



STUDENT RECORDS

REQUIREMENTS AND BEST PRACTICE GUIDELINES FOR INDEPENDENT SCHOOLS

**Developed in consultation with the Federation of Independent School Associations
June 2012**

PREAMBLE

This document is provided to assist independent schools in formulating policies and developing best practices for student records in relation to collection, storage, confidentiality, and access, in accordance with the Personal Information Protection Act (PIPA).

INTRODUCTION

Independent 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. 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 Independent School Act (section 6.1), sections 9 and 10 of the Independent School Regulation (the Regulation), and the Student Records Order (I 1/07) [\(<http://www.bced.gov.bc.ca/legislation/schoollaw/k/i1-07.pdf>](http://www.bced.gov.bc.ca/legislation/schoollaw/k/i1-07.pdf) (the Order) provide a legal framework for student records on which an independent school can base policies and practices regarding student records.

Section 9(2)(a) of the Regulation obliges independent school authorities to establish written procedures regarding the storage, retrieval and appropriate use of student records. The establishment of the procedures is subject to the requirements of the Order. 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 suggests necessary content and best practices guidelines.

These guidelines are not part of the Order; they are intended only as guidance. They are not intended to provide legal advice or to supplement or supplant legal advice received by an independent school concerning the requirements of PIPA and of other legal obligations. Ultimately, an independent school is responsible for compliance with these obligations. Adherence to the guidelines must be accompanied by any applicable adherence to the PIPA and it should be noted that the guidelines assume that adherence as well as assuming an

understanding of the PIPA. These guidelines do not necessarily specify where the PIPA applies or how; for example, the guidelines assume that the appropriate consents have been obtained wherever consent is required. While efforts have been made to align these guidelines with PIPA, the guidelines do not relieve independent schools of the need to diligently ensure compliance with their obligations.

General information on PIPA may be found at:

<http://www.oipc.bc.ca/tools-guidance/guidance-documents.aspx>

<http://www.oipc.bc.ca/for-private-organizations.aspx>

PERSONAL INFORMATION PROTECTION ACT (PIPA)

PIPA came into effect on January 1, 2004. Three basic principles in PIPA are:

1. Independent school authorities must not collect, use or disclose personal information without the consent of the individual (unless otherwise permitted under PIPA).
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 PIPA.

(See also http://www.bced.gov.bc.ca/independentschools/is_resources/pipa_act.htm)

Under PIPA, students, parents and employees have the right to access their own personal information held by independent schools. Furthermore, under PIPA, a parent or guardian of a minor may exercise the rights of the minor to access personal information of the minor if the minor is incapable of exercising this right under that section of PIPA. Moreover, the commissioner under PIPA can investigate complaints about independent school authorities' handling of personal information.

In general, independent school authorities will have to take the following steps to comply with the legislation:

- designate one or more individual(s) to be responsible for compliance with PIPA;
- develop and follow policies and practices in order to meet the obligations under PIPA and make these available to students, parents and employees; and
- develop a process to respond to complaints regarding the application of PIPA.

Independent school authorities should meet with their legal counsel in order to review the legislation and the Order and to determine what steps to take to comply with them.

STUDENT RECORD GUIDELINES COMPONENTS

The term “student record” as defined in the Independent School Act and referenced in these guidelines refers to a record of information in written or electronic form in respect of a student, but it does not include a record prepared by a person if that person is the only person with access to that record. The “Permanent Student Record (PSR)” as defined in the Student Records Order is a specific subset of student records. While the PSR is distinguished from additional record items in this document, 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 matter of each independent school’s local policies and procedures.

Schools should follow the Ministry of Education’s Form 1704 Completion Instructions (http://www.bced.gov.bc.ca/classroom_assessment/psr_instruct.htm). Of particular note are instructions regarding medical and legal alert inclusions and recording of achievement and 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 age/grade needs to be recorded on or attached to the 1704).

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; transfer and retention. Items in the Permanent Student Record are transferable to new schools of record.

PART II Additional Student Record Items: required and optional contents; sensitive information. These items are NOT part of the Permanent Student Record (as described in PART I) and are NOT transferred to other schools.

