

NLSchools refers to all public K-12 English schools and school related facilities under the jurisdiction of the Department of Education, Education Operations Branch and all employees working therein providing services and supports to such schools, including those who work in the areas of school facilities, student transportation, program implementation, student services, and procurement.

Policy Name

Student Records

Policy Statement

The Department of Education will establish and maintain a student record for each student enrolled in a school within NLSchools. Each record will document the provision of programs and services, information pertaining to decisions made about the education of the student and the student's educational progress.

Background

The [Schools Act, 1997](#), requires that a record be maintained for each student. The department recognizes its responsibilities and obligations to maintain accurate, complete and up-to-date records for all students. Furthermore, student records are highly confidential, and the department has a responsibility to protect, and limit access to, the information in a record. The purpose of this policy and the related administrative procedures is to set out the expectations and requirements with respect to the collection, use, transfer, release and disposal of the information contained in a student record. Consistent records management across all schools within NLSchools will facilitate the smooth transition of students through the K-12 educational system and beyond.

Scope

This policy applies to all employees within NLSchools. All such employees shall be guided by this policy and the related administrative procedures regarding the development of, maintenance of, and access to student records.

Policy Directives

1. A student record must be:
 - a) Established for each student upon the student's initial registration in a school operated by NLSchools.
 - b) Maintained at the school attended by the student;
 - c) In the student's legal name and gender unless a certificate issued under the [Change of Name Act, 2009](#) and/or [Vital Statistics Act, 2009](#) confirming a change to the legal name and/or gender change is presented. In the event that a request is made to use a preferred or chosen name and/or gender on school records the request will be considered as per the [Student Records Administrative Procedures](#); and
 - d) Reviewed at least annually to ensure the file(s) are in order, appropriate documentation is maintained and any notes are signed and dated.
2. A student record shall consist of a cumulative file and, where necessary, a confidential file. Information may be maintained in paper/hard copy or electronic format, according to direction from the Department of Education.
 - a) A cumulative file must be opened, following registration, on a timely basis. It must contain specific information for each year of the student's schooling that directly refers to educational programming, services and educational progress.
 - b) A confidential file must be opened immediately when information that is highly sensitive, as outlined in the administrative procedures for this policy, is acquired. The confidential file should be kept separate from the cumulative file.
3. All student records must be handled in a confidential and secure manner, and access to information in student records is restricted. Maintaining confidentiality and protecting personal information is the responsibility of every individual staff person who has access to student information.
4. Access by NLSchools personnel to information in a student record will be on an as-needed basis, determined by job function and relevancy for delivering programs and services.

Administrative Procedures

1. Collecting Information

- 1.1 A cumulative file must be generated for each student upon their initial registration at a school within NLSchools.
- 1.2 Information for a cumulative file will be collected in a prescribed format, for the purpose of administering educational programming and services.
- 1.3 Personal information for a student record should normally be collected directly from the student and parent or guardian.
- 1.4 All entries, whether on paper or electronic, must clearly indicate the date and the name of the individual making the entry.
- 1.5 It is recommended that the school administrator or designate (i.e., teacher) review a student record annually and must review a record not less than every two years, to ensure that it is kept up to date and to eliminate information that no longer serves an educational purpose. Purging of the student record to remove all unnecessary or irrelevant material (e.g., writing samples, anecdotal notes, behavioural incidents) will be as determined by the school administrator or designate, and in line with these administrative procedures.
- 1.6 The **cumulative file** contains:
 - a) The student's name as registered under the [Vital Statistics Act, 2009](#), and or [Change of Name Act, 2009](#), or if the student was born in a jurisdiction other than Newfoundland and Labrador, the student's name as registered in that jurisdiction, and any other surnames by which the student is known;
 - b) The names of the student's parent(s) or guardian(s);
 - c) The birth date of the student;
 - d) The gender of the student as registered under the [Vital Statistics Act, 2009](#);
 - e) The contact information (e.g., mailing address, phone numbers, email address) of the student and the student's parent(s) or guardian(s);
 - f) The citizenship of the student and, if the student is not a Canadian citizen, the type of visa and its expiry date held by the student or proof

of Landed Immigrant status;

