

## POLICIES, GUIDELINES AND PROCEDURES

SUBJECT	N.E.P.N. CODE
PUPIL FILES/STUDENT RECORDS	JRA

### I. POLICY

The Louis Riel School Division affirms that maintaining accurate, current, and appropriate records about students and their educational programs is an essential responsibility of the Louis Riel School Division and its schools.

Accordingly, the Division and its schools will manage and protect records and information in its custody in accordance with the requirements outlined in the [Manitoba Pupil File Guidelines](#), [Section 3.2\(1-4\) of the Education Administration Act](#), [Section 42 of the Public Schools Act](#), the [Freedom of Information and Protection of Privacy Act](#), the [Personal Health Information Act](#), [The Protecting Children \(Information Sharing\) Act](#), [Part 6 of the Youth Criminal Justice Act](#), [The College of Audiologists and Speech-Language Pathologists of Manitoba \(CASLPM\)](#), the [College of Occupational Therapists of Manitoba \(COTM\)](#), the [College of Physiotherapists of Manitoba](#), the [Manitoba College of Social Workers \(MCSW\)](#), as well as, the [Information Sharing Protocol for the Sharing of Youth Criminal Justice Information by Manitoba Schools](#).

Access to the information in the Pupil File shall be confined to the following parties and treated with appropriate professional discretion:

- school personnel who have a legislated responsibility for the student
- the student
- the parent(s)/guardian(s) of the student

### II. GUIDELINES

- For the purposes of this policy, the “Pupil File” will constitute all information collected and maintained by the Division and/or its schools as that information pertains to each student enrolled from Kindergarten until exit from school (Graduation or age 21). Refer to the Pupil File [Administrative Protocol](#) for detailed management information.
- The Pupil File will include any information that is written, photographed, recorded, or stored in any manner, on any medium, or by any other means, including but not limited to graphic, electronic or mechanical means.

<b>Adopted:</b>	June 17, 2003	<b>Legal References:</b> ♦ <a href="#">Youth Criminal Justice Act</a> ♦ <a href="#">Education Administration Act</a> ♦ <a href="#">Public Schools Act</a> ♦ <a href="#">Freedom of Information and Protection of Privacy Act</a> ♦ <a href="#">Personal Health Information Act</a> ♦ <a href="#">The Protecting Children (Information Sharing) Act</a> ♦ <a href="#">The College of Audiologists and Speech-Language Pathologists of Manitoba (CASLPM)</a> ♦ <a href="#">College of Occupational Therapists of Manitoba (COTM)</a> ♦ <a href="#">College of Physiotherapists of Manitoba</a> ♦ <a href="#">Manitoba College of Social Workers (MCSW)</a> ; <a href="#">Vulnerable Persons Living with a Mental Disability Act</a>
<b>Revised:</b>	October 3, 2023	

C. Responsibility for the Pupil File is subject to the following conditions:

1. The Division retains the custody and control of all recorded information that it generates or receives about a pupil.
2. Any record that any employee initiates about a student during employment with the Louis Riel School Division is divisional property and therefore subject to access by the Division and/or subpoena by a court of law. These records must follow the above-mentioned Acts that govern this policy.
3. No information about a pupil shall be released to unauthorized persons, nor shall any unauthorized person have access to the Pupil File, with the exception of the provision of such information as is required by law, and in response to a court subpoena.

D. The Division and its schools strive to accommodate requests to access Pupil Files; however, denial of access to any part or all of a Pupil File may occur

- I. if such access:
  - i) is detrimental to the education of the student,
  - ii) could cause physical or emotional harm to the student or another person,
  - iii) is an invasion of privacy of a third party (including release of personal/health information of anyone other than the student), or
  - iv) could interfere with a legal or police investigation (including that of a CFS agency); or
2. if the information was compiled principally in anticipation of, or for use in, a civil, criminal or quasi-judicial proceeding or for review by a standards committee or peer review.

