

Christ the Teacher Catholic Schools

ADMINISTRATIVE PROCEDURES

SECTION:	300 - STUDENTS	CODE:	AP 320
PROCEDURE:	STUDENT RECORDS		

BACKGROUND

The Division expects staff members to collect only the necessary information required to produce and maintain records for purposes related to educational programming. The information in student records serves the following purposes:

- To provide working records about students currently enrolled in the school division;
- To provide a permanent record of each student's attendance, achievement, and personal information that is pertinent to the student; and
- To serve as a source of information in supporting student transitions.

Student records are for educational purposes only. The records are confidential and, apart from access as noted in this administrative procedure, shall be accessible to the educational professionals and appropriate professional support staff only. All records created by the Division and its staff are owned by the Division.

DEFINITIONS

1. Student Records

For the purposes of this procedure, *Student Records* are defined as records within the meaning of *The Local Authority Freedom of Information and Protection of Privacy Act* (LAFOIP) that relate directly to an individual student, and which are collected and/or maintained by the Board or by a person acting on behalf of the Board, no matter what medium is employed for storage of the record. LAFOIP defines record as "a record of information in any form and includes information *that is written, photographed, recorded or stored in a manner*, but does not include computer programs or other mechanism that produce records.

2. Cumulative Records

Cumulative Records is the term used to refer to any working records for students currently enrolled in Prekindergarten to Grade 12, inclusive of those with intensive needs. "It contains factual and objective information regarding a student's academic progress, mid-term and final marks, relevant professional assessment reports, adaptations and attendance. This information is valuable for collaborative teams in planning and delivering appropriate education programs and supports for the student from year to year, and for enabling teachers to better understand the student's strengths. The Cumulative Record is also essential for assisting in the successful transition of students to and from

another school, within and between school systems. When a student moves from one school to another, it is expected that the Cumulative Record will follow the student in a timely manner.” *The Student Cumulative Record Guidelines (2019)*.

3. The Local Authority of Freedom of Information and Protection of Privacy Act (LAFOIP)
This is legislation respecting the right of access to documents of local authorities and a right of privacy with respect to personal information held by local authorities. It applies to all records collected, compiled, used, and released by school divisions, including all public documents.
4. Youth Criminal Justice Act
This *Act* includes specific requirements pertaining to the collection, publication, access and destruction of information pertaining to young offenders.
5. Personal Information
LAFOIP defines personal information as including race, creed, religion, colour, sex, sexual orientation, family status, marital status, disability, age, nationality, ancestry, place of origin, education, criminal history, financial activities, and views or opinions of another person about the individual. This is a non-exhaustive list.

PROCEDURES

1. The school principal, except where noted, is responsible for the collection, maintenance, and release of student records.

Cumulative Records

Cumulative Records contain information relevant to a student’s educational program.

The following is a set of requirements for the contents of the Cumulative Record:

- The student’s name as registered under *The Vital Statistics Act, 1995* or, if the student was born in another jurisdiction, the student’s name as registered in that jurisdiction;
- Other names by which the student is known;
- The birth date and gender of the student;
- The student’s provincial Learning Identification Number (LID);
- The name(s), address(es), and telephone number(s) of the student’s custodial parent(s) or guardian(s);
- The names of other parents/guardians who may have custody orders that restrict access to their child or the child’s personal information;
- A copy of the custody order;
- A summary or report of achievement at the end of each grade or semester; term progress reports may also be included;
- A record of adaptations needed to support student learning and achievement;
- The student’s results of diagnostic tests or other assessments pertinent to program planning, including but not limited to psychological reports, speech pathologists’ reports, occupational therapists’ reports, etc., including related parental consent forms;

- Medical information about the student pertinent to program planning that the parent or student provides;
- An annual summary of the student's attendance;
- For a student who has an Inclusion and Intervention Plan (IIP), a copy of the current and previous year's plan; and,
- For a student who has a safety plan, a copy of the current and previous year's plan.

