

## **Policy Statement**

In order to serve the educational needs of students and to develop the most appropriate programming for students, a student record is required for all students. The Eastern School Board endeavours to ensure the protection of the human rights of students and parents/caregivers, as it establishes and maintains an effective record-keeping system to collect student information. The policy balances the rights of individual students and parent's/caregiver's right to privacy with the educator's and other's right to information.

## **Rationale**

The primary rationale for adopting policies and procedures on student records is to ensure the protection of the human rights of students and parents/caregivers, as well as to establish an effective system of student information. The school system collects and distributes a significant amount of information on students. Educators have a responsibility to develop and maintain accurate student records and to control access to such information. Student records are to be considered highly confidential and therefore, access to students' records must be limited.

The fundamental right of the individual student and parent/caregiver to privacy will need to be balanced with the educator's and other's right to know relevant information about the student. The Eastern School Board recognizes that a student clearly gains when information he/she or a parent/caregiver provides, leads to a more effective educational program. However, the student loses when information that is collected and circulated violates his/her privacy. These policies and procedures are intended to help create a balance between the collection and maintenance of quality data and the establishment of effective policy safeguards against access and dissemination that may lead to a loss of privacy of individuals and parents/caregivers.

## **Scope**

It is the responsibility of the School Principal to ensure that anyone requesting access to student records adhere to the procedures contained within this policy. It is also the responsibility of the School Principal to ascertain who requires access to a student's record and for what purposes.

All Eastern School District personnel, as well as outside agencies, will be guided by the procedures contained herein regarding the development, maintenance of and access to student records.

## **Procedures**

- The development of Administrative Regulations regarding student records will be the responsibility of the Director of Education and his/her designate. The Administrative Regulations will be reviewed annually by the Director in consultation with the Administrative Council and the Regional Administrative Councils.

## **EXISTENCE AND CONTENT**

### **Procedures**

- 1.1 In accordance with the Newfoundland Schools' Act (1997) the Eastern School District requires that student records be completed in their entirety using prescribed formats.
- 1.2 The Director or his/her designate is responsible for student records at District and Regional offices and shall take necessary steps to ensure the privacy and security of student records housed at District and Regional offices.
- 1.3 The School Principal shall be responsible for student records at the school level and, in consultation with professional staff, shall decide whether information to be collected or retained serves an educational purpose.
  - 1.3.1 The School Principal shall take all necessary steps to ensure the privacy and security of student records in a school building, including any computerized student records.
- 1.4 The student record is all official data and information that relates directly to a student and is collected or maintained by the school system. It shall include information found in the Permanent/Cumulative Record as well as a Confidential/Guidance File.
  - 1.4.1 The Permanent/Cumulative Record shall contain **but is not limited to** the following information:
    - (i) Initial Student Registration Form
    - (ii) Copies of the Educational Component of the student's ISSP
    - (iii) Group Standardized Test Results
    - (iv) Student Progress Reports/Transcripts/Report Cards
    - (v) Medical Records not deemed confidential
    - (vi) List of all assessments completed
    - (vii) Student Attendance records

- 1.4.2 The Confidential/Guidance File shall contain **but is not limited to:**
- (i) Full Student ISSP, if applicable
  - (ii) Confidential medical records, reports, etc.
  - (iii) Confidential correspondence to or from Child, Youth and Family Services
  - (iv) Guidance Counsellor – case record notes, notations, etc.
  - (v) Correspondence to and from outside agencies
  - (vi) Consent for Release of Information forms
  - (vii) Copies of any Presentence Reports prepared at the request of the courts
  - (viii) Comprehensive/Psychoeducational assessment reports
  - (ix) Reports of any assessments completed by various District level educational professionals such as Speech Language Pathologists, etc.
  - (x) Other reports from outside agencies deemed to be confidential

*Any district/regional Confidential File which may exist is also considered to be part of the student's Confidential file.*

- 1.4.3 Henceforth the Confidential/Guidance File, Permanent/Cumulative file and any computerized student records will be known collectively as the student record.
- 1.4.4 All entries shall be stated in behavioural terms with the best interest of the student being held paramount.
- 1.4.5 Date of entry and the signature of the individual making the entry must be clearly denoted in legible handwriting in ink.
- 1.4.5.1 Any computerized records will also have clearly indicated on each entry who was responsible for collecting the information on the student and their position at the school or the school district.
- 1.4.6 Each year the homeroom teacher ensures that any current student achievement data that is available is filed in the Confidential/Guidance File of the student record.
- 1.4.7 Teachers, Administrators and other school/district personnel who have contact with students may keep a “working document” which includes information specific to a student during the current school year. This “working document” is not necessarily part of the official student record

and should be shredded yearly. Pertinent information from this document shall be transferred to the student record, as deemed appropriate.

