

Student Records

**Departmental Directive
on the
Management of Information
in the Student Record
and Other Records
Pertaining to Students**

Revised 2005

)

3

)

)

Minister's Message

The development of this Directive coincides with the requirement for education bodies in the NWT to comply with the Access to Information and Protection of Privacy Act, or ATIP, effective July, 1998. This document provides direction to DEC's, DEAs and schools to ensure that their records management procedures are consistent with ATIP. In addition, it integrates the requirements of other 'guiding documents' already in place:

- the *Education Act* which legislates some procedures for managing the Student Record;
- the Student Record Regulations which further prescribe management procedures for the Student Record; and
- the Canadian Counselling Association Code of Ethics and Standards of Practice
- the *Youth Justice Act* (2004)

Under a single cover, this Directive interprets the requirements of the various guiding documents and articulates records management procedures which ensure compliance with all four.

Education bodies, and schools in particular, are required to manage a wide range of information that does not belong in the Student Record (cum file) – everything from copies of court orders that apply to a particular student, to medical reports, to notes taken by school counsellors. Knowing where to keep such records is only the first consideration. Determining who has access to these records, and for how long they are to be retained are others.

This Directive prescribes records management procedures for the types of records typically held by education bodies. In the event that schools, DEC's or DEAs maintain other types of records, it is necessary for the education body to develop a policy to direct the management of those records. In most cases, however, it is anticipated that this Directive will suffice.

This Directive has been developed partly in response to numerous requests from school and DEC/DEA staff to provide direction on records management. Quite simply it addresses an expressed need.

The critical element, however, is the implementation of the Directive. Projects will likely have to be undertaken to ensure that existing records comply with prescribed procedures. While this may seem burdensome, the saying "Short term pain, long term gain" is highly applicable in this situation. Each DEC/Yellowknife DEA has identified an ATIP coordinator who, among other things, will be able to help with this process.

Charles Dent, Minister
Education, Culture and Employment

Table of Contents

The Directive.....	
Purpose.....	
Rationale.....	
Scope.....	
Definitions.....	
Types of Records.....	
Connections to Legislation.....	
ATIP.....	
Education Act and Regulations.....	
Principles.....	
Accountability.....	
The Student Record.....	
Program Support Record.....	
Support Services Record.....	
Principal's Record.....	
Counselling Record.....	
Youth Justice Record.....	
Transfer of Records Forms.....	
Request for Transfer of Records and Information Form.....	
Appendices	
(A) Information Sharing Protocol	
(B) Schedule	
(C) Arranging for the Destruction and/or Storage of Student Records	
(D) Frequently Asked Questions: A Question & Answer Section	

Departmental Directive: Management of Information in the Student Record and Other Records Pertaining to Students

Purpose

The purpose of this Directive is to provide direction to schools and education bodies regarding the management of information that is held on students within their jurisdictions.

Rationale

Schools and education bodies hold many types of information on students. The *Education Act* and *Regulations* prescribe the management of information held in the Student Record. However, many types of information, including that which is often considered confidential and sensitive, are excluded from the Student Record by the *Education Act* and *Regulations*. For example, medical reports and counsellors' notes are types of information which schools must manage yet they are excluded from the Student Record. This Directive provides direction on the management of all types of information typically held on students.

Education bodies were required to comply with the Access to Information/Protection of Privacy Act (ATIP) legislation beginning in July 1998; this legislation prescribes both an individual's right to privacy and an individual's right to access information that schools hold on them and their children. It is vital that education staff be aware that, in most cases, personal information may be accessed by the student or the parent/guardian of the student.

Scope

The Directive:

- addresses all forms of information held on students regardless of the format – electronic, paper, photograph;
- defines types of records that schools and education bodies typically hold on students; and
- prescribes records management procedures for each, i.e. content, storage, access, disclosure, maintenance, transfer, retention and disposal.

Any other records not addressed in this Directive that a school or an education body has on a student must be regulated by the development of a policy by the education body.

Definitions

- **Adult Student**
An adult student is a student of legal age – that is a student who has reached 19 years, the age of majority in the NWT.
- **Access**
Access to information includes both examining and copying the information in question. Access could include access to part of the information in a record or even within a given document in the record. This is referred to as 'severing' under ATIP.
- **Assessment Protocol**
Assessment protocol means referencing the precise and detailed procedures to be followed in administering a given assessment.
- **Correction of Information**
Requests for correction of information include requests to add or remove information as well as to correct perceived inaccuracies.
- **Counsellor**
Counsellor means a person employed by an education body in the capacity of counsellor including a guidance counsellor, school community counsellor or contracted counsellor as defined by the *Education Staff Regulations*, subsection 60(1).

As part of the counsellor's primary duties, the counsellor:

- a) discusses with a student personal issues raised by the student, education staff or other students;
- b) refers a student to counselling or support services outside the school; or
- c) counsels a student or a group of students regarding personal issues, *Education Staff Regulations*, subsection 60(1).

- **Education Body**
 Education body means a District Education Authority, a Divisional Education Council or a commission scolaire francophone de division, or all of them, as the case may be.
- **Head of Education Body**
 The Head of the Education Body is the Chairperson of the Divisional Education Council, the commission scolaire de division, or, in the case of Yellowknife, the District Education Authority.
- **Parent**
 Parent means parent or legal guardian. Where further clarification is needed to determine the parent, refer to the *Education Act*, subsection 1(2).
- **Record**
 Record means a record of information in any form and includes information that is written, photographed, recorded or stored in any manner, but does not include a computer program or other mechanism that produces records. *Access to Information Act*.
- **Records Management**
 Record management includes procedures for the creation and collection, distribution and use, protection, organization, storage and maintenance, and retention and disposal of recorded information.
- **Transitory Record**
 Transitorily Records are those generated or received in daily work such as phone messages, notes to oneself, daybooks, drafts, most e-mail, and that have no real impact on anyone except the individual who generated or received them.