The following information should **not** be included in the Cumulative Record:

- Scores from screening tools that assess children's readiness for formal learning (e.g. the Early Years Evaluation) should not be retained in the Cumulative Record after Grade 3.
 - Personal counselling notes regarding the student and information related to the student's involvement as a young offender (stored separately and securely by counselling staff).
 - For students involved in the Justice system, information should be stored separately from the student's other records in a secure location and destroyed when the information is no longer required for the purposes for which it was disclosed.
 - When reviewing files, information that is not necessary for the continuing educational needs of the student should be removed from the Cumulative Record (see Retention and Disposal of Student Records below).
- 1.1. Separate files with student support information can be created and stored in more than one designated secured location within a school (e.g., school counsellor's and/or Student Support Services Teacher's office) as long as it is documented within the cumulative record component stating its nature, whereabouts, and date created (see Cumulative Record Insert form).

All files should be accessible to those who need them and secure from those who should not see them:

 - (a) Access to certain documents within a file can be limited to appropriate personnel by clearly identifying the file/envelope as containing sensitive personal health information and indicating the professionals who can have access to the file and the information within it (e.g. Psychologist's report or Counsellor notes).
 - 1.2. Each active working record is to be reviewed annually by a member of the professional staff designated by the principal to ensure that it is kept current and to eliminate information that no longer serves an educational purpose. Notation of items removed, the date of removal, and the person who removed them is to be kept in the file (see Retention and Destruction form).
 - 1.3. Unless directed to another location by order of the Director of Education or designate, student cumulative records shall be stored in a secure location at the school.

2. Collection of Information

- 2.1. Subject to legislative requirements and regulations, the Board authorizes collection, storage, and use of relevant, reliable, and objective data in the form of student records.
- 2.2. Only information required in order to provide appropriate education services to the student will be created or collected. Information collected is the minimum needed for the purpose of education and is as accurate and complete as reasonably possible.

- 2.3. Parents and/or students shall be informed at the time information is collected of the purposes for which that information will be used.
 - 2.4. Any health information or records created by the division, including professional health staff, is treated as personal information under LAFOIP.
 - 2.5. Any health information or records received by the division from a *Health Information Protection Act* (HIPA) trustee (i.e. private practitioner) is treated as personal information under LAFOIP.
3. Storage of Student Records
 - 3.1. All student records collected or created by and used by personnel at the school shall be stored in a secure location under the direction of the principal of that school.
 - 3.2. All records collected or created by personnel not based at the school shall be stored in a secure manner by the person creating or collecting the record.
 - 3.3. The student record may consist of one or several files as required for each student.
4. Access to Student Records
 - 4.1. Access to student records shall be permitted only as specified in Board policy or administrative procedures and in accordance with the provisions of LAFOIP.
 - 4.2. The principal is, except where noted, responsible for the collection, maintenance and access to student records. Access to school records shall be given only in accordance with this procedure.
 - 4.3. Applications for access to student records made under the provisions of *The Local Authority Freedom of Information & Protection of Privacy Act* shall be directed to and processed by the Privacy Officer/LAFOIP Coordinator. If a person requesting the access to student records is not satisfied with the decision of the Privacy Officer/LAFOIP Coordinator, a request for review may be made to the Saskatchewan Information and Privacy Commissioner.
5. Access to Student Records by Authorized School Personnel
 - 5.1. The following school personnel who require access to the student records for the better performance of their duties and to provide services to the student shall be permitted to examine a student record for the purpose for which the information was obtained, and for a use that is consistent with that original purpose:
 - 5.1.1. The principal and vice-principal of the student.
 - 5.1.2. Teachers and counsellors to whom the student is assigned.
 - 5.1.3. Student Support Services personnel to whom the student is assigned.
 - 5.1.4. Administrative and supervisory officers of the Board.
 - 5.1.5. Other personnel as directed from time to time by the principal.
6. Informal Access to Student Records
 - 6.1. Access means giving the individual a copy of the record or allowing to view. Access is the right of the student. The right to access includes not only cumulative files, but also all other records (paper and electronic) such as Educational Psychologist file, Speech and Language Pathologist file, and so on.

