



### AP 334 – Student’s 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.

## AP 334 – Student’s Personal Records

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.

Adopted: December 14, 1994  
Amended: August 2017

## Student Records: Use and Management

### Collecting Student Information

- A school is authorized to collect information that relates directly to the school’s mandate of providing educational programs and services supporting the student’s educational progress.
- Collect only that information which is required for the purpose for which it is collected.
- Information must be collected directly from the individual (or parent), and the person must be informed of the purpose and authority for the collection, along with the name of a contact person.

### Guidelines Regarding File Notes

- Write your notes with the expectation that others will read them with a critical eye.
- Don’t alter the record after the fact. Strike out the comment and replace it with correction.
- Be as specific and precise as possible.
- Focus on objective, observable behaviours and statements.
- Avoid jargon or diagnostic labels.
- Do not state opinion, or hearsay.
- State only the facts.

### Team Meeting Minutes

- The minutes of a team meeting for one child can be maintained in the student’s file.
- Meeting minutes that contain the names of other children should not be maintained in student files.
- School-based team (S-BT) minutes shall be maintained by the school for a period of two years after the meeting and then destroyed in an appropriate manner. S-BT minutes are best organized in a binder and stored in a secure support services location.

### Documentation regarding Suicide and/or Child Abuse and Neglect

Notes and documentation regarding possible suicide and/or abuse/neglect must be stored securely and confidentially. Such documentation **is not to be retained/placed:**

- On a clipboard on a wall
- In the official student file or the designation file
- In the counsellor’s file
- In caseload records
- In teacher/specialist teacher files

Because these documents are based on an alleged event or suspicion that may be unfounded, they should be treated with the utmost confidentiality.

Since Assistant Superintendents at the District Administration Centre maintain these documents and alerts schools of multiple protocols, there is no need to maintain school copies longer than you personally want to hang on to them. Please shred when no longer needed.

## **Sharing Information about Students**

**Student records information CAN be shared under the following circumstances:**

- With the written **consent** of the parent/guardian; or
- To avert or minimize imminent danger to the health or safety of any person; or
- To report a child who might need protection under the Child, Family and Community Service Act; or
- To public health or social services if they are planning services for that student; or
- By order of the court; or
- As under the Youth Criminal Justice Act (Canada) to facilitate the rehabilitation of a young person; or
- To cooperate with a police and/or child welfare investigation

**Ask your Assistant Superintendent if you have questions related to the following circumstances:**

- There may be a health or safety issue for any individual or group(s);
- To report criminal activity to police (pursuant to FIPPA);
- Where there is a demand or request to produce information for a legal proceeding; and/or
- If you have questions about how a professional code of ethics may limit disclosure.

**Information can NEVER be shared if there is:**

- A legislative requirement barring disclosure;
- No consent and no need to know nor overriding health/safety concerns

## **Requests for student information from non-custodial parent**

If a student's parents are separated or divorced, school staff may receive requests from the non-custodial parent for student record information or for visits with the student at school. In these cases, school officials should confirm the entitlement of the non-custodial parent to obtain such information or to have contact with the student. This will include reviewing applicable court orders respecting custody of, and access to the student and other relevant documents.

The custodial parent should be notified of a non-custodial parent’s request for student information or for contact with the student at the school. If the school is unsure as to the legal entitlement of the non-custodial parent or if there is serious conflict between the parents with respect to the request, obtain advice from the school district’s information and privacy coordinator.

### **Providing Records within Nanaimo Ladysmith Public Schools (NLPS) and to other School Districts**

- When a student transfers to another school within NLPS, the official student file and designation file are sent to that school upon receipt of the appropriate request for records.
- In the case of transfer to other public schools in British Columbia, the official student file will be transferred upon receipt of a written request from the principal of the receiving school; however, the designation file is never sent out of district. Upon receipt of the appropriate request for records, the school will send a copy of the most recent IEP, Behaviour Support Plan, Employee Safety Plan, copies of NLPS generated assessments and copies of third party documents (copies of copies) can be provided to the parent upon request.
- In the case of a student transferring to an Independent School or an educational institution outside of British Columbia, a copy only of the official student file will be transferred upon receipt of a written request from the principal of the receiving school. The original official student file is to be maintained at the school and the designation file is never sent out of district. Upon receipt of the appropriate request for records, the school will send a copy of the most recent IEP, Behaviour Support Plan, and/or copies of NLPS generated assessments. Copies of third party documents (copies of copies) can be provided to the parent upon request.
- No records are to be provided to ‘schools’ that are not public schools or independent schools, as defined in the Independent Schools Act and in British Columbia, listed in the Ministry document Public and Independent Schools Book.

### **Please Note:**

Prior to a student’s transfer the principal must review the official student file to ensure that extraneous material is removed and that only material necessary to enable the receiving school to provide an appropriate educational program, including all content requirements of the Ministry of Education, is included. (Note that the Freedom of Information and Protection of Privacy Act requires that any document used to make a decision that directly affects a student must be retained for one year.) Letters of suspension should remain in the student’s file.

### **Removal or Correction of Student Records**

- As permitted in Section 29 of the *Freedom of Information and Protection of Privacy Act*, students, parents or guardians may request the district 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.
- 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.
- If the district denies the request, the applicant shall be informed of the right to appeal to the Commissioner of Information and Privacy.

### **Retention and Destruction of Student Records**

- As long as a student is enrolled in a school in the district, the official student file and designation file remain at the student’s current school.
- One year after a student graduates, the school may dispose of the student’s official student file and designation file. The Permanent Record Card and Transcript of Grades must be kept permanently.
- If a student withdraws from school, the student’s official file and designation file should be kept until at least one year after when the student would have normally graduated. The Permanent Record Card and Transcript of Grades (if there is one) must be kept permanently.

### **Security of Student Records**

All employees working with students records must ensure the security and confidentiality of those records, including security of access to records.