

ADMINISTRATIVE PROCEDURE #5.15

STUDENT AND OTHER SCHOOL RECORDS: ACCESS, STORAGE AND TRANSFER

BACKGROUND

The Board collects, maintains and safeguards student records, both individual and group, which it has prepared for educational purposes or which it has received on behalf of an individual student or group of students. The Board transfers student records once they transfer to another school in the province of BC. The Board will forward student records of students transferring to out-of-province schools upon request. Student records collected by the Board for operational reasons belong to the student and their guardians. Properly stored and archived student records will be shared with former students.

THE BOARD SHALL MAINTAIN AND SAFEGUARD STUDENT RECORDS. THE BOARD WILL PROVIDE COPIES OF RECORDS TO THE STUDENT(S) OR PARENT(S) AND/OR GUARDIAN(S) SUBJECT TO STATUTORY LIMITATIONS AND BOARD REGULATIONS. COPIES OF STUDENT RECORDS WILL ALSO BE PROVIDED TO APPROPRIATE AGENCIES OR INSTITUTIONS IN ACCORDANCE WITH STATUTORY REQUIREMENTS AND BOARD REGULATIONS.

OBJECTIVES

1. To maintain and safeguard student records.
2. To provide controlled access to student records.
3. To provide copies of records to students or parent(s) and/or guardian(s) or to agencies or institutions on behalf of students when appropriate requests are made.
4. To maximize the value of student records.

REGULATIONS

INTRODUCTION

Burnaby School District requires the maintenance of accurate records for all students registered in its schools. A student record is defined as any documentation pertaining to an individual student that is created and/or stored by an employee of the Board including data which is stored electronically.

Student Records:

1. Permanent Student Records
2. Student File
3. Student Information Systems (electronic)
4. Student Photos, Video or Digital Images

District student record procedures need to conform to requirements of the School Act, District Policy and Administrative Procedures, and Freedom of Information and Protection of Privacy Act, and Ministry Orders.

FROM THE SCHOOL ACT

Student records 97.

1. Subject to the orders of the Minister, a board must:
 - a. establish written procedures regarding the storage, retrieval and appropriate use of student records; and,
 - b. ensure confidentiality of the information contained in the student records and ensure privacy for students and their families.
2. Notwithstanding subsection (1), a Board shall, where required by the orders of the Minister permit a person providing health services, social services or other support services access to information in student records required to carry out that service.
3. Subject to the orders of the Minister, a Board shall establish and maintain a record for each student and for each child registered with the Board's schools under section 13.

A Board must ensure that each file established and maintained for a student pursuant to section 97(3) of the School Act includes:

- a. the Permanent Student Record and
- b. a student file that contains:
 - i. all documents listed as inclusions on Form 1704 and
 - ii. a copy of the student's current IEP, if any. These are to be stored in a safe and secure manner

STUDENT RECORDS

1. Permanent Student Record

The following excerpt is from "PERMANENT STUDENT RECORD ORDER", Authority: School Act, sections 79(3) and 168(2), Ministerial Order 190/91 (M190/91) - effective August 14, 1991. Amended by M108/96 - effective February 19, 1996, M298/97 August 18, 1997, M321/04 – September 1, 2004, M200/11 – July 1, 2011. Orders of the Minister of Education:

Interpretation

In this Order

- a. "Form 1704" means the most recent Ministry of Education form 1704 entitled "Permanent Student Record";
- b. "IEP" means an IEP as defined in Ministerial Order 638/95, the Individual Education Plan Order
- c. "Permanent Student Record" means a record that includes the following:
 - i. Form 1704, completed in accordance with the Ministry of Education "Permanent Student Record Completion Instructions", which are effective at the time of completion;
 - ii. the student progress reports for the two most recent years, or a copy of the Transcript of Grades, issued by the Ministry of Education; and,
 - iii. where letter grades are not set out in a student progress report for a student in grades 4, 5, 6, or 7, a written record of those letter grades.

As indicated in the above excerpt from the Permanent Student Record Order, Form 1704 (the PR Card) is to be completed in accordance with the Permanent Student Record Completion Instructions.

The intent of the Student Record Inclusions section of Form 1704 is to maintain a "running record" of relevant information found in the Student File.

2. Student File

Each student has a student file. Its contents are kept locked and secured and should be limited to general copies (unless otherwise noted) of:

- a. Medical Alert Information and medical documentation;
- b. Health department reports;
- c. copies of two most recent student progress reports or a transcript of grades issued by the Ministry of Education, including Resource/ESL/and Summer Session reports;
- d. Individual Education Plan (IEP);
- e. Integrated Case Management Plan (ICMP);
- f. Student Learning Plan (SLP) – grade 8 and higher;
- g. School-based team (SBT) recommendations **;
- h. Standardized Individual Achievement Test Results;
- i. copy of Transfer Forms;
- j. registration form (may include copies of birth certificate, proof of residence, immigration information);
- k. copies of formal letters of suspension;
- l. District Student Services Reports (not including test protocols) including:
 - i. Psychological Education Report;
 - ii. Speech and Language Report;
 - iii. Hearing and Vision Report; and,
 - iv. School District-based assessment reports;
- m. reports from community agencies and/or ministries;
- n. Court Orders;
- o. parent/guardian consent forms;
- p. Teacher/Administrator notes; and,

q. Student Conduct/Incident Records.