- g) The names of all schools attended by the student and the dates of enrollment, if known;
 - h) An annual summary of the student's achievement or progress in the courses and programs in which the student is enrolled (e.g., report cards, progress notes);
 - i) Copies of the student's final Individual Education Plan (IEP) and/or record of accommodations for each year;
 - j) Medical information necessary to be easily accessed in an emergency situation (e.g. procedure to follow if child is anaphylactic or diabetic).
 - k) Documentation of file transfers;
 - l) Consent forms; and
 - m) If a confidential file exists, its existence must be indicated in the cumulative file.
- 1.7 A student's name and date of birth must be verified, normally through presentation of a birth certificate. Except as outlined in s.1.8, the student's legal name as recorded on the birth certificate or other formal documentation will be used on all official district records, until a legal name change is presented.
- 1.8 As per the Department of Education's [Safe and Caring Schools Policy](#) (Procedure 7), a parent of a student, or the student, may request that a preferred or chosen name and/or gender be used on school records rather than the student's legal name or gender. In the event of such a request the school administrator will make the necessary changes to records as permitted by these procedures.
- School staff should consult Procedure 7 for guidance on the processes/ protocols for addressing such requests with students and/or parents.
- The following records must be maintained in the name and gender as recorded on the birth certificate or a certificate issued under the [Change of Name Act, 2009](#) and or [Vital Statistics Act, 2009](#):
- a) The name on the student record (i.e., cumulative file and confidential file)
 - b) All records retained in the confidential file.

- c) The student's legal name field in the school management software (e.g., PowerSchool)

These school records are required to reflect the legal name and gender, due to the nature of the information contained, and its accuracy, which is maintained over the student's entire time in school (K-12). Changes in a name or gender without confirmation of a legal name change or gender identity could result in difficulty locating the correct record for a student. A Certificate issued under the [Change of Name Act, 2009](#) and or [Vital Statistics Act, 2009](#) will be required to change these records; a copy will be kept on the student record confidential file. This is outlined in the [Safe and Caring Schools Policy, Procedure 7](#).

All other school-issued documents may be maintained in the preferred name and gender, including:

- a. K - 12 Reports Cards;
- b. General demographics;
- c. Review 360 behaviour report;
- d. Principal's monthly attendance reports;
- e. Individual student attendance;
- f. Student services data extracts and custom reports; and
- g. Class lists.

Please reference [Protocol for Use of Preferred or Chosen Name and Gender Identity](#) for guidance.

1.9 The **confidential file** contains:

- a) Custody and access or other family status documents, if applicable;
- b) Confidential medical reports;
- c) Diagnostic, cognitive, speech-language, social, psycho-educational, emotional or behavioural test results or evaluations of the student, the date of the test, the name of the assessor or evaluator and a written summary of the results or any action taken as a result of the test or evaluation;
- d) Correspondence and reports from outside agencies deemed to be sensitive information; and
- e) Documentation of suspensions.

1.10 It is recognized that **diagnostic test protocols** are copyrighted 'forms' on which assessors write students' responses to standardized assessment tasks. Assessors who use a standardized assessment tool are required to protect the test security (not release assessment questions), observe copyright restrictions, and prevent 'misuse' of the test data from assessment manuals, materials used in the assessment, and test protocols. Test protocols will not normally be released in response to a request for student records. **Test protocols are to be placed in a sealed envelope and clearly marked prior to being placed in the Confidential file.**

1.11 Other Documentation

a) Youth Criminal Justice Act

Information prepared in accordance with the Youth Criminal Justice Act (YCJA) regarding a student and disclosed to an employee of NLSchools, must be stored under secure conditions separate from the cumulative and Confidential files of the student. This includes, but is not limited to, pre-sentence reports; information to facilitate rehabilitation or to ensure compliance with a court order concerning bail, probation or the serving of a portion of a sentence in the community under supervision.

- i. In the event that a student for whom information has been disclosed under the YCJA transfers between schools, the school administrator or designate will handle the transfer of relevant documents in a confidential manner, and in consultation with Justice officials where appropriate.
- ii. Information received under the YCJA must be disposed of in accordance with the YCJA and/or relevant department policy.

b) Professional Working Files

This policy does not apply to personal or counselling notes or working files prepared by guidance counsellors or to personal notes prepared by school administrators, teachers or other specialists employed or retained by NLSchools. These documents do not form part of the student record.

