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## STUDENT RECORDS POLICY SAMPLE

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NB: The following sample is being shared to assist First Nations schools in establishing thorough and effective policies. This sample can be adapted to reflect local circumstances, if necessary. This sample is not being offered as legal advice.

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### STUDENT RECORDS POLICY

[NAME OF FIRST NATIONS SCHOOL]

[school logo]

#### **Introduction**

First Nations Schools are well served by sound policies and practices regarding student records. Such policies and practices will benefit students, parents, office staff, administrators, and authorities by providing guidance for the collection of information and its storage, use, transfer, and protection. Legal and public expectations regarding the confidentiality, disclosure and transfer of school student records are increasing, as are societal concerns regarding school record keeping and storage. [Name of First Nations School] is committed to ensuring that student records are handled in accordance with all legal requirements.

#### **Purpose**

The purpose of this document is to set out clear policies and procedures for the collection of student information and its storage, use, disclosure, transfer and protection.

## **1. Policy Statements:**

[Name of First Nations School] will:

- 1.1 Ensure that the [Principal] is responsible for the establishment, security and maintenance of the Student Record and Student File for each student registered in the school according to the procedures defined in this policy.
- 1.2 Only collect, use or disclose personal information with the consent of the individual student or legal guardian, unless otherwise authorized by law.
- 1.3 On or before collecting personal information, disclose to the individual student or legal guardian verbally or in writing the purposes for the collection of personal information.
- 1.4 Only collect, use or disclose personal information for purposes that a reasonable person would consider appropriate in the circumstances and that fulfill the purposes disclosed by the school or are otherwise permitted by law.
- 1.5 Secure Student Records and Student Files, with access within [Name of First Nations School] restricted to those individuals who, by the nature of their work, are required to have access to the information.
- 1.6 Provide access to personal information about an individual student to the individual student (if capable of exercising information rights), and to a parent or legal guardian of the individual student during school hours and under the supervision of the Principal or designate.
- 1.7 Subject to legal requirements, ensure that personal information will be retained only for a reasonable period of time and as required to fulfill the purpose for which it was collected.
- 1.8 Inform parents and guardians that concerns, complaints and questions about personal information handling policies and practices of the school may be directed to the school's Principal or designate by calling the school office.

## **2. Definitions and Student Record Components**

2.1 When used in this policy, the term "Student Record" means:

- i. The Permanent Student Record Form (PSR);
- ii. Student Progress Reports for the two most recent years or an official transcript of grades;
- iii. All documents listed as inclusions on the Permanent Student Record form;
- iv. A copy of the student's current Student Learning Plan, if any; and
- v. A copy of the student's current Individual Education Plan (IEP), if any.

## 2.2 Permanent Student Record Inclusions

The following inclusions must be listed on the Permanent Student Record Form, including document date, title and expiry date or date rescinded (if applicable), and copies of the documents listed must be filed with the PSR:

- i. Health Services information as indicated by the medical alert checkbox, such as diabetes, epilepsy, anaphylaxis producing allergies, and any other condition which may require emergency care;
- ii. Court orders as indicated by the legal alert checkbox;
- iii. Other legal documents, e.g. name change;
- iv. Support services information (e.g. psychometric testing, speech and hearing tests, adjudication requirements for completing assessment activities); and
- v. Current IEP and/or Case Management Plan (CMP) where applicable.

The following inclusions may be listed on the Permanent Student Record Form, including document date, title and expiry date or date rescinded (if applicable) and if listed, copies of the documents must be filed with the PSR:

- i. Records of information which an educator deems relevant and important to the educational program of the student; and
- ii. Assessment / test scores (if deemed relevant and important to the educational program).

If the above optional inclusions are NOT listed on Permanent Student Record Form, then they may be included in the Student File (see section 2.3, viii below).

## 2.3 Student File

When used in this policy, the term “Student File” means the Student Record, as defined above, as well as some or all of the following documents.

- i. Student eligibility information (required):
  - a. Legal name of child – verify the original and file a photocopy or scanned copy of birth certificate or similar legitimate identification document;
  - b. Legal name(s) of parent(s) or guardian(s) with home and work contact information.
- ii. Care Card number;
- iii. Emergency contact numbers;

- iv. Doctor's name and contact information;
- v. Previous Student Progress Reports (other than the two most recent years required in the PSR);
- vi. Serious discipline reports (e.g. copies of letters to parents/guardians regarding discipline matters and corrective actions taken);
- vii. Reports of important meetings/discussions relating to the student; and
- viii. Assessment / test scores, records of information that an educator deems relevant and important to the educational program of the student (see section 2.2 above).

Additionally, the Student File may include Sensitive Student Information. This may include information which by its nature requires that school staff observe a high level of confidentiality.

Examples include:

- Specialist reports
- Referrals to or reports from school arranged counselling services

### **3. Procedures**

3.1 The Principal or designate will be responsible for:

- i. Updating the Permanent Student Record Form as information changes and the student progresses through the system;
- ii. Ensuring that electronic copies of documents, if used, are stored on a server in a physically secure location and access is restricted to those employees (such as designated records clerks, administration, teachers, and counsellors) who, by the nature of their work, are required to have access; and
- iii. Ensuring that the [Name of First Nations School] takes necessary precautions to safeguard against deprecated or obsolete forms of storage. The electronic storage of Permanent Student Record Forms and other personal information requires the school to have an adequate backup plan and recovery strategy for potential hardware failure and database corruption.

3.2 Student Record and Student File Retention:

- i. Student Records – Active Students
  - a. Student Records are locked in fireproof cabinets. Access is restricted to those employees (such as designated records clerks, administrators, teachers, and counsellors) who, by the nature of their work, are required to have access.

