



Section: **School Operations**

Policy #: **5012**

Policy: **Student Records**

Date Approved: April 25, 2013

Revision Dates:

**PURPOSE:** Legal and public expectations regarding the confidentiality, disclosure and transfer of school student records are increasing, as well as societal concerns regarding school record keeping and storage. The Inspector's Office of Independent Schools requires schools to develop a Student Records Policy. Section 9(2)(a) of the *Independent School Regulation* obliges independent school authorities to establish written procedures regarding the storage, retrieval and appropriate use of student records.

**DEFINITIONS:**

**Student record** - refers to a record of information in written or electronic form in respect to a student, but it does not include a record prepared by a person if that person is the only person with access to that record.

**Permanent Student Record (PSR)** - is a specific subset of student record; often referred to as form 1704 plus the last two years of report cards.

**Inclusions** - are documents (or copies of documents) used to plan or support a student's educational program.

**Sensitive information** - information which by its nature requires that school staff observe a high level of confidentiality.

**POLICY:** It is the responsibility of the principal to ensure that the following student records procedures and guidelines are adhered to and that all school employees understand and abide by these procedures and guidelines.

**GUIDELINES AND PROCEDURES:**

**PART I – PERMANENT STUDENT RECORD (Transferable)**

Where consent to collect student record data is an issue, two consents may be required depending on the circumstance: consent of the student in relation to collection of personal information of the student (for students capable of exercising their PIPA rights) and consent of the parent or guardian in relation to collection of personal information about that person.

**A. Elements of the Student Record (Student Records Order, Section 2)**

Required Items:

1. The Permanent Student Record, as defined in the Order:
  - Form 1704 completed according to the current Permanent

- Student Record Instructions requirements
  - Copies of a minimum of the two most recent years of Student Progress Reports or an official transcript of grades
2. Individual Education Plan (IEP) where applicable
  3. Copies of documents listed as inclusions (see explanatory information in section B. below).

## **B. Permanent Student Record (Form 1704) Inclusions**

Not all students will have inclusions as part of their Permanent Student Record. Inclusions **must** be listed in the "Inclusion Section" on Form 1704, noting date entered, title and expiry/rescinded date (if applicable). If the space for inclusions becomes full, it may be necessary to create a second portion and attach it to the form for future additions. Documents listed as Permanent Student Record inclusions on Form 1704 become components of the Permanent Student Record and are required to be transferred with Form 1704 if the student enrolls in another school.

Required Inclusions: The following items must be filed with Form 1704, and dated and listed as an inclusion in the appropriate section on Form 1704, for any student to whom these may apply:

- health services information as indicated by the medical alert checkbox (see Form 1704) such as diabetes, epilepsy, anaphylaxis producing allergies, blood clotting disorders, and serious heart conditions; any other condition which may require emergency care (after consultation with health care professional); situations/conditions which may interfere with student performance, health, or behavior (hearing aids, prescribed medication, cerebral palsy, cystic fibrosis, etc.); and severe allergies in K-3 students to school based allergens
- court orders as indicated by the legal alert checkbox (see Form 1704) or their rescinding date if applicable;
- other legal documents (e.g. name change or immigration document);
- support services information (e.g. psychometric testing (level C), speech and hearing tests, adjudication requirements for completing assessment activities);
- Individual Education Plans (IEP's) or Case Management Plans (CMP's);
- Notification of student being homeschooled

Optional Inclusions: The following optional inclusions may be listed on Form 1704 but the school is not required to do so:

- standardized test scores;
- records of information which an educator deems relevant and important to the educational program of the student;
- award information (Ministry awards information should include year, date and serial number of the award).

Note: If the school chooses to list an item as an inclusion, then it is required that the document(s) supporting the item listed be filed with Form 1704 as an

inclusion and these items then become part of the Permanent Student Record. The school must acquire specific "written" consent for these optional items to be included.

If the school does not include the previous optional items on Form 1704 as a PSR inclusion, it may include them as additional Student Record items (see Part II – Additional Student Record Items) but should take note that these items are then NOT part of the Permanent Student Record.

