Secondary School Transcript shall be retained permanently.
3. No other student record shall be kept beyond its useful life. Before school files are transferred to another school, the student data should be reviewed and any information no longer considered relevant should be discarded.
4. One year after the year the student leaves the school system the student's records, with the exception of the Permanent Record Card and Senior Secondary School Transcript, may be destroyed in a manner which retains the confidentiality of the records.

Legal References:

Monitoring Method: *Board of Education / Superintendent*

Monitoring Frequency:

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