

STUDENT RECORDS

The Board acknowledges that maintaining accurate and detailed records on students is an important responsibility of the school system. The development, maintenance and safekeeping of the student's pupil file are the responsibilities of the school in which the child is registered. Schools are to develop a system to carry out those responsibilities subject to the divisional approved guidelines.

A pupil file will contain information collected by Beautiful Plains School Division to support the educational progress of a pupil. A pupil file may comprise the following components:

- The Cumulative file
- The Pupil Support file
- The Young Offender file

The pupil file should be organized and separated into individual sub-files.

CUMMULATIVE FILES

Exists for all students and will typically include:

- Name (other names /surnames which the student is known)
- **Birth date and copy of Birth Certificate**
- Gender
- Manitoba Education and Training Number (MET #)
- Name of parent(s) and/or legal guardian(s)
- Address, telephone numbers of student /student parent(s)/legal guardians
- School Division of which student is a *resident*, if different than school division attending
- Name of schools attended and dates enrolled
- Citizenship of student if other than Canadian
- Red **Medical Alert** label on cum file tab to indicate medical/health information about students' health condition(s) available; copy of emergency response plan
- A summary at the end of each term or semester and an annual summary which outlines pupil's achievement or courses and programs i.e. report cards, transcripts
- Student profile, summarizing results of standardized testing (CTBS) from Gr. 3 to 8, (K-MET)
- If applicable, Provincial standards mark profile
- Divisional "**Blue Student Services**" insert highlighting clinical and educational supports if required by the student and cross-reference listing which identifies content of other information about pupil held by school division i.e. location of pupil support file
- Information about serious or recurring behavioural misconduct and resulting disciplinary measures regarding student between home and school i.e. suspensions, expulsions
- Note about recurring absenteeism
- Photographs at K, Gr. 2, 5, and 8 levels
- Copy of current separation agreement or court order with respect to child custody, access, guardianship
- Cross-reference listing which identifies location and content of other information about pupil held by school division i.e. location of pupil support file

Security Requirements for Cumulative Files:

Student files will be stored in a cabinet that can be locked. Files should be accessible to authorized School Division staff.

PUPIL SUPPORT FILES (BLUE FOLDER)

Exists for some students and may typically include:

- Individualized test results obtained by student on diagnostic, achievement tests
- Individualized assessment/evaluation parent/guardian/student wishes to be put on file
- Individualized Education Plans (IEP), Health Care Plans; Behaviour Plans
- Information related to special funding; copy of funding application
- Notation or reports of pullout for resource or challenge work (if not part of report card)

- Documentation from resource staff, school clinicians about inter-agency contact and provision of services from within and outside of school division
- Ongoing health, psycho-social/counselling information/reports i.e. hearing, vision, physiotherapy, psychiatry, psychology, medical, behavioural
- School clinician reports, consult notes, year end reports
- Referrals to clinicians and agencies within school division and to outside agencies

Security Requirements for Pupil Support Files:

Pupil support files should be stored in a cabinet that can be locked, separate from the Young Offender files. Files should be accessible to authorized school division staff. Pupil support information may be held in more than one designated location within the school as long as documentation is recorded in the pupil's cumulative file.

ACCESS AND PRIVACY OF PUPIL FILES

All internal and external information in the pupil file is under the control of the school division which is responsible for ensuring compliance with all access to information and protection of privacy requirements. All personal and personal health information regarding the pupil and any third parties in the pupil file must be protected against unauthorized use, access, disclosure or destruction.

Under the Public School Act, pupils are not allowed access to their pupil file until they have reached the age of majority.

Under the Public School Act a parent/legal guardian may access their child's pupil file until the pupil has reached the age of majority. At age 18, consent of the pupil is required to allow parent(s)/guardians access to the pupil file.

Any other use or disclosure of personal information or personal health information must be authorized under FIPPA (Freedom of Information and Protection of Privacy) or PHIA (Personal Health Information Act) or Public School Act guidelines.

