



## Policy 800.2(7): PROCEDURES

### Policy 800.2: Student Records

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#### 800.2(7.1) Collecting information

- 7.1.1 A student record shall be generated for each student upon his/her entry to a school in Nova Central School District.
- 7.1.2 Personal information for student records shall normally be collected from the student or parent/guardian.
- 7.1.3 Date of entry and the name of an individual making an entry must be clearly denoted.
- 7.1.4 Four types of files may be generated for NCSD students, in hard copy or electronic format:
  - a. **Cumulative File**
  - b. **Individual Support Services Plan (ISSP)/  
Individual Education Plan (IEP)/Pathways File**
  - c. **Confidential File**
  - d. **Professional Working File(s).**

a. *The **Cumulative File** shall contain:*

- i) 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.
- ii) The names of the student's parents or guardians.
- iii) The birth date of the student.
- iv) The gender of the student.
- v) The mailing address, telephone number(s), and email address of the student and the student's parents/guardians.
- vi) The address and telephone number of an emergency contact for the student.
- vii) Selected medical information which may be easily accessed in an emergency situation (eg. procedure to follow if child is anaphylactic or diabetic).
- viii) 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.

- ix) The names of all schools attended by the student and the dates of enrollment, if known.
- x) An annual summary of the student's achievement or progress (progress notes) in the courses and programs in which the student is enrolled (eg. report card, progress notes).
- xi) Standardized test results under any testing program administered by the school district to all or a large portion of the students or to a specific grade level of students (eg. provincial assessments).
- xii) An annual summary of the student's attendance.
- xiii) If ISSP/IEP/Pathways, Confidential or Professional Working File(s) are established for a student, the existence of such a file/files must be indicated in the cumulative file/electronic record.

**b. Individual Support Services Plan [ISSP]/Individual Education Plan (IEP)/Pathways File**

If an ISSP/IEP/Pathways plan is initiated for a student, a separate file for related materials shall be established. This file may include all information resulting from the plan including meeting minutes, educational plan, etc.

**c. Confidential File**

Confidential files shall be established separately from the Cumulative File and ISSP File. Confidential files may contain the following information:

- i) Consent forms signed by the parent or guardian authorizing the district to carry out formal assessment with the student.
- ii) Diagnostic, cognitive, speech-language, social, 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.
- iii) Health information released by the parent of the student which is relevant to the student's school program.
- iv) Correspondence or documentation provided to a school relating to the student under the *Child, Youth and Family Services Act*, *Youth Justice Act* or other such legislation.
- v) Copies of release of information forms.
- vi) Documentation of suspension or expulsion.

**d. Professional Working Files**

Professional working files may be established by school district personnel from time to time, and are considered transitory in nature. Professional working files refer to those files primarily kept by guidance counselors and

educational psychologists. Such files may contain the following:

- i) A summary of contact with a student and the parent/guardian including dates, times, documentation on who was in attendance, and the general purpose of the meeting.
- ii) Information (including notes) which are of a sensitive nature and which may be used by that professional only.
- iii) Test protocols.

### **800.2(7.2) Record Storage and Retention**

- 7.2.1 All files comprising a student record, except for a *Professional Working File*, shall be maintained in hard copy or electronically for not less than twenty [20] years after the student has ceased to attend school in the district and the file is considered to be inactive.
- 7.2.2 A *Professional Working File* shall be maintained for a maximum of five [5] years after the student has ceased to attend school in the district and the file is considered to be inactive.
- 7.2.3 All student records shall 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 board-owned information technology network, as designated by the Technology Sub-division.

### **800.2(7.3) Transporting of Student Records**

Files comprising the student record may be transported/accessed outside of district schools and offices, in accordance with security policies and procedures developed by the district.

### **800.2(7.4) Access to Student Records**

Access to a student record as deemed appropriate shall be approved by the School Administrator or his/her designate, or by the Director of Education or his/her designate.

#### **7.4.1 Definition of Access**

Access shall be defined as:

- a) Being provided with a copy of materials from a student record AND/OR
- b) Viewing a student record in the presence of the school administrator or his/her designate.

#### **7.4.2 Staff Access to Student Records**

All district and school staff who are involved in planning and delivering programs for a student shall have access to part or all of a student record which is relevant to their work with a student, as deemed appropriate by the School Administrator.

**7.4.3 Student/Parent/Guardian Access to Student Records**

- a) Access to a student record shall be provided directly to a student 19 years of age, or to a parent/guardian if the student is under 19 years of age.
- b) Access to a student record by parents/guardians who do not live together shall normally be provided in accordance with a custody agreement or court order which deals with custody and access, including the right to access student records and participate in decisions relating to the child's education.
  - i) In the case of one parent having 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, or it is otherwise ordered by the court.
  - ii) If the parents/guardians do not live together and no custody agreement is in place, information from the student record shall normally only be provided directly to the parent with whom the child is residing, pending a custody and access agreement, unless that parent consents to the direct provision of information to the other parent.