Types of Records

- **The Student Record**
The *Education Act* and *Regulations* define the Student Record as a record that many educators typically think of as the cumulative record. It contains basic information such as the student's name, birth date, grade, attendance and progress reports, but does not include more sensitive information such as medical or psychological reports, counsellors' notes or reports from Social Services or Justice. A Student Record exists for every student.
- **The Program Support Record**
The Program Support Record includes information used to support programming decisions for students who require additional supports and services. A Program Support Record exists for some students.
- **The Support Services Record**
The Support Services Record includes information used to support programming decisions for students who require additional supports and services beyond those that a school is able to provide/coordinate. Those services are coordinated by the education body. . A Support Services Record exists for some students in addition to the Program Support Record.
- **The Principal's Record**
The Principal's Record includes information relating to attendance problems, disciplinary actions, and correspondence to/from parents, agencies, or other parties about a student or student's family. A Principal's Record exists for some students.
- **The Counselling Record**
The Counselling Record contains notes made by counsellors to document counselling sessions with students. Such notes would include attached documents and information pertinent to the counselling of the student and should be signed and dated by the Counselor. A Counselling Record exists for some students.

- **The Youth Justice Record**

The Youth Criminal Justice Record includes information provided by youth criminal justice personnel regarding a student involved in a youth criminal justice matter. A Youth Criminal Justice Record exists for some students.

Connection to Legislation and Standards

Access to Information/Protection of Privacy Act (ATIP)

Effective July 1, 1998 education bodies were required to comply with the *Access to Information/Protection of Privacy Act (ATIP)* 1994. This Act prescribes both an individual's right to privacy and an individual's right to access information schools hold on themselves or their children. Specifically, ATIP legislation serves:

- to protect personal privacy through establishing controls over the collection, use, disclosure, protection, accuracy and retention of personal information about an identifiable individual;
- to provide the right to request access to personal information, subject to limited and specific exceptions;
- to establish a broader right of access by any person to information, subject to limited and specific exceptions; and
- to allow for the review of decisions about access and protection of personal privacy by an independent authority (the Information and Privacy Commissioner).

Education Act and Regulations

Subsection 29(1) of the *Education Act* (1995) directs the Principal to establish and maintain a Student Record for each student registered with the school, in accordance with the *Regulations* (1996).

The *Education Act* and *Regulations* further prescribe:

- the contents of the Student Record;
- information excluded from the Student Record;
- liability and offenses to persons contributing to the Student Record;

- access to the Student Record;
- exceptions;
- record of disclosure of information; and
- correction of information in the Student Record.

The *Student Record Regulations* prescribe the management of information contained in the Student Record, but not in other types of records held on students.

Both the *Education Act* and the *Access to Information and Protection of Privacy Act* prescribe who has access to the information contained in the Student Record.

Canadian Counselling Association Code of Ethics and Standards of Practice

The Canadian Counselling Association provides a Code of Ethics and Standards of Practice for Counsellors that are considered to be the best practice for counsellors in Canada. The Code of Ethics and Standards of Practice outline the requirements for confidentiality of information between counsellors and their clients.

The Code of Ethics (1999) states that the counselling relationships and the resulting information are kept confidential except:

- (i) "...when disclosure is required to prevent a clear and imminent danger to the client or others;
- (ii) when legal requirements demand that confidential material be revealed;
- (iii) when a child is in need of protection (p.5). "

The Standards of Practice provide guidelines for incorporating confidentiality into the counselling practice.

Youth Justice Act

Subsection 72(5) of the Youth Justice Act (2002) allows anyone working with a youth offender, including youth workers and peace officers, to disclose information about a youth offender if the information is required to:

- ensure that the youth offender complies with an order of the youth justice court;
- ensure the safety of staff, students or other persons; and
- information that facilitate the rehabilitation of the youth offender.

The Youth Justice Act also outlines the confidentiality of this information including that:

- this information must be kept separate of all other information;
- this information must be disclosed only for the purposes in 72(5); and
- this information be destroyed once it is no longer required.

Principles

The following principles guide the management of information held on students:

- confidentiality of student data will be safeguarded;
- the information will be used only for the intended purpose for which it was originally collected unless written consent is obtained to use the information in another manner;
- personal information used to make decisions must be accurate and complete;
- a student or parent has the right to request correction of personal information;
- a student or parent has the right of as complete access as possible to personal information about themselves;
- only personal information relevant to and necessary for carrying out the activity or program underway will be collected and used; and
- the use and disclosure of personal information is limited to those who need-to-know in accordance with both the *Education Act* and *ATIP Act*.

Accountability

- **Council Chairperson**
As Head of a public body each Chairperson of an education body is responsible for developing a records management policy that ensures compliance with this Directive and that prescribes methods for the disposal of records in their jurisdiction and procedures for recording the date of destruction of a record.
- **Director/Superintendent**
Overall accountability for compliance with ATIP, generally, and with this Directive, specifically, rests with the Director/Superintendent, as Deputy Head.
- **Principal**
The Principal is responsible for the day to day management of student records held at the school in accordance with this Directive. The Principal may further delegate duties but not responsibility for compliance with this Directive.

Note: Inappropriate disclosure of personal information could result in a fine of \$500 under the *Education Act* or a fine of \$5,000 under ATIP.

The Student Record

The Student Record is defined in the *Education Act and Regulations*. The Student Record is the one typically thought of by educators as the cumulative record. The Student Record exists for each student.

Contents

The Student Record shall include:

- a) all information that affects decisions made about the education of a student that is collected or maintained by the school or an education body, and a record of those decisions; and
- b) any other prescribed information. *Education Act*, subsection 29(2).

Note: Student Record Regulation 5 prescribes information to be excluded from the Student Record. Refer to page 14 in this Directive.