- 6.2. Every adult student who is 18 years or older is presumed capable of giving, refusing, of revoking consent for access to information/records.
- 6.3. The following persons shall, upon request to the principal, and without need for formal application under LAFOIP, be permitted to examine a student record, in cases where it is determined by the principal, in consultation with the Privacy Officer/LAFOIP Coordinator (if necessary), that such examination is not an unreasonable invasion of privacy or if disclosure could threaten the safety, or physical or mental health of the student:
 - 6.3.1. A student whose parents or guardians are not in attendance when access is granted. The parents or guardians of a student where the student is dependent on the parent or guardian, provided it does not interfere with the privacy interests or safety of the student.
 - 6.3.2. A non-custodial parent of a student under the age of 18 years if the non-custodial parent has been granted access to the student (unless a court has ordered otherwise). Refer to Provision of Student Progress Information to Non-Custodial Parents Form.
 - 6.3.3. A student who is 18 years of age or older.
 - 6.3.4. A student who is 16 years of age or older who is living independently of his or her parents.
 - 6.3.5. Students mature enough to understand the content of the records and any information related to making the decision, including process and any implications, can:
 - 6.3.5.1. Access their own records without parental consent;
 - 6.3.5.2. Give informed consent to grant access to a third party (e.g., lawyer, external healthcare professional).
 - 6.3.6. Depending on the student:
 - 6.3.6.1. Appropriate maturity starts to develop as early as age 12 or 13;
 - 6.3.6.2. By age 14 or 15, most students may be considered able to give consent in a variety of situations;
 - 6.3.6.3. By age 16 or 17, most students are almost always considered capable of making decisions.
 - 6.3.7. Duly authorized officers of the Ministry approved by the Director of Education or designate.
 - 6.3.8. School officials designated by the Director of Education or designate.
 - 6.3.9. A youth worker, as defined in the Youth Criminal Justice Act, who requests access for purposes of that Act and is approved by the Director of Education or designate.
 - 6.3.10. A person with specific legal documentation, such as a subpoena; and/or when approved by the Director of Education or designate.
 - 6.3.11. Third parties, excluding registrars of post-secondary educational institutions, where written authorization for information is provided as outlined in Section 9 Correction of Student Record.

- 6.4. A non-custodial parent of a student under the age of 18 years provided the non-custodial parent:
 - 6.4.1. Provides copies of the original and all subsequent custody orders to Christ the Teacher Catholic School Division to be kept on file.
 - 6.4.2. Presents, in person, proof of identification to ensure information is being shared with the correct individual.
 - 6.4.3. Once identity of the parent requesting information has been confirmed and the appropriate custody orders are on file, Christ the Teacher Catholic School Division will proceed as follows:
 - 6.4.3.1. The custodial parent will be notified that information has been requested. If there are orders in place more recent than those on file that impact the sharing of information, it is up to the custodial parent to provide copies of those orders in a reasonable time frame (five (5) working days).
 - 6.4.3.2. Following notification to the custodial parent, educational information about the student(s) will be provided as required by legislation and in accordance with school and board practice or policy.
 - 6.4.3.3. Under no circumstance will information provided include personal information of the custodial parent such as phone numbers or home address of the students.
 - 6.4.3.4. The Director of Education or designate shall ensure that the Provision of Student Progress Information to Non-Custodial Parents Form is completed and placed in the student's cumulative record.