PART III Access to and Disclosure of Student Records

PART IV Transfer of Student Records

PART V Quick Reference Chart

RESOURCES:

APPENDIX I: ELIGIBLE STUDENT INFORMATION

APPENDIX II: STATUS OF PARENT/GUARDIAN (ADMISSION TO CANADA AND RESIDENCY) - FORM A

APPENDIX III: STATUS OF DECEASED PARENT (ADMISSION TO CANADA AND RESIDENCY) - FORM B

PART I – PERMANENT STUDENT RECORD (Transferable)

Note: where consent to collect student record data is an issue, two consents may be required depending on the circumstance: consent of the student in relation to collection of personal information of the student (for students capable of exercising their PIPA rights) and consent of the parent or guardian in relation to collection of personal information about that person.

A. Elements of the Student Record (Student Records Order, Section 2)

Required Items

1. The Permanent Student Record, as defined in the Order:
 - a. Form 1704, PSB 048 (revised 1997) completed according to the current Permanent Student Record Instructions requirements
 - b. Copies of a minimum of the two most recent years of Student Progress Reports or an official transcript of grades
2. Student Learning Plan (SLP) only as applicable to students in DL programs (see Section 3.3 of the “Standards for Delivery of K-12 Independent School Distributed Learning in British Columbia”).

[NOTE: Schools frequently provide a 1-2 page SLP Overview to fulfill this requirement, rather than including the entire SLP document. 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.]
3. Individual Education Plan (IEP) where applicable
4. Copies of documents listed as inclusions (see explanatory information in section B. below).

B. Permanent Student Record (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 as part of their Permanent Student Record. 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 Permanent Student Record inclusions on Form 1704 become components of the Permanent Student Record and are required 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 these may apply:

- a) health services information as indicated by the medical alert checkbox (see Form 1704) such as diabetes, epilepsy, anaphylaxis producing allergies, blood clotting disorders, and serious heart conditions; any other condition which may require emergency care (after consultation with health care professional); situations/conditions which may interfere with student performance, health, or behavior (hearing aids, prescribed medication, cerebral palsy, cystic fibrosis, etc.); and severe allergies in K-3 students to school based allergens
- b) court orders as indicated by the legal alert checkbox (see Form 1704) or their rescinding date if applicable;
- 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) or Case Management Plans (CMP's);
- f) Notification of student being homeschooled

2. Optional Inclusions

The following optional inclusions may be listed on Form 1704 but the school is not required to do so:

- 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).

Note: 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 and these items then become part of the Permanent Student Record. The school may wish to acquire specific consent for these optional items to be included.

If the school chooses not to include the previous optional items on Form 1704 as a PSR inclusion, it may include them as additional Student Record items (see Part II – Additional Student Record Items) but should take note that these items are then NOT part of the Permanent Student Record.

C. 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 Permanent Student Record or a school must be able to produce it electronically or in print from its student data management system.

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 same fields as on Form 1704.

D. 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 securely and in a manner that ensures the record's preservation from calamity (fire, flood, etc.). Furthermore, the school is required (under Section 34 of PIPA) to protect personal information from unauthorized access, collection, use, disclosure, copying, modification, or disposal, or similar risks.

If a student withdraws from an authority's school and enrolls in another K-12 educational institution, the authority must, upon request from the enrolling K-12 educational institution, transfer the PSR. (See section 5 of the Order and section 10 of the Regulation) Additional student record items (see Part II below) are not part of the transferable Permanent Student Record and 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.]

PART II - ADDITIONAL STUDENT RECORD ITEMS

(For school use only and not part of the Transferable Permanent Student Record)

Aside from the Permanent Student Record, there are other items which must (See Section A.1 below) or may (See Section A.2 below) be included in the school's student records. For instance, student and parental/legal guardian information is required for all independent school students and additional items may be required by individual school policy. Location of the Permanent Student Record and additional student record items is locally determined by school policy. The number of additional items included may vary with each individual student.