2. Information from a Student Record

- 2.1. Student information is collected, and student records are established for the general purposes of providing instruction to students; ensuring the delivery of educational programming and services and the safe, orderly functioning of the school, and documenting decisions made about the education of a student.
- 2.2. Information in a student record can only be used for the purpose as defined for the collection of that information, or for a use consistent with that purpose.
- 2.3. The department recognizes that in order for NLSchools staff members to do their job, it may be necessary to transport or use personal information about students outside of the school or office. The transport or use of student confidential information outside of the school system must be kept to the minimum amount necessary in order to complete the task at hand and must comply with all standards and security requirements established by NLSchools.

3. Storage and Retention

- 3.1. All records must be stored in a protected setting either in a locked cabinet, locked room with limited access, or by being password/security protected electronically on the government-owned network, according to standards established by the IT Division.
- 3.2. The information comprising a student record will be maintained in hard copy or electronically for the time set out in the Retention and Disposal Schedule for Student Records, in accordance with the [Management of Information Act](#).
 - 3.2.1 25 years after graduation/school leaving
 - 3.2.2 15 years for school attendance records (paper versions)

4. Transfer of Student Records

Student records may be transferred between schools within NLSchools as well as between schools in NLSchools and schools in other school districts and other provinces. When a request is received to transfer a file in relation to the adoption of a child, the request should be referred to Student Services.

4.1. Transfer within NLSchools

Cumulative and Confidential files follow students between schools within NLSchools during their K-12 school career. The student record should normally be transferred within five (5) business days, once requested from the receiving school.

Schools requesting transfer of a student record from another school within NLSchools must complete the [Request for Transfer of Records Within NLSchools](#) and send to the school that has the record/the student last attended. **Parental or guardian consent is not required to transfer a student record if a student transfers between schools within NLSchools.** When an individual student transfers from one school to another within NLSchools, the **original student record** is to be transferred in a timely manner, upon written request from the receiving school.

4.2. Transfer from a school outside of NLSchools to a NLSchools school

When a student transfers to a school within NLSchools from a school outside of NLSchools, the receiving school can use the form [Request for Transfer of Records to NLSchools](#) to request a copy of the student record. Parental or guardian consent is required.

4.3. Transfer from a NLSchools school to a school outside of NLSchools

When a student transfers from a school within NLSchools to a school outside of NLSchools, a **copy** of the student record is to be transferred upon receipt of a written request from the receiving school administrator, and the written consent of the parent or guardian or a student (19 years of age and over). **The original file must be retained as an inactive file.** Schools outside of NLSchools requesting transfer of a student record can complete the [Student Record Request Form](#) and send to the school within NLSchools that has the record/the student last attended. The requesting school can also submit one of its own forms which is similar to the Student Record Request Form.

4.4 All reasonable precautions must be taken to protect student records when being transferred. Each school must document when it sends a student record to another school and when it receives a record and must ensure that records are transferred in a secure manner.

a) At the end of each school year, the school administrator for a feeder

school will transfer any hard copy student records for groups of students transferring to another school (e.g., Grade 9 students in a junior high school transferring to Grade 10 at a high school).

- i. The list of cumulative and confidential files being transferred must be confirmed in writing, with a copy being provided to the receiving school and a copy being retained at the sending school.
 - ii. The files must be stored securely in boxes and transferred via NLSchools delivery method or by another secure method (e.g., school administrator, courier).
 - iii. The list must be double-checked against the files by the receiving school.
- b) Relevant electronic information (e.g., PowerSchool) must be transferred between schools within NLSchools, or accessed in the most appropriate format, as established by NLSchools.
 - c) When inactive records are transferred for storage, the files must be stored securely in boxes and transferred via NLSchools delivery method or by another secure method (e.g., courier). The boxes must be labelled as required by NLSchools.

5. Access to, and Release of, Information from Student Records

The school administrator is responsible for managing access to information held about students. All access to information is provided in the best interests of the child and in accordance with relevant legislation.

- 5.1. Student records are considered confidential and students and parents or guardians have a fundamental right to privacy. However, that right must be balanced with the educator's right to know relevant information about a student.
 - a) Teaching staff and other NLSchools personnel may have access to the cumulative file of a student where necessary for their work and relevant to a matter being dealt with by an employee.
 - b) With respect to the Confidential file the school administrator will consider the 'need to know' for the specific employee and provide access to some or all of the file as appropriate.
 - c) Parental consent is not required for authorized staff, acting in

accordance with their duties, to access student records.

