



Department: Programs and Services
Section: Special Education

Generally:

The Annapolis Valley Regional School Board directs staff to develop guidelines regarding the management of, and access to, student records. The Board recognizes that student records can assist family and legal guardian(s), but the AVRSB also requires prudent handling of records in order to assure their confidentiality from persons not appropriately involved in the education of the student.

The AVRSB also directs that all student records guidelines developed by staff reflect the intent and requisites of the Department of Education's *Student Records Policy*, August 2006.

Specifically:

1.0 Application

1.1 This administrative procedure applies to all schools under the jurisdiction of the Annapolis Valley Regional School Board.

1.2 This administrative procedure does not apply to

- i. information in teachers' private notes,
- ii. private counselling notes,
- iii. student portfolios,
- iv. student assignments, or
- v. other informal records or to specific information not related to a student's educational programming and services.

1.3 Notwithstanding 1.2, such information could possibly be subject to the provisions of the Freedom of Information and Protection of Privacy (FOIPOP) Act and other legislation.

2.0 Scope

2.1 This administrative procedure applies to all staff whose responsibilities include identification, program planning, and/or delivery of programs and services to students with special needs, and to the legal guardian(s) of such students.

3.0 Responsibility for Implementation

3.1 Under the direction of the Director of Programs and Services, school principals are responsible for the implementation of this procedure, assisted as needed by appropriate school staff, by the Coordinator of Student Services, and by regional Student Services staff.

4.0 Definitions

- 4.1 Student Records Management means the procedures related to the creation, collection, distribution, and use (including access and transfer), updating, protection, organization, storage, maintenance and retention, and closure of student records.
- 4.2 Student Record means the student's cumulative record, and where applicable, the student's confidential record, and the youth criminal justice record.
- 4.2.1 The Annapolis Valley Regional School Board stipulates that a student record may exist in paper or electronic format.
- 4.3 Cumulative Record means the recorded information related to a student's educational progress that is not placed in the student's confidential record.
- 4.3.1 **The contents of a student's Cumulative Record must comply with the requirements set forth in the Department of Education's *Student Records Policy* dated August 2006.**
- 4.4 Confidential Record means all the recorded information related to the student's educational programming that is judged to be highly sensitive, as determined under this administrative procedure, the Department of Education's *Student Records Policy* (2006), or by the school principal or the principal's designate.
- 4.4.1 **The contents of a student's Confidential Record must comply with the requirements set forth in the Department of Education's *Student Records Policy* dated August 2006.**
- 4.5 Attendance Record means a record of actual days or periods (when appropriate) the student has been present and includes a summary of all days or periods the student has been absent.
- 4.6 Youth Criminal Justice Record means all recorded information pertaining to the federal Youth Criminal Justice Act (YCJA) and services or programs from the criminal justice system in which a student is identified.
- 4.6.1 **The contents of a student's Youth Criminal Justice Record must comply with the requirements set forth in the Department of Education's *Student Records Policy* dated August 2006.**
- 4.7 Personal Information means personal information as defined in the Freedom of Information and Protection of Privacy (FOIPOP) Act.
- 4.8 Parent/Guardian means the parent, guardian, or other person in place of the parent, who is legally responsible for the care and custody of a student.

5.0 Role and Responsibilities of the Director of Programs and Services

- 5.1 The Director of Programs and Services, through the school principal, shall ensure the creation and organization of records pertaining to each student who enrolls in school.