## **ACCESS TO STUDENT RECORDS**

### **Procedures**

- 2.1 The School Principal or his/her designate shall be responsible for the security of all student records and for overseeing access to student records at the school level.
- 2.2 Access to student records, as deemed necessary, will be provided by the Principal or his/her designate.
  - 2.2.1 Access to student records shall be defined as viewing of a student record or obtaining copies of a student record.
  - 2.2.2 A letter from the requesting party for access to the student record must be submitted to the School Principal as part of the student's record.
- 2.3 All teachers and other educators, including district staff, who teach and/or who are involved in planning program development for a student shall have access to specific information which is relevant to their work with the student, as deemed appropriate by the School Principal or his/her designate.
  - 2.3.1 School/district personnel (i.e., Guidance Counsellors, Educational Psychologists, Speech Language Pathologists, Hearing Itinerants, Visual Itinerants, etc.) who access a student's record are expected to place a copy of any report generated by their work with a student in the student's appropriate student record.
- 2.4 In accordance with the Schools' Act (1997) any student 19 years of age or older, and students 16 years of age or older who are "emancipated youth"(according to the Child Youth and Family Services Act), shall have access to their student records. In addition, parents/caretakers of a student less than nineteen (19) years of age shall have access to their child's student records upon request to the School Principal.
  - 2.4.1 Persons requesting access must provide the School Principal at least twenty-four (24) hours written notice.

- 2.4.2 The School Principal must ensure that he/she or an appropriately qualified Guidance Counsellor, Educational Psychologist or other professional educator, as approved by the School Principal, is present during this review to interpret information to the student, parent(s) and/or caretaker(s).
- 2.4.3 Where a student has left school and access to the student record is granted to non-school or district professional staff, access will be through the School Principal or the Director, or his/her designate, depending on where the student record is stored.
- 2.4.3.1 A record of access, including the name of the individual granted access, the date and reason for access shall be noted and kept in the record.
- 2.4.3.2 Access to the student record requires the written consent of the parents/caregivers or student, whichever is applicable.
- 2.4.3.3 Written consent for access must be signed, witnessed and dated by the appropriate individual, parent/caretaker or student.
- 2.4.3.4 Copies of test protocols and raw test data, etc. shall not be provided. Instead, written interpretative reports of such educational data shall be provided upon request.
- 2.4.3.5 Copies of confidential reports from other agencies without the consent of the agency shall not be provided.
- 2.4.3.6 If the School Principal or his/her designate determine that certain information contained in the student record is of a sensitive nature then he/she shall consult with the Assistant Director of Programs or his/her designate.
- 2.4.3.7 Removal of items from the student record should only be done in consultation with the School Principal and the Assistant Director for Programs or his/her designate at District/Regional Office.
- 2.4.3.8 Data to be removed shall be shredded or, if stored electronically, shall be destroyed through “erase” or “format procedures” by the School Principal or his/her designate.

- 2.5 Non-educators who have access to the student records without consent of the parent/caretaker or student of legal age are as follows:
- Officials of the Child Youth Advocate Office.
- Officers of the Courts acting on a duly executed court order may have access to the specific information in the court order.
- 2.6 There are times when a court order specifies “all student files” of the student. In such cases, the Officer of the Court has access to all of that student’s files. However, such a request can be appealed by the school or the district to the Court, if deemed necessary. In such cases legal advice may be sought, with permission of the Director, before considering refusal of a court order.
- 2.7 It is the responsibility of the School Principal or his/her designate to inform all members of the school faculty about the confidential nature of school records at least annually in a staff meeting.
- 2.8 Where portions of student records have been computerized all necessary safeguards for the security of this information shall be taken. Information on students which is electronically stored must be treated as a student record and stored accordingly.
- 2.8.1 Network Administration rights shall only be granted to Eastern School District personnel to ensure security of information being stored related to student records.
- 2.9 The School Principal may disclose personal student demographical information of a non-confidential nature from a student record without the written consent of the parent/caregiver or eligible student to:
- 2.9.1 Other school officials within the school district or school system who have a legitimate educational interest in specific information in the student’s records. “Legitimate educational interest” is to be specifically interpreted to mean the interest of a certified individual charged with the responsibility of providing educational programs, services or other services to the individual student.

## **MAINTENANCE OF STUDENT RECORDS**

- 3.1 Student records must be maintained and stored securely for up to 70 years.