Student Record Regulation 4 states that every Student Record must contain the following information, with regard to the student for whom it is prepared:

- a. name;
- b. date of birth;
- c. gender;
- d. country of citizenship;
- e. ethnicity;
- f. parent's name and address and a telephone number at which the parent may be reached during school hours;
- g. student's residential address and a telephone number at which the student may be reached;
- h. names and addresses of schools previously attended, the date registered and the duration of the attendance;

- Student Support Plan
- i. grade
 - j. mother tongue and language spoken most often at home;
 - k. eligibility for French first language instruction, as defined in regulations made under section 23 of the *Constitution Act, 1982*;
 - l. an annual summary of attendance and participation in the school program;
 - m. a copy of any individual education plan in effect;
 - n. a semi-annual summary of progress in the education program or individual education plan;
 - o. a semi-annual summary of any recommended learning strategies;
 - p. information relating to suspension or an expulsion; and
 - q. information relating to any serious violent incident that led to a suspension, an expulsion or the involvement of the police on school premises, including:
 - (i) a description of the incident that led to the suspension, expulsion or involvement of the police;
 - (ii) a description of any involvement of the police;
 - (iii) a description of any disciplinary steps taken by school staff or the education body; and
 - (iv) a copy of all correspondence regarding the incident to the student or the student's parent from the school or education body.

Student Record Regulation subsection 4(2) states that every Student Record for a student registered in a secondary school must also contain the following information, with regard to the student for whom it is prepared:

- a. mailing address;
- b. courses enrolled in;

Validation Statement

- c. number of credits earned; and
- d. marks earned or progress shown in courses the student is enrolled in or has completed.

Parental consent is required to include the student's health care number and information related to physical health. *Student Record Regulation 4(3)*.

The Principal of a school shall ensure that a Student Record exists for each student registered with the school, within 30 days of the start of the academic year or the day the student is registered, whichever is later. The Principal shall also ensure that each Student Record is kept up to date and shall review each Student Record at least once during the Academic year. *Student Record Regulation*, subsections 3(1) and 3(2).

Every Student Record must also indicate which other records for a student exist, if any (i.e. Program Support Record, Principal's Record, Support Services Record).

Information excluded from the Student Record

Student Records Regulation section 5 states that no person shall include in the Student Record:

- a. a medical or psychological report;
- b. any information relating to an investigation under the Child and Family Services Act regarding a student or the family of a student;
- c. notes prepared by a teacher or the principal for the exclusive use of that teacher or principal that deal with matters other than the student's progress in the education program, in an individual education plan or in the program of education.

Liability and offenses to persons contributing to the Student Record

A person who contributes information to a Student Record is exempt from any liability with respect to the provision of that information if the person, in providing the information,

- a. acted in good faith;

- b. acted within the scope of his or her duties and responsibilities; and
- c. did not act in a negligent manner. *Education Act*, subsection 29(4).

Every person is guilty of an offense and is liable on summary conviction to a fine not exceeding \$500 where that person discloses information that is to be excluded or has been excluded from a Student Record pursuant to the regulation and that person obtained that information:

- a. through the course of their employment as a member of a school staff; or
- b. through the course of their employment while dealing with a member of a school staff. *Education Act*, subsection 29(5).

The Student Record must be stored in a secure, confidential manner in accordance with section 42 of ATIP.

Access and Disclosure

A parent of a student and a student are entitled to examine and copy the Student Record. *Education Act*, subsection 30(1).

Education staff who are responsible for the delivery of the school program to a student are entitled to examine the Student Record. *Education Act*, subsection 30(2).

A parent of a student or an adult student may give written consent to other persons to examine the Student Record. *Education Act*, subsection 30(3).

Exceptions

A member of a school staff may disclose information from a Student Record to a health or social services professional without the above mentioned consent where, in the opinion of the staff member, disclosing the information is in the best interest of the student and the disclosure is necessary for the establishment of support services for the student. *Education Act*, subsection 30(4).

Record of disclosure of information

A person who discloses information as described in the preceding paragraph shall indicate on the Student Record the date of disclosure, the information disclosed and the person to whom the information was disclosed and shall, in writing, advise the student and student's parent of the disclosure. *Education Act*, subsection 30(5)

Correction of Information

If, on examining the Student Record, the student's parents or the student if of the opinion that the Student Record contains inaccurate or incomplete information, the parent or student may request the Principal to correct the information that the parent believes to be inaccurate or incomplete. *Education Act*, section 31(1) and *Student Records Regulations* 7(1) and 7(2).

If the Principal does not correct the information as requested by the student's parent or the student within the prescribed time, the parent or student may lodge a written disagreement, under section 39 of the *Education Act*, with the Principal's decision, not to correct the information as requested. *Education Act*, section 31.

Maintenance

At least once every three years and prior to a transfer of record, the Principal or designate shall conduct a record improvement project to:

- ensure that the Student Record contains only prescribed, accurate and current information;
- remove and destroy duplicate copies;
- remove and destroy information relating to an incident that led to a suspension, if after three years no further incidents of the same nature, i.e. serious violent incident which involved police, have occurred, *Student Record Regulation*, paragraph 6(a);
- remove and destroy information relating to any serious violent incident that led to an expulsion, if after five years no further serious incidents of the same nature have occurred, *Student Record Regulation*, paragraph 6(a);

- remove any information prescribed by this Directive to be in another record and to place that information in the appropriate record.

Note: Transitory records are not to be kept on the record but are to be destroyed shortly after the events to which they relate occur.

Storage

Student Records must be stored in a secure, confidential manner in accordance with section 42 of ATIP. Records should be kept:

- in locking cabinets or in a room that can be locked when not in use; and
- in cabinets with a high fire rating.

Access to the records must be restricted to school staff who have a need to see them.

Transfer

Where a student transfers from one school to another, the Principal of the school to which the student transfers shall contact the Principal of the school from which the student transferred and shall request the Student Record for the student. *Student Record Regulation*, subsection 9(1). Refer to the Request for Transfer of Records Form.