- 5.1.1 Each student shall have a Cumulative Record (CUME) Card.
- 5.2 On behalf of the Superintendent of Schools, the Director of Programs and Services is responsible for determining AVRSB requirements, and the fulfillment of those requirements, with regard to the following mandates:
- i. the development of standard formats for confidential and youth criminal justice records, ensuring that all relevant information is acquired and that security, privacy, and non-disclosure provisions are maintained,
 - ii. the provision of training and guidance to school board staff, principals, and school staff with regard to this administrative procedure and the Department of Education's *Student Records Policy* dated August 2006.
 - iii. the provision of training and guidance to principals and school staff concerning the FOIPOP Act and the YCJ Act and how both acts pertain to student records management in the AVRSB, and
 - iv. the development of policies outlining student records appeal procedures.
- 6.0 Role and Responsibilities of the Superintendent of Schools
- 6.1 The Superintendent of Schools, through the Director of Programs and Services, shall ensure that all school principals under the jurisdiction of the AVRSB are
- i. aware of this administrative procedure as well as the Department of Education's *Student Records Policy* dated August 2006, and
 - ii. comply with this procedure and Department of Education's *Student Records Policy* dated August 2006.
- 7.0 Role and Responsibilities of the Principal
- 7.1 The principal shall ensure that each student has a student record, that such records are managed according to the instructions set forth in the Department of Education's *Student Records Policy* dated August 2006, and that every reasonable effort is made to ensure that all information in student records is accurate and up to date.
- 7.1.1 When a student transfers into the school, the principal shall ensure that the student has a student record.
- 7.1.2 When a student transfers out of the school, the principal shall ensure that the student has a current and complete student record to be provided to the receiving school.
- 7.1.3 When a student transfers to another public school in Nova Scotia (one that is not in the AVRSB), upon receipt of a completed Request for Transfer of Student Records, the original school must retain a copy of the Cumulative and any confidential record and send the original(s), or send the data by means of electronic transfer, to the requesting public school.
- 7.1.4 When the originating school receives acknowledgement that the

- Cumulative Record and any confidential record were received, the principal of the originating school is responsible for ensuring that photocopies are securely shredded or electronic records are deleted.
- 7.1.5 When a school receives a written request for a cumulative and any confidential record or specific parts from a non-public school or agency, or organization, accompanied by a consent form signed by the student's parent(s)/legal guardian(s), the principal shall ensure that printed and/or photocopied records are sent to the requesting non-public school or agency, or organization, and ensure that the originals are retained.
- 7.1.6 When a school receives a written request for a cumulative and any confidential record or specific parts from an out-of-province public or non-public school or agency, or organization, the principal shall proceed as in § 7.1.2.3.
- 7.2 The principal shall be responsible for CUME Cards and their contents, which must be securely locked and in an area with restricted access.
- 7.2.1 The principal shall ensure that student records of students who have graduated, left school without graduating, or transferred out of the province or public school system will be maintained with the same level of security as the student records of students currently attending school.
- 7.2.2 Whenever a school receives a request for access to student records through a search warrant or subpoena, the principal must be satisfied that the evidence provided to support the request is sufficient before complying with the request. **In all such cases, it is recommended that the principal contact the Director of Programs and Services or the Coordinator of Student Services to ensure that AVRSB and Department of Education policies are followed.**
- 7.3 The principal shall review with office and teaching staff, at the beginning of each school year, the guidelines for access to CUME Cards with records being available only to the following persons who are working directly with the student:
- i. school administrators,
 - ii. guidance counsellors,
 - iii. classroom teachers,
 - iv. resource teachers,
 - v. regional student services personnel,
 - vi. RCH Coordinator/Student Support Workers
 - vii. designated secretarial staff,
 - viii. the student and his or her legal guardian(s),
 - ix. agencies, institutions, or physicians with legal guardian(s) approval in the form of a completed *Form AP403.m-1 (rev. Sep/07) – Request for Transfer of Student Records (2006)*,
 - x. legal and court personnel upon issuance of a subpoena, and
 - xi. any other personnel the principal deems appropriate.