- b. [Name of First Nations School] protects personal information from unauthorized access, collection, use, disclosure, copying, modification, or disposal, or similar risks. Procedures for such protection are outlined below.
  - c. The Principal or designate will regularly review Student Records and Student Files to ensure that the information is current.
- ii. Student Records – Inactive Students
- a. Unless another school requests a Student Record, [Name of First Nations School] archives Student Records for 55 years after a student has withdrawn and not enrolled in another K-12 school, or graduated from the school.
  - b. The archived Student Records are stored securely and in a manner that ensures their preservation from calamity (fire, flood, etc.) Access is limited to the Principal or designate.
  - c. The designated records clerk keeps a record of Student Records that are destroyed after 55 years.
- iii. Student Files – Active Students
- a. Student Files are locked in fireproof cabinets. Access is restricted to those employees (such as designated records clerks, administrators, teachers, and counsellors) who, by the nature of their work, are required to have access.
  - b. [Name of First Nations School] protects personal information from unauthorized access, collection, use, disclosure, copying, modification, or disposal, or similar risks. Procedures for such protection are outlined below.
  - c. The Principal or designate will regularly review Student Files to ensure that the information is relevant and important to the educational program of the student.
- iv. Student Files – Inactive Students
- a. [Name of First Nations School] archives Student Records, as described above, for 55 years after the student has withdrawn and not enrolled in another K-12 school, or graduated from the school. Student files beyond the Student Record are maintained only for so long as may reasonably be required or as is required by law.
  - b. The archived Student Records are stored securely and in a manner that ensures their preservation from calamity (fire, flood, etc.) Access is limited to the administration or designate.
  - c. The Principal or designate is responsible for determining the relevancy of the contents in Student Records before being archived.

### 3.3 Currency of Student Files

Student eligibility information will be updated during student registration each year.

The Principal or designate will regularly review Student Records and Student Files to ensure that the information is current and complies with legal requirements.

### 3.4 Security of Student Information Out of School

The Principal is responsible for ensuring that personal information taken off school premises is safely stored and that personal information is protected.

### 3.5 Handling of Sensitive Student Information

Access to Sensitive Student Information is restricted to the Principal or a person or persons authorized by the Principal to access such information defined above. The Principal or designate will obtain parental consent (written, dated and signed) for the collection, use and disclosure of Sensitive Student Information and will store these as highly confidential documents with restricted access.

Sensitive Student Information will only be disclosed or transferred in accordance with the law.

The Principal is responsible for ensuring that school initiated child protection reports are retained only for the purpose of child protection proceedings and that information is not disclosed to third parties or transferred to other schools. Such reports are strictly confidential and should be stored where only the Principal or designate can access them.

## 4. Use of Student Personal Information

[Name of First Nations School] may use an individual student's personal information for the following purposes, assuming that the school has disclosed such purposes to the individual student verbally or in writing on or before collecting the personal information:

- 4.1 To communicate with the student and/or the student's parent or legal guardian, to process a student's application, and to provide a student with the educational services and co-curricular programs provided by the [Name of First Nations School].
- 4.2 To enable the [Name of First Nations School] to operate its administrative functions, including maintenance of ancillary school programs such as parent voluntary groups and fundraising activities.
- 4.3 To provide specialized services in areas of health, psychological or legal support, or as adjunct information in delivering educational services that are in the best interests of the student.

## 5. Access to and Disclosure of Student Records

- i. A student and a parent/legal guardian of a student may:

- a. Examine the Student Record and Student File kept by the [Name of First Nations School] pertaining to that student, while accompanied by the Principal or designate to interpret the records; and
  - b. Receive a copy of any student record upon request.
  - c. An entitled person may access and verify personal information in the Student Record and Student File pertaining to the particular student with appropriate notice to the school administration. Access will be provided during school hours.
- ii. Access to a Student Record or Student File will only be granted, upon assurance of confidentiality (with consent), to professionals who are planning for or delivering education, health, social or other support services to that student. Consent will be obtained in writing, listing the name and date of birth of the student, the name and signature of the parent/guardian, and the date of the request.
  - iii. When applicable, graduating students will be provided with interim and/or final transcripts for Grades 10, 11 and 12 courses when graduating, and upon future request of the graduate. Copies will be mailed directly to institutions of higher learning or as requested by the graduate. The [Name of First Nations School] reserves the right to assess a reasonable fee for transcript requests.
  - iv. In the case of a request for personal student information from separated or divorced parents, the school authority will be guided by any applicable legal agreement or court order, a copy of which should be provided to the Principal. In cases where the Principal is unsure if a parent is entitled to access personal student information, the school's legal counsel will be consulted for advice.

## **6. Transfer of Student Records**

- i. On receipt of a request for student records from a school where the student is (or will be) enrolled, the [Name of First Nations School] will transfer a copy of the Student's Record to the requesting institution. The [Name of First Nations School] will retain the original, indicating the school where the records have been sent and the date of the transfer.
- ii. [Name of First Nations School] will only transfer sensitive, confidential information (e.g. specialist assessments) after dated and signed parent/guardian consent has been obtained.
- iii. A summary of a former student's school progress may be provided to prospective employers, at the written request of a former student.
- iv. A Student Record will be reviewed when a student transfers. The Principal or designate will ensure that the documents listed as inclusions are still required inclusions (eg. not expired or rescinded) or still deemed to be relevant and important to the educational program of the student. Expired, rescinded, or irrelevant inclusions will be removed from the Student Record and the documents themselves will be destroyed.