### **C. Form 1704 Currency and Format**

Information should be updated as it changes and as the student progresses through our schools. The principal will determine and designate who is responsible for updating Permanent Student Record Form 1704 with its inclusions. A completed, current Form 1704 must be in every student's Permanent Student Record or a school must be able to produce it electronically or in print from its student data management system.

Data for Form 1704 may be stored in electronic and/or paper format. If Form 1704 data are stored in electronic format:

- the school must be capable of recreating the data in case of a system failure;
- printouts must represent the same fields as on Form 1704.

### **D. PSR Retention**

The PSR must be retained by the school until another school requests the PSR or for 55 years after a student has withdrawn and not enrolled in another K-12 school, or graduated from the school. Permanent Student Records should be stored securely and in a manner that ensures the record's preservation from calamity (fire, flood, etc.). Furthermore, the school is required (under Section 34 of PIPA) to protect personal information from unauthorized access, collection, use, disclosure, copying, modification, or disposal, or similar risks.

If a student withdraws from the school and enrolls in another K-12 educational institution, the school must, upon request from the enrolling K-12 educational institution, transfer the PSR. (See section 5 of the Order and section 10 of the Regulation). Additional student record items (see Part II below) are not part of the transferable Permanent Student Record and may be returned to students, disposed of, or retained by the school.

NOTE: Student discipline records are NOT to be transferred but should be kept by the school as they may provide critical evidence for future dispute situations.

## **PART II - ADDITIONAL STUDENT RECORD ITEMS**

### **(For school use only and not part of the Transferable Permanent Student Record)**

Aside from the Permanent Student Record, there are other items which must

(See Ministry Required Items) or may (See Diocesan Required Items) be included in the school's student records. For instance, student and parental/legal guardian information is required for students and additional items may be required by individual school practices. Location of the Permanent Student Record and additional student record items is locally determined. The number of additional items included may vary with each individual student.

### **A. Additional Items**

Ministry Required Items: The following items must be included in student records to establish student eligibility for funding and ensure that student health and safety information is complete:

- legal name of child - verify the original and file a photocopy or scanned copy of birth certificate or similar legitimate identification document;
- official name(s) of parent(s) or guardian(s) with home and work contact information
- document verifying the information about the student's parent or guardian in respect of students eligible for funding (see Appendices for verification details and suggested document format for inclusion in school registration)

Diocesan Required Items:

- care card number of student
- emergency contact numbers
- proof of Catholicity of student (i.e. baptismal record)
- doctor's name and contact information
- allergies, medication and/or other health concerns (other than those required to be listed under the medical alerts rubric as tabulated in PART I)
- previous student progress reports if available (other than the two most recent years required in the PSR)

### **Schools are required to update parent/guardian information and medical information yearly.**

Schools are to create a copy of the essential student information above to accompany the teacher supervising a class trip, (and/or bus or vehicle drivers transporting students to an off-site location) in case this information is needed by emergency personnel attending a traffic accident or other emergency during a class trip. It is, at all times, critical that student personal information is safely stored and that personal information privacy is ensured. The principal is to establish a procedure for this.

### **B. Sensitive Student Record Information**

Examples information that could be seen as "sensitive"

- serious student discipline reports; must be dated (e.g., copies of letters to parents/guardians regarding discipline matters and corrective actions taken);
- reports of important meetings/discussions relating to the student; must be dated.

- psychiatric reports
- family assessments
- referrals to or reports from school arranged counseling services
- record of a school-initiated report of alleged sexual or physical child abuse made to a child protection social worker under section 14 of the Child, Family and Community Service Act.

NOTE: Section 14 reports should be retained only for the purpose of the child protection proceedings and this information must NOT be disclosed to third parties or transferred to other schools. Such reports are strictly confidential and should be stored where only the school principal or persons authorized by the principal can access them. Retention of such reports is important for the school to provide confirmation that the report has been made and for evidence purposes in the event that school staff members are subsequently called as witnesses in the child protection proceedings.

Sensitive information is NOT to be placed in a student record, in order to avoid it being potentially transferred to another school.