- 7.4 The principal shall ensure staff members understand that CUME Cards are not to leave the school except in the case of a student transferring to a new school, for a case conference or legal hearing, or upon subpoena.
- 7.5 The principal may permit a student's legal guardian(s) to review the content of any confidential records relating to his or her child at a time convenient to both the legal guardian(s) and the school staff.
- 7.5.1 It is recommended that the principal communicate with professional student services staff to ensure that assessment information is accurately interpreted.
- 7.5.2 The principal shall not release or provide access to confidential records to a non-custodial legal guardian(s) unless instructed to do so by a court order.
- 7.6 The principal shall ensure that when a Confidential Documents Envelope (CDE) is created for a student, its contents are limited to the following:
- i. psycho-educational reports, speech-language and resource reports including:
 - referral forms,
 - consent forms,
 - assessment reports,
 - observation reports,
 - meeting reports, and
 - ii. notices relating to student suspension (Suspension notices for a period under five days should be destroyed after six years. Suspension notices for five days or more for severely disruptive behaviour are kept during the student's enrolment in the public school system);
 - iii. case conference reports with agencies outside the school system;
 - iv. referrals and reports received with informed consent from agencies, institutions, or physicians;
 - v. letters to or from legal guardian(s) when they affect program or service;
 - vi. legal documents relating to such things as
 - rulings or determinations by committees,
 - appeal boards, or
 - tribunalswhich, in the opinion of the principal, affect the education and well-being of the student.
- 7.6.1 The principal shall maintain a log of activity once the CDE is established, using *Form AP403.n – Record of Access to Confidential Documents Envelope*, indicating:
- the name of the individual accessing the CDE,
 - the date of access,

- the purpose of access, and
 - the transfer date and destination if the CDE is leaving the school.
- 7.6.2 The principal shall ensure that *Form AP403.n – Record of Access to Confidential Documents Envelope* is placed in the CDE and that a copy remains at the school if the CDE leaves the school.
- 7.6.3 The principal shall ensure that when more than one CDE is required for a student the envelopes are numbered.
- 7.6.4 The principal shall ensure that all staff with the responsibility to handle CDEs are aware of the procedures associated with the CDE.
- 7.7 The principal shall ensure that information in the student's record is updated on an annual basis.
- 7.7.1 If a principal decides a student record or part of a student record is inaccurate and a change is required, the principal shall have the change made and ensure that the change is recorded and kept (see § 10.4 of this administrative procedure).
- 8.0 Role and Responsibilities of the Resource Teacher
- 8.1 The Resource Teacher shall ensure that when a resource file is created for a student it contains the following:
- i. a copy of the student's program plan,
 - ii. adaptations to the student's program,
 - iii. strategies for implementation of the student's program, and
 - iv. samples of the student's work.
- 8.2 The Resource Teacher shall ensure that students' resource files are kept in an area with restricted access.
- 9.0 Role and Responsibilities of the Guidance Counsellor
- 9.1 The Guidance Counsellor shall ensure that when a guidance file is created for a student it may contain the following:
- i. interview notes,
 - ii. tapes of interviews,
 - iii. tests/assessment data, and
 - iv. other documents that assist in the counselling process (for example, report from agencies outside the school).
- 9.2 The Guidance Counsellor shall ensure that students' guidance files are kept in an area with restricted access.
- 9.3 The Guidance Counsellor shall ensure that information received through the counselling process is kept confidential.

