

STUDENT RECORDS

REQUIREMENTS AND BEST PRACTICE GUIDELINES FOR INDEPENDENT SCHOOLS

Developed in consultation with the Federation of Independent School Associations

PREAMBLE

This document is provided to assist independent schools in formulating policies for student records that balance the need to collect and store necessary information with the need to provide confidentiality and access, without infringing on the particular philosophies or purposes of independent schools.

INTRODUCTION

School authorities are well served by policies and practices regarding student records. Such policies and practices will benefit independent school students, parents, office staff, administrators and authorities by providing guidance for the collection of information and its storage, use, transfer, and protection. The *Independent School Act* and its accompanying regulations and orders currently provide some directives on matters pertaining to student records through the Student Records Order (Inspectors Order 1/07 - October 10, 2007). Schools are encouraged to review current practices and develop policies as needed.

Legal and public expectations regarding the confidentiality, disclosure and transfer of school student records are increasing, as well as societal concerns regarding school record keeping and storage.

The *Personal Information Protection Act* (PIPA) came into effect on January 1, 2004. There are three basic principles in PIPA that apply to independent schools: (see also http://www.bced.gov.bc.ca/independentschools/is_resources/pipa_act.htm)

1. Independent school authorities must not collect, use or disclose personal information without the consent of the individual (unless otherwise permitted under the *Act*).
2. On or before collecting personal information about an individual from the individual, independent school authorities must disclose to the individual verbally or in writing the purposes for the collection and, on request, contact information.

3. Independent school authorities may only collect, use or disclose personal information for the purposes that a reasonable person would consider appropriate in the circumstances and that fulfill the purposes the independent school disclosed or are otherwise permitted under the *Act*.

To assist Independent School Authorities with their responsibility to ensure that student record information is handled appropriately, the Inspector of Independent Schools, in consultation with the Federation of Independent School Associations (FISA), has developed this document, which defines necessary content and suggests best practices guidelines.

STUDENT RECORD GUIDELINES COMPONENTS

The term “student record” in these guidelines refers to the “Permanent Student Record (PSR)” and additional items placed in student records as described below. While the PSR is distinguished from additional record items in this document, for legal and procedural purposes, the on-site placement of the various student record items (e.g., whether records are housed in one or more folders and/or locations) is to be determined locally by each independent school’s policies and procedures.

These best practice guidelines contain four parts which address the following topics:

- PART I Permanent Student Record:** required and optional contents; Form 1704 inclusions, completion, currency and format; and retention
- PART II Additional Student Record Items:** required and optional contents; sensitive information
- PART III Access and Disclosure of Student Records**
- PART IV Transfer of Student Records**

PART I – PERMANENT STUDENT RECORD

A. Elements of the PSR

1. Required Items

- a) Permanent Student Record Form 1704, PSB 048 (revised 1997) completed according to instructions
- b) Copies of a minimum of the two most recent years of Student Progress Reports or an official transcript of grades
- c) Student Learning Plan (SLP) - required for students in Grades 9-12 for whom the Graduation Requirements Order (Graduation '95) applies.

[NOTE: Schools frequently provide a 1-2 page SLP Overview to fulfill this requirement, rather than including the entire SLP folder. SLP overviews provide students’ personal and career plans and generally include such items as short-term

and long-term goals regarding academic planning, personal health and well-being, career planning and work experience. Strategies planned and activities initiated are frequently listed by school year.]

- d) Copies of inclusions (see explanatory information in section B. below).

B. PSR (Form 1704) Inclusions

Inclusions are documents (or copies of documents) used to plan or support a student's educational program. Not all students will have inclusions. Inclusions are listed in the "Inclusion Section" on Form 1704, noting date entered, title and expiry/rescinded date (if applicable). If the space for inclusions becomes full, it may be necessary to create a second portion and attach it to the form for future additions. Documents listed as PSR inclusions on Form 1704 become components of the PSR and are to be transferred with Form 1704 if the student enrolls in another school.

1. Required Inclusions

The following items must be filed with Form 1704, and dated and listed as an inclusion in the appropriate section on Form 1704, for any student to whom they may apply:

- a) health services information as indicated by a medical alert;
- b) court orders as indicated by the legal alert;
- c) other legal documents (e.g. name change or immigration document);
- d) support services information (e.g. psychometric testing, speech and hearing tests, adjudication requirements for completing assessment activities);
- e) Individual Education Plans (IEP's)
- f) registered Home Schooled Students.

2. Optional Inclusions

The following *optional* inclusions *may* be listed on Form 1704.

