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## AP 320 – Student Records

### **Background:**

A student record is any record of information in written or electronic form pertaining to (a) a student, or (b) a child registered with a school but receiving a home education. Under the Freedom of Information and Protection of Privacy Act, a student record includes anything on which information is recorded or stored. This includes electronic files, handwritten files, photographs and audio and video recordings.

Section 79 of the School Act requires that Boards of Education establish and maintain a record for each student and each child registered with the Board's schools. The Board is also required to permit a person providing health services, social services or other support services to obtain from the records information that is required to carry out those services.

The School Act says that school districts must establish written procedures regarding storage, retrieval and appropriate use of student records, with provisions to ensure confidentiality and privacy for students and their families. In the case of students with special needs this section is particularly important because of the sensitivity of the information contained in students' files. Districts are also required to ensure that practices for the collection, use and disclosure of personal student information comply with the Freedom of Information and Protection of Privacy Act.

Section 9 of the School Act entitles a student and his or her parents "to examine all student records kept by a Board pertaining to the student while accompanied by the principal or a person designated by the principal to interpret the records." Individuals through the Freedom of Information and Protection of Privacy Act, subject to the exceptions allowed by the Act, may also request copies of the student records.

Records maintained for students with special education needs will typically include information related to identification and assessment, an Individual Education Plan and relevant information related to monitoring of progress or placement.

In accordance with the School Act and the Freedom of Information and Protection of Privacy Act, students' personal records shall be maintained in a manner that ensures the confidentiality of information and the privacy of students and their families. Students and authorized parents/legal guardians shall have access to all information in the student record.

### **Procedures:**

Student records shall include the Permanent Student Record and Student File as defined by the Ministry of Education. Student records shall be subject to the following guidelines regarding content, access and storage.

## **A. Content of Student Records**

1. The Principal is responsible for the establishment and maintenance of both a Permanent Student Record and a school file for each student registered in his or her school.
2. Notes prepared by and for the exclusive use of a teacher or administrator are not considered part of the student's school file but are subject to the requirements of the Freedom of Information and Protection of Privacy Act.
3. The student's school file may contain, but not be limited to the following:
  - (a) school progress and achievement history
  - (b) individual educational plans
  - (c) medical information as provided at the option of the parent or public health
  - (d) a summary of interpretive tests and/or interpretive reports based on such tests. All such entries shall include the name of the person conducting the test and the entry date.
  - (e) professional assessment reports from staff and/or from outside agencies
  - (f) demographic information including legal name, birthdate, legal guardianship, citizenship and visa information if applicable, and other information required by the Ministry of Education
4. The student's school file shall contain a reference to the location of any information that is being maintained outside the central file.

## **B. Access to Student Records**

1. A student or parents or guardians shall have the right to review the student's records by arrangement through the school principal.
2. Achievement records will be forwarded to prospective employers, or others, only upon the written request of the student or former student or parent or guardian.

## **C. Removal or Correction of Student Records**

1. As permitted in Section 29 of the Freedom of Information and Protection of Privacy Act, students, parents or guardians may request the Board to correct or remove entries in a student record. Such a request must be made in writing, either on forms provided or in a letter.
2. The principal, upon receiving such a request, should make a recommendation to the Associate Superintendent, who may consult with the Superintendent/CEO before making a final decision.
3. If the district denies the request, the applicant shall be informed of the right to appeal to the Commissioner of Information and Privacy.

## **D. Security, Retention and Destruction of Student Records.**

1. All employees working with student records must ensure the security and confidentiality of those records, including security of access to records.

2. The student's Permanent Record and Senior Secondary School Transcript shall be retained for 55 years.
3. No other student record shall be kept beyond its useful life. Before school files are transferred to another school, the student data should be reviewed and any information no longer considered relevant should be discarded.
4. One year after the year the student leaves the school system the student's records, with the exception of the Permanent Record Card and Senior Secondary School Transcript, may be destroyed in a manner which retains the confidentiality of the records.

#### **E. Sharing Information contained in Student Records**

1. Student records information CAN be shared under the following circumstances:
  - a) With the written consent of the parent/guardian;
  - b) To avert or minimize imminent danger to the health or safety of any person
  - c) To report a child who might need protection under the Child, Family and Community Service Act;
  - d) To public health or social services if they are planning services for that student;
  - e) By order of the court;
  - f) As under the Youth Criminal Justice Act (Canada) to facilitate the rehabilitation of a young person;
  - g) To cooperate with a police and/or child welfare investigation
2. Information can NEVER be shared if there is:
  - a) A legislative requirement barring disclosure;
  - b) No consent and no need to know nor overriding health/safety concerns

#### **F. Requests for student information from non-custodial parent**

If a student's parents are separated or divorced, school staff may receive requests from the noncustodial parent for student record information or for visits with the student at school. In these cases, school officials should confirm the entitlement of the non-custodial parent to obtain such information or to have contact with the student. This will include reviewing applicable court orders respecting custody of, and access to the student and other relevant documents. The custodial parent should be notified of a non-custodial parent's request for student information or for contact with the student at the school. If the school is unsure as to the legal entitlement of the noncustodial parent or if there is serious conflict between the parents with respect to the request, obtain advice from the Associate Superintendent.

#### **G. Providing Records within West Vancouver School District and to other School Districts and/or Independent Schools**

- When a student transfers to another school within the District, the official student file and designation file are sent to that school upon receipt of the appropriate request for records.
- In the case of transfer to other public schools in British Columbia, the official student file will be transferred upon receipt of a written request from the principal of the receiving

school; however, the designation file is never sent out of district. Upon receipt of the appropriate request for records, the school will send a copy of the most recent IEP, Behaviour Support Plan and Employee Safety Plan.

- In the case of a student transferring to an Independent School or an educational institution outside of British Columbia, a *copy* of the official student file (not the original file itself) will be transferred upon receipt of a written request from the principal of the receiving school. The original official student file is to be maintained at the school and the designation file is never sent out of district. Upon receipt of the appropriate request for records, the school will send a copy of the most recent IEP, Behaviour Support Plan, and/or copies of West Vancouver School District generated assessments.
- No records are to be provided to 'schools' that are not public schools or independent schools, as defined in the Independent Schools Act and in British Columbia, listed in the Ministry document Public and Independent Schools Book.