- 9.3.1 The Guidance Counsellor shall not divulge voluntarily confidential information obtained through the counselling process without the student's prior consent.
- 9.4 The Guidance Counsellor is required to inform the student(s) about situations that entail mandatory reporting, and further, explain what is involved in mandatory reporting.
- 9.4.1 The Guidance Counsellor shall explain the following situations/terms.
- 9.4.1.1 **Potential harm:** if the behaviour of the student threatens potential harm to him/herself, or another person(s), the Guidance Counsellor shall take whatever action deemed appropriate to protect the student and/or other person(s).
- 9.4.1.2 **Child protection:** a Guidance Counsellor who has reason to believe that a child is or might be in need of protection, shall immediately report information to the appropriate authorities in accordance with the legal obligations pursuant to child protection legislation.
- 9.4.1.3 **Consultation and collaboration:** a Guidance Counsellor may consult and collaborate with other professionals for purposes of more effectively helping the student; such consultation and collaboration shall occur only when the sharing of relevant information will serve the best interests of the student.
- 9.4.1.4 **Legal requirements:** a Guidance Counsellor may be obliged to provide records containing confidential student information in order to comply with requirements under the law.
- 10.0 Procedures for Processing Cumulative Record Cards, other Student Documents, and Student Information
- 10.1 School staff assigned to manage student records at the discretion of the school principal must adhere to the provisions of this administrative procedure and the Department of Education's *Student Records Policy* (2006).
- 10.2 Cumulative Records must be opened, closed, and maintained in accordance with the Department of Education's *Student Records Policy* (2006). Specifically:
- 10.2.1 When a cumulative record is opened, the date of entry must reflect the first date the student attended the school.
- 10.2.2 When a student withdraws from school, the date of the withdrawal must be noted in the cumulative record in the comments section.
- 10.2.3 A student record may be closed only following a reasonable period of time as determined by the principal; the closing of the record must be noted in the comments section.
- 10.2.4 At the principal's discretion, based on knowledge of a student's circumstances, a student record may be closed and reopened numerous times, with a requisite notation.

10.3 Certain documents must be inserted into each student's cumulative record.

Specifically:

10.3.1 During the school year, all student report cards must be entered in the cumulative records.

10.3.2 Upon graduation, or when a student withdraws, a copy of the student's transcript shall be entered into the cumulative record.

10.3.3 As required by the Department of Education's *Special Education Policy*, individualized program plans (IPPs) identifying annual individual outcomes and specific individual outcomes must be documented, placed, and kept in the cumulative record.

10.3.3.1 **A copy of The IPP and/or Behaviour Plan from each year must be retained in the student record.**

10.3.3.2 Specific adaptations must be documented in the student record.

10.4 Under certain circumstances and subject to the Freedom of Information and Protection of Privacy Act, changes or corrections may be made to the student record. Specifically:

10.4.1 All requests by a (current or former) student, a parent/legal guardian, or school professional for change or correction must be made in writing to the Principal.

10.4.2 If the principal determines that the student record, or that part of the student record regarding which a change has been requested, is inaccurate, then no change is made, but a notation of the request is made in the record.

10.4.3 If the principal determines that the student record, or that part of the student record regarding which a change has been requested, is accurate, then the principal, in accordance with the Department of Education's *Student Records Policy* (2006), in consultation with the AVRSB Coordinator of Student Services, shall authorize that the change or correction be effected.

10.4.4 Written requests for name changes in a student record shall be accompanied by the appropriate legal documentation, and a photocopy of the legal documentation will be placed in the cumulative record.

10.4.5 Documentation pertaining to legal custody in a student record shall be accompanied by the appropriate legal documentation, and a photocopy of the legal documentation will be placed in the cumulative record.

10.4.6 When a third party requests information from the student's record in relation to changes or corrections, the principal shall respond to such a request informed by and subject to

