



Turtle River School Division - Administrative Procedure

Section B – School Administration

Student Records

Definition of a Pupil File

The Pupil File is an ongoing official record of a student’s educational progress through the Kindergarten to Grade 12 public school system in Manitoba.

A pupil file includes the entire collection of information and documentation compiled or obtained by the staff of a school or school division relating to the education of the student which is stored in written, photographic, electronic or any other form, and which is held in a school, school board office or any other location under the jurisdiction of the school board.

Responsibility for the Pupil File

Principals are in charge of schools in respect of all matters of organization and management and are responsible for the supervision of schools and school staff (Subsections 28(1) and 28(2) of the Education Administration Miscellaneous Provisions Regulation 468/88). Principals also have responsibilities for the provision of information to parents and the community (subsections 29(1) and 29(2)). Therefore, the duties and responsibilities listed below are assigned to principals.

- Establish, maintain, retain, transfer and dispose of a record for each student enrolled in the school, in compliance with the criteria established by the board;
- Ensure that the materials in the pupil file reflect these Guidelines and the criteria established by the school board;
- Ensure the confidentiality and security of the pupil file;
- Respond to, or re-direct requests for access to and disclosure of pupil information, according to the policies established by the board;
- Ensure that all persons specified by the school board to perform clerical functions with respect to the establishment and maintenance of the pupil file are aware of the provisions of the PSA, FIPPA, PHIA and the YCJA protecting personal information, personal health information and youth criminal justice information and comply with the requirements of these Acts and with the policies established by the board;
- Ensure that all teaching, professional (clinical/resource) and support staff are aware of the access and privacy provisions of the PSA, FIPPA, PHIA and the YCJA and comply with the requirements of these Acts and with the policies established by the board;
- Transfer the pupil file of a pupil when she/he enrolls in another school, in accordance with subsection 29(3) of the Education Administration Miscellaneous Provisions Regulation 468/88

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Pupil File Components

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

1. Cumulative File Component (For All Students)

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 (optional);
- The Manitoba Education Number (MET#);
- 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 student, 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 enrollment, 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, where necessary to provide health care or protect the student's health, the Personal Health Identification 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, transcripts, provincial assessment results;
- Information about any behavioural 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;

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- A copy of any separation agreement or court order with respect to child custody or guardianship, where applicable; 12
- A CUM file insert to identify supports/interventions received by the student;
- A Student Service Record insert;
- The results of any standardized tests administered by the board 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/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 service, 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.

2. Pupil Support File (for some students)

The pupil support file must be maintained separately from the Cumulative File Folder and in a secure area. This section includes support from student services, clinical services, and other specialized services. It can include:

- Detailed documentation from school clinicians and special education/resource staff about all inter-agency contacts and the provisions of any other resource services that are occurring;
- Ongoing health/psycho-social/counseling information, whether medical, psychological or behavioural. Schools should endeavour to ascertain at point of first admission whether students have used or are continuing to use these services;
- 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 service providers such as agencies, hospitals, and clinics.

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- Reports and notes from behaviour specialists such as psychologists, psychiatrists or other therapists

3. Youth Criminal Justice File Component

The information in this file is usually transferred from the courts, a Youth Worker, a Crown Attorney, or a Police Officer, and can include:

- The type of youth justice 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;
- Information about the offence for which the order has been made;
- The particular terms of the order which relate to school attendance or any other education matter;
- Prior record of offences if safety of staff and students may be at risk;
- Any identifiable individual or group of persons who could be at risk from the young person;
- Patterns of behaviour which may signal the onset of activity with potential to affect the safety of staff or students;
- Any recommendations for reducing the risk of violence and increasing the level of safety of staff and students.

The school principal has specific duties and responsibilities

- to ensure that information is used only for the purposes for which it is disclosed,
- that proper security measure are implemented and followed to protect the privacy of the young person, and
- that the requirements of the YCJA respecting further access, use, disclosure, storage and destruction are complied with (see subsections 125(7) and 129 of the YCJA).

The school principal must not disclose the information to any person (including teaching and other school staff) except where disclosure to that person is absolutely necessary. A list of other authorized persons who can access the file should be listed.