A Principal in the Northwest Territories who receives a request shall, as soon as practicable, send the Student Record requested by registered mail. *Student Record Regulation*, subsection 9(2).

Where a Program Support Record, Support Services Record or Principal's Rerecord exists for a student, it will be transferred along with the Student Record following the same procedure.

Retention

When a student graduates or ceases to attend a school, the Principal shall remove that student's name from the school register and shall ensure that the Student Record is retained in a secure, confidential manner for 10 years from the date on which the student graduated from grade 12, or 10 years from the date the student would have been expected to graduate from grade 12. *Student Record Regulation*, subsections 19(1) and 10(2). The record of a student who is deceased will be retained for ten years after the student's death.

After ten years, Student Records will be forwarded to Government of the Northwest Territories Department of Public Works and Services, Records Management who will continue to store them for an additional fifty years and then arrange for their destruction.

In preparation for forwarding, Student Records must be filed and boxed as directed in the Arranging for the Destruction and/or Storage of Student Records (see Appendix C).

Disposal

After this period of time, the Student Record will be disposed of in a manner which is consistent with privacy legislation, for example shredding, incineration or electronic purging, and a record kept of the date of destruction.

Records of Destruction

Records of Destruction are permanent records indicating what records were destroyed, when and under what authority. Records of Destruction should be kept by the Superintendent of the education body.

Program Support Record

The Program Support Record exists for some students. It includes:

- information used to make programming decisions for students who require additional supports and services; and
- records of those decisions.

In most instances the Program Support Record is managed by the Program Support Teacher or the Principal's designate at the school. In rare instances, such as when a student is not attending a school within the district but is attending a school in a southern placement or treatment centre, the Program Support Record is managed by the Student Support Consultant at the office of the education body.

Contents

The Program Support Record contains the following information if/as applicable:

- medical reports such as Speech and Language Pathology;
- psychological reports;
- assessments such as miscue analysis;
- forms such as referral forms, consent for referral forms and release of information forms;
- original Individual Education Plan(s) (IEP(s));
- records of decisions from IEP meetings or other team meetings, including inter-agency meetings;
- PST notes; and
- notes/reports from the Student Support Consultant.

Access and Disclosure

When considering access to information contained in the Program Support Record it is important to keep in mind that access does not mean "all or nothing". While parents/students generally have access to all personal information held on them [unless an exception can be cited under ATUIP, for example, subsections 21(1) and 21 (2)] other people may have only partial, or no access. When in doubt, consult your ATIP coordinator.

Notwithstanding the above:

- education staff involved in the delivery of a child's education program have access to information in the Program Support Record through the Program Support Teacher (PST) on a need-to-know basis;
- parents and students have access to information in the Programs Support Record through the PST;
- if the student is attending an institution contracted by the education body or is receiving services contracted by the school/education body, the contractor has access to the information in the Program Support Record through the Program Support Teacher (or Student Support Consultant when the record is managed by the education body) on a need-to-know basis, just as education staff in the school have access to the information in the Program Support Record; and
- a parent or adult student may give written consent to others to have access to information in the Program Support Record through the Program Support Teacher (or, when the record is managed by the education body, through the Student Support Consultant).

Exceptions

The Program Support Teacher (or Student Support Consultant) may disclose information from a Program Support Record to a health or social services or other professional without the above mentioned consent where, in his/her opinion, disclosure would clearly benefit the individual to whom the information relates and as long as it does not harm another person's safety or prejudice a law enforcement matter. [Consistent with

ATIP subsections 20(1)(a), 21(1) and 48(s)(ii).]

Record of disclosure of information

A person who discloses information, as described in the preceding paragraph, shall indicate on the Program Support Record the date of disclosure, the information disclosed and the person to whom the information was disclosed. In general, notice of disclosure should be given to the parent unless notice of the disclosure would not be in the best interest of the child or would be harmful to another person.

Correction of Information

Both the *Education Act* and ATIP have provisions for the correction of information held on students. If, on examining the Program Support Record, the student's parent or the student are of the opinion that the record contains inaccurate or incomplete information:

- the parent or student may request that the Principal correct the information that the parent or student believes to be inaccurate or incomplete.
- if the Principal does not correct the information, the parent or student may notify the Chairperson of the education body, in writing, that they are requesting that information that the parent or student believes to be inaccurate or incomplete be changed. ATIP, sections 45 (1), 45 (2), 45 (3).
- the Chairperson of the education body will arrange to have the information changed, or make a note of the requested change and cross-reference the note to the information to which it refers.

Within 30 days of receipt of the request, the Chairperson of the education body will either notify the parent or student, in writing, that the change has been made, or that a note of the requested correction has been made.

If the Chairperson does not correct the information as requested by the student's parent or the student within the prescribed time, and the decision significantly impacts the education, health or safety of the student, the parent or student may lodge a written disagreement, under section 40(2) of the *Education Act*, with the Chairperson's decision not to correct the information as requested

Maintenance

At least once every three years and prior to a transfer of record, the Principal or designate shall conduct a record improvement project to:

- ensure that the Program Support Record contains only prescribed, accurate and current information;
- remove and destroy duplicate copies;
- remove any information prescribed by this Directive to be in another record and to place that information in the appropriate record;
- remove and destroy assessment information after four years, unless it is still current/useful.

Note: Transitory records are not to be kept on the record but are to be destroyed shortly after the events to which they relate occur.

Storage

Program Support Records must be stored in a secure, confidential manner in accordance with section 42 of ATIP. Records should be kept:

- in locking cabinets or in a room that can be locked when not in use; and
- in cabinets with a high fire rating.

Access to the records must be restricted to school staff who have a need to see them.

Transfer

Where a student transfers from one school to another, the Program Support Record will be forwarded along with the Student Record according to the procedures identified under the Student Record.