Additional copies of these documents must be destroyed either when a student graduates or withdraws from a school.

** Schools organize SBT minutes so that the student's information can be included in the Student File without including information regarding any other student. Each piece is dated and initialled by the recorder of the SBT minutes. A complete set of minutes is also maintained in the school's files.

3. Student Information System Records

A Student Information System refers to a software program used to manage the storage, access, reporting, and transfer of student data. This includes any application used by the School District in which student data is stored. This may include, but is not limited to:

- a. British Columbia enterprise Student Information System;
- b. data warehouse applications;
- c. grade book applications (such as eClass, silhouette); and,
- d. database applications developed by District personnel for the management of student information.

SD41 and the Ministry of Education are committed to protect the personal privacy and integrity of all data in our systems. No student data will be collected and stored on a computer network outside of our District Network Firewall with the exception of the BCeSIS data which resides on servers managed by Fujitsu Canada in Vancouver, British Columbia. Electronic student records will follow the same retention periods as outlined for the Permanent Student Record, Student General File, and Teacher/Administrator Files.

The personal information collected by SD41 is defined in the Freedom of Information and Protection of Privacy Act (FOIPPA) as recorded information about an identifiable individual. The rules governing the collection, use, disclosure and security of personal information are outlined in Part 3 of the FOIPPA. The personal information collected by schools/Districts/Boards must be directly related to, and necessary for, the delivery of the educational programs through schools and the School District.

4. Student Photos, Video or Digital Images

Under the FOIPPA, a record includes photographs and other information recorded or stored by graphic, electronic, mechanical or other means. Because a photograph or visual recording of an individual constitutes a record, the Board is obligated to consider appropriate regulations surrounding their use.

Control, Storage and Use

- a. Images of individuals regardless of whether they are SD41 students must be obtained with consent. A situation where consent is not required are those in which an individual is trespassing on school grounds, involved in illegal activity or is acting in a manner which constitutes a danger to themselves or others.

- b. If photos are to be published or displayed in any way, then the Parental/guardian Consent Form for Photographs/Video/Website consent form must have been signed by the student or parent(s) and/or guardian(s) except where otherwise permitted by law.
- c. Consent is determined in the Burnaby School District to be given for the duration of a student's stay within a given school site.
- d. Once a photo, digital image or video has been taken, it must be stored in a secure manner. District-issued phones must require user password access. Password policies will be enabled by District ITS staff such that they cannot be turned off by a phone user. This is in direct response to our obligations as outlined in FOIPPA.
- e. If a photo, digital image or video is used in the making of an administrative decision that affects an individual, then a copy of the material is to be placed in the Student File. It will be stored according to retention regulations outlined in this administrative procedure. The original copy must then be deleted.
- f. If a photo, digital image or video has been taken and has not been used in the making of a decision affecting an individual then it is to be deleted within a two-week period. The record may be retained for a longer period of time if permission/consent has been obtained.
- g. A photo, digital image or video taken with consent for publication purposes must be deleted once used for the stated purpose. The record may be retained for a longer period of time if permission/consent has been obtained.

RETENTION OF STUDENT RECORDS

1. Permanent Student Record
A Board must retain the Permanent Student Record of a student for 55 years from the date the student withdraws or graduates from school.
2. Student File
Three years past student's 19th birthday as recommended by the Ministry of Education.
3. Student Information Systems
Electronic records will be retained for three years past the student's 19th birthday with the exception of BCeSIS student record. The BCeSIS student record follows the same guidelines as the Permanent Student Record and will be retained for 55 years from the date which the student graduates or withdraws from school. Retention is the responsibility of the application service provider and the Ministry of Education.
4. Student Photos, Video or Digital Image
Copies of photos, video or digital images used in the rendering of a decision which affects a child must be retained in the Student File for a period of one year.

Student records for those who prematurely leave SD41

If records have not been requested for a student who has prematurely left SD41, they will be retained according to the retention timelines outlined. The Permanent Student Record will be retained for 55 years from the date the student was officially withdrawn.

Transfer of Files

1. BC Board of Education
Originals of all files included in the Permanent Student Record and the Student File to be forwarded to the receiving BC Board of Education school upon request of the receiving principal or designate.
2. Independent BC Schools and Schools Outside the Province of British Columbia
Copies of all files included in the Permanent Student Record and Student File to be forwarded to the receiving BC Independent School or school outside the province of British Columbia upon request of the receiving principal or designate.
3. When a Student Ceases to Attend a Burnaby School District School and the Records are not Requested
Records will be retained at the school until the end of the following school year and then transferred to the Records Office/District Storage for long-term storage and/or destruction.

Access To Student Records

The results of psycho-educational reports and other standardized test results will be made available to the parent(s) and/or guardian(s) upon request through the principal. Such information shall be provided in conference with professional staff qualified to interpret the data in its intended context. Copies of test protocols may not be shared

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Date Adopted: 1978-02-28
Date(s) Revised: 1995-06-26
1998-10-16
2009-06-23
2009-10-27
2011-11-08

Cross References:
Statutory: School Act – Orders of the Ministry of Education (M082/09) and (M200/11)
Freedom of Information & Privacy Act