

 <p>DIVISION SCOLAIRE LOUIS RIEL SCHOOL DIVISION</p>	<p>Pupil File</p>
<p>ADMINISTRATIVE PROTOCOLS</p>	<p>Supporting Policy JRA</p>

Pupil File Components

The Pupil File contains all the information collected by the school/ a School Division about the student's educational progress and personal information as permitted by Policy JRA and can contain up to three components:

1. Cumulative File
2. Pupil Support File
3. Youth Criminal Justice File (as necessary)

I. Cumulative File

This section contains both personal information and personal health information. Under FIPPA, personal information is defined as "any recorded information about an identifiable individual." Under PHIA, personal health information is defined as "recorded information about an identifiable individual relating to that person's health or health care history, the provision of health care to the individual or payment for health care provided to that individual." The rules respecting collection, use, protection, retention, destruction, and disclosure of personal information and/or personal health information are set out in FIPPA and PHIA.

The cumulative file component exists for **all** students and generally includes:

- 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(s), address(es) and telephone number(s) of the student's parent(s)/legal guardian(s);
- The school division or district of which the student is a resident, if different from the school division or district the student attends
- The names of all schools previously attended by the student and the dates of enrollment, if known;
- The student's citizenship, and if the student is not a Canadian citizen, the type of visa or other document pursuant by 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 (when capable of making health care decisions) wishes 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 or semester (as applicable) summary of the student's achievement or progress in the courses and programs in which the student is enrolled i.e. report cards and transcripts, including the results obtained by the student on any achievement test and examination conducted by or on behalf of the Province
- The most recent Individualized Education Plan (IEP) and/or Health Care Plan specifically devised for a student, and any amendments to these plans
- Information about any behavioural concerns and responses implemented for the student, including but not limited to suspension or expulsion
- Attendance records
- Photographs
- Home/school communication
- Awards and/or other forms of recognition
- When applicable, a copy of any separation agreement or court order related to child custody or guardianship
- CUM File Insert to identify significant supports and interventions received by the student
- Pupil Support File Location document

2. Pupil Support File Component

This section documents the provision of student services, clinical services and other specialized services from within or outside the School Division; exists for **some** students; may consist of a school-based component and a clinical services component; and will typically include:

- Student Services and Clinical Services reports and related correspondence, request for assistance/request for service forms, authorization for exchange of information, notes from meetings concerning team planning, supports and intervention strategies, contact logs and consultation notes
- Ongoing health/psycho-social/counseling information, whether medical, psychological or behavioural; schools should attempt to determine at point of admission whether students have used or continue to use such services
- Special Needs Categorical Funding Applications and results
- Child in Care forms
- Referrals to other agencies and individuals. Please refer to [Authorization for Exchange of Information form](#).
- Results obtained on specialized diagnostic tests
- Reports from external service providers such as agencies, hospitals, and clinics
- Reports and notes from behaviour specialists such as psychologists, psychiatrists or other therapists
- Any other assessment or evaluation that the parent/legal guardian or the student (if aged 18 or older) wishes to be placed on file

3. Youth Criminal Justice File Component

The Principal shall be designated as the school representative for the purposes of

- receiving information about a young person under the [Youth Criminal Justice Act](#) (YCJA), with specific duties and responsibilities to ensure that information is used only for the purposes for which it is disclosed;
- ensuring adequate security measures are implemented and followed to protect the privacy of the young person;
- adherence to the requirements of the YCJA respecting further access, use, disclosure, storage, and destruction (see subsections 125(7) and 129 of the YCJA);
- developing procedures to ensure that the information remains confidential, privacy is protected and that these duties and responsibilities are met.

The Principal shall ensure that no other person, including teaching and other school staff, has access to the information and that the information is not disclosed to any other person unless:

- (a) access to or disclosure of the information is necessary for the purpose for which the information was provided to the Principal:
 - to ensure compliance with a youth justice court order or authorization for reintegration
 - leave or day release;
 - to ensure the safety of the staff or students of the school or other persons; or
 - to facilitate the rehabilitation of the young person the information is about; or
- (b) access or disclosure is authorized under another provision of the YCJA.

