

**Student Records and Access to Student Records by Parents and Students**

**Policy No. 301.6R**

**REGULATIONS**

*Related Policy: Policy No. 404.2 – Freedom of Information and Protection of Privacy Bylaw*

**FORM: In-District File Request Form**

**FORM: Out-of-District File Request Form**

**FORM: Release of Information Form**

The Board of Education, School District No. 91 (Nechako Lakes), and the Ministry of Education require the maintenance of accurate records for all students registered in its schools. A student record is defined as any documentation pertaining to an individual student that is created and/or stored by an employee of the Board, including data which is stored electronically. The definition of a student record includes, but is not limited to:

- A. Permanent Student Record (PSR)
- B. Student File
- C. Confidential File
- D. Student Information Systems (digital)
- E. Transitory (unofficial) Records

District student record procedures need to conform to requirements of the *School Act (Section 79)*, district policy, *Freedom of Information and Protection of Privacy Legislation*, and Ministerial Orders.

**1. Storage and Records Management**

- 1.1. A school shall establish and maintain a clear and accurate record for each student registered by the school including students registered as Home Educated students. All student records should be treated as confidential and stored in a secure environment where access is limited.
- 1.2. Staff responsible for student files and Permanent Student Records (Form 1704) should consult the *Ministerial Order M082/09: Permanent Student Record Order* on the Ministry website to familiarize themselves with PSR requirements.

<http://www2.gov.bc.ca/assets/gov/education/administration/legislation-policy/legislation/schoollaw/e/m082-09.pdf>

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1.3. In accordance with '*Ministerial Order M082/09: Permanent Student Record Order*', a Permanent Student Record is required for each student enrolled or registered in the British Columbia public education system.

The purpose of the Permanent Student Record is to document the history of a student's education program. These cards follow a student's progress through school as directed by the Ministry School Handbook. The PSR Card follows a student from school to school until he or she ceases to attend any school or upon graduation.

The Permanent Student Record consists of the following two parts:

- a) Form 1704, and
- b) A minimum of the two most recent years of Student Progress Reports (including documentation to support orally communicated letter grades) or an official copy of the Transcript of Grades.

1.4. Data for Permanent Student Record (Form 1704) may be stored in electronic and/or paper format.

1.5. In addition to the Permanent Student Record, a Student File shall be established and maintained for each student enrolled in the public education system. The Student File will contain copies of current records used in the planning and administration of the student's education program. For convenience, school districts may choose to store the Permanent Student Record in the Student File.

Student Files follow a student from school to school until he or she ceases to attend any school or upon graduation. Only information relevant to the education and welfare of the student should be maintained in these files.

The content of a Student File will differ with each individual student. However, at a minimum, the Student file will contain the following:

- a) Current student record inclusions as listed on Form 1704
- b) A copy of the student's current Student Learning Plan (if applicable)
- c) A copy of the student's current IEP (if applicable)

1.6. After a student has withdrawn or graduated from the education system, records contained in a Student File shall be retained as per *School District No. 91 (Nechako Lakes) Policy and Regulations 301.6* as listed under *Section 2.2 Student Files*.

1.7. Information should be updated as it changes and the student progresses through the British Columbia school system.

- 1.8. Very sensitive personal records, such as psychological reports, should be retained separately in a Confidential File to ensure that they cannot be accessed by anyone other than those with a need to know.
- 1.9. Where Principals/Vice Principals, teachers or counselors have kept a transitory personal file on a student, that file remains the individual's personal file until the information becomes part of the student's school files and must comply with all aspects of this regulation as well as with the *Freedom of Information and Protection of Privacy Act*. This would include transitory records such as telephone messages, informal or working notes, etc. Transitory records are generally destroyed when they are no longer useful, or when the information of value in them has been transferred into a final record form.
- 1.10. Individual staff members who have such transitory personal files are responsible for ensuring that the files are protected from unauthorized access and that personal information in those files is managed in accordance with the requirements of the *Freedom of Information and Privacy Act*. Questions about use, disclosure, security, and destruction of such personal information are to be referred to the privacy officer.

## **2. Retention Period**

### **2.1. Permanent Student Record (PSR Card) (Form 1704)**

A Board must retain the Permanent Student Record (PSR Card) (Form 1704) of a student for 55 years from the date the student withdraws or graduates from school.