A. Additional Items

1. Required Items

The following items must be included in student records to establish student eligibility for funding and ensure that student health and safety information is complete:

- a) legal name of child - verify the original and file a photocopy or scanned copy of birth certificate or similar legitimate identification document;
- b) official name(s) of parent(s) or guardian(s) with home and work contact information
- c) document verifying the information about the student's parent or guardian in respect of students eligible for funding (see Appendices for verification details and suggested document format for inclusion in school registration)

[NOTE: Schools are advised to develop policy with regard to regularly updating this information.]

[NOTE: While the Ministry of Education does not require that independent schools carry student personal information on school events, a best practice consideration may be to have a copy of the student registration information listed in 1(b-e) above accompany the teacher supervising a class trip, (and/or bus or vehicle drivers transporting students to an off-site location) in case this information is needed by emergency personnel attending a traffic accident or other emergency during a class trip. It is, at all times, critical that student personal information is safely stored and that personal information privacy is ensured. **Schools are advised to develop policy regarding these matters.**]

2. Optional Items

The following optional items may be included in the additional items according to school developed student records policy to address educational and/or safety needs of students:

[NOTE: While the Ministry of Education does not require 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 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?"]

- a) care card number
- b) emergency contact numbers;
- c) doctor's name and contact information;
- d) allergies, medication and/or other health concerns (other than those required to be listed under the medical alerts rubric as tabulated in PART I Section (B)(1)(a);
- e) previous student progress reports (other than the two most recent years required in the PSR;
- f) serious student discipline reports (e.g., copies of letters to parents/guardians regarding discipline matters and corrective actions taken);
- g) reports of important meetings/discussions relating to the student.

[NOTE: While the Ministry of Education does not require that independent schools date and sign all documents entered into student records, best practice considerations would recommend that **schools develop policy governing this practice.**]

B. Sensitive Student Record Information

Though the term is not defined in legislation, "sensitive information", from the perspective of independent school authorities, may include information which by its nature requires that school staff observe a high level of confidentiality.

1. Examples information that could be seen as "sensitive"

- a) psychiatric reports;
- b) family assessments;
- c) referrals to or reports from school arranged counseling services;
- d) record of a school-initiated 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, independent school authorities should consider the following points when devising their policies:

2. Handling Procedures

- a) obtain parental consent for collection, use, and disclosure 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 law.
- 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 TO AND DISCLOSURE OF STUDENT RECORDS

This Part is not intended to provide legal advice or to supplement or supplant legal advice received by an independent school concerning the requirements of PIPA and of other legal obligations. It is intended to provide only the most basic, general overview of some of the topics that may be of interest. Ultimately, an independent school is responsible for ensuring its compliance with the legal obligations.

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

A student (capable of exercising PIPA rights) 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.

[NOTE: Independent schools may **not** withhold report cards from students and parents as leverage to collect tuition arrears or for other purposes. Under PIPA, students, parents or guardians 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/guardians or students to examine and receive copies of student records pertaining to the student.]

Graduating students should be provided with interim and/or final 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.

[NOTE: Transcripts are available to students through the Ministry of Education]

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

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

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.

If school officials are unsure as to the legal entitlements of the non-custodial parent or if there is serious conflict between the parents with respect to student record requests, then school officials should obtain legal advice from the school's legal counsel.

PART IV - TRANSFER OF STUDENT RECORDS

This Part is not intended to provide legal advice or to supplement or supplant legal advice received by an independent school concerning the requirements of PIPA and of other legal obligations. It is intended to provide only the most basic, general overview of some of the topics that may be of interest. Ultimately, an independent school is responsible for ensuring its compliance with the legal obligations

On receipt of a request for student records from a school, a Board of Education, or an independent school authority from within British Columbia where the student is (or will be) enrolled, the previously enrolling school must transfer the Permanent Student Record (including declared inclusions) for a student to the requesting school, Board of Education, 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 (including declared inclusions) and current Student Learning Plan (if applicable) 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 and student consent has been obtained to do so (other than section 14 reports - see NOTE above).

