
PUPIL FILES

To document student learning, maintaining an accurate and detailed record of students is an important responsibility of the school system. It is essential to maintain on file educational and personal data about each student. The data collected should be relevant to the educational process and should be maintained for as long as it serves that purpose. This information pertains to files or records kept at the school or the board office.

The Swan Valley School Division will ensure the confidentiality of all student records. These records are accessible to those authorized as having a genuine and professional interest in the welfare of the child. Access to the cumulated information shall be restricted to designated school personnel, to the minor child's parent(s)/guardian(s) or substitute decision maker and to the student, 18 years of age or over. Parents are to have access under certain conditions to all cumulated records except those on child abuse.

Guidelines

1.0 Responsibility of the Principal for Maintenance of Records

The principal will be responsible for proper maintenance of student records and for proper registration of students in the school. He/she will ensure that specific procedures are in place for updating the Cumulative File, the Pupil Support File and the Young Offenders File. Updating information refers to establishing pertinence and currency of information contained. Data that is no longer relevant should be removed from the files and destroyed. The principal will ensure that the files are kept in a secure location in the school.

Staff should carefully consider comments placed in student files and should not make subjective judgments about a student. In all cases, the motivation for such comments should be to encourage appropriate change, and therefore, should always be accompanied with an indication of the desired change and a prescription for the student to achieve this change. It should be remembered that any notation is likely to constitute a permanent comment on a student when placed on a file.

2.0 The Pupil File

The Pupil file will contain all the information collected or produced by a school division to support the educational progress of a pupil. The Pupil File comprises the following components:

- Cumulative file
- Pupil Support File
- Young Offender file as necessary

2.1 Contents of a Cumulative File

Exists for all students and will typically include:

- The student's name as registered under The Vital Statistics Act or, if the student was born in a jurisdiction outside Manitoba, the student's name as registered in that jurisdiction, and any other names and surnames by which the student is known;
- The birth date of the student;
- Student gender;
- The Manitoba Education Number and any other student identification number assigned to the student by the board;
- The name of the student's parent(s) and/or legal guardian(s);
- The addresses and telephone numbers of the student and of the student's parent(s)/legal guardian(s);
- The school division or district of which the student is a resident if different than the school division or district the student is attending;
- The names of all schools attended by the student and the dates of enrolment, if known;
- The citizenship of the student, and if the student is not a Canadian citizen, the type of visa or other document pursuant to which the student is lawfully admitted to Canada for permanent or temporary residence and the expiry date of that visa or other document;



- Any health information that the parent or legal guardian of the student or the student (where he or she is capable of making health care decisions) wishes to be placed on the student record (e.g. allergy alerts, asthma) and, optionally, the Personal Health Information Number (PHIN);
- An annual summary or a summary at the end of each semester of the student's achievement or progress in the courses and programs in which the student is enrolled i.e. report cards and transcripts;
- Information about any behavioral misconduct and disciplinary measures meted out, including suspension or expulsion relating to the student;
- Attendance records;
- Photographs;
- Communication regarding the student between the home and school e.g. discipline, behaviour, achievements, etc.;
- Indications of awards, prizes;
- A copy of any separation agreement or court order with respect to child custody or guardianship, where applicable;
- A cross-reference listing should be added to the Cumulative File which identifies the location of all information about a pupil that is held by the school division or district, including an indication of the existence and location of pupil support information not housed in the cumulative file component.

2.2 Security of Cumulative Files

- The Principal is responsible for the security of Cumulative Files
- Cumulative Files will be kept in a secured cabinet, in the administration area
- Cumulative Files must be signed out when they are removed from their secure location.

2.3 Transfer of Cumulative Files

- When a student transfers to another school within The Swan Valley School Division his/her file shall be delivered under separate cover to the receiving school upon the registration of the transferred student at the school.
- When a student transfers to a school outside The Swan Valley School Division, the Cumulative File shall be forwarded to the receiving school only upon the receipt of a written request from the receiving school.
- The contents of the Cumulative File being transferred should be reviewed to ensure that only personal information and personal health information necessary for the schooling and provision of educational services to the pupil is forwarded to the new school.

