

AP 3300: Student Personal Records

A student record is defined in the *School Act* as any record of information in written or electronic form pertaining to a student, or 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* requires school districts to 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 their 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.

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

1. 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.
2. Content of Student Records
 - 2.1 The principal is responsible for the establishment and maintenance of both a Permanent Record Card and a school file for each student registered in their school.
 - 2.2 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*.

2.3 The student's school file may contain, but not be limited to the following:

- 2.3.1 school progress and achievement history
- 2.3.2 individual educational plans
- 2.3.3 medical information as provided at the option of the parent or public health
- 2.3.4 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.
- 2.3.5 professional assessment reports from staff and/or from outside agencies
- 2.3.6 demographic information including legal name, birthdate, legal guardianship, citizenship and visa information if applicable, and other information required by the Ministry of Education and Child Care

2.4 The student's school file shall contain a reference to the location of any information that is being maintained outside the central file.

3. Access to Student Records

- 3.1 A student or parents or guardians shall have the right to review the student's records by arrangement through the school principal.
- 3.2 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 depending on the age of the student.

4. Removal or Correction of Student Records

- 4.1 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.
- 4.2 The principal, upon receiving such a request, should make a recommendation to the Information and Privacy Coordinator, who may consult with the Superintendent of Schools/CEO before making a final decision.
- 4.3 If the district denies the request, the applicant shall be informed of the right to appeal to the Commissioner of Information and Privacy.

5. Security, Retention and Destruction of Student Records

- 5.1 All employees working with student records must ensure the security and confidentiality of those records, including security of access to records.
- 5.2 The student's Permanent Record Card and School Transcript shall be retained permanently.
- 5.3 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.
- 5.4 Five years after the year the student leaves the school system the student's records, with the exception of the Permanent Record School Transcript, shall be destroyed in a manner which retains the confidentiality of the records.

6. Student Records: Use and Management

- 6.1 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.
- 6.2 Information shall only be collected which is required for the purpose for which it is collected.
- 6.3 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.

7. Guidelines Regarding File Notes

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

8. Team Meeting Minutes

- 8.1 The minutes of a team meeting for one child can be maintained in the student's file.

8.2 Meeting minutes that contain the names of other children shall not be maintained in student files unless redacted.

8.3 School-based team (SBT) minutes shall be maintained by the school for a period of two years after the meeting and then destroyed in an appropriate manner. SBT minutes are best organized in a binder and stored in a secure support services location.

9. Documentation regarding Suicide and/or Child Abuse and Neglect/Risk Assessment

9.1 Notes and documentation regarding possible suicide and/or abuse/neglect must

stored securely and confidentially. Such documentation is not to be retained/placed:

9.1.1 On a clipboard on a wall

9.1.2 In the official student file or the designation file

9.1.3 In the counsellor's file

9.1.4 In caseload records

9.1.5 In teacher/specialist teacher files

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

9.3 School copies should not be kept longer than needed. Shred these documents when no longer needed.

10. Sharing Information about Students

10.1 Student records information can be shared under the following circumstances:

10.1.1 With the written consent of the parent/guardian; or

10.1.2 To avert or minimize imminent danger to the health or safety of any person; or

10.1.3 To report a child who might need protection under the Child, Family and Community Service Act; or

10.1.4 To public health or social services if they are planning services for that student; or

10.1.5 By order of the court; or

10.1.6 As under the Youth Criminal Justice Act (Canada) to facilitate the rehabilitation of a young person; or

10.1.7 To cooperate with a police officer and/or child welfare investigation where required by law

10.2 Seek additional information from the supervisor if there are questions related to the following circumstances:

10.2.1 There may be a health or safety issue for any individual or group(s);

10.2.2 To report criminal activity to police (pursuant to FIPPA);

10.2.3 Where there is a demand or request to produce information for a legal proceeding; and/or

10.2.4 There are questions about how a professional code of ethics may limit disclosure.

10.3 Information can never be shared if there is:

10.3.1 A legislative requirement barring disclosure;

10.3.2 No consent and no need to know or overriding health/safety concerns

11. Requests for student information from non-custodial parent

11.1 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.

11.2 The custodial parent shall 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 Privacy Officer.

12. Providing Records within the School District and to other School Districts

12.1 When a student transfers to another school within SD8, the general student file and designation file are sent to that school upon enrolment in the new school.

12.2 In the case of transfer to another school districts, the general student file will be transferred upon receipt of a written request from the principal of the receiving school and a signed Consent for Release of Confidential Information. The designation file is never sent out of district.

12.2.1 Upon receipt of the appropriate request for records, the school will send a copy of

the most recent IEP, Behaviour Support Plan, copies of SD8 generated assessments and copies of third-party documents (copies of copies) to the parent.

- 12.3 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 list.
- 12.4 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 and Child Care 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.