### III. PROCEDURES

#### A. Collection and Storage of Student Data/Records

1. For any Pupil File, the Louis Riel School Division will collect only the personal information that is relevant to the pupil's learning and personal health needs. Pupil file components are outlined within the Pupil File [Administrative Protocol](#)
2. The Pupil File will contain and/or record all the information in one or more of the following three file components:

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- i. Cumulative File – stored in secure area of the School Office and the student information system
- ii. Pupil Support File – stored in the divisional electronic document management system as required and secure areas at the school and at the divisional Student Support Services Office
- iii. Youth Criminal Justice Act File – stored in a secure area of the Principal's Office

#### **B. Access to School Records – External**

1. The Louis Riel School Division is responsible to ensure compliance with all requirements that govern access to information and protection of privacy, as that access applies to pupil files, irrespective of the source of the information.
2. The divisionally appointed School Division Access and Privacy Officer shall be responsible to receive application requests for access to a Pupil File and to administer the Freedom of Information and Protection of Privacy Act.
3. The Division's Access and Privacy Officer must respond in writing to requests for access to the Pupil File unless the request (or a portion thereof) is subject to the mandatory or discretionary exceptions established by the Act.
4. Information in Pupil Files may be available for research projects authorized by the Superintendent of Schools or designate if the anonymity of student(s) is guaranteed, and the project satisfies criteria per divisional [Policy LC – Relations with Education Research Agencies](#).
5. Authorization for Exchange of Information must be received by the Division prior to granting access to the Pupil File to any party external to the school division.
6. The Pupil File Access Record Sheet shall be completed and signed by all parties and filed in the Cumulative File when the Access and Privacy Officer authorizes access to the Pupil File to a party external to the school division.

#### **C. Access to School Records – Internal**

1. Consistent with the responsibilities that attend their roles, and the requirement that information from a Pupil File be used in a manner congruent with professional assistance to and understanding of a student, all teaching staff members serving students in the Division will have access to Pupil Files.
2. Persons authorized to access a Pupil File include:
  - administrative, teaching, secretarial or clinical staff employed by the Division
  - a parent/guardian of the pupil who is the subject of the File
  - students aged 18 years or older

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- a person whom the parent/guardian has officially authorized to access the files
- 3. Parents/guardians of students under the age of 18 years shall be permitted to examine any designated school records pertaining to their child(ren) by arrangement with and in the presence of the Principal or designate(s).
- 4. Students aged 18 years or older shall be permitted to examine their designated school records, by arrangements with and in the presence of the Principal or designate(s).
- 5. The process for access to Pupil Files shall be as follows:
  - a. The applicant will request an appointment to view a Pupil File by letter, email or telephone call to the Principal.
  - b. A mutually agreeable time and date for examination and interpretation of the Pupil File records shall be arranged.
  - c. The applicant(s) may review and obtain only copies of original records and documents at the discretion of the school Principal, following all parties' signature of the Pupil File Access Record Sheet to indicate the material viewed and copied and for whom, and to be retained by the school.
  - d. Unresolved concerns about the relevance or accuracy of information may be appealed by the applicant reviewing the files under the following procedures:
    - i. A written appeal that outlines the concerns shall be submitted to the Superintendent of Schools or designate.
    - ii. A decision of the Superintendent of Schools or designate may be appealed in writing via the Secretary-Treasurer to the School Board for a final decision.

#### **D. Transfer of the Pupil File**

1. The Principal will forward a Pupil File that includes the Cumulative and the school-based Pupil Support File components when a pupil transfers from the school and enrolls in another school.
2. The Pupil Support File component will be managed as outlined by the Division's Pupil File protocol.
3. The Principal will review the contents of the Pupil File prior to transferring it, to ensure that the new school receives only personal information and health information necessary for the education and provision of educational services to the pupil.
4. The Principal and Clinical Services team will ensure the removal (and destruction) of the following information from a Pupil File:

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- Duplicate information
  - Information unnecessary for the education and provision of educational services to the pupil
  - The Youth Criminal Justice component (if applicable)
5. The Principal shall advise the parent/guardian and the pupil (if 18 years of age or older) of the transfer of the Pupil File and the nature of information transferred. Transfer of the Cumulative File and the Pupil Support File components must occur irrespective of any concerns of the student or parent/legal guardian.

#### **E. Retention/Destruction of Pupil Files**

The Division and/or its schools shall retain or destroy Pupil Files according to the retention and disposition guidelines established by [Manitoba Education \(Manitoba Pupil File Guidelines, revised edition of 2012.\)](#)

**Required Forms related to this policy are found within the:** [Forms section of the Divisional portal](#)

Procedure for the CUM File Insert

Pupil Support File Location Insert for CUM file

Pupil File Transfer Request Form

Pupil File Access Record Sheet

Authorization for Exchange of Information Form

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