#### Handling Procedures

- obtain parental consent for collection, use, and disclosure of psychiatric reports and family assessments (written, dated and signed consent is best);
- store where only the school principal or persons authorized by the principal can access such information;
- disclose or transfer only according to law.
- handle records of reports under section 14 of the Child, Family and Community Service Act, according to instructions in the previous NOTE, under "sensitive information".

### **PART III - ACCESS TO AND DISCLOSURE OF STUDENT RECORDS**

Policies and procedures should ensure confidentiality of information contained in student records and maintain privacy for students and their families in accordance with the requirements of our diocesan privacy policy (PIPA). While disclosures may be made to parents/guardians regarding their children/students in accordance with PIPA, disclosures should not be made that would reveal private information about other students or individuals.

A student (capable of exercising PIPA rights) and parents/guardians of a student should be permitted (unless restricted by a court order) to:

1. examine all student records kept by a school pertaining to that student, while accompanied by the principal or a person designated by the principal to interpret the records;
2. receive a copy of any student record.

Schools may **not** withhold report cards from students and parents as leverage to collect tuition arrears or for other purposes. Under PIPA,

students, parents or guardians have a right to view and receive copies of student records which include current and past report cards.

Report writers and principals/designees screening reports should do so cognizant of generally accepted rights of parents/guardians or students to examine and receive copies of student records pertaining to the student.

Graduating students should be provided with interim and/or final transcripts of Grades 10, 11 and 12 courses and marks when graduating and upon future request of the graduate, copies should be mailed directly to institutions of higher learning. Summaries of students' school progress may be provided to prospective employers upon written request of a former student.

Transcripts are available to students through the Ministry of Education

In addition to parents/guardians and students, access to student records should only be granted, upon assurance of confidentiality (with signed consent) to:

1. professionals who are planning for, or delivering education, health, social or other support services to that student;
2. school authority's insurer to defend any claim/potential claim.

It is important that the principal/designate communicate with the professional or insurer to ensure they will:

1. maintain privacy of the student and the student's family with respect to matters disclosed in the record;
2. not use or disclose the information in the student record except for the specific purposes for which the information is provided.

If principals are unsure as to the legal entitlements of the parent who does not have primary parental responsibilities or if there is serious conflict between the parents with respect to student record requests, then principals are to contact the superintendent who may obtain legal advice from the diocese's legal counsel.

#### **PART IV - TRANSFER OF STUDENT RECORDS**

On receipt of a request for student records from a school, a Board of Education, or an independent school authority from within British Columbia where the student is/will be enrolled, the school must transfer the Permanent Student Record (including declared inclusions) for a student to the requesting school, Board of Education, or authority. **It is advisable to retain a photocopy of the Form 1704, indicating the school and date where and when the PSR was sent.**

If the school requests the student's record from a public school, the public school must transfer a COPY of the Permanent Student Record (including

declared inclusions) and current Student Learning Plan (if applicable) and IEP to the requesting school (Ministry requirement). The original Permanent Student Record will be retained by the public school (Public School Minister's Order entitled Permanent Student Record Order). If the principal runs into a problem with this, they are to contact the CISND Superintendent.

If the requesting educational institution is outside British Columbia, a photocopy of the PSR should be sent. The original PSR should be retained.

A report to a child protection social worker of alleged sexual or physical child abuse made under section 14 of the Child, Family and Community Service Act should be retained by the independent school in strict confidentiality and the information should not be transferred to another school.

Transfer of any sensitive, confidential information should only occur after written, dated and signed parental/guardian and student consent has been obtained to do so.

Schools should retain written record of all student record transfers (e.g. student name, date of birth, name and address of receiving school and date of record transfer).

If the school closes, the school is to take responsibility and provide for arrangements to ensure that PSRs are transferred to the receiving schools in which students will be enrolled to continue their education. In the event that a student will be homeschooled, the PSR must be transferred to the school registering the child as homeschooler. Finally, only those PSRs which cannot be transferred by the school must be sent, within 60 days of the closure of the school, to the Inspector of Independent Schools.

## APPENDIX I

### **ELIGIBLE STUDENT INFORMATION**

#### **Group 1 and 2 Independent School Grants**

The following information is helpful to schools and school auditors attempting to verify eligibility of certain students for provincial operating grants.