The school may list any of the following items as inclusions on the PSR Form 1704, but is not required to do so. If the school chooses to list an item as an inclusion, then it is required that the document(s) supporting the item listed be filed with Form 1704 as an inclusion:

- a) standardized test scores;
- b) records of information which an educator deems relevant and important to the educational program of the student;
- c) award information (Ministry awards information should include year, date and serial number of the award).

If the school chooses not to include the previous optional items on Form 1704 as a PSR inclusion, it may include them as additional items (see Part II).

C. Form 1704 Completion

Schools should follow the Ministry of Education's Form 1704 completion instructions. Of particular note are instructions regarding medical and legal alert inclusions and recording of achievement/attendance (if letter grades are not assigned in grades 4-9, a brief description of the student's progress with reference to expected outcomes for students of that grade/age should be entered).

D. Form 1704 Currency and Format

Information should be updated as it changes and the student progresses through the British Columbia school system. School policy should designate who is responsible for updating Permanent Student Record Form 1704 with its inclusions. A completed, current Form 1704 must be in every student's PSR.

Data for Form 1704 may be stored in electronic and/or paper format. If Form 1704 data are stored in electronic format:

1. the school must be capable of recreating the data in case of a system failure;
2. printouts must represent the fields in the same order as on Form 1704.

E. PSR Retention

The PSR should be retained by schools until another school requests the PSR or for 55 years after a student has withdrawn and not enrolled in another K-12 school, or graduated from the school. Permanent Student Records should be stored in a secure and appropriate location in a fire-proof cabinet.

Additional student record items (see Part II below) may be returned to students, disposed of, or retained according to school policy.

[NOTE: Student discipline records may provide critical evidence for future dispute situations.]

F. Sharing of Student Records.

Students in grades 10 – 12 can enroll in a Bricks and Mortar school (public or independent) and at the same time enroll in a school offering a program by means of distributed learning (DL). The *Independent School Act* (s. 6.1) outlines the requirements for sharing of records as follows:

“ . . . each authority and board must provide to the other access to information in those student records and permanent student records that is necessary for the other authority or board to satisfactorily perform its obligations under this Act or the *School Act*, as applicable.”

PART II - ADDITIONAL STUDENT RECORD ITEMS

In addition to the Permanent Student Record, other items must and may be included in student records. Student and parental/legal guardian information is required for all independent school students eligible for funding, and other items may be required by individual school policy. Location of PSR and additional student record items is locally

determined by school policy. The number of additional items included may differ with each individual student.

A. *Additional Items*

1. Required Items

The following items *must* be included in student records to meet independent school inspection/ funding requirements and student safety/emergency standards:

- a) legal name of child (verify the original and file a photocopy of birth certificate);
- b) allergies, medication and/or other health concerns (other than those with medical alerts; medical alerts are included in the PSR);
- c) emergency contact numbers;
- d) doctor's name and contact information;
- e) care card number;
- f) official name(s) of parent(s) or guardian(s) with home and work contact information;
- g) parental/guardian verification - legally in Canada and resident of British Columbia (see Appendices for verification details and suggested format for inclusion in school registration forms).

The student registration information listed in 1.b) - f) above should be updated annually.

[NOTE: It is recommended that a copy of the student registration information listed in 1.b) - f) above accompany the teacher supervising a class trip, (and/or bus or vehicle drivers transporting students to an off-site location) in case of traffic accident or other emergency.]

2. Optional Items

The following *optional* items *may* be included in the additional items according to school policy:

[NOTE: While no Ministry of Education mandate requires that independent schools file student discipline reports or other items listed below, best practice considerations would recommend that independent schools develop school policy governing the following items.]

- a) standardized test scores;
- b) records of information which an educator deems relevant and important to the educational program of the student;
- c) award information (Ministry awards information should include year, date and serial number of the award);
- d) previous student progress reports (other than the two most recent years required in the PSR);
- e) serious student discipline reports (e.g., copies of letters to parents/guardians regarding discipline matters and corrective actions taken);
- f) reports of important meetings.

[NOTE: A guiding question for determining the appropriateness of including information in a student's file should be: "Is this necessary or clearly helpful for educators to know when working for the benefit of this student?"]

[NOTE: While no Ministry of Education mandate requires that independent schools date and sign all documents entered into student records, best practice considerations would recommend that that independent schools develop school policy governing this practice.]

B. Sensitive Student Record Information

“Sensitive information” is information which by its nature requires that school staff observe a high level of confidentiality, such as:

1. Types of Information

- a) psychiatric reports;
- b) family assessments;
- c) referrals to or reports from school arranged counseling services;
- d) record of a report of alleged sexual or physical child abuse made to a child protection social worker under section 14 of the *Child, Family and Community Service Act*.