Retention

When a student graduates or ceases to attend a school, the Program Support Record shall be retained in a secure, confidential manner for 10 years from the date on which the student graduated from grade 12, or 10 years from the date the student would have been expected to graduate from grade 12.

The record of a student who is deceased will be retained for ten years after the student's death.

After ten years, the Program Support Record, will be forwarded to Government of the Northwest Territories Department of Public Works and Services, Records Management who will continue to store them for an additional fifty years and then arrange for their destruction.

In preparation for forwarding Student Records, including Program Support Records, must be filed and boxed as directed in the Arranging for the Destruction and/or Storage of Student Records (see Appendix C).

Disposal

After this period of time, the Student Record, including the Program Support Record, will be disposed of in a manner which is consistent with privacy legislation, for example shredding, incineration or electronic purging, and a record kept of the date of destruction.

Records of Destruction

Records of Destruction are permanent records indicating what records were destroyed, when and under what authority. Records of Destruction should be kept by the Superintendent of the education body.

Support Services Record

The Support Services Record exists for some students in addition to the Program Services Record. It includes:

- information used to support programming decisions for students who require additional supports and services beyond those that a school is able to provide/coordinate and those services are coordinated by the education body; and
- records of those decisions.

The Support Services Record is managed by the Student Support Consultant at the office of the education body.

Contents

The Support Services Record must contain:

- the student's name;
- date of birth
- the name of the student's parent/guardian and a contact number for the parent/guardian; and
- the name of the student's school and community.

The Support Services Record also contains the following information related to programming supports and services, if/as applicable:

- inter-agency correspondence related to the student;
- record of inter-agency consultations about the student;
- records of decisions/recommendations about the student;
- parental consent for referral to specialists/ assessments (if these services are organized by the education body);
- copies of contracts re: services for the student; and
- assessment protocols.

Access and Disclosure

When considering access to information contained in the Support Services Record it is important to keep in mind that access does not mean "all or nothing". While parents/students generally have access to all personal information held on them [unless an exception can be cited under ATIP, for example, subsections 21(1) and 21(2)] other people may have only partial, or no access. When in doubt, consult your ATIP coordinator.

Notwithstanding the above:

- education staff involved in the delivery of a child's education program have access to information in the Program Support Record through the Program Support Teacher (PST) on a need-to-know basis;
- parents and students have access to information in the Support Services Record through the Student Support Consultant. Where a Support Services Record contains a test, test results or an evaluation of a student that is given by a person who has recognized expertise or training, the education body shall ensure that a person who is competent to explain and interpret the test or test results is available to provide an explanation and interpretation;
- if the student is attending an institution contracted by the education body or is receiving services contracted by the school/education body, the contractor may have access to the information in the Support Services Record through the Student Support Consultant, on a need-to-know basis just as education staff in the school have access to the information in the Support Services Record; and

- a parent or adult student may give written consent to others to have access to information in the Support Services Record through the Student Support Consultant).

Exceptions

The Student Support Consultant may disclose information from a Support Services Record to a health or social services or other professional without the above mentioned consent where, in his/her opinion, disclosure would clearly benefit the individual to whom the information relates and as long as it does not harm another person's safety or prejudice a law enforcement matter. [Consistent with ATIP subsections 20(1)(a), 21(1) and 48(s)(ii).]

Record of disclosure of information

A person who discloses information, as described in the preceding paragraph, shall indicate on the Support Services Record the date of disclosure, the information disclosed and the person to whom the information was disclosed. In general, notice of disclosure should be given to the parent unless notice of the disclosure would not be in the best interest of the child or would be harmful to another person.

Correction of Information

Both the *Education Act* and ATIP have provisions for the correction of information held on students. If, on examining the Support Services Record, the student's parent or the student are of the opinion that the record contains inaccurate or incomplete information:

- the parent or student may request that the Principal correct the information that the parent or student believes to be inaccurate or incomplete.
- if the Principal does not correct the information, the parent or student may notify the Chairperson of the education body, in writing, that they are requesting that information that the parent or student believes to be inaccurate or incomplete be changed. ATIP, sections 45 (1), 45 (2), 45 (3).

- the Chairperson of the education body will arrange to have the information changed, or make a note of the requested change and cross-reference the note to the information to which it refers.

Within 30 days of receipt of the request, the Chairperson of the education body will either notify the parent or student, in writing, that the change has been made, or that a note of the requested correction has been made.

If the Chairperson does not correct the information as requested by the student's parent or the student within the prescribed time, and the decision significantly impacts the education, health or safety of the student, the parent or student may lodge a written disagreement, under section 40(2) of the *Education Act*, with the Chairperson's decision not to correct the information as requested

Maintenance

Section 44 of ATIP requires that personal information used to make decisions that affect an individual be accurate and complete. To that end, at least once every three years and prior to a transfer of record, the Student Support Consultant or designate shall conduct a record improvement project to:

- ensure that the Support Services Record contains only prescribed, accurate and current information, i.e. information that is pertinent to student programming decisions;
- remove and destroy duplicate copies;
- remove any information prescribed by this Directive to be in another record and to place that information in the appropriate record; and
- remove and destroy assessment information after four years, unless it is still current/useful.

Note: Transitory records are not to be kept on the record but are to be destroyed shortly after the events to which they relate occur.

Storage

The Director/Superintendent shall ensure that the Support Services Record is stored in a secure and confidential manner in accordance with section 42 of ATIP. Records should be kept:

- in locking cabinets or in a room that can be locked when not in use; and
- in cabinets with a high fire rating.

Access to the records must be restricted to school staff who have a need to see them.

Transfer

Where a student transfers from one school to another, the Student Support Consultant will ensure that the Support Services Record is transferred to the Student Support Consultant of the receiving education body.