The school principal must keep the youth criminal justice information separate from all other records about the young person in a secure place to ensure only designated individuals have access to it.

The school principal must destroy the youth criminal justice information (and all copies the school has of the information) when it is no longer required for the purpose for which it was disclosed.

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Access to Files

1. School Division Staff

Access to and use of personal information and/or the personal health information in a pupil file by school division staff are authorized if (Section 43 of FIPPA):

- the information is used for the purpose for which it was collected or compiled; or
- the information is used for a purpose which is consistent with the purpose for which it was collected or compiled; or
- the pupil or (depending on the maturity of the pupil) the pupil's parent(s) or legal guardian(s) consent to the use; or
- the information is used for a purpose for which it may be disclosed to the school division under the disclosure provisions of FIPPA and PHIA.

2. Student Access

Under the Public Schools Act, pupils are not allowed access to their pupil file until they have reached the age of majority (the age of 18). (Clause 42.3(1)(a) and clause 58.9(2)(b)).

Subsection 42.3(2) of the PSA sets out the limited grounds on which a school division may refuse access, under that Act, to all or part of a pupil file to a pupil who has reached the age of majority:

- 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; or
- disclosure could reasonably be expected to be injurious to the enforcement of an enactment or the conduct of an investigation under an enactment.

3. Parent and Legal Guardian Access to the Pupil File

Under the PSA, a parent or legal guardian can access their child's pupil file until the pupil has reached the age of majority at which time, consent of the pupil is required to allow parent(s) or legal guardian(s) to access the pupil file (clause 42.3(1)(a), subsection 42.3(3), subsection 58.1 and clause 58.6(c). Refusal of access may occur if:

- disclosure could reasonably be expected to constitute an unreasonable invasion of the privacy of a third party;

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- 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; or
- disclosure could reasonably be expected to be injurious to the enforcement of an enactment or the conduct of an investigation under an enactment.

Where access to a pupil file by a parent or legal guardian is permitted under the PSA, a TRSD employee who is competent to interpret the information must be made available to assist the parent or legal guardian. Parents and legal guardians who have gained access to information in a pupil file can examine the information or obtain copies of it. When a parent or legal guardian examines a pupil file, a TRSD employee should be present to maintain the integrity of the file.

Transfer of Pupil Files

1. The school principal must forward the pupil file, including the cumulative components and all files which comprise the support file component when the pupil transfers out of the school and enrolls in another school (subsection 29(3) of the Education Administration Miscellaneous Provisions Regulation). The Youth Criminal Justice file component should never be transferred. It should be immediately destroyed.
2. The contents of the pupil file being transferred should be reviewed by the principal 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. Duplicate information and information that is not necessary for the schooling and provision of education services to the pupil may be culled and destroyed.
3. The file contents must be adequately protected from unauthorized access, disclosure, loss or destruction while being transferred. The pupil support file component should be transferred directly from professional to professional wherever possible to further ensure the security and confidentiality of the file contents. Such files should be clearly identified as containing sensitive personal health information. It is up to the receiving school or school division to ensure that only appropriate personnel have access to these files.

Where the new school is in Turtle River School Division, the transfer of the personal information and personal health information in the cumulative file component and the

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pupil support file component of the pupil file is authorized under clause 43(c) of FIPPA (as the transfer is required by subsection 29(3) of the Education Administration Miscellaneous Provisions Regulation) and under clause 21 (a) of PHIA (as the transfer is for the purpose for which the information was collected or received or for a directly related purpose – that is, the transfer is for the purpose of supporting the schooling or educational progress of the child.)

Where the new school is in another school division, the transfer of personal information or personal health information in the cumulative file component and in the pupil support file component of the pupil file to the new school is authorized under clause 44(1)(e) of FIPPA and clause 22(2)(o) of PHIA (the transfer and disclosure of the information is required by subsection 29(3) of the Education Administration and Miscellaneous Provisions Regulation).

Transfer of the cumulative file component and of the pupil support file components are mandatory. The pupil and parent(s) or legal guardian(s) should be advised of the transfer of the file and of the nature of the information transferred. The transfer of the cumulative file component and the pupil support file component of the pupil file must still take place where objections by the student, parent(s) or legal guardian(s) are raised, as it is required by subsection 29(3) of the Education Administration and Miscellaneous Provisions Regulation.