3.0 Pupil Support File

3.1 Contents of a Pupil Support File

- The results obtained by the student on any diagnostic test, achievement test and examination conducted by or on behalf of the Province, and standardized tests under any testing program administered by the Board to all or a large portion of the students or to a specific grade level of students
- Any other assessment or evaluation that the parent/legal guardian or the student wishes to be placed on file
- The most recent Individualized Education Plan (IEP) and/or Health Care Plan specifically devised for a student, and any amendments to these plans
- Up-to-date notations of referrals to and/or contacts with external agencies (e.g. Child and Family Services) or caregivers
- Admission advisement concerning whether the student has used or is continuing to use social services, psychological/ psychiatric or counseling resources of any agency or of any school previously attended
- General information related to special funding



- Notations of pullout for resource or challenge work
- Detailed documentation from school clinicians and special education/resource staff about all inter-agency contacts and the provisions of any other resource services from within or outside of the school division or district that are occurring
- Ongoing health/psycho-social/counseling information, whether medical, psychological or behavioral.
- School clinician reports and related correspondence, notes from meetings and discussions concerning intervention strategies, contact logs and consultation notes
- Referrals to other agencies and individuals
- The results obtained on specialized diagnostic tests
- Reports from services providers such as agencies, hospitals, and clinics

Once a Pupil Support File has been opened, a cross-reference listing will be included in the Cumulative File

3.2 Security of Pupil Support File

- Contents of a Pupil Support File are confidential and should be kept separately in a secured area away from the Cumulative File and the Young Offender File. Pupil Support information may be kept in more than one location within a school, as long as these separate locations are recorded in the Cumulative File.
- The Pupil Support File must be signed out when removed from the secure location.

3.3 Transfer of a Pupil Support File: Out of Division

- The contents of the Pupil Support File being transferred should be reviewed to ensure that only personal information and personal health information necessary for the schooling and provision of educational services to the pupil is forwarded to the new school.



- The transfer of the Pupil Support File component of the pupil file should normally be done with the consent of the parent(s), or legal guardian(s). However, where consent is refused or cannot be obtained, the transfer of the Pupil Support File component must still take place. The pupil and parents(s) or Legal Guardian(s) should be advised of the transfer of the file and the nature of the information transferred.

Before forwarding the file, the Principal of the sending school shall examine the contents to ensure that irrelevant and judgmental reports/comments have been removed.

4.0 Young Offender File

A Young Offender File will exist only for a few students and will be created where a court provides information on a youth for purposes of assisting the school.

4.1 Contents of Young Offender File

- The type of youth court order with which the young person is expected to comply i.e. bail, probation, conditional supervision, temporary release
- The expected expiry date of the court order
- The offence for which the order has been made
- The particular terms of the order which relate to school attendance or any other educational matter
- Prior record of offences if safety of staff and students may be at risk
- Any identifiable individual or group that may be at risk from the young offender
- Patterns of behaviour which may signal the onset of activity which may affect safety
- Any recommendations for reducing the risk of violence and increasing the level of safety

4.2 Security of Young Offenders File

- The Young Offender File has the highest level of security. Records should be kept in a locked cabinet, under the control of the Principal.
- A list should be attached to the Young Offender File listing the persons that have access to the information. Only those people on the list should have access to the young offenders file component.

4.3 Access to Young Offenders File

- Access by school personnel is on a strict “need to know” basis only. Young Offender information can only be disclosed by school staff:
 - to ensure compliance by the pupil with an authorization respecting temporary release or with an order of any court concerning bail, probation or conditional supervision
 - to ensure the safety of staff, students or other persons connected with the school
- The principal of the school is the custodian of the Young Offender information and bears the responsibility for the receipt and release, maintenance, protection and security of Young Offender information.

4.4 Transfer, Retention and Destruction

- If a student transfers to another school division or district, the Young Offender file component must be destroyed immediately.
- The principal must inform the justice official responsible for the student that he/she is no longer attending the school, and the name and location of the new school where the student is attending.
- The justice official is responsible for advising the new school of any pertinent information

5.0 Access to Student Records

In order to maintain the confidentiality of student records, authorized personnel may have access to the records but may not remove them from the school building. Those having authorization are as follows:



- **Authorized Personnel.** Authorized personnel are defined as the Principal of the school, teachers, and other school personnel as designated by the Principal. It is understood that members of the Superintendent/CEO's Department and members of Student Services Department shall have access to the student records.
- **Parents/Guardians.** Parents and guardians have the right to examine the Pupil File information. This will take place in the presence of the Principal or other designated personnel who are competent to interpret the information.
- **Students.** Students, 18 years of age or over, have the right to examine the Pupil File information. This will take place in the presence of the Principal or other designated personnel who are competent to interpret the information.
- **Non-custodial Parents.** As defined by the Family Maintenance Act, Section 5.14.1(4), the non-custodial parent has right of access to a student's records unless otherwise restricted by a court order. Custodial parents must notify officially the school as to any court order restricting access by a non-custodial parent. Otherwise, the school will assume that the non-custodial parent is to have the same rights and as such total access to Cumulative File information.
- **Police/Court Order.** Police will have access to relevant student information as requested by a court order.
- **Third Party Requests.** These agencies will have access upon written authorization of parent/guardian of student, or written authorization from the student if 18 years of age or over. All other third party requests should be referred to the Access and Privacy Coordinator.
- **Student under Supervision of Public Trustee.** Access to information occurs upon written authorization of the Public Trustee where applicable. Examination is possible only if written permission is presented to the principal.
- **Attendance Officer.** The Attendance Officer has access to records in accordance with the Public Schools Act.

A record of access, including the name of the individual granted access, date and reason for access shall be made and kept in the permanent pupil file.



6.0 Refusal of Access/Appeal Process

- A school division or district may refuse access (under the Public Schools Act) to all or part of a Pupil File, to a parent or legal guardian where:
 - disclosure could reasonably be expected to constitute an unreasonable invasion of the privacy of a third party
 - disclosure could reasonably be expected to be detrimental to the education of the pupil
 - disclosure could reasonably be expected to cause serious physical or emotional harm to the pupil or another person
 - disclosure could reasonably be expected to be injurious to the enforcement of an enactment or the conduct of an investigation under an enactment
- See Public Schools Act 42.3(2) – 42.4(3)

7.0 Release of Information

- Parents/Guardians of Minor Children. Copies of information will be provided to parents and guardians upon request.
- Non-Custodial Parent. Copies of information will be provided unless prohibited by a court order.
- Students, 18 years of age. Students, 18 years of age or over, will be responsible for authorizing release of information. The school shall not disclose to a parent the pupil file of his or her child who has attained the age of majority without first obtaining the consent of the pupil. Copies of information will be provided upon request.
- Probation Officer. Release of pertinent information to a case will occur only after parents/guardians or student (18 years of age or over) have signed an authorization for release of information.
- Other Agencies/Research and Surveys. The Superintendent/CEO may grant permission for release of information on groups of students to agencies involved in research and/or surveys where the confidentiality of students will be maintained.



- **Police/Court Order.** Information will be released to police as requested by a court order.
- **Private and Post Secondary.** Information pertaining to achievement records will be forwarded to other educational agencies. Any other information will be forwarded upon written authorization by parents/guardians or student, 18 years of age or over.
- **External Agencies.** Upon written authorization of a parent/guardian or student 18 years of age or over, information will be released.
- **Voluntary Placement Agreements.** In the case of a Voluntary Placement Agreement with a Child and Family Agency, the Agency is seen as the guardian for the child. The Agency has care and control and will be responsible for granting authorization for the release of information.
- **Release of information contained in the permanent pupil file to third parties,** including registrars of post-secondary educational institutions, external agencies and employers, is strictly prohibited unless written authorization for information release is obtained from the parent(s), guardian, or pupil where the pupil is eighteen years of age or older. Letters of authorization for information release shall be retained in the permanent pupil file.

8.0 Accuracy of Student Records

If a student (18 years of age or older) parent or guardian disagrees with the information included in a Cumulative File they will notify the school in writing outlining the area of concern. This notification will be included in the Cumulative File.

9.0 Retention & Destruction of Pupil Files

A Pupil File consists of:

1. Cumulative file component
2. Pupil Support file component
3. Youth Criminal Justice file component



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- All information in the pupil file should be retained for a minimum of ten years after the student ceases to attend school, or to age 31. After the ten year minimum retention period, pupil files can be destroyed in accordance with SVSD procedure.

 - Grades 9 to 12 student marks should be retained for a minimum of thirty years after the student ceases to attend school, or to age 51. After the thirty year minimum retention period, pupil files can be destroyed in accordance with SVSD procedure.

 - The Youth Criminal Justice file must be destroyed as soon as it is no longer required for the purpose for which it was established. For example, where information was provided to ensure compliance with a probation order with a condition to attend school, the need for that information would cease with the expiry of that order. After the file is no longer required it can be destroyed in accordance with SVSD procedure.

 - When any part of a pupil file is no longer required, or the authorized retention period has expired, destruction of the information in a pupil file will be carried out in accordance with SVSD procedure.