The Principal shall

- verbally advise school staff and others who require the information for authorized purposes, or shall permit them to review but not copy the information for those purposes
- keep the youth criminal justice information separate from all other records maintained about the young person by the Principal or the school (clause 125(7)(a) of the YCJA)
- establish specific measures to ensure that the information is secure and protected from unauthorized access, use, disclosure and destruction. Such measures can include:
 - ensuring that the information is never left unattended in an unsecured area;
 - storing the information in locked filing cabinets, and restricting the use of these cabinets to this information;
 - implementing procedures to control distribution of keys or lock combinations to the locked cabinets or locating them in secure areas where access is restricted to staff authorized to review the information;
 - labeling filing cabinets to conceal that they contain this sensitive information;
 - training school staff about confidentiality of information, privacy and security procedures and monitoring compliance with security procedures;
 - preventing unauthorized copying of the information; and
 - if the information is stored electronically, ensuring the computer system has access control codes (encryption) to track attempts to obtain access to the information

The Principal shall destroy the youth criminal justice information (and all copies of the information) when it is no longer required for the purpose for which it was disclosed. The Principal shall ensure that the information is destroyed in a secure manner so that the confidentiality of the information and the privacy of the young person are adequately protected (clause 125(7) of the YCJA).

Collection

- A Pupil Support File shall be opened when a student receives support from:
 - student services, and/or
 - clinical services, and/or
 - any external agency that provides a written report.
- When a Request for Service (RFS) occurs for clinical services, the RFS document and any ensuing clinical reports and other pertinent material shall be placed in the Pupil Support File on the divisional electronic document management system.
- All significant supports and interventions require a notation on the *CUM File Insert* document in the student information system.

Storage and Access

- The contents of the Pupil Support File are of a personal nature and may contain sensitive Personal Health Information governed by the [Protection of Health Information Act](#).
- The Pupil Support File shall be maintained separately from the Cumulative File folder in secure areas at the school and at the Divisional Clinical Services Office. Access shall be limited to administrative, teaching and clinical staff responsible for the student's programming and clerical staff as required for the execution of their duties. The [Pupil Support File Location](#) document shall be completed as a cross-reference and filed in the [Cumulative File Insert](#) component.
- When accessing the file, you must also record this on the [Pupil File Access Record Sheet](#).

Transfer of Files

- The Principal and/or Director of School and Classroom Support must provide the cumulative file and pupil support file components of the pupil file of a pupil who has transferred to another school to that school within one week of the school requesting it (see Transfer of the Pupil File Checklist).
- When a File is transferred to an incorporated public education system, the Principal shall:
 - include [Pupil file transfer request form](#) with files being transferred
 - collect all portions of the Pupil Support File stored in the school and in the divisional electronic document management system
 - review the contents of the Pupil Support File to ensure that appropriate information is transferred and destroyed, the latter as follows:
 - duplicate information
 - information unnecessary for the education and provision of educational services to the pupil
 - the Youth Criminal Justice component (if applicable)
 - advise the Clinical Services Office of the transfer
- When a student transfers to a school within the Division, the Principal shall transfer the Cumulative File and the school-based Pupil Support File components. Parental consent is not required.
- When a student transfers to a public school outside the Division, the Principal shall advise the parent/legal guardian of the mandatory transfer of the Cumulative File and the Pupil Support File components.
- A pupil file is deemed "unclaimed" when a student had left the school and there has been no request for the student's file for 3 months. Unclaimed files should be reported to Manitoba Education using the form located [here](#). Unclaimed files initiate a search to see if a student has enrolled in another Manitoba school.
- Transfer procedures should protect the file contents from unauthorized access, disclosure, loss or destruction. The Pupil Support File shall be addressed between Principals wherever possible to further ensure the security and confidentiality of the file contents, or, if necessary, through a secure procedure such as registered mail or the interdivisional courier. Such files should be clearly identified as containing sensitive personal information. The receiving school or school division is responsible to ensure that only appropriate personnel have access to these files.
- When the Pupil Support file includes a clinical services component, the file shall be transferred directly between clinical departments, following the procedure outlined in the preceding point.