7. Consent to Access Student Records

7.1. Consent:

- 7.1.1. Must relate to the purpose for which the information is required;
- 7.1.2. Must be informed so the individual knows;
 - 7.1.2.1. Why information is being collected;
 - 7.1.2.2. How their information will be used;
 - 7.1.2.3. Period of time consent will be in effect; and
 - 7.1.2.4. Did they have the right to refuse to provide the information and the right to revoke their consent.
- 7.1.3. Must be given voluntarily;
- 7.1.4. Must not be obtained through misrepresentation, fraud, or coercion;
- 7.1.5. May be given that is effective for a limited time period; and
- 7.1.6. May be expressed or implied unless otherwise provided (need not be in writing).

7.2. The following persons may provide written consent for a designated third party to examine the student record:

- 7.2.1. Custodial parent or guardian of a student under the age of 18 years if the principal, in consultation with the Privacy Officer/LAFOIP Coordinator (if

necessary), determines that it would not be an unreasonable invasion of the privacy of the student.

7.2.2. A student aged 18 years or older.

7.2.3. A student 16 years of age or older living independently.

7.3. The written consent should clearly identify the person or persons to whom access to the record is to be given and should clearly identify the restrictions, if any, on such access.

7.4. Access to the third party shall be restricted to the student record or such part of the student record as is specified in the written consent.

7.5. Consent forms received shall be attached to and form part of the student record to which the forms relate.

7.6. All letters authorizing information release shall be retained by the School Division at the school.

7.7. Requests to examine the student record shall be made to the principal of the school at which the student record is stored:

7.7.1. The principal may require the person making the request to provide satisfactory identification.

7.7.2. In the event a principal is unsure as to whether or not a particular applicant has authority to examine a student record, the principal will refer the applicant to the Director of Education or designate.

7.7.3. The principal or designate must be in attendance during the period of access to the file.

7.7.4. A notation shall be made on the file of any access to the file by a person who is not an employee of the School Division.

7.7.5. Informal access shall include the right to have a copy of any record on the file provided, however, that the person requesting the copy may be required to pay the cost of making the copy.

7.7.6. If the principal deems it appropriate, private interpretation of data contained in the student record may be provided by the appropriate School Division professional.

7.8. No record shall be altered or removed by any party examining the student record.

7.9. Requests for access to student records located at the Division Office must be made to the Director of Education or designate.

7.9.1. The Director of Education or designate must be in attendance during the period of access to the file.

7.9.2. At the request of the person granted access to a file, copies of documents contained in it will be provided. A charge for this service may be made in the amount set out in LAFOIP.

8. Responsibility for Enforcement

8.1. The Privacy Officer/LAFOIP Coordinator shall be responsible for ensuring that Board policies, regulations, and procedures pertaining to student records are followed by system personnel:

8.1.1. Any inquiries or concerns regarding these guidelines should be directed to the Privacy Officer/LAFOIP Coordinator.

9. Correction of Student Record

9.1. A student aged 18 years or over or the custodial parent of a student under the age of 18 years may make written application to the principal of the school where the student record is located to correct any information contained in the student record.

9.1.1. If the principal, after making appropriate inquiries, and consulting with the Privacy Officer/LAFOIP Coordinator (if required), determines that a correction is required to be made to the student record, notification of such correction shall be placed on the student record.

9.1.2. If the principal, after making appropriate inquiries, and consulting with the Privacy Officer/LAFOIP Coordinator (if required), determines that a correction to the student record is not required, the principal shall inform the person requesting the correction. A notation shall be placed on the student record that a request for correction had been made and was determined unnecessary.

9.1.3. If the person requesting the correction is not satisfied with the decision of the principal, they may wish to make a formal application under LAFOIP).

10. Review of Student Records

Every school shall conduct a regular review of its student record management system to ensure continuing compliance with policies, regulations, and procedures.