- 3.2 The School Principal ensures that each student record is reviewed at **least every two years** to ensure that it is kept up to date and to eliminate information that no longer serves an educational purpose.
- 3.2.1 Purging of the student record to rid the record of all unnecessary or irrelevant material (e.g. discipline reports, anecdotal notes, etc.) shall be under the School Principal's/designate's direction.
- 3.3 When a student graduates or leaves school his/her student record shall be reviewed and immediately assigned to the inactive student records where it will be stored **for a period of at least 70 years**, unless the student returns to a school within the district.
- 3.3.1 The student's inactive record shall be located in the local school where the student was last in attendance.
- 3.3.1.1 If a student record exists at the district/regional office on that student it shall remain at that office.
- 3.3.2 Student records for students whose school has closed will be sent to the recipient school or the district/regional office for permanent storage.
- 3.4 Student records must be stored in a designated area which is secure and protected from easy access.
- 3.4.1 The School Principal/designate will be responsible for ensuring that the Confidential/Guidance file portion of the student record is stored in a locked metal file cabinet in a locked room under the supervision of the School Principal/designate.
- 3.4.2 The School Principal/designate will be responsible for ensuring that the Cumulative/Permanent records are kept in metal file cabinets and locked when no supervision is available in an area that teaching staff are able to be provided reasonable access.
- 3.4.3 The School Principal/designate will be responsible for ensuring that any computerized student data is secure on the Eastern School District's Network using all necessary precautions so that access is limited and the information is secure.

## **TRANSFER OF STUDENT RECORDS**

- 4.1 Student records shall not be taken from the school building unless an official request for transfer of records is submitted to the School Principal.
- 4.2 The School Principal/designate shall review the student record being transferred to ensure that all information being forwarded is factual, current ( i.e. valid and reliable) and relevant to the receiving school.
- 4.3 When a student transfers from one school to another school **within the Eastern School District** upon request **the original student records are transferred** to the School Principal of the receiving school.
- 4.3.1 The School Principal/designate of the school receiving the information shall be responsible for completing the Request for Transfer of Records Within the Eastern School District form (See Appendix I) and retaining a copy of this form at the school.
- 4.3.2 The School Principal shall photocopy the original student record and keep it on file in the event that the original student record is lost in transit.
- 4.3.3 The **photocopy** of the student record shall be **retained in the school**.
- 4.3.4 Student records that are photocopied shall then be assigned to the inactive student records where they will be stored for a period of at least 70 years.
- 4.4 Upon receipt of a **request from another school district** for transfer of the student record from a school within the Eastern School District the School Principal shall send a **photocopy of the student's records to the new school**.
- 4.4.1 The School Principal/designate of the school sending the information shall be responsible for completing the Release of Information Form From the Eastern School District. (See Appendix II).
- 4.4.2 The **original student record** shall then be assigned to the inactive student records where it will be **retained for at least 70 years**.
- 4.5 Upon **transfer of a student from another school district** to a school within the Eastern School District, the School Principal shall send a request for the

transfer of student records to the School Principal of the school from which the student has transferred.

- 4.5.1 The School Principal/designate shall be responsible for sending a completed Release of Information to the Eastern School District Form to the student's former school (See Appendix III).
- 4.5.2 This request must bear confirmation of the registration of the student, as well as the parent/caregiver's or student's signature authorizing release of the record to the receiving School Principal (See Appendix III).
- 4.6 Release of confidential information contained in a student's record to third parties, including registrars of post-secondary institutions, external agencies, and employers is strictly prohibited unless written authorization for information release is obtained from the parent(s), caregiver's or student (where the student or former student is 19 years or older **OR** is 16 years of age or older and is an emancipated youth).

### **CHALLENGES REGARDING CONTENT OF STUDENT RECORDS**

- 5.1 If a parent/caregiver, student 19 years of age or older or a student 16 years of age who is an "emancipated youth", challenges any of the contents of the student record in writing, the School Principal shall review the part of the record challenged, in consultation with district personnel, and may, by mutual agreement with these parties, delete, destroy or add to the information under question within ten(10) days upon receipt of this challenge.
- 5.2 If the School Principal or the various parties do not agree regarding this challenge, any of the above parties may appeal to the Director of Education via the Eastern School District's Appeal Policy.

### **APPEALS REGARDING ACCESS TO STUDENT RECORDS**

- 6.1 Any person who is refused access to, or copies of, a student's records may appeal the decision in writing to the Director of Education as per the Eastern School District's Appeal Policy.
- 6.2 A written appeal shall be made to the Director by any person who has requested access to a student record and has been refused access by the School Principal.

## **STUDENT LEGAL NAME CHANGES**

- 7.1 The district will recognize name changes of students when a court document is provided to the School Principal.
- 7.1.2 The School Principal shall retain a copy of this document for the student record.
- 7.2 The School Principal will be responsible for ensuring that the original name on the student's record remains in addition to ensuring that the name change noted in the legal document is also indicated on the student record.
- 7.2.1 The School Principal will ensure that this entry into the student records is signed and dated by the staff member making the entry.
- 7.2.2 In addition, the staff member will also note their position in this entry into the student record.

## **RIGHTS OF NON-CUSTODIAL PARENTS**

- 8.1 Unless precluded by an appropriate legal document, or evidence provided by the custodial parent, the non-custodial parent shall have access to a student's record.
- 8.2 In the case of joint custody, each parent will be granted access to a student's record.