To be eligible the student's parent/legal guardian must be:

- Lawfully admitted to Canada
- Resident of British Columbia

The Independent School Regulation reads as follows:

**"eligible student"** means a student (a) who is of school age, and (b) whose parent or guardian

- (i) is, or was at the time of that parent's, or guardian's death, a citizen of Canada, or a permanent resident, as defined in the Immigration and Refugee Protection Act (Canada), who is, or was at the time of the parent's, or guardian's death, ordinarily resident in British Columbia, or
- (ii) is lawfully admitted to Canada and is ordinarily resident in British Columbia.

**"guardian"** means guardian of the person of a child within the meaning of the Family Relations Act;

A parent or legal guardian is lawfully admitted to Canada within the meaning of paragraph (b)(ii) of the above definition of an "eligible student" if he or she is in one of the following categories:

- A person who has been determined under the Immigration and Refugee Protection Act (Canada) to be a Convention refugee or refugee claimant
- Holder of a valid student permit issued for one year or more under the Immigration and Refugee Protection Act (Canada)
- Holder of a valid work permit issued for one year or more under the Immigration and Refugee Protection Act (Canada)
- Diplomat or consular official

Sample Student Registration Form sections to verify qualifying student status are attached as Appendices II and III. These samples meet Independent School Act requirements for funding eligibility and require minimal collection of personal and/or original documents by the school.



## APPENDIX II

The following are suggested formats for Student Registration Forms to verify parental/legal guardian lawful admission to Canada and residency in British Columbia. This information must be included in the student records.

### **STATUS OF PARENT/GUARDIAN (ADMISSION TO CANADA AND RESIDENCY) - FORM A**

(if parents are deceased, use Form B)

To be completed and signed by a parent or legal (court-appointed) guardian. (If legal guardian, attach copy of court order appointing you as legal guardian).

#### **(Lawfully Admitted into Canada)**

1. I am (please X one):

- A Canadian citizen (if not born in Canada, please attach a photocopy of citizenship paper/card)
- A Permanent Resident (landed immigrant) (attach photocopy of landed immigrant status paper or PR card)
- Lawfully admitted into Canada under the Immigration and Refugee Protection Act (Canada) with one of the following documents (please mark the appropriate box below and attach photocopy of document):
  - Admission as a refugee or refugee claimant
  - Valid student permit for two or more years (or issued for one year but anticipated to be renewed for one or more additional years)
  - Valid employment authorization (work permit) for two or more years (or issued for one year but anticipated to be renewed for one or more additional years)
- A person carrying out official duties under the authority of the Visiting Forces Act or as an accredited diplomatic agent, preclearance officer, consular officer or official representative in Canada of a foreign government with a consular post in British Columbia.
- Other - Document description: (must be cleared with Citizenship and Immigration Canada)

\_\_\_\_\_

#### **(Residency in British Columbia)**

2. I am a resident of British Columbia (please X one):

- Yes      Residency address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- No      I am not a resident of British Columbia

#### **Confirming signatures:**

3. Parent/Legal Guardian's name: \_\_\_\_\_

Parent/Legal Guardian's signature: \_\_\_\_\_

Date: \_\_\_\_\_

**APPENDIX III**

**STATUS OF DECEASED PARENT(ADMISSION TO CANADA AND RESIDENCY) - FORM B**

To be completed and signed by the student or a knowledgeable adult (one who knew the student's parent(s) and has knowledge of the facts respecting their decease and the matters set out in this document)

**(Deceased parent was Lawfully Admitted into Canada)**

1. The student's deceased Parent was at time of death:

- A Canadian citizen
- A Permanent Resident (landed immigrant)

**(Deceased parent was Resident in British Columbia)**

2. The student's deceased parent was at time of death a resident of British Columbia (please X one):

- Yes    Residency address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- No    I am not a resident of British Columbia

**Confirming signature:**

Student: \_\_\_\_\_

Knowledgeable Adult's Name: \_\_\_\_\_

Knowledgeable Adult's Signature: \_\_\_\_\_

(Knowledgeable Adult is one who knew the student's parent(s) and has knowledge of the facts respecting their decease and the matters set out in this document)

Date: \_\_\_\_\_