[NOTE: Section 14 reports should be retained only for the purpose of the child protection proceedings and this information must not be disclosed to third parties or transferred to other schools. Such reports are strictly confidential and should be stored where only the school principal or persons authorized by the principal can access them. Retention of such reports is important for the school to provide confirmation that the report has been made and for evidence purposes in the event that school staff members are subsequently called as witnesses in the child protection proceedings.]

If sensitive information is placed in a school record, the following conditions should apply:

2. Handling Procedures

- a) obtain parental consent for retention of psychiatric reports and family assessments (written, dated and signed consent is best);
- b) store where only the school principal or persons authorized by the principal can access such information;
- c) disclose or transfer only according to the guidelines in the next section “Access and Disclosure”;
- d) handle records of reports under section 14 of the *Child, Family and Community Service Act*, according to instructions in the previous NOTE, under "sensitive information".

PART III - ACCESS AND DISCLOSURE OF STUDENT RECORDS

School policies and procedures should ensure confidentiality of information contained in student records and maintain privacy for students and their families. While disclosures may be made to parents/guardians regarding their children/students, disclosures should not be made that would reveal private information about other students or individuals.

A student and parents/guardians of a student should be permitted (unless restricted by a court order) to:

1. examine all student records kept by a school pertaining to that student, while accompanied by the principal or a person designated by the principal to interpret the records;
2. receive a copy of any student record (a school/authority may charge a fee that does not exceed the cost to the school of providing the copies).

Further directives relating to the examination of student records can be found in the Student Records Order (s.3).

It is recommended that schools develop student record policies that demonstrate the principles of procedural fairness and that schools consult with their legal advisors when dealing with access to information disputes.

[NOTE: It is recommended that independent schools do not withhold report cards from students and parents as leverage to collect tuition arrears or for other purposes. General perception is that students have earned their marks and have a right to receive them; in addition, parents have a right to view and receive copies of student records which include current and past report cards.]

[NOTE: Report writers and principals/designees screening reports should do so cognizant of generally accepted rights of parents or students to examine and receive copies of student records pertaining to the student. Courts may also subpoena any school record including such items as counselor's notes, teacher summary reports, principal's e-mail messages and telephone conversation notes.]

Graduating students should be provided with transcripts of Grades 10, 11 and 12 courses and marks when graduating and upon future request of the graduate. Copies should be mailed directly to institutions of higher learning. Summaries of students' school progress may be provided to prospective employers upon written request of a former student.

In addition to parents/guardians and students, access to student records should only be granted, upon assurance of confidentiality (with parental knowledge) to:

1. professionals who are planning for, or delivering education, health, social or other support services to that student;
2. school authority's insurer to defend any claim/potential claim;
3. court when ordered to do so.

It is recommended that independent schools establish written procedures with respect to disclosure of student record information in the circumstances referred to in 1. and 2. above and that these procedures require the professional or insurer to ensure, in writing, to:

1. maintain privacy of the student and the student's family with respect to matters disclosed in the record;
2. not use or disclose the information in the student record except for the specific purposes for which the information is provided.

Further directives relating to student record disclosures can be found in the Student Records Order (s.6).

If a student's parents are separated or divorced, school staff may receive requests from the non-custodial 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 school officials are unsure as to the legal entitlement of the non-custodial parent or if there is serious conflict between the parents with respect to the request, then school officials should obtain legal advice from the school's legal counsel.

PART IV - TRANSFER OF STUDENT RECORDS

On receipt of a request from a school, school board or school authority *in* British Columbia where the student is enrolled, a school should transfer the Permanent Student Record for a student, to the requesting school, board or authority. School policy should determine any additional items to be transferred, if any. It is advisable to retain a photocopy of the Form 1704, indicating the school and date where and when the PSR was sent.

If an independent school enrolling a student requests the student's record from a public school, the public school must transfer a copy of the Permanent Student Record and current Student Learning Plan and IEP to the requesting independent school. The original Permanent Student Record will be retained by the public school (Public School Minister's Order entitled *Permanent Student Record Order*).

If the requesting educational institution is *outside* British Columbia, a photocopy of the PSR, should be sent. School policy should determine additional items to be transferred, if any. The original PSR should be retained.

[NOTE: A report to a child protection social worker of alleged sexual or physical child abuse made under section 14 of the Child, Family and Community Service Act should be retained by the independent school in strict confidentiality and the information should not be transferred to another school.]

Transfer of any sensitive, confidential information should only occur *after* written, dated and signed parental/ guardian consent has been obtained to do so (other than section 14 reports - see NOTE above).

Schools should retain written records of all student record transfers (e.g. student name, date of birth, name and address of receiving school and date of record transfer).

