

Policy:	STUDENT RECORDS	PROG-310
Division:	PROGRAMS	
Cross Reference:	PROG-311 SCHOOL ZONING, STUDENT REGISTRATION AND TRANSFERS	

ADMINISTRATIVE PROCEDURES/REGULATIONS

1. Collecting Information

- 1.1 A cumulative file shall be generated for each student upon his/her initial registration at a school in the District.
- 1.2 Information for a cumulative file will be collected in a prescribed format, for the purpose of administering educational programming and services.
- 1.3 Personal information for a student record should normally be collected directly from the student and parent/guardian.
- 1.4 All entries, whether on paper or electronic, must clearly indicate the date and name of the individual making the entry.
- 1.5 The **Cumulative File** shall contain:
 - a) The student's name as registered under the *Vital Statistics Act* or if the student was born in a jurisdiction other than Newfoundland and Labrador, the student's name as registered in that jurisdiction, and any other surnames by which the student is known.
 - b) The names of the student's parent(s) or guardian(s).
 - c) The birth date of the student.
 - d) The gender of the student.
 - e) The contact information (e.g. mailing address, phone numbers, email address) of the student and the student's parents or guardians.
 - f) The citizenship of the student and, if the student is not a Canadian citizen, the type of visa and its expiry date held by the student or proof of Landed Immigrant status.

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- g) The names of all schools attended by the student and the dates of enrollment, if known.
 - h) An annual summary of the student's achievement or progress in the courses and programs in which the student is enrolled (e.g. report cards, progress notes).
 - i) Standardized test results under any testing program administered by the school district to all or a large portion of the students or to specific grade level of students (e.g. provincial assessments).
 - j) Student attendance record.
 - k) Copies of the student's Individual Education Plan (IEP) and/or record of accommodations.
 - l) Medical information necessary to be easily accessed in an emergency situation (e.g. procedure to follow if child is anaphylactic or diabetic).
 - m) Documentation of file transfers.
 - n) Consent for release of information forms.
 - o) If a confidential file exists, its existence must be indicated in the cumulative file.
- 1.6 A student's name and date of birth must be verified, normally through presentation of a birth certificate.
- 1.7 In the event of a request to enroll a student under a name other than the student's legal name, or to change the student's legal name in NLESD records, the name of the student as recorded on the birth certificate or other formal documentation will be used on all official district records, until a legal name change is presented.
- 1.8 The **Confidential File** shall contain:
- a) The complete Individual Education Plan (IEP) or ISSP, if applicable.
 - b) Custody and access or other family status documents, if applicable.
 - c) Confidential medical reports.
 - d) Diagnostic, cognitive, speech-language, social, psycho-educational, emotional or behavioural test results or evaluations of the student, the date of the test, the name of the assessor or evaluator and a written summary of the results or any action taken as a result of the test or evaluation.
 - e) Correspondence and reports from outside agencies deemed to be sensitive information.
 - f) Documentation of suspensions.
 - g) Copies of pre-sentence reports and any other similar documents prepared in accordance with the *Youth Justice Act*.

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- 1.9 It is recognized that **test protocols** are copyrighted 'forms' on which assessors write students' responses to standardized assessment tasks. Assessors who use a standardized assessment tool are required to protect the test security (not release assessment questions), observe copyright restrictions, and prevent 'misuse' of the test data from assessment manuals, materials used in the assessment, and test protocols. Test protocols will not normally be released in response to a request for student records. Test protocols are to be placed in a sealed envelope and clearly marked prior to being placed in the confidential file.
2. Use of Information from a Student Record
- 2.1 Student information is collected and student records are established for the general purposes of providing instruction to students; ensuring the delivery of educational programming and services and the safe, orderly functioning of the school; and, documenting decisions made about the education of a student.
- 2.2 Information in a student record can only be used for the purpose as defined for the collection of that information, or for a use consistent with that purpose.
- 2.3 The District recognizes that in order for staff members to do their job, it may be necessary to transport or use personal information about students outside of the school or district office. The transport or use of student confidential information outside of the school system must be kept to the minimum amount necessary in order to complete the task at hand, and must comply with all standards and security requirements established by NLESD.
3. Storage and Retention
- 3.1 All records must be stored in a protected setting either in a locked cabinet, locked room with limited access, or by being password/security protected electronically on the district-owned network, according to standards established by the IT Division.
- 3.2 The information comprising a student record shall be maintained in hard copy or electronically for the time set out by the NLESD in the Retention and Disposal Schedule for Student Records, in accordance with the *Management of Information Act*.

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4. Transfer of Student Records

Student records may be transferred between schools within the NLESD as well as between schools in the NLESD and schools in other provinces.