- 5.2. [The Schools Act, 1997](#), provides for the right of access to a student record for parents or guardians up to the age of 19. The following consent provisions apply for students and parents or guardians:
- a) Parent/guardian of student under 19 years of age, no consent required if in the care of that parent.
 - b) Student under 19 years of age who has demonstrated the intent to live independently to the satisfaction of the school administrator and NLSchools, no consent required.
 - c) Parent or guardian of student over 19 years of age, consent of student required for parent or guardian to access file.
 - d) Parents or guardians who do not live together will normally be provided access to student records in accordance with an agreement or court order which deals with custody and access. Where parents or guardians do not live together and there is no agreement or court order in place, they will have equitable access to information from a student record until such time as access is determined via agreement or court order.
- 5.3. Officers of a court will be provided copies of documents from a student record upon provision of a court order or a search warrant. For further details on police investigations, see NLSchools [Police Investigations Policy](#).
The provision of a subpoena for student records is not sufficient to allow for disclosure of such records. In the event a subpoena is provided requesting student records, such subpoena should be forwarded to NLSchools legal counsel.
- 5.4. The Department of Children, Seniors and Social Development will be provided copies of documents from a student record upon provision of a subpoena or court order. For further details, see NLSchools [Protection of Children and Youth Policy](#).
- 5.5. The Child and Youth Advocate will be provided copies of documents from a student record upon written request from the Advocate. For further details, see [Protection of Children and Youth Policy](#).
- 5.6. All other requests by third parties for access to a student record/copy of documents will be handled on a case by case basis, in accordance with the

Schools Act, 1997 and ATIPPA.

- 5.7. Students who have left high school will be directed to the Department of Education, High School Transcripts Division, for an official transcript of high school marks.
- 5.8. All requests for access to a student record must be submitted in writing and any person claiming a right of access to a student record must provide supporting documentation which is satisfactory to NLSchools.
- 5.9. The parent or guardian of a **current** student under the age of 19 years, or a current student 19 years of age or older, wishing to obtain information from a student record should complete and submit a Student Records Request Form to the appropriate school.
- 5.10. Former students 19 years of age or older who wish to obtain information from their student records should complete the Student Records Request Form and send to **the school last attended** or follow further directions as outlined on the form.
- 5.11. Before access is granted to a student record, the record should be reviewed by the school administrator or designate to ensure that the documents are in order.
- 5.12. Reports, correspondence or other documents from an outside agency that are in a student record may be provided to a requester in response to a record request. These documents are considered to be in the custody and control of the department and are used to make decisions about a student's education.
- 5.13. Access is defined as the viewing of a student record in the presence of designated school or NLSchools personnel or as the provision of copies of information from a student record.
- 5.14. A request for information from an active student record will normally be responded to within 7 business (school) days **during the school year**.
- 5.15. A request for information from an inactive or archived student record will normally be responded to within 15 business (school) days during the

school year.

6. Disposal of Student Records

Electronic and hard copy files comprising the student record must be disposed of or deleted in such a way that personal information cannot be reconstructed or retrieved, in accordance with policies and records retention and disposal schedules developed by the department.

7. Challenges Regarding Content of Student Records

Students 19 years of age or older or parents or guardians may request to have the contents of a student record changed. When the contents of a student record are challenged, the following steps shall be taken:

- 7.1. The student or parent or guardian must submit the request in writing;
- 7.2. The school administrator will review the part of the file being challenged, in consultation with the Superintendent of Schools or designate;
- 7.3. The school administrator will respond within thirty (30) days of receiving the challenge;
- 7.4. The school administrator may agree to delete, destroy, correct or add to the information in the student record; and
- 7.5. If the school administrator does not approve the request to change the file, the student or parent or guardian will be notified in writing and advised that they have the right to appeal that decision.

8. Appeals Regarding Student Records

A parent/guardian or student (19 years of age or older) may appeal a decision regarding access or contents of a student record by following the Student Appeals process as per section 3 and 4 of the [Schools Regulations under the Schools Act 1997](#), and applicable policy.