The PSR Card should be retained for five years from the student's graduation date with the student's file. At the conclusion of the five-year file retention period, PSR Card information should be carefully verified for accuracy and then the PSR card should be stored at the school for the 55-year requirement.

2.1.1. PSR Cards become "Non-Current" and are no longer maintained at such time as:

- a) The student dies before leaving school.
- b) The student transfers to an independent or First Nations operated school or to a school outside the province.
- c) The student ceases to attend any school prior to or upon graduation.

Non-Current PSR Cards should be stored for 55 years as per Ministry of Education requirements. Copies of graduation certificates, where applicable, can be stored with them.

## 2.2. Student Files

- 2.2.1. Upon graduation, significant records pertaining to a student (other than the Permanent Student Record) should be retained for five years following the student's graduation date. At the end of that five-year period from the student's graduation date, the Student File may be given to the student or guardian if requested, or destroyed.
- 2.2.2. All students and parents/guardians should be provided with a notice (e.g. Newsletter) that the student file(s) will be stored at the school for a period of five (5) years following graduation. Following the five (5) year retention period, the student file(s) will be destroyed with the school retaining only the PSR Card. Students and parents/guardians are able to copy all or any portion of the student file(s) they would like during the five (5) year period.
- 2.2.3. The school must retain any records with reference to incidents of sexual abuse, as there is no limitation to the time in which an individual may bring charges. ***If a school is unsure about destroying a student file at the conclusion of five years, they should consult the District Office.***
- 2.2.4. An identical process and timeline as referred to in section 2.2.3. is followed for students with Special Education designations. For these students, case managers are urged to send home medical reports/psych-ed reports that may be needed by the family for post-secondary adjudications.
- 2.2.5. An identical process and timeline as referred to in section 2.2.3. is followed for students who finish school with an Evergreen (School Leaving) Certificate.
- 2.2.6. Students who withdraw from school prior to obtaining graduation should have their student files remain intact for five (5) years following the graduation date of the student's cohort and then follow an identical process as described above.
- 2.2.7. For audit purposes, if the transferring student has a Ministry of Education Special Education designation code, the outgoing school must keep a copy of all documentation (doctors' letters, individual education plan bracket (IEP bracket), case notes, etc.) regarding the assignment of the special education code for that student until the end of the school year in which the student has left the district. The documentation can be destroyed at the end of the school year.
- 2.2.8. In the event that the student dies before leaving school, the file should be retained at the school site until that student's class has graduated. At that time, the file then may

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be given to the parents/guardians or destroyed after consultation with the parents/guardians, where possible.

### 3. Access to Student Records

- 3.1. A student and parents/guardians (as defined by the *School Act*) of a student are entitled to examine all student records kept by the board (school) pertaining to the student; however, access to a record is not absolute.
- 3.2. At the school level, the Principal/Vice Principal, or designate, will accompany the parents/guardians and/or the student as the student's file is reviewed and will interpret all records for the parents/guardians and student.
  - 3.2.1. Upon request, and after interpretation, the Principal/Vice Principal, or designate, will provide copy of all records in the student's file to the parents/guardians.
- 3.3. School District No. 91 (Nechako Lakes), believes that it is in the best interest of children that highly sensitive reports arising from psychological, psychiatric, sociological, and psycho/sociological assessments or observations conducted by personnel employed or contracted by the Board of Education will be:
  - a) Shared with parents/guardians and/or student upon request; and,
  - b) Interpreted for the parents/guardians and student as completed. In keeping with the best interest of the child, the Board would prefer that records will be reviewed by parents/guardians prior to interpretation for the student.
- 3.4. Where it is deemed by school district personnel that the disclosure of certain information to the student or to their parents or guardians could harm the safety or mental or physical health of the student, or of another person, that information may be withheld under the *Freedom of Information and Protection of Privacy Act*. *Section 19.1.a and 19.1.b*.
- 3.5. Under the *Freedom of Information and Protection of Privacy Act*, students and their parents/guardians have the right to appeal the district's decision to the Office of the Information and Privacy Commissioner.
- 3.6. Student records **may** be disclosed to the professional staff of other ministries and/or agencies engaged in the planning for the delivery of, or delivering, health services, social services, or other support services to that student. **These requests will frequently require parental/student consent and the school should check with District Staff prior to releasing student information.**

