

Kelsey School Division Box 4700 The Pas, MB R9A 1R4	Code: JO
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STUDENT RECORDS

A. General

1. Under the Public Schools Act Kelsey School Division shall establish procedures to collect, store, retrieve and use information on each student registered in the School Division. All such information shall be the property of the School Division.
2. The purpose of collecting information on students shall relate to the provision of educational programs and services to support the student’s educational progress.
3. In accordance with the Public Schools Act (PSA) (Section 42.1) and Manitoba Pupil File Guidelines each student shall have a pupil file which includes a record of a students’ attendance, academic achievement and other related matters in the possession or control of a school board.
4. The collection, use, protection, retention and/or disclosure of information contained in the pupil file shall be in accordance with the provisions of the Freedom of Information and Protection of Personal Privacy Act (FIPPA), the Personal Health Information Act (PHIA), the Youth Criminal Justice Act as well as Policy EGC – Records Management and Retention.
5. The Kelsey School Division recognizes the rights of individual parents/guardians (and students 18 years of age and older) to have access to some or all of the information respecting their child/children maintained by the School Division to the extent permitted by the PSA, FIPPA, PHIA, and Child Family Services Act.
6. The Kelsey School Division shall preserve the confidentiality of all student records.

B. The Pupil File

The pupil file comprises the following components: 1) the cumulative file, 2) the pupil support file and 3) the youth criminal justice file. The pupil file may be organized and separated into individual sub-files by these components.

1. Cumulative File

The cumulative file component exists for all students and will include basic student data including;

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a) Personal Information

Personal information shall include information regarding date of birth, address, phone number, name of parent(s)/guardian(s), grade and room number and other information as may be determined by the Superintendent.

b) Progress Information

An up-to-date record of progress for every student shall be maintained containing specific information relative to attendance, school-administered standardized test results, academic achievement and grade/program placement, and other information on achievement as may be determined by the Superintendent.

2. Pupil Support File (Manitoba Pupil File Guidelines)

The pupil support file may include documentation about provision of resource, special education and/or counselling services, ongoing health information, adapted education plan, behaviour intervention plan, individual behaviour plan, individual transition plan and/or health care plan, clinical records, and notes made by the school counsellor of individual counselling sessions with students. This file may also include reports from service providers such as agencies, hospitals and clinics.

3. Youth Criminal Justice File

A separate file will be maintained in a secure location on those students who are involved with the law which includes a youth court order, information about their offence, conditions of order.

C. Electronic Reports

The School Division may maintain in electronic format, reports generated from the student administration system, computer-based report card programs and any other software application that includes any personal and progress information regarding a student. These shall be subject to the same confidential guidelines.

D. Access

1. All staff who may have access to personal health information are bound by the policy and procedures of the Division and provincial legislation.
2. Principals, and other school personnel authorized by the principal shall have access to electronic and hard copy student records in order to carry out their duties as assigned by the Division or the principal.

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3. Staff with authorization to access electronic student records shall not share their user name and/or password associated with the student administration system.
4. Other than the school principal, school staff (including teachers) and clinicians do not have access to Youth Criminal Justice Act information unless the access is necessary in order to:
 - a) ensure compliance with a youth justice court order or authorization for reintegration leave or day release;
 - b) ensure the safety of the staff or students of the school or other persons; or
 - c) facilitate the rehabilitation of the student.

The school principal should verbally advise school staff and others who need to know the information for the authorized purposes, or should let them review but not copy the information for those purposes.

5. Parents/Guardians
 - a) Under Section 42.3(1)(a) of the Public Schools Act, parents or guardians of students under the age of 18 years, shall be permitted to examine their child's pupil file (see Section 2) except for the Youth Criminal Justice file by arrangement with the principal and in the presence of the principal or the principal's designate. When the student is 18 years or older the consent of the student is required. Copies of the cumulative file and pupil support file can be provided by the principal to the parent/guardian or adult student upon request.
 - b) Unless a court otherwise orders, the non-custodial parent shall be permitted to examine the pupil support file (school, medical, psychological, dental, and other reports affecting the child) and the cumulative file of his/her child(ren) in accordance with the Family Maintenance Act (Section 39[4]). In those cases where a non-custodial parent does not have legal access to student records, such information should be identified on the pupil file.
 - c) The right of the non-custodial parent to receive school reports is a right to be provided with information only and is not, unless a court orders otherwise, a right to be consulted about or to participate in the making of decisions by the parent granted custody.
 - d) Adoptive parents of children under the age of eighteen shall be permitted to examine the pupil support file and the cumulative file of their child/children. The biological parents shall not have access to this information without the permission of the adoptive parents.

