Administrative Procedure 320

STUDENT CUMULATIVE RECORDS

Background

The Division believes that while it is imperative for confidentiality of student records to be maintained, there is a countervailing duty to provide reasonable access to student information when requested by individuals who have a legitimate right or need to know.

Responsibility for controlling access, maintaining confidentiality and seeing to the proper preservation of student records rests with the principal. Full and complete cumulative records must be maintained for every student within the Division.

The Cumulative Record contains a student's academic records, attendance reports, achievement reports and special reports related to the student's educational program. As the term "cumulative" implies, information is added to the record each year as the student progresses through the grades. When a student moves from one school to another, the expectation is that the Cumulative Record follows the student.

The Cumulative Record shall be the official working record for students currently enrolled in the Division. The Cumulative Record is the property and responsibility of the Division while the student attends school in this school division.

Procedures

1. To support smooth transitions and to ensure that students have the best possible opportunities for success, the Cumulative Record shall be transferred as soon as possible after a student enrolls in a new school.

2. Federal and provincial privacy and information sharing legislation shall be followed in the creation, maintenance and use of Cumulative Records.

3. All personal information is subject to the provisions of *The Local Authority Freedom of Information and Protection of Privacy Act* LAFOIPP.

4. Every student in the Division shall have a Cumulative Record.

5. The Cumulative Record shall be the property and responsibility of the School Division until the student transfers to another division or the record is destroyed according to disposal schedule. Refer to AP 185 – Retention and Disposal of Records.

6. The Cumulative Record shall contain at minimum the following:
   - 6.1 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;
   - 6.2 Other names by which the student is known;
   - 6.3 The birth date and gender of the student;
   - 6.4 The student's provincial Learning Identification Number (DEN);
   - 6.5 The name(s), address(es) and telephone number(s) of the student's custodial parent(s) or guardian(s);

6.6 The names of other parents/guardians who may have custody orders that restrict access to their child or the child's personal information;
6.7 A summary or report of achievement along with a summary of attendance at the end of each grade or semester; term progress reports may be included;
6.8 The student's results of diagnostic tests or other assessments pertinent to program planning, including but not limited to psychological reports, speech and language pathologists' reports, occupational therapists' reports, etc., including related parental consent forms;
6.9 For a student who has an Inclusion and Intervention Plan (IIP) as described in the Children's Services Policy Framework, a copy of the current and previous plan.
6.10 A notice of the existence of a Violence Threat Risk Assessment, if one has been administered within the last five years, using the SRPSD VTRA Notification Form Referral form.
6.11 A copy of the most recent Student Safety Plan, if one has been created within the last five years.

7. The principal shall be responsible for the collection, maintenance and release or transfer of student Cumulative Records under the supervision of their superintendent.

8. The classroom teacher shall be responsible for entering data in the Cumulative Record.

9. The principal shall be responsible for managing annual updates to the Cumulative Record and removing unnecessary and outdated information.

10. Items to be omitted or removed from the record:
10.1 Scores from screening tools that assess preschool-aged children's readiness for formal learning (e.g., the Early Development Instrument and Early Years Evaluation, among others) should not follow the child through his or her school career and, accordingly, should not be retained in the Cumulative Record after Grade 1.

11. Personal counselling notes regarding the student and information related to the student's involvement as a young offender should not be included in the Cumulative Record. Counselling notes should be stored separately by counselling staff. Provisions in Section 125(7), *Youth Criminal Justice Act* specify that information related to a student's involvement in the justice system 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 purpose for which it was disclosed.

12. Access to Cumulative Records
Given that the information is collected primarily for the purpose of providing educational services and supports to the student, only those individuals involved in delivering educational services or supports to the student should have access to the student's Cumulative Record. As well, individuals involved in overseeing the delivery of services and in meeting the Ministry of Education's reporting requirements (employees, the principal and the support person in the school/Education Centre) may require access to all Cumulative Records in their possession. Students and their parents may also have access to their Cumulative Records and may consent to have other persons access their Cumulative Records.

13. Information contained in the permanent student record is to be readily accessible by current teachers, school administrators, and Student Support Services consultants.

14. In all cases where access to the permanent student record is granted, access will be through the principal responsible for the record. As well, a record of access including the name of the individual granted access, date and reason for access shall be made and kept in the permanent student record.

15. Students 18 years of age or older, and parents or guardians where a student is less than 18 years of age, shall be given the opportunity to review the permanent student record upon request to the principal responsible for the record provided one day's advance notice is given. In all cases, the review shall occur in the presence of a professional staff member.

    Under the *Local Authority Freedom of Information and Protection of Privacy Act*, the above individuals have the right to obtain a copy of the information.

16. Cumulative records may be stored at the school where the student last attended for a period of up to five years before being transferred to the Education Centre.

17. On an annual basis, cumulative records may be transferred to the Education Centre on or about the last day of school in June.

18. When students transfer to another school within the Division or other school jurisdictions, the permanent student records are to be transferred to that jurisdiction upon request by the receiving school.

19. When cumulative records are transferred to another school or jurisdiction, the principal shall ensure that the record contains only educationally relevant material.

20. When a new student arrives from an external jurisdiction, the principal is to forthwith request the cumulative records from the last school attended by the student.

21. Release of information contained in the permanent student record to third parties, including registrars of post-secondary educational institutions, external organizations and employers, is strictly prohibited, unless written authorization for information is obtained from the parents, guardians or student where the student is eighteen years of age or older. All letters of authorization for release of information shall be retained in the permanent student record. A list of such information shall also be retained.

22. Agencies with a legal mandate that require access to student records, regardless of parental/guardian approval (Health, Justice, Social Services, Public Health, Shared Services, etc.) shall be granted access provided that a written request is made which includes the legal basis for claiming access. If there is any doubt about the validity of the claim, administrators shall obtain legal advice before proceeding with the request.

23. Access to Education Support Services files shall be determined by the Superintendent responsible for Student Support Services, recognizing that there is a parental right of access to such material under *Local Authority Freedom of Information and Protection of Privacy Act*.

    Should the superintendent determine that the release of specific items in the file could cause harm to individuals involved, such information may be withheld but is subject to a parental appeal to the Privacy Commissioner.

24. Documents to be retained according to disposal requirements per AP 185 – Retention and Disposal of Records.
25. Access to documents stored at the Education Centre shall be through the superintendent responsible for cumulative records as per the terms and conditions of this policy.

Reference: Section 85, 87, 109, 175, 231, *The Education Act, 1995; Local authority Freedom of Information and Protection of Privacy Act; Vital Statistics Act; Youth Criminal Justice Act; The Archives Act*
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