

# Student Records Regulation

## 6710-20 | Student Records Regulation

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### A. Introduction

Student records pertaining to the student's school achievement, strengths, potential learning challenges and interventions, psycho-educational assessments, student health, and comments on personal and social development will be maintained. This information should serve three basic purposes:

1. To assist teachers, students and parents in planning and organizing instruction best suited to the needs of the student.
2. To provide teachers, students and parents with information that would improve the decision-making process involving educational and vocational choice.
3. To assist the student in the maintenance and transfer of such records as may be required when:
  - transferring to another school or school district;
  - applying for employment; or
  - applying for post-secondary training.

Care must be exercised in the maintenance and transfer of student records. As required by the Freedom of Information and Protection of Privacy Act, sound reasons are needed for the collection of any data, and sound procedures must be in place to ensure the confidentiality of these records.

Student records must be kept confidential and released only in accordance with Regulations, court orders and if specifically directed by the Board.

### B. Permanent Student Record

1. The Permanent Student Record shall be kept at the school where the student attends. The Permanent Student Record shall be maintained subject to Ministry of Education requirements.
2. Electronic copies of records should be maintained in order to effect rapid review and retrieval as required.
3. The Permanent Student Record will be reviewed by school personnel at least once a year to ensure that the information contained therein is up-to-date and complete.

### C.? Student's File

1. A Student File should be kept in the school that contains detailed descriptions of student growth and development. Only such information which will serve to assist teachers in better meeting the needs of the student should be recorded and kept in this file. Information regarding the student's strengths, potential challenges and interventions, maturity, ability to relate to others, hobbies and outside interests and any other factors which are perceived to affect educational, personal, and social development may be kept in

this file.

2. The Student File should contain:
  - current student record inclusions as listed on form 1704;
  - A copy of the student's current Student Learning Plan (if applicable); and
  - A copy of the student's current IEP (if applicable).
3. Where student challenges in school achievement or in personal and social development are observed, an indication of interventions used to overcome any problem areas may be noted in this file.
4. If suspension from school has been necessary, letters and reports documenting the procedures followed will be kept in the school's Student File.
5. Confidential information, such as medical information, psycho-educational assessments, and counsellor reports should not be kept in this file. See Section D below.
6. Counsellors and/or teachers should review the Student File each year to ensure that the information is up-to-date and complete. Any information that is no longer valid should be destroyed upon the authorization of the Principal.

#### **D. Confidential Learning Services File**

A Confidential File will be maintained for students appropriately designated to receive Special Education services. Information about students with special education needs is to be maintained and transmitted in accordance with Ministerial Orders [Permanent Student Records](#) (MO082/09) and [Individual Education Plan](#) (MO638/95, as amended).

Confidential Files will be maintained on students appropriately designated and/or receiving these services in the following Special Education categories:

- Physiotherapy/Occupational Therapy
- Speech and Language Therapy
- District Counselling Services
- Students with Mild Intellectual Disabilities
- Students with Moderate to Severe/Profound Intellectual Disabilities
- Students with Learning Disabilities
- Students Who are Gifted
- Students Requiring Behaviour Support/Mental Illness
- Students Requiring Intensive Behaviour Interventions/Serious Mental Illness
- Students who are Physically Dependent with Multiple Needs
- Students who are Deafblind
- Students with Physical Disabilities or Chronic Health Conditions
- Students with Visual Impairments
- Students who are Deaf or Hard of Hearing
- Students with Autism Spectrum Disorder

The Confidential File will be kept at the Learning Services Office and will contain some or all of the following documents:

1. Medical Records
2. Minutes of School Based Team Meetings
3. Psycho-educational Assessments
4. Speech-Language Assessments

5. Audiologist Assessments
6. Counsellor Reports
7. Reports or Assessments from other Ministries or Provincial Authorities(i.e. MCFD, Probation Services, Northern Health, POPARD, POPFASD)
8. Individual Education Plans
9. Other information as required for educational planning for the student.

Where these reports and other confidential information are required for educational planning at the school, an additional Confidential File (Principal's File) containing duplicates of some material from the Confidential Learning Services File may be kept at the school office in a locked filing cabinet. The School Principal is responsible for the maintenance of these files.

#### **E. Access to Student Files**

1. Teachers and authorized District Staff, in consultation with the counsellor or Principal, are permitted access to the Permanent Student Record and to the Student File.
2. Teachers and authorized District Staff, in consultation with the District Principal, Learning Services, are permitted access to the Confidential Learning Services File.
3. Students or parents are permitted to examine their Permanent Student Record and Student File in the presence of a Principal or counsellor who is qualified to interpret the contents of the file (*School Act* Section 9).
4. Information in the Confidential File, such as medical information, psycho-educational assessments, counsellor reports, (discussed in #C-3 above) raw test/assessment data, and other information of a sensitive nature, such as reports of social workers, psychiatrists, etc. should normally be shared only in a conference attended by professional staff. Where written reports are necessary they shall be prepared in summary form and transmitted under confidential cover.
5. Each parent and guardian is entitled to records access until the Principal has been provided with a copy of a court order restricting access.
6. Access to student information shall be provided to a person planning or providing for the provision of health, social or other support services if required by the orders of the Minister in accordance with Section 79(2) of the *School Act*.
7. Access to student information shall be provided to the Board's insurer for the purpose of, and to the extent necessary for, responding to a claim.
8. The school may provide information to an employer, agency or educational institution regarding a student's Permanent Student Record with the prior written approval of the student (if 16 years or older) or the parent or legal guardian of the student.
9. Access to a Student File or to pertinent documents in the Confidential File will not be granted to any third party without the prior written approval of the student (if 16 years or older) or the parent or legal guardian of the student. Where there is an issue of student protection from abuse or neglect under the *Child, Family and Community Service Act* the authorization of the parent/guardian is not required by the investigating agency (i.e. Ministry of Children and Family Development, R.C.M.P.).
10. The school may provide information from the Student File or from pertinent documents in the Confidential File to an employer with the prior written approval of the student (if 16 years or older) or the parent or legal guardian of the student.

#### **F. Transfer of Student Records**

Should the student transfer to another public school in the Province, the Permanent Student Record and the Student File will be sent directly to the Principal of that school. Upon the request of that School Board (which includes the prior written approval of the student (if 16 years or older) or the parent or legal guardian of the student), the Board shall transfer copies of pertinent documents from the confidential Learning Services file to that School Board.

Where the former student is enrolled in an independent school or an educational institute outside the province and the Board receives a file transfer request (which includes the prior written approval of the student (if 16 years or older) or the parent or legal guardian of the student), the Board shall send a copy of the Permanent Student Record, a copy of the Student File, and copies of pertinent documents in the confidential Learning Services file to that school.

## **G Retention of Student Records**

The original Permanent Student Record should be kept in the school for 55 years. For a student who has enrolled in an independent school or an educational institute outside the Province, the board shall maintain the original Permanent Student Record until the child returns to a provincial public school or for 55 years.

The content of a student's file will be kept until the latest of:

1. two years after the student has left school; or
2. the student has reached the age of majority (age 19); or
3. In the case of a student's death, the school will retain the student's file for a period of 3 years so that school staff members have access to the file in the event of an investigation by an outside agency such as the Office of the Representative of Children and Youth.

The Confidential Learning Services File will be maintained for a period of 10 years from the date the student withdraws, transfers or graduates from school.

## **REFERENCES:**

[Bylaw #7 – Freedom of Information and Protection of Privacy](#)

6710 – Records Management Policy

6710-10 – Records Management Regulation