Retention

When a student graduates or ceases to attend a school, the Support Services Record shall be retained in a secure, confidential manner for 10 years from the date on which the student graduated from grade 12, or 10 years from the date the student would have been expected to graduate from grade 12.

The record of a student who is deceased will be retained for ten years after the student's death.

After ten years, the Support Services Record, will be forwarded to Government of the Northwest Territories Department of Public Works and Services, Records Management who will continue to store them for an additional fifty years and then arrange for their destruction.

In preparation for forwarding Student Records, including Support Services Records, must be filed and boxed as directed in the Arranging for the Destruction and/or Storage of Student Records (see Appendix C).

Disposal

After this period of time, the Student Record, including the Support Services Record, will be disposed of in a manner which is consistent with privacy legislation, for example shredding, incineration or electronic purging, and a record kept of the date of destruction.

Records of
Destruction

Records of Destruction are permanent records indicating what records were destroyed, when and under what authority. Records of Destruction should be kept by the Superintendent of the education body.

Principal's Record

The Principal's Record exists for some students. It includes:

- information relating to disciplinary actions; and
- correspondence between other agencies or parties pertaining to a student.

The Principal's Record is managed by the school administrator(s).

Contents

The Principal's Record includes, if applicable:

- information about disciplinary actions;
- information relating to violent incidents (some of which is required to be on the Student Record. See Transfer below.)
- information relating to the involvement of the police on school premises;
- correspondence with parents and other agencies;
- sensitive information that does not belong in any other record such as correspondence between lawyers pertaining to a particular student and information from other agencies dealing with family situations.

Information from the Principal's Record to be included in the Student Record

Student Record Regulation, paragraphs 4(p) and (q) require that the Student Record contain information pertaining to any suspension, expulsion or any serious incident leading to suspension, expulsion or the involvement of the police.

To ensure compliance with the *Student Record Regulations*, Principals should ensure that any letter of suspension or expulsion include the following:

- a description of the incidents(s) that led to the suspension or expulsion; *Student Record Regulation*, paragraph 4(q)1

- a description of any involvement of the police on school premises; *Student Record Regulation*, paragraph 4(q)2
- any disciplinary steps taken by the school staff, or by the education body; *Student Record Regulation*, paragraph 4(q)3
- a copy of relevant correspondence about the incident. *Student Record Regulation* 4(q)4.

A copy of this letter could then be placed in the Student Record to ensure compliance with the *Student Record Regulation*, paragraphs 4(p) and (q).

Access and Disclosure

When considering access to information contained in the Principal's Record, it is important to keep in mind that access does not mean 'all or nothing'. While parents/ students generally have access to all personal information held on them [(unless an exception can be cited under ATIP, for example, subsections 21(1) and (2)] other people may have only partial, or no access. Furthermore, ATIP does not require you to provide access to records originated by someone else, i.e. Justice. The person requesting the information should be directed to the person or agency that originated the record. When in doubt, consult your ATIP coordinator.

Notwithstanding the above:

- education staff involved in the delivery of a child's education program have access to information in the Principal's Record through the principal on a need-to-know basis;
- parents and students have access to 'personal information' in the Principal's Record as defined in the ATIP Act;

- if the student is attending an institution contracted by the education body or is receiving services contracted by the school/education body, the contractor has access to the information in the Principal's Record through the Principal on a need-to-know basis just as education staff in the school have access to the information in the Principal's Record; and
- a parent or adult student may give written consent to others to have access to information in the Principal's Record.

Exceptions

The Principal may disclose information from a Principal's Record to a health or social services or other professional without the above mentioned consent where, in his/her opinion, disclosure would clearly benefit the individual to whom the information relates and as long as it does not harm another person's safety or prejudice a law enforcement matter. [Consistent with ATIP subsections 20(1)(a), 21(1) and 48(s)(ii).]

Record of disclosure of information

A principal who discloses information, as described in the preceding paragraph, shall indicate on the Principal's Record the date of disclosure, the information disclosed and the person to whom the information was disclosed. In general, notice of disclosure should be given to the parent unless notice of the disclosure would not be in the best interest of the child or would be harmful to another person.

Correction of Information

Both the *Education Act* and ATIP have provisions for the correction of information held on students. If, on examining the Program Support Record, the student's parent or the student are of the opinion that the record contains inaccurate or incomplete information:

- the parent or student may request that the Principal correct the information that the parent or student believes to be inaccurate or incomplete.

- if the Principal does not correct the information, the parent or student may notify the Chairperson of the education body, in writing, that they are requesting that information that the parent or student believes to be inaccurate or incomplete be changed. ATIP, sections 45 (1), 45 (2), 45 (3).
- the Chairperson of the education body will arrange to have the information changed, or make a note of the requested change and cross-reference the note to the information to which it refers.

Within 30 days of receipt of the request, the Chairperson of the education body will either notify the parent or student, in writing, that the change has been made, or that a note of the requested correction has been made.

If the Chairperson does not correct the information as requested by the student's parent or the student within the prescribed time, and the decision significantly impacts the education, health or safety of the student, the parent or student may lodge a written disagreement, under section 40(2) of the *Education Act*, with the Chairperson's decision not to correct the information as requested.

Maintenance

Section 44 of ATIP requires that personal information used to make decisions that affect an individual be accurate and complete. To that end, at least twice yearly and prior to a transfer of record, the Principal or designate shall conduct a record improvement project to:

- ensure that the Principal's Record contains only prescribed, accurate and current information;
- remove and destroy duplicate copies;
- remove any information prescribed by this Directive to be in another record and to place that information in the appropriate record; and

- remove and destroy information relating to an incident that led to a suspension, if after three years no further incidents of the same nature, i.e. serious violent incident which involved police, have occurred; and
- remove and destroy information relating to any serious violent incident that led to an expulsion, if after five years no further serious incidents of the same nature have occurred.

Note: Transitory records are not to be kept on the record but are to be destroyed shortly after the events to which they relate occur.