i. the Freedom of Information and Protection of Privacy Act,

ii. the Youth Criminal Justice Act,

- iii. other applicable laws,
 - iv. informed written consent from the student, and
 - v. consultation with and approval from the Coordinator of Student Services.
- 10.5 The principal must exercise appropriate authority when responding to a request for access to student records that is made by means of search warrant. Specifically:
- 10.5.1 The principal must comply with the requirements under “When access is requested through a search warrant,” in the Department of Education’s *Student Records Policy* (2006).
 - 10.5.2 The principal must notify the Coordinator of Student Services or Director of Programs and Services or other appropriate AVRSB administrator.
 - 10.5.3 The principal must be satisfied, upon consultation with AVRSB administrators and legal counsel, that all legal elements are in order.
- 11.0 Transfer of Student Records
- 11.1 Within the jurisdiction of the AVRSB, a student’s records travel with the student from school to school.
- 11.1.1 School principals shall ensure the safe transfer of student records from sending schools to receiving schools under the jurisdiction of the AVRSB.
- 11.2 When a student transfers to another public school in Nova Scotia outside the jurisdiction of the AVRSB, cumulative and any confidential records will be provided to the student’s new school upon receipt of completed Request for Transfer of Student Records form from the receiving school, this request being signed by the student’s parent/guardian [see Appendix B of the Department of Education’s *School Records Policy* (2006)].
- 11.2.1 The originating AVRSB school retains a copy of the cumulative and any confidential record.
 - 11.2.2 The originating AVRSB school sends the original(s) or transfers the data electronically to the requesting public school.
 - 11.2.3 When the originating AVRSB school receives acknowledgement that the receiving school is in receipt of the records sent, the originating AVRSB school securely shreds the photocopies or deletes the electronic records.
 - 11.2.3.1 When the receiving school verifies that it is in receipt of the records sent, an Acknowledgment of Receipt of a Student Record (2006) must be completed in duplicate by the sending school, the receiving school returning a signed copy of the form, and each school retaining one copy.
 - 11.2.4 In the event that appropriate written and signed consent for the transfer of a student record cannot be obtained through reasonable efforts, the principal

must seek advice from the AVRSB Coordinator of Student Services before fulfilling the request.

- 11.3 When an AVRSB school receives a written request for a cumulative and any confidential record, or specific parts of a record from a non-public school, agency, or organization in Nova Scotia, and this request is accompanied by a consent form (Form AP403.m-3) signed by the student's parent(s)/guardian(s), the AVRSB school receiving the request will
- i. print or copy the cumulative and any confidential record,
 - ii. **retain the originals**, and
 - iii. send the printed or photocopied record to the non-public school, agency, or organization.
- 11.4 When an AVRSB school receives a written request for a cumulative and any confidential record, or specific parts of a record from an out-of-province public or non-public school, or agency, or organization, and this request is accompanied by a consent form (Form AP403.m-3) signed by the student's parent(s)/guardian(s), the AVRSB school receiving the request will follow procedure described in § 11.3.
- 11.5 When a young person attending an AVRSB school under the provision of the Youth Criminal Justice Act transfers from that AVRSB school, the principal will
- i. notify the Director of Community Corrections,
 - ii. notify the Department of Justice, and
 - iii. request direction regarding the transfer of the YCJA Record.
- 11.5.1 Any further disclosure of the YCJA Record will be in accordance with the YCJA and Department of Justice policies, procedures, and practices.
- 12.0 Control, Custody, and Access by Viewing of Student Records
- 12.1 The Annapolis Valley Regional School Board, through its individual schools, retains control and custody of the records of all students enrolled under its jurisdiction.
- 12.2 The Annapolis Valley Regional School Board, through its individual schools, ensures that original student records will not be removed from the school's record keeping system or database unless such removal is in keeping with this procedure.
- 12.3 The Annapolis Valley Regional School Board will permit access to student records by viewing only when, as authorized by the Education Act, a student record
- i. has been transferred,
 - ii. has been subpoenaed for a court hearing,
 - iii. is required by the Minister or representative of the Minister, or
 - iv. is required by the Superintendent of Schools or representative of the Superintendent.

12.3.1 When the AVRSB permits access by viewing to a student record, the Board limits the location of viewing to school board premises.

13.0 Monitoring

13.1 The Director of Programs and Services is responsible for the development and implementation of this administrative procedure.

13.2 The Director of Programs and Services shall ensure that this administrative procedure is monitored annually.

Superintendent Approved: March 28, 2002

Ref: BP 403.11, Appendices Forms: AP403.m-1, AP403.m-2, AP403.m-3, AP403.n, AP403.n-1

Monitoring Date: Annually

Revised: December 20, 2007