- 4.1 Cumulative and confidential files follow students during their K-12 school career with NLESD. The student record should normally be transferred within five (5) business days, once requested from another NLESD school.
- 4.2 Parental consent is not required to transfer a student record, if a student transfers between schools within the NLESD.
- 4.3 Reasonable precautions must be taken to protect student records when being transferred. This includes documenting when a cumulative or confidential file leaves a school, and when it is received at another school; and, ensuring it is transferred in a secure manner.
 - a) At the end of each school year, the school principal for a feeder school shall transfer any hard copy student records for groups of students transferring to another school (e.g. grade 9 students in a junior high school transferring to grade 10 at a high school).
 - i. The list of cumulative and confidential files being transferred must be confirmed in writing, with a copy being provided to the receiving school and a copy being retained at the sending school.
 - ii. The files must be stored securely in boxes and transferred via district delivery method or by another secure method (e.g. courier).
 - iii. The list must be double-checked against the files by the receiving school.
 - b) When an individual student transfers from one school to another within the NLESD, the original student record is to be transferred in a timely manner, upon written request from the receiving school.
 - i. Each school must document when it sends a student record to another school, and when it receives a record, and ensure that a copy of the documentation is included in the file.
 - c) When a student transfers to a school outside of the NLESD, a copy of the student record is to be transferred upon receipt of a written request from the receiving school administrator, and the written consent of the parent/guardian or a student (19 years of age and over). The original file must be maintained at the school as an inactive file.
 - d) Relevant electronic information (e.g. PowerSchool) shall be transferred between NLESD schools, or accessed in the most appropriate format, as established by the NLESD.

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5. Access to Student Records

The school administrator is responsible for managing access to information held about students. All access to information shall be provided in the best interests of the child and in accordance with relevant legislation.

- 5.1 Student records are considered confidential and students and parents/guardians have a fundamental right to privacy. However, that right must be balanced with the educator's right to know relevant information about a student.
- a) NLESD teaching staff and other personnel may have access to the cumulative file of a student where necessary for their work and relevant to a matter being dealt with by an employee.
 - b) With respect to the confidential file the school administrator will consider the 'need to know' for the specific employee, and provide access to some or all of the file as appropriate.
 - c) Parental consent is not required for authorized staff, acting in accordance with their duties, to access student records.
- 5.2 The *Schools Act, 1997*, provides for the right of access to a student record for parents/guardians up to the age of 19. The following consent provisions apply for students and parents/guardians:
- a) Parent/guardian of student under 19 years of age, no consent required if in the care of that parent.
 - b) Student under 19 years of age who has demonstrated the intent to live independently to the satisfaction of the school administrator and district, no consent required.
 - c) Parent/guardian of student over 19 years of age, consent of student required.
 - d) Parents/guardians who do not live together shall normally be provided access to student records in accordance with an agreement or court order which deals with custody and access.
 - i. Where a parent/guardian has sole custody, information from the student record shall be provided to that parent and only be provided to the non-custodial parent directly where the custodial parent consents to the release, it is included in a custody and access agreement provided to the school, or otherwise as ordered by the court.
 - ii. In the case of joint custody, each parent/guardian will have equitable access to information from the student record.
 - iii. Where parents/guardians do not live together and there is no agreement

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or court order in place, they will have equitable access to information from a student record until such time as an agreement or court order is in place.

- 5.3 Officers of a court shall be provided access to a student record under a subpoena, court order or a search warrant. For further details on police investigations, see PROG-307 Police Investigations.
- 5.4 The Department of Child, Youth and Family Services shall be provided copies of documents from a student record upon provision of a subpoena or court order. For further details, see PROG-303 Child Protection.
- 5.5 The Child and Youth Advocate (CYA) shall be provided copies of documents from a student record upon written request from the Office of the CYA. For further details, see PROG-303 Child Protection.
- 5.6 All other requests by third parties for access to a student record/copies of documents will be handled on a case by case basis, in accordance with the *Schools Act, 1997* and *ATIPPA*.

6. Release of Information from Student Records

- 6.1 Students leaving high school will be directed to the Department of Education, High School Transcripts Division for an official transcript of high school marks.
- 6.2 All requests for access to a student record must be submitted in writing and any person claiming a right of access to a student record must provide supporting documentation, which is satisfactory to the school administrator and the NLESD.
- 6.3 Before access is granted to a student record, the record must be reviewed by the school administrator or designate, to ensure that there is no personal information about others included in the information to be released, and that the file is in order. Where necessary, s/he can consult with the Director of Education or designate (Senior Administrative Officer – Corporate Services) with respect to release of information from a student record.
- 6.4 Reports, correspondence or other documents from an outside agency that are in a student record will be provided to a requester, as part of the record. These documents are considered to be in the custody and control of the District and are used to make decisions about a student's education.

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- 6.5 Access is defined as the viewing of a student record in the presence of the school administrator or his/her designate, the provision of copies of a student record.
- 6.6 A request for information from an active student record will normally be responded to within 7 business (school) days during the school year.
- 6.7 A request for information from an inactive or archived student record will normally be responded to within 15 business (school) days during the school year.

7. Disposal of Student Records

Electronic and hard copy files comprising the student record shall be disposed of or deleted in such a way that personal information cannot be reconstructed or retrieved, in accordance with policies and record retention and disposal schedules developed by the NLESD.

8. Challenges Regarding Content of Student Records

Students 19 years of age or older or parents/guardians may believe there is an error or omission in a student record and may request to have the contents changed. When the contents of a student record are challenged, the following steps shall be taken:

- 8.1 The student or parent/guardian shall submit the request in writing.
- 8.2 The school administrator shall review the part of the file being challenged, in consultation with the Director of Education or designate.
- 8.3 The school administrator shall respond within thirty (30) days of receiving the challenge.
- 8.4 The school administrator may agree to delete, destroy, correct or add to the information in the student record.
- 8.5 If the NLESD does not approve the request to change the file, the student or parent/guardian shall be notified in writing and shall be advised that they have the right to appeal that decision.

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9. Appeals Regarding Student Records

A parent/guardian or student (19 years of age or older) may appeal a decision regarding access or contents of a student record by following the [NLESD Student Appeals Process](#).

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