If an independent school closes, the school authority shall transfer PSR's to the schools in which students will be enrolled to continue their education. All PSR's not transferred must be sent, within 60 days of the closure of the school, to the Inspector of Independent Schools.

Further directives relating to student record transfers can be found in the Student Records Order (s.5).

Resources Consulted: Independent School Act, Regulations and Orders; School Act, Regulations and Orders; Freedom of Information and Protection of Privacy Act; Personal Information Protection Act; Ministry of Education Form #1704 Policies and Instructions; and various School District and Independent School Student Record Policies.

APPENDIX I

ELIGIBLE STUDENT INFORMATIONGroup 1 and 2 Independent School Grants

The following information may be helpful to schools, school authorities and school auditors attempting to verify eligibility of certain students for provincial operating grants.

To be eligible the student's parent/legal guardian must be:

- Lawfully admitted to Canada
- Resident of British Columbia

The *Independent School Regulations* section 1 "Interpretation" reads as follows:

"eligible student" means a student

- (a) who is of school age, and
- (b) whose parent or guardian
 - (i) is, or was at the time of that parent's or guardian's death, a citizen of Canada or a permanent resident, as defined in the *Immigration and Refugee Protection Act* (Canada), who is or was at the time of the parent's or guardian's death, ordinarily resident in British Columbia, or
 - (ii) is lawfully admitted to Canada and is ordinarily resident in British Columbia.

"guardian" means guardian of the person of a child within the meaning of the *Family Relations Act*;

Parent/legal guardian is lawfully in Canada if he/she meets one of the following:

- Canadian citizen
- Landed immigrant
- Refugee
- Student Visa (more than one year)
- Work Visa (more than one year)
- Diplomat or consular official

Indicators of "residency" include such criteria as:

- Ownership of dwelling or long-term lease or rental of dwelling
- Residence of spouse, children and other dependent family members in dwelling
- Mailing address
- Telephone listing
- Driver's license
- Employment
- Registration of automobile, etc.
- Bank accounts
- Credit cards
- Insurance policies

Sample Student Registration Form sections to verify eligible student status were developed by the Office of the Inspector of Independent Schools and Ministry of the Attorney General, and are attached as Appendix II and III. These samples will meet all *Independent School Act* requirements for funding and require minimal collection of personal, original documents by the school.

APPENDIX II

The following are suggested formats for Student Registration Forms to verify parental/legal guardian lawful admission to Canada and residency in British Columbia. This information must be included in the student records.

LEGAL RESIDENCY OF PARENT - FORM A

(if parents are deceased, use Form B)

To be completed and signed by a parent or legal (court-appointed) guardian. (If legal guardian, attach copy of court order appointing you as legal guardian).

(Lawfully Admitted into Canada)

1. I am (please X one):

- A Canadian citizen (if not born in Canada, please attach a photocopy of citizenship paper/card)
- A landed immigrant (attach photocopy of landed immigrant status paper)
- Lawfully admitted into Canada under one of the following documents (please mark the appropriate box below and attach photocopy of document):
- Admission as a refugee claimant
 - A person claiming refugee status who has a letter of no objection
 - Student authorization (student visa) for two or more years (or issued for one year but anticipated to be renewed for one or more additional years)
 - Employment authorization (working permit) for two or more years (or issued for one year but anticipated to be renewed for one or more additional years)
 - A person carrying out official duties as a diplomatic or consular official (with a foreign representative acceptance counterfoil in his/her passport)
 - Other - Document description: (must be cleared with Immigration Canada) _____

(Residency in British Columbia)

2. I am a resident of British Columbia (please X one):

- Yes Residency address: _____

- No I am not a resident of British Columbia

Confirming signature:

3. Parent/Legal Guardian's name: _____
 Parent/Legal Guardian's signature: _____
 Date: _____

APPENDIX III

LEGAL RESIDENCY OF PARENTS (Deceased) - FORM B

To be completed and signed by the student or a knowledgeable adult (one who knew the student's parent(s) and has knowledge of the facts respecting their decease and the matters set out in this document)

(Deceased parent was Lawfully Admitted into Canada)

1. The student's deceased Parent was at time of death:

- A Canadian citizen
- A landed immigrant

(Deceased parent was Resident in British Columbia)

2. The student's deceased parent was at time of death a resident of British Columbia (please X one):

Yes Residency address: _____

No I am not a resident of British Columbia

Confirming signature:

Student: _____

Knowledgeable Adult's Name: _____

Knowledgeable Adult's Signature: _____

(Knowledgeable Adult is one who knew the student's parent(s) and has knowledge of the facts respecting their decease and the matters set out in this document)

Date: _____