If the student transfers to another school division, the youth criminal justice file component must be destroyed immediately. However, the principal or school board designate must inform the youth worker responsible for the student that he/she is no longer attending the school, and of the name and location of the new school where the student is attending. The youth worker is responsible for advising the new school of any pertinent information. School officials may recommend to the youth worker that the new school be provided with the youth criminal justice information and, if possible, should supply the name of an appropriate contact person in the new school authority.

Retention and Destruction of the Pupil File

The information in the pupil file is to be retained for a minimum of ten years after the student ceases to attend a school or until the file is transferred to another school. Grades 9 to 12 student marks are to be retained for at least thirty years.

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 must be carried out in a manner that protects the privacy of the pupil. The files must be completely destroyed and no information shall be disclosed in the process.

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The youth criminal justice file component must be destroyed as soon as it is no longer required for the purpose for which it was established (see subsection 125(7) of the YCJA). Destruction of the information must be carried out a manner that protects the privacy of the pupil the information is about and that meets the requirements of the YCJA.

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Turtle River School Division Cumulative File Insert

(To be stapled to the inside cover of cumulative file)

Name: _____ Birth Date ___/___/_____ Gender: ___

Address: _____ Phone: _____

School: _____

The Pupil Support File for this student contains reports from the services indicated:

School

- Resource Teacher

Student Services

- o Psychologist
- o Speech Language Pathologist
- o Physiotherapist
- o Occupational Therapist

Manitoba Education and Training

- Consultant Deaf/Hard of Hearing
- Consultant Blind/Visual Impaired

Other

- Audiologist
- Mental Health
- Child and Family Services
- Children’s Special Services

The Pupil Support File also contains:

- English Language Adapted Learning Plan
- Individual Education Plan
- Individual Behaviour Plan
- U.R.I.S. Health Care Plan
- Individual Transition Plan

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Student Service Record

Student: _____

A Pupil Support File, with information regarding service supports provided for this student, is available. The following supports have been accessed:

Locations	Services Accessed	Year	Grade															
		Grade																
	Funded EBD3 or URIS A																	
	Previously Funded Level II or Level III																	
	Individualized Education Plan																	
	Modified/Individualized Education Plan																	
	Adapted Education Plan																	
	Behaviour Intervention Plan																	
	Resource Teacher – Intervention																	
	Speech/Language																	
	Psycho-Educational Assessment																	
	Consultant from MB Education (HOH, Blind)																	
	Hearing Screening																	
	Vision Screening																	
	Physiotherapy																	
	Occupational Therapy																	
	Counseling																	
	Agency Support (CFS, AFM, CSS, MH)																	
	Health Care Plan (URIS B) Location																	
	Medication																	
	Early Literacy Intervention																	
	Other																	
	Initial of person completing this form each year																	

Key for Location of File: R – Resource Room filing cabinet C – Cum file in Office

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Authorization for Exchange of Information

I hereby authorize Turtle River School Division to receive or provide written or verbal information regarding medical, educational, or clinical services pertaining to the following student:

Student	School	Date of Birth (Y-M-D)
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I authorize Turtle River School Division personnel to exchange information with (check all that apply):

- Child and Family Services _____
- Child Care/Early Childhood Program _____
- Hospital _____
- Jordan’s Principle _____
- Occupational Therapist _____
- Pediatrician/Physician _____
- Physiotherapist _____
- Psychiatric Service _____
- Psychologist _____
- Reading Clinician _____
- Social Worker _____
- Speech-Language Pathologist _____
- Other Services _____

Signature of Parent/Legal Guardian/Student (18 years of age or older)

Witness: _____ Date: _____

This personal information is collected as per [Pupil Files/Student Records](#) and maintained as part of accurate records for the time required to serve the specified student’s educational needs. It is protected by the Protection of Privacy provisions of the Freedom of Information and Protection of Privacy Act. Questions about the collection may be referred to the school principal or the superintendent of Turtle River School Division. Phone 204 835-2067

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