Storage

Principal's Records must be stored in a locked filing cabinet in the Principal's office in accordance with section 42 of ATIP.

Transfer

Where a student transfers from one school to another the Principal's Record, where it exists, will be forwarded according to the procedures identified under the Student Record.

Retention

When a student graduates or ceases to attend a school, the Principal shall remove that student's name from the school register and shall ensure that the Principal's Record is retained in a secure, confidential manner for 10 years from the date on which the student graduated from grade 12, or 10 years from the date the student would have been expected to graduate from grade 12.

The record of a student who is deceased will be retained for ten years after the student's death.

After ten years, Student Records, including the Principal's Record, will be forwarded to Government of the Northwest Territories Department of Public Works and Services, Records Management who will continue to store them for an additional fifty years and then arrange for their destruction.

In preparation for forwarding, Student Records, including the Principal's Record, must be filed and boxed as directed in the Arranging for the Destruction and/or Storage of Student Records (see Appendix C).

Disposal

After this period of time, the Student Record, including the Principal's Record, will be disposed of in a manner which is consistent with privacy legislation, for example shredding, incineration or electronic purging, and a record kept of the date of destruction.

Records of Destruction

Records of Destruction are permanent records indicating what records were destroyed, when and under what authority. Records of Destruction should be kept by the Superintendent of the education body.

Counselling Record

The Counselling Record exists for some students. It contains note made by school counselling staff to document personal counselling sessions with students. Such notes would include attached documents and information pertinent to the personal counselling of the student and should be signed and dated by the school counselling staff.

The Counselling Record is managed by the school counselling staff who is involved with a specific student.

Contents and Storage

A person employed by the education body in the capacity of counsellor including a guidance counsellor, school-community counsellor or contracted counsellor, as defined in the *Education Staff Regulation*, subsection 60(1), shall establish a record for each student who is seen in a personal counselling capacity.

Notes on counselling sessions with students shall contain:

- the name of the student;
- who referred the student, and the reason for the referral;
- the date and length of each session;
- a brief description of the process, results, what was involved and suggestions on how to proceed in the next session;
- attachments – other pertinent information including student generated works such as writing and artwork, signed and dated by the Counsellor.

The counsellor shall ensure that the Counselling Records are stored in a secure, confidential manner in accordance with section 42 of ATIP.

Access and Disclosure

No person shall have access to notes taken by a school counselling staff about a student except the school counsellor, a person who has the permission of the school counsellor or the school counsellor's successor.

Education Act, subsection 32(1).

The school counsellor's successor is defined as the next possible counsellor only and records must only be transferred at the request of the student receiving personal counselling.

This does not preclude the counsellor's notes being subpoenaed.

In deciding who has access or to who information should be disclosed, the counsellor shall be guided by *ATIP*, section 23.

Correction of Information

Since access to information in the Counselling Record is limited, requests for correction of information is unlikely. Should a request for correction of information be received, the Counsellor shall follow the same procedures that are outlined in the correction of information section of the Principal's Record – except substitute Counselling Record for Principal/Principal's Record.

Maintenance, Transfer, Retention, and Disposal

Maintenance

Section 44 of *ATIP* requires that personal information used to make decisions that affect an individual be accurate and complete. To that end, at least once every three years and prior to a transfer of Counselling Record, the counsellor shall conduct a record improvement project to:

- ensure that the Counselling Record contains only prescribed, accurate and current information;
- remove and destroy duplicate copies;
- remove any information prescribed by this Directive to be in another record and to place that information in the appropriate record.

Note: Transitory records are not to be kept on the record but are to be destroyed shortly after the events to which they relate occur.

Transfer

Where a student transfers from one school to another the Counselling Record is retained and transferred to the counsellor at the new school only at the request of the student.

If the student who transfers visits a counsellor, the student may request that their record be transferred. In this case, the new counsellor should complete the Request for Transfer of the Counselling Record Form. A counsellor in the Northwest Territories who receives a request shall, as soon as practicable, send the Counselling Record requested to the counsellor who initiated the request in a manner which ensures the security of the record.

Retention and Disposal

Counselling Records will be kept for seven years from the day of last use.

The Counselling Record will be destroyed in a manner that ensures its confidentiality, such as shredding, incineration or electronic purging, and a record kept of the date of the destruction.

Records of Destruction

Records of Destruction are permanent records indicating what records were destroyed, when and under what authority. Records of Destruction should be kept by the Director/Superintendent of the education body.

Youth Justice Record

Contents

The Youth Justice Record exists for some students. It includes:

- records provided by a youth worker regarding a student who is a youth offender

The Youth Justice Record includes information provided to the school by the youth worker such as:

- information to ensure that the youth offender complies with an order of the youth justice court;
- information to ensure the safety of staff, students or other persons; and
- information that facilitates the rehabilitation of the youth offender. *Youth Justice Act*, section 72(5).

Access and Disclosure

The Principal must put procedures in place to ensure no other person has access to the information disclosed by Youth Justice.

The Principal, or designate, to whom information is disclosed shall not disclose that information to any other person except for the reasons listed, *Youth Justice Act*, section 72(6).

Once the information is no longer applicable, the information must not be disclosed for any reason, *Youth Justice Act*, section 72(7).

Correction of Information

Requests for the correction of information do not apply to the Youth Justice Record since records contained therein have been generated by another agency. If an individual requests access he/she should be referred to the agency that generated the record.

Maintenance

The Principal shall be the primary custodian of all youth justice information. If the Principal elects to share this information with others, for example the Vice-Principal, the Principal must ensure that legal restrictions and limitations are shared (i.e. the penalty for sharing information may be up to a minimum of two years imprisonment. *Youth Justice Act*, section 76).

The Principal shall include information about the status of a youth offender in regular school reports to the Director/ Superintendent; however, the report shall not reveal the name of the student or any information that may serve to identify the student.