11. Transfer of Student Records

The school principal, or person designated by the principal, shall manage the receipt and transfer of cumulative records. All personal information that was gathered with the purpose of educating the student, including critical information with respect to accommodating students with diverse needs, can be disclosed / transferred to the new school. The records are necessary for the education of the child and transfer is a disclosure consistent with the purposes for which the record was compiled or created, therefore, parental or student consent for the transfer is not required. Parents and students should be notified, however, when student records are transferred.

11.1 Student Transferring In:

11.1.1 Within five working days of a student's enrolment in a school, the principal or designate shall complete the Cumulative Record Transfer form to request the student's Cumulative Record from the previous school. The request shall contain the name and address of the requesting school, the date of the request, and detailed student information.

11.1.2 The principal shall verify the receipt of the cumulative record by dating and signing the request that is provided by the student's previous school with the cumulative record. A copy of the request shall be sent to the student's previous school to confirm receipt of the cumulative record.

11.1.3 The principal or designate shall update the location of the cumulative record in Student Data System.

- 11.1.4 If the cumulative record is not received within seven working days after the request was sent to the student's former school, the principal or designate shall contact the principal of the student's former school.
- 11.1.5 If the student's former school does not have the student's cumulative record, reasonable attempts shall be made to locate the cumulative record by contacting the other schools the student has attended.
- 11.1.6 If these contacts are unsuccessful, a new cumulative record shall be created for the student.

11.2 Student Transferring Out:

- 11.2.1 Upon receiving a request to transfer a cumulative record, the principal or designate shall send the cumulative record, using the most cost effective, secure method that will allow the package to be tracked. Options can include Registered Mail, Priority Post, and Courier to the student's new school within three working days.
- 11.2.2 The principal or designate shall keep a copy of the request until written confirmation of the transfer has been received.
- 11.2.3 If the school does not receive a written confirmation that the cumulative record has been received within seven working days, the principal or designate shall contact the principal or designate of the student's new school.
- 11.2.4 If the transferring school has not received the cumulative record, the principal or designate shall make best efforts to recover the missing files and maintain a record of those efforts.
- 11.2.5 When a student transfers to a Custody School, the student's cumulative record should remain at the school from which he/she transferred. When program decisions for the student are being made by the Custody School, a Custody School official should contact the student's previous school to discuss programming decisions and request any necessary information from the student's file.
- 11.2.6 When a student transfers to a First Nation school or schools outside of Saskatchewan, a copy of the cumulative record can be sent directly to the transferring school. The student's original cumulative record should remain in Saskatchewan and follow the procedures outlined below.

12. Retention of Records

- 12.1 All records shall be maintained in accordance with *The Education Act, 1995*, and *The Local Authority Freedom of Information and Protection of Privacy Act* and their regulations.
 - 12.1.1. Student records are generally kept by school divisions until students are twenty-five (25) years old.
 - 12.1.2. If there are records relating to sexual assault on or by a student, or a claim involving physical abuse by a parent or guardian, those records should be retained for an extended period (seventy-five (75) years, for example).
- 12.2 School registers and/or records of attendance shall be kept permanently. Other records shall be retained in accordance with *The Education Act, 1995*, the *Local Government*

Elections Act and The Records Retention and Disposal Guides for Boards of Education.
See Retention and Destruction form.

12.3 All records are owned by the Board. Individual employees cannot keep copies of any personal information of students.

13. Disposal of Student Records

13.1 Student records shall be disposed of in accordance with the disposal schedule established by the Privacy Officer/LAFOIP Coordinator.

13.2 In accordance with guidelines established from time to time by the Privacy Officer/LAFOIP Coordinator, the person responsible for the maintenance of a file containing student records shall review the file at the end of each school year and shall remove from the file any record not required for the purposes for which it was created.

Reference: Sections 85, 87, 108, 109, 175, 231 Education Act
Local Authority Freedom of Information and Protection of Privacy Act
Children's Law Act
Youth Criminal Justice Act
The Student Cumulative Record Guidelines
Records Retention and Disposal Guide for Saskatchewan School Divisions

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