Personal and personal health information in a pupil file may be accessed and used if:

- The information is used for the purpose of education and schooling of the pupil or directly related to that purpose or
- The pupil (mature status) or parent(s)/guardian(s) consent to the use or
- The information is used for the purpose for which it may be disclosed to the school division under the disclosure provisions of FIPPA

Refusal for access to a pupil file can be made if:

- It constitutes unreasonable invasion of the privacy of a third party
- It could be detrimental to the education of the pupil
- It could cause serious physical or emotional harm to the pupil or another person
- It could be injurious to the enforcement of an enactment or the conduct of an investigation under the enactment

Where access to a pupil file is permitted, a school division employee who is competent to interpret the information must be made available to assist the parent. The parent(s)/guardian(s) who have been granted permission to access their child's file can examine the information or obtain copies of the information. An employee of the school division should be present during the examination of the file to maintain the integrity of the file.

Rights of access of divorced or separated parents:

Where the parents are divorced, the *Divorce Act* (Canada) states:

16(5) Unless the court orders otherwise, a spouse who is granted access to a child of the marriage has the right to make inquiries, and to be given information as to the health, education and welfare of the child.

Where the parents are separated, *The Family Maintenance Act of Manitoba* provides that:

39(4) Unless a court otherwise orders, the non-custodial parent retains the same right as the parent granted custody to receive school, medical, psychological, dental and other reports affecting the child.

TRANSFER OF THE PUPIL FILE

Transfer of pupil files within the school division:

- The cumulative file and the pupil support file shall be transferred to the receiving school.

Transfer of pupil files outside of school division:

- The cumulative and pupil support file shall be forwarded to the receiving school upon written request of that school. Contents of the pupil files should be reviewed to ensure that only personal information and personal health information necessary for the schooling and provision of educational services to the pupil are forwarded. Pupil files should be transferred directly from professional to professional to ensure security and confidentiality.

YOUNG OFFENDER FILES

Exists only for a few students and may typically include:

- Youth court order with which young person is expected to comply i.e. bail, probation, conditional supervision, temporary release
- Terms of order which relate to school attendance
- Information about offense
- Expected expiry date of court order
- Prior record of offenses if safety of staff and students may be at risk
- Any identifiable person(s) who might be at risk from young offender
- Patterns of behaviour which may signal onset of activity to affect safety of staff or students
- Recommendations for reducing risk of violence

Security Requirements for Young Offender Files:

The young offender file should be kept in a locked file and given high level of security. The principal of the school would be the custodian of the young offender file and bear responsibility for the receipt, release, maintenance, protection and security of the information. A list of persons informed about information in the file on a “need to know basis”, should be appended to the young offender file. Only those persons whose names have been listed should have access to the young offender file.

Access and Disclosure of Young Offender Files:

Under the Young Offenders Act, the Provincial Director (probation officer, youth worker, peace officer) may disclose information in respect to the offense committed by a young person to the “representative of the school” where the disclosure is necessary:

- To ensure compliance by the pupil with an authorization respecting temporary release or with an order of any court concerning bail, probation, conditional supervision; or

- To ensure the safety of staff, students or other persons

Access by the pupil to young offender information in his or her file is governed by the Young Offenders Act. Information to the young offender *can only be released* by a youth court or other court, police, or government department or agency participating in administration of a disposition under the ACT or the alternative measures.

If the student **transfers to another school**, the young offender file component ***must be destroyed*** after the Principal has informed the youth worker responsible for the student that the student is no longer attending the school and the name and location of new school the student is transferring to. The receiving school should be notified that a young offender file exists. The youth worker is responsible for releasing the information in the file to the new school.

RETENTION AND DESTRUCTION OF THE PUPIL FILE

The cumulative and pupil support file shall be retained so that the individual that the information is about has a reasonable opportunity to obtain access to it.

Beautiful Plains School Division adopts the retention and disposition of Pupil Files guidelines prepared by Manitoba Education and Training (June, 2000).

Description of Record	Minimum Retention	Disposition
Academic Records-Senior 1 to 4 (Student Marks)	50 years	DESTROY
Pupil Files School principals are required to forward a pupil's pupil file when the pupil transfers to another school.		
Cumulative file component	10 years after student ceases to attend a school operated by Beautiful Plains School Division if the pupil file has not been transferred to another school.	DESTROY
Pupil support file component	10 years after student ceases to attend a school operated by Beautiful Plains School Division if the pupil file has not been transferred to another school.	DESTROY
Young Offender file component	Retained until information no longer required for the purpose for which it was established or until student transfers out of the school.	DESTROY (immediately)

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