- 3.6.1 It is understood that any person who received information from a student record pursuant to section 3.3., shall not disclose that information to any other person except for the purposes of delivering or planning the delivery of the services referred to in section 3.3.
- 3.7 Student records, including supplementary and administrative records, can be released to Principals/Vice Principals of British Columbia public schools and authorized personnel of universities, upon student transfer. Student records can also be released to authorized personnel at the Ministry of Education upon request.
- 3.8 The Board of Education may provide for the release of a student's records to the board's insurer to the extent necessary to meet any claim against the insurance provided to the board. Where the board provides for the release of a student's records, the insurer shall:
  - a) Keep the student's records confidential and subject to the order of a court of competent jurisdiction, ensure the privacy of the student and the student's family with respect to all matters disclosed in the records; and,
  - b) Not use the student's records for any purpose other than litigation with respect to the claim, threatened litigation with respect to the claim or investigations with respect to the claim.
- 3.9 Principals/Vice Principals are authorized to disclose student records to the court system when presented with a legal subpoena.

#### 4. Document Transfers

- 4.1. On receipt of a request from a British Columbia school board where the student is enrolled, the principals/vice principals, on behalf of the Board, must transfer the **original** Permanent Student Record, the current Student Learning Plan and the current IEP for a student. Where a confidential file exists, a **copy** of the file is transferred only upon receipt of a written request from the enrolling school board, and written permission for the release of the file signed by the parents/guardians or student if of legal age.
- 4.2. Where a former student of a Board is enrolled in an independent school or an educational institution outside the Province and the Board receives a request from that independent school or educational institution, the principals/vice principals, on behalf of the Board, must transfer a **copy** of the Permanent Student Record, the current Student Learning Plan, and the current IEP of the student to that independent school or educational institution. Where a confidential file exists, a **copy** of the file is transferred only upon receipt of a written request from the enrolling independent school or educational institution outside the Province, and written permission for the release of the file signed by the parents/guardians or student if of legal age.

- 4.3. Use the 'In-District File Request Form' to request files when students transfer between schools within district. Parent/Guardian permission is not required to transfer confidential information within district.
- 4.4. Use the 'Out-of-District File Request Form' to request files when students transfer in from outside our district. Parent/Guardian permission is required to transfer confidential information to our district. Have parent/guardians sign the form prior to submitting it to the previous school.

## 5. Document Requests

- 5.1. Where a former student (post-graduation) requests records, have the student fill out a 'Release of Information Form.'
- 5.2. Schools or the District should ask for identification before releasing any records. The form of identification should be recorded on the 'Release of Information Form'.

## 6. Student Information System Records (Digital Records)

- 6.1. "Student Information System" refers to a software program used to manage the storage, access, reporting, and transfer of student data. This includes any application used by the school district in which student data is stored. This may include, but is not limited to:
  - a) MyEducationBC Student Information System
  - b) Data warehouse applications
  - c) Grade book applications
  - d) Database applications developed by district personnel for the management of student information.
- 6.2. School District No. 91 (Nechako Lakes) SD 91 and the Ministry of Education are committed to protecting the personal privacy and integrity of all data in our systems. No student data will be collected and stored on a computer network outside of our District Network Firewall, with the exception of the MyEDBC data that resides on servers managed by Fujitsu Canada in Vancouver, British Columbia. Electronic student records will follow the same retention periods as outlined for the PSR and Student File.

## 7. Collection of Personal Information

Personal information collected by School District No. 91 (Nechako Lakes) is defined in the *Freedom of Information and Protection of Privacy Act (FOIPPA)* as recorded information about an identifiable individual. Rules governing the collection, use, disclosure and security of personal information are outlined in *Part 3* of the *FOIPPA*. Rules Information collected by schools/districts/boards must be directly related to, and necessary for, the delivery of the educational programs through schools and the school district.

## 8. Access to Information request

- 8.1 Whenever a formal access-to-information request is received, ALL records in existence at the time of the request, whether they are considered transitory or final, are subject to the request. No records are to be shredded AFTER a request has been made. Therefore, it is strongly recommended that files and records be kept up to date. Transitory notes that are no longer useful should be destroyed.
- 8.2 While records of a sensitive nature should be retained separately, in a file labeled 'Confidential,' from the student's general file, ANY and ALL records pertaining to an individual student, regardless of location, are considered the student's personal information and would all be subject to an access-to-information request.