**7.4.4 Third Party Access to Student Records**

- a) Access to a student record by a third party shall be provided:
  - i) With the consent of the student [or his/her parent/guardian if under the age of 19 years]
  - ii) Without the consent of the student [or parent/guardian if under the age of 19 years] where the disclosure is authorized by legislation or by court order and approved by the Director of Education or his/her designate.
- b) Access to a student record, and testimony by district staff relating to the record, shall be provided in a trial, inquiry, examination, hearing or other proceeding in accordance with Section 12.(6) a, b of *The Schools Act, 1997*.

**800.2(7.5) Release of Information from Student Records**

Information shall be provided to individuals or agencies in accordance with Section 7.4 of these procedures. The criteria for release of information from student records is as follows:

- 7.5.1 All requests for information from student records that are made by students 19 years of age and over, parents/guardians or third parties shall be required to be made in writing to the School Administrator or the Director

- of Education or his/her designate, and specify the information that is being requested.
- 7.5.3 A request for information from a student record by a student 19 years of age and over, parent/guardian or third party shall be responded to within ten business days. Within ten business days, the school administrator or his/her designate or the Director of Education or his/her designate, shall advise the party requesting the information of the status of the request, whether information can be provided by Nova Central School District and if so, when it can be provided (timelines).
- 7.5.4 Information shall normally be provided within 30 days or in a timeframe which is otherwise agreed by mutual consent.
- 7.5.5 The following information shall not be released from a student record to a student 19 years of age or older, parent/guardian or third party:
- a) Personal information of other individuals which may be contained in the requested file.
  - b) Copies of test protocols, raw test data, etc. Summary reports of the results of such testing shall be provided.
  - d) Original documents. Only copies of documents shall be provided. Original documents shall be retained on file.
  - e) Notes from Professional Working Files
- 7.5.6 Release of information from the *Cumulative File* shall be provided in the form of a copy of the materials contained in the file.
- 7.5.7 Release of information from the *Individual Student Support Services Plan (ISSP)/Individual Education Plan (IEP)/Pathways File* shall be provided in the form of a copy of the materials contained in the file.
- 7.5.8 Release of information from the *Confidential File* shall be provided in the form of a copy of the materials contained in the file. However, the district reserves the right to require that the information must first be reviewed in the presence of the School Administrator or his/her designate such as a guidance counselor, educational psychologist or other school district specialist who can provide interpretation of the information to the student, parent/guardian, or third party agency.
- 7.5.9 The date, time, name and signature of the person receiving information shall be documented at the time of a release of information from a student record.

### **800.2(7.6) Transfer of Student Records**

Student records may be transferred between schools within Nova Central School District, as well as between schools in Nova

Central School District and schools in other districts within Newfoundland and Labrador or in other provinces or countries.

#### 7.6.1 **Transfer of Student Records Between Schools in Nova Central School District**

The following steps shall be taken when transferring student records between schools in Nova Central School District:

- a) Student records for a class of students, whether hard copy or electronic, shall be transferred in a secure manner in accordance with policies and procedures developed by Nova Central School District.
- b) For individual student records, the school administrator or his/her designate shall arrange a transfer of the original (hard copy) files and electronic files upon the written request of another school administrator.
- c) The *Cumulative File*, any *ISSP/IEP/Pathways File*, and any *Confidential File* shall be transferred upon the written request from another school.
- d) *Professional Working Files* shall be transferred between individual professionals at the discretion of the person maintaining the file.
- e) The school administrator or designate shall review the Cumulative, ISP/IEP/Pathways, or Confidential File(s) being transferred to ensure that all relevant information is being forwarded.
- f) Files shall be transferred in a sealed envelope through the district courier services or by registered mail.
- g) The school administrator or his/her designate shall document the date of the transfer.

#### 7.6.1 **Transfer of Student Records From Schools in Nova Central School District to Schools in other Districts, provinces or countries**

The following steps shall be taken when transferring student records from schools in Nova Central School District to schools in other districts within the province or schools in other provinces or countries:

- a) The *Cumulative File*, any *ISSP/IEP/Pathways File*, and any *Confidential File* shall be transferred to another district upon:
  - i. the written request of a school administrator; AND,
  - ii. with the written consent of a student 19 years of age and over or the parent/guardian.
  - iii. Relevant electronic information shall be transferred in the most appropriate format.

- b) The school administrator or his/her designate shall review the Cumulative, ISSP/IEP/Confidential files to be transferred, to ensure that all relevant information is being forwarded.
- c) The school administrator shall arrange for a copy of the file and the copy shall be sent to the requesting school.
- d) The original student record shall be retained at the Nova Central School District school as an inactive file.

### **800.2(7.7) 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 procedures developed by Nova Central School District.

### **800.(7.8) 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:

- 7.8.1 The student or parent/guardian shall be required to challenge the contents of the student record in writing.
- 7.8.2 The school administrator shall review the part of the file being challenged, in consultation with the Director of Education or his/her designate.
- 7.8.3 The school administrator, Director of Education or his/her designate shall respond within thirty (30) days of receiving the challenge.
- 7.8.4 The school administrator, Director of Education or his/her designate may agree to delete, destroy or add to the information in the student record.
- 7.8.5 If the Director of Education 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.

### **800.2(7.9) Appeals Regarding Student Records**

Any individual or agency may appeal a decision regarding access or contents of a student record by following the *Nova Central School Board's Student Appeals Process*.