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- e) With agency staff and collateral services, foster parents shall be permitted to examine the pupil file and participate in the decisions of their foster child(ren).
 - f) Under the Personal Health Information Act, a parent or legal guardian acting on his or her minor child's behalf may request access to the personal health information in the child's pupil file on the child's behalf if the child does not have the capacity to make health care decisions. In the event of a specific request for personal health information by a parent/guardian the Access and Privacy Officer will determine if PHIA, FIPPA, or PSA grants access to some or all of the information requested.
 - g) In accordance with the Youth Criminal Justice Act, parents/guardians cannot access information that is in the Youth Criminal Justice file.
 - h) Where access to a pupil file by a parent or legal guardian is permitted, a School Division employee should be present to maintain the integrity of the file and, if required, to interpret the information in the file.
6. **Public Trustee**
If the student is under the supervision or committee-ship of the Public Trustee for any reason, regardless of age, written consent for examination of the student's pupil file must be obtained from the Public Trustee and presented in writing to the principal or the principal's designate.
7. **Attendance Officer**
The attendance Officer shall be permitted limited access to the pupil file in accordance with the Public Schools Act to obtain the name, age, address and attendance of the student(s).
8. In accordance with Section 42.3(2) of the Public Schools Act, the Division may refuse to provide access to all or part of the student records where disclosure could reasonably be expected to:
- a) constitute unreasonable invasion of the privacy of a third party;
 - b) be detrimental to the education of the student;
 - c) cause serious physical or emotional harm to the student or another person; or
 - d) be injurious to the enforcement of an investigation under an enactment or the conduct of an investigation.

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E. Release of Information

1. No information shall be released to unauthorized persons nor shall any unauthorized person have access to the student records in response to a court subpoena.

2. If the student is 18 years of age or older, the student’s consent is necessary prior to the release of information included under Section 2 - The Pupil File.

3. The principal may authorize the release of pertinent student records to police officers, probation officers and representatives of child welfare agencies in order to assist these individuals or agencies to carry out their duties provided disclosure of personal information is limited to the amount necessary to accomplish the authorized purpose. Youth Criminal Justice information in a pupil file can only be disclosed to ensure compliance by the student with a court order or authorization for reintegration leave or day release or to ensure the safety of staff, students, or other persons connected with the school or to facilitate the rehabilitation of the young person; or access or disclosure is authorized under some other provision of the Youth Criminal Justice Act.

4. Parents/guardians shall have the right to access the clinical records (excluding information that would fall under the PHIA) on their child/children who are under 18 years of age in accordance with the following procedures:
 - a) A student (18 years or older) or parent(s)/guardian(s) who requests access to a clinical record or information from it shall be referred to the originating person for the information and an appropriate interpretation of it. Written copies of clinician reports may be provided by the clinician if requested. If the originating clinician is unavailable, the Student Services Coordinator may provide a summary of the information.

 - b) Parent(s)/guardian(s) who request access to a clinical record or information from it about their child who is 18 years or over shall require the consent of the child.

 - c) Any requests from other individuals for access to clinical information in school records shall be directed to the originating clinician and the release of this information shall require the consent of parent(s)/guardian(s), or student(s) over 18 years of age.

5. Parents/guardians may have access to the personal health information on their own child/children only if the child is incapable of making their own health care decisions. In the event of a specific request for personal health information by a parent/guardian the Access and Privacy Officer will determine if PHIA, FIPPA or the PSA grants access to some or all of the information requested.

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- 6. Requests for any personal health information concerning specific students including the student’s health or health care history, the provision of health care, the PHIN and any other identifying number other than by the parent/guardian or student shall be referred to the Superintendent or designate.
- 7. Release of information on individual or groups of students to other outside organizations or agencies must be in accordance with the Freedom of Information and Protection of Personal Privacy Act, the Protection of Health Information Act, and the Youth Criminal Justice Act.

F. Dispute Over Contents of Student Records

- 1. If a question develops regarding the relevance or accuracy of information contained in the pupil file it shall be noted in writing (on the material in question) by the person reviewing the file, dated and signed and shall become part of the file.
- 2. If a parent/guardian requests additional assessment information, the principal shall review the existing assessment results included in the pupil file and determine whether further assessments are warranted.

G. Appeal Process

If a parent/guardian, or a student over the age of 18, wishes to appeal the relevance or accuracy of any information contained in the pupil file, the following appeal process shall be followed:

- a) A written request, outlining the specifics of the appeal, shall be submitted to the Superintendent;
- b) The Superintendent shall review the information and render a decision, in writing, within two weeks of receipt of the requested appeal;
- c) The Superintendent’s decision may be appealed to the Board of Trustees by written request.

LEGISLATIVE REQUIREMENTS

The Family Maintenance Act - Section 39 (4); The Public Schools Act Sections 29(1), 29(1), 29(3), 42.1, 42.2, 42.3, 259, 269; The Freedom of Information and Protection of Personal Privacy Act, The Protection of Health Information Act, The Youth Criminal Justice Act (Canada); The Child and Family Services Act (Manitoba); The Adoptions Act

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RELEASE FORM
CONFIDENTIAL RECORDS

Kelsey School Division No. 45, The Pas, MB

Records about students may be classified into two major groups.

GROUP ONE RECORDS contain cumulative information (non-interpretive) such as name, birthdate, school progress, attendance, etc. This information is forwarded to a child's new school upon the transfer of the student.

GROUP TWO RECORDS contain information of a confidential and/or interpretive nature which may be of use to the professional staff of the receiving school such as test results, medical information, health records, etc. To safeguard the privacy of these records, parents/guardians are required to authorize the transfer of such record by signing the statement below.

PRINCIPAL
Kelsey School Divison
The Pas, Manitoba

This is your authorization to forward the **Group Two** records of

_____, to the principal of the school to which s/he is being transferred.

Parent/Guardian's Signature

Date

Note: If this form is not signed before the child transfers out, a copy will be forwarded to the receiving school for completion and return.