Appendix A - Protocol for Use of Preferred or Chosen Name and Gender Identity

If requested by a student or parent, the use of a preferred or chosen name instead of a legal name and gender identity will be accommodated by the Department of Education, as per the Student Records Administrative Procedures and the department's [Safe and Caring Schools](#).

If requested by the student, the department will determine if consent from a parent can or should be obtained. Staff should refer to [Procedure 7, Guidelines for LGBTQ Inclusive Practices](#), in the [Safe and Caring Schools Policy](#) when addressing such a request and discussing same with a student and/or the parent(s). If consent cannot be obtained from a parent, or a student does not wish to seek the consent of a parent, a determination will need to be made as to whether the student's request can/should be accommodated. This will be done taking into account all relevant factors including, but not limited to, the age of the student, the maturity level of the student, the student's living arrangements (are they living separate and apart from his/her parent for example), and/or involvement of any other agencies (e.g., is the student under the care of CSSD). Such a determination would likely require consultation with the guidance counsellor, and/or educational psychologist and, potentially, legal counsel.

The preferred or chosen name and gender identity will be used on the following documents:

1. K-12 Report Cards;
2. General Demographics;
3. Review 360 Behaviour Report;
4. Principal's Monthly Attendance Reports;
5. Individual Student Attendance;
6. Student Support Services Data Extracts and Custom Reports; and
7. Class Lists

The use of the preferred or chosen name and gender identity will also extend to other school-generated documents such as, but not limited to, the following examples:

8. Programmes or documents produced by the school that lists student names;
9. Sports teams lists;
10. School clubs or extracurricular group lists; and/or
11. Class lists/group lists used for events, e.g.,
 - field trips or excursions;

- competitions such as music or theatre festivals, robotics competitions, spelling bees, math groups, chess clubs, etc.

The use of preferred name and gender identity cannot be used on the student legal name field in the school management software (i.e., PowerSchool), the Student Record itself (the name on the Confidential and Cumulative Files) or any records contained in the Confidential File as per the Administrative Procedures - Student Records Policy (section 1.9):

- Custody and access or other family status documents, if applicable;
- Confidential medical reports;
- Diagnostic, cognitive, speech-language, social, psycho-educational, emotional or behavioural test results or evaluations of the student;
- Correspondence and reports from outside agencies deemed to be sensitive information;
- Documentation of suspensions.

The use of preferred or chosen name and gender identity can be used on these records only where a Certificate under the [Change of Names Act, 2009](#) and/or [Vital Statistics Act, 2009](#) is provided.

A preferred or chosen name and gender identity may be used along with the student's legal name for school-generated documents/reports that would be contained in the Confidential File (such as diagnostic, cognitive, speech-language, social, psycho-educational, emotional or behavioural test results or evaluations of the student, documentation of suspensions, etc.).

Appendix B - Student Records Retention and Disposal Schedule

The Department of Education has a Student Records Retention and Disposal Schedule as approved by the Office of the Chief Information Officer (authorization numbers RS 2016-001, and RS 2016-002).

Student Records

Student records are comprised of the records pertaining to a student's educational progress and achievement throughout their school year. A student record includes cumulative and confidential records in paper and electronic format that are used to document a student's progress and achievements throughout their years of school attendance (K-12). The record for each student is created upon initial registration in an NLSchools school and is updated annually. The following applies to student records:

- Student records are to be retained for 25 after graduation/school leaving.
- Records may be destroyed after this period.
- Shredding is the required method of destruction.
- Dumping of records is **NOT** permitted.
- Records are to be kept of files that have been destroyed.

Student Attendance Records (Paper Versions)

Paper copies of school attendance records (i.e., "red registers") were issued by the Department of Education and maintained by classroom teachers to document enrolment and attendance statistics. The following applies to student attendance records (paper versions only):

- Paper copies of school attendance records are to be retained for 15 years.
- Records may be destroyed after this period.
- Shredding is the required method of destruction.
- Dumping of records is **NOT** permitted
- Records are to be kept of files that have been destroyed

Shredding

The Government of Newfoundland and Labrador has a standing offer for shredding. Please contact the Public Procurement Agency for further information.

Public Procurement Agency
ppainquiries@gov.nl.ca
(709) 729-3532