

## 502: STUDENT RECORDS (P)

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### POLICY

**Students' records shall be maintained in a manner that ensures the confidentiality of information and compliance with the *School Act* and the *Freedom of Information and Protection of Privacy Act*. Students and parents shall have access to all information in the student record, except for records of reports made under the *Child, Family & Community Service Act* or information that forms the basis of a child abuse report under this act.**

**Student records, either in written or electronic form, shall be subject to the following regulations regarding content, access, transfer and storage.**

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### REGULATIONS

#### 1.0 CONTENT OF STUDENT RECORDS

Student records shall include the Permanent Student Record and student file as defined by the Ministry of Education, which together shall be referred to hereafter as the Cumulative Student File.

1.1 The Permanent Student Record is comprised of the following:

- i) The Permanent Student Record (Form 1704)
- ii) Report cards for the two most recent years or a transcript of grades

1.2 The student file contains the following:

- i) All documents listed as inclusions on Form 1704
- ii) A copy of the student's current Student Learning Plan, if any
- iii) A copy of the student's current IEP, if any

1.3 The student file may also contain, but not be limited to the following:

- i) Professional assessment reports from staff and/or from outside agencies
- ii) School-based team meeting minutes relating to the student
- iii) Medical information provided at the option of the parent or public health
- iv) Confidential records relating to the provision of diagnostic assessment and counseling

- v) services to students from external agencies
  - vi) Court orders or other legal documents
  - vii) Other reports deemed by the Principal to be appropriate for inclusion
- 1.4 The Permanent Student Record and the student file may be electronic or in hard copy format.
- 1.5 Notes prepared by and for the exclusive use of a teacher or administrator are not considered part of the student record but are subject to the requirements of the *Freedom of Information and Protections of Privacy Act*.
- 1.6 Records of reports made under the *Child, Family & Community Service Act* or information that forms the basis of a child abuse report under this act are not part of the Cumulative Student File and should be maintained separately.

## **2.0 RESPONSIBILITY**

- 2.1 School Principals are responsible for the establishment, security and maintenance of the cumulative files for each student registered in their school.
- 2.2 The criterion for determining the appropriateness of information to be included in a student's file should be: What do the educators working for the benefit of this student, now and/or in the future, need to know to best help the student?

## **3.0 REVIEW OF RECORDS**

- 3.1 Each Cumulative Student File is to be subject to a periodic review by the Principal or designate to ensure that information is complete, current and relevant.

## **4.0 ACCESS TO STUDENT RECORDS**

- 4.1 Access to student records shall be in accordance with the *School Act*, the *Freedom of Information and Protection of Privacy Act* and other applicable legislation.
- 4.2 A student or parent/guardian shall have the right to review the Cumulative Student File by arrangement with the school Principal.
- 4.3 Non-custodial parents may attain access to the Cumulative Student File only if:
- i) the custodial parent has consented in writing; or,
  - ii) the non-custodial parent is granted access to the Cumulative Student File by a court order; or,
  - iii) there is a written agreement between the custodial and non-custodial parents that permits access to student information.

- 4.4 Any examination of the student record by a student or parent shall occur in the presence of the Principal or a person designated by the Principal to interpret the records. Prior arrangement shall be required in order to give the Principal adequate opportunity to arrange for the examination of the student's record.
- 4.5 Copies of report cards, academic transcripts and statements of standing may be provided to other parties where a written request has been made by a legal parent (guardian), legal representative of the student, or by the student if they are an adult. However, copies of documents requiring interpretation shall not be provided to other parties except where the Superintendent has granted permission or where the release of such records is required by a subpoena or court order.
- 4.6 School and District staff have a right to access student records on a 'need to know' basis in order to fulfill the duties of their position.
- 4.7 As required by the *School Act*, student records shall also be made available, with proper authorization, to a person planning for the delivery or delivering health, social or support services to the student, or to the board's insurer to the extent necessary to meet any claims against the Board. Records will also be made available in response to valid court orders and subpoenas and/or in keeping with legislation.

## **5.0 DISPUTES WITH RESPECT TO CONTENT OF RECORDS**

- 5.1 If the student of age or parent (guardian) is in disagreement with the information on a student's record, they may challenge its validity or inclusion by writing to the Principal of the school. Within ten (10) working days the student or parent (guardian) will receive a written reply from the school Principal and/or a personal conference. If the request is denied, the student or parent (guardian) shall be informed of their right to appeal the decision under Policy 115: Appeal of Decision by an Employee.

## **6.0 TRANSFER OF RECORDS**

- 6.1 Prior to transfer the Principal should review the Cumulative Student File to ensure that extraneous material is removed and that material necessary to enable the receiving school to provide an appropriate educational program, including all content requirements of the Ministry of Education, is included. 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. The Principal will determine whether inclusion of behavioural references, particularly those relating to violence or other potential harmful behaviour or any other material of a sensitive nature, is necessary.

- 6.2 In the event that the student transfers to another school within the district, the entire Cumulative Student File shall be sent directly to the Principal of the receiving school upon receipt of the appropriate request for records.
- 6.3 In the case of transfer to other public schools in British Columbia, the Cumulative Student File will be transferred upon receipt of a written request from the Principal of the receiving school.
- 6.4 In the case of a student transferring to an Independent School or an educational institution outside of British Columbia, a copy only of the Cumulative Student File will be transferred upon receipt of a written request from the Principal of the receiving school. The original Cumulative Student File is to be maintained at the school.
- 6.5 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.
- 6.6 A log book tracking system shall be maintained at each school for the purpose of recording all student record transfers. The log book will contain the date of transfer, student name, date of birth, Personal Education Number (PEN) and destination.

## **7.0 RETENTION OF STUDENT RECORDS**

- 7.1 The Permanent Student Record must be retained in the School District for 55 years after a student has withdrawn or graduated from school.
- 7.2 The Permanent Student Record along with any inactive Cumulative Student Files will be stored by the school in which the student was last registered.
- 7.3 Inactive student files, including files for students who have successfully completed Grade 12, will be retained by the school until the student reaches the age of 23 (19 years plus 4 years). Once the retention period has lapsed, student files will be destroyed in a confidential manner.
- 7.4 Student files that contain assessment and diagnostic records are retained at the school for 2 years. At the end of that time, schools will retain the most current version of the Psychologist Report, Speech and Language Report, and the IEP in a file until after the student's 23<sup>rd</sup> birthday. All remaining documents in the hard copy student file can then be shredded.
- 7.5 In the case of a student's death before graduation, the PSR shall be retained for 55 years.