Schools should retain written record 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 is to take responsibility and provide for arrangements to ensure that PSRs are transferred to the receiving schools in which students will be enrolled to continue their education. In the event that a student will be homeschooled, the PSR must be transferred to the school registering the child as homeschooler. Finally, only those PSRs which cannot be transferred by the independent school authority must be sent, within 60 days of the closure of the school, to the Inspector of Independent Schools

PART V – QUICK REFERENCE CHART

	PERMANENT STUDENT RECORD – PSR (TRANSFERABLE)	ADDITIONAL SCHOOL FILE ITEMS (NON TRANSFERABLE)
REQUIRED ELEMENTS	<ol style="list-style-type: none"> 1. 1704 WITH LIST OF INCLUSIONS (IF ANY) 2. STUDENT PROGRESS REPORTS (MOST RECENT 2 YEARS OR TRANSCRIPT) 3. COPIES OF INCLUSIONS (IF ANY) <ol style="list-style-type: none"> A. HEALTH SERVICES INFORMATION IN REFERENCE TO THE 'MEDICAL ALERT' CHECKBOX B. COURT ORDERS IN REFERENCE TO THE 'LEGAL ALERT' CHECKBOX C. SUPPORT SERVICES INFORMATION (PSYCHOMETRIC ASSESSMENTS, ETC) D. IEP OR CMP E. NOTIFICATION OF STUDENT BEING HOMESCHOOLED 	<ol style="list-style-type: none"> 1. LEGAL NAME (COPY OF BIRTH CERTIFICATE) 2. OFFICIAL NAMES OF PARENTS OR GUARDIANS AND CONTACT INFORMATION 3. PARENTAL/GUARDIAN LEGAL RESIDENCY IN BC
OPTIONAL ELEMENTS	<ol style="list-style-type: none"> F. STANDARDIZED TESTS G. RECORDS OF INFORMATION RELEVANT TO STUDENT'S EDUCATIONAL PROGRAM H. AWARD INFORMATION <p>NOTE. THESE ITEMS, ONCE INCLUDED AS PART OF THE PERMANENT STUDENT RECORD, DO BECOME TRANSFERABLE.</p>	<ol style="list-style-type: none"> 4. CARE CARD NUMBER 5. OTHER HEALTH OR MEDICAL CONCERNS THAT MAY AFFECT THE STUDENT IN LESS SERIOUS WAYS 6. EMERGENCY CONTACT INFORMATION 7. FAMILY PHYSICIAN'S NAME AND CONTACT INFORMATION 8. OTHER PROGRESS REPORTS 9. SERIOUS DISCIPLINE REPORTS 10. IMPORTANT MEETING REPORTS 11. SENSITIVE INFORMATION

APPENDIX I

ELIGIBLE STUDENT INFORMATION

Group 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 Regulation 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;

A parent or legal guardian is lawfully admitted to Canada within the meaning of paragraph (b)(ii) of the above definition of an “eligible student” if he or she is in one of the following categories:

- A person who has been determined under the Immigration and Refugee Protection Act (Canada) to be a Convention refugee or refugee claimant
- Holder of a valid student permit issued for one year or more under the Immigration and Refugee Protection Act (Canada)
- Holder of a valid work permit issued for one year or more under the Immigration and Refugee Protection Act (Canada)
- Diplomat or consular official

Sample Student Registration Form sections to verify qualifying student status are attached as Appendices II and III. These samples will meet Independent School Act requirements for funding eligibility and require minimal collection of personal and/or 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.

STATUS OF PARENT/GUARDIAN (ADMISSION TO CANADA AND RESIDENCY) - 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 Permanent Resident (landed immigrant) (attach photocopy of landed immigrant status paper or PR card)
- Lawfully admitted into Canada under the Immigration and Refugee Protection Act (Canada) with one of the following documents (please mark the appropriate box below and attach photocopy of document):
- Admission as a refugee or refugee claimant
- Valid student permit for two or more years (or issued for one year but anticipated to be renewed for one or more additional years)
- Valid employment authorization (work 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 under the authority of the Visiting Forces Act or as an accredited diplomatic agent, preclearance officer, consular officer or official representative in Canada of a foreign government with a consular post in British Columbia.
- Other - Document description: (must be cleared with Citizenship and 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 signatures:

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

APPENDIX III

STATUS OF DECEASED PARENT(ADMISSION TO CANADA AND RESIDENCY) - 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 Permanent Resident (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: _____