Note: Transitory records are not to be kept on the record but are to be destroyed shortly after the events to which they relate occur.

Storage

The Principal shall ensure that information disclosed by a youth worker is kept separate from any other record of the student, *Youth Justice Act*, section 72(6).

The Youth Justice Record will be kept in a locked filing cabinet in the Principal's office in accordance with section 42 of ATIP.

Transfer

Where a student transfers from one school to another the youth worker shall advise the Principal of the receiving school about pertinent information relative to the student.

The Principal of the sending school does not transfer the Youth Justice Record, but destroys the record that was maintained by the sending school.

Retention

Information disclosed to the school by the youth worker must be destroyed when it is no longer required for the purpose for which it was disclosed. Any court documents in the Youth Justice Record must be destroyed at the end of the disposition.

Disposal

The Youth Justice Record will be disposed of as soon as it is no longer required for the purpose for which it was created and in a manner which is consistent with privacy legislation, for example, shredding, incineration, or electronic purging, and a record will be kept of the date of the destruction.

Records of Destruction

Records of Destruction are permanent records indicating what records were destroyed, when and under what authority. Records of Destruction should be kept by the Director/Superintendent of the education body.

Note:

Any other records not addressed in this Directive that a school or education body has on a student must be regulated by the development of a policy by the education body, which prescribes all aspects of records management (i.e. content, storage, access, disclosure, maintenance, transfer, retention and disposal).

This Directive shall be monitored and reviewed by the Department of Education, Culture and Employment at least every five years calculated from the date of issuance.

Approvals

Review

Mark Cleveland
Deputy Minister
Department of Education,
Culture and Employment

June 2005

Charles Dent
Minister
Department of Education,
Culture and Employment

June 2005

Transfer of Records Forms

Request for Transfer of Records

Part A

To be completed by the Principal of the receiving school.

Name of student for whom records/information are being requested:

Date of Birth: _____

Transferring from:

(school, community,

Transferring to:

(school, community,

The above named student is now registered in _____
(school).

The following records are requested to be transferred in accordance with the procedures in the Student Record Regulations (1996), section 9(2) and the Departmental Directive on the Management of Information in the Student Record and other Records Pertaining to Students (1998):

- Student Record
- Program Planning Record (if applicable)
- Program Support Record (if applicable)
- Support Services Record (if applicable)
- Principal's Record (if applicable)

Procedures

1. The Principal of the school to whom a student has transferred (the receiving school) completes Part A above and faxes this form to the Principal of the school from which the student transferred (the sending school).
2. The sending school Principal transfers requested records as soon as

possible in accordance with *Student Records Regulations 9(2)*.

Transfer of Records

Request for Transfer of Counselling Records

Part A

To be completed by the Counsellor of the receiving school.

Name of student for whom records/information are being requested:

Date of Birth: _____

Transferring from:

_____ (school, community,
province/territory)

Transferring to:

_____ (school, community,
province/territory)

The above named student has given me permission to request the transfer of the Counselling Record as per Education Act, section 32(2).

Student Signature

Date

Current Counsellor's Signature

Date

Procedures

3. The Personal Counselling Record is to be transferred to the receiving school's counsellor as soon as possible in an envelope addressed to the Attention of the Counsellor Only and marked Private and Confidential.

Frequently Asked Questions

Records

Question: What is the difference between a file and a record?

Answer: There is no difference between a file and a record. The term record has been used throughout this Directive in accordance with its use in ATIP legislation.

Question: Our education body has developed benchmarks in the area of language arts. In which of the records do I store the results of student achievement relative to the benchmarks?

Answer: It sounds as though the assessments to which you refer apply to all students. This kind of assessment information should be kept in the Student Record.

If a particular assessment is completed on one of a few students – for instance, to determine strategies and supports needed for a particular student – that kind of information is stored in the Program Support Record.

Question: A parent has asked to view all of the information we have on her son. Do we just show her all our records, or should we insist that she be a bit more specific about what she's really looking for? And, what do we do if we have some information that we do not want the parent to see?

Answer: Certainly if you can clarify exactly what the parent is looking for and provide that information then you should do so. Having said that, however, there may still be cases where the parent asks to see everything you have. If you do not see any reason not to comply with the parent's request then you should do so. It is always best to have an "open record" policy where possible. This will head off many complaints or official requests (under ATIP) to access information that you have.

If you feel that there are reasons not to comply with the parent's request and these reasons are consistent with sections 20 and 21 of ATIP and are not just based on your opinion, you should contact the ATIP coordinator for your education body and proceed under the advice and guidance of the coordinator. Requests to access information under ATIP can be quite complicated to the uninitiated; helping you understand the requirements and procedures of ATIP is part of your ATIP coordinator's role.

On final word of advice on this issue is to ensure that your records

are managed in accordance with this Directive. The procedures outlined here have been developed to ensure compliance with *ATIP* and the *Education Act* and are the best way to prevent problems. Once an *ATIP* request is received, you cannot destroy any records.

Question: I have had a request for correction of information from a parent who would like the following comment removed from her daughter's report card: "Sarah has a lot of friends and good verbal skills and sometimes uses them to get her own way." I have spoken to the teacher who thinks that the comment is accurate. What do I do?

- Answer:**
- a. To avoid such situation from occurring, objective comments should be made, wherever possible.
 - b. When subjective comments, such as, "she sometimes uses them to get her own way" are made, teachers need to be able to substantiate the comment, if asked, by providing specific instances, including dates and details of behaviour that led to that subjective comment.
 - c. If you decide not to change the information, you should advise the parent that: there are provisions for
 - lodging a written disagreement with this decision (*Education Act*, section 39); or
 - making a correction request to the Chair of the education body (*ATIP*, section 45).

In-service to teachers is a critical part of the process of implementing this Directive. Included in that in-service would be a discussion about writing objective comments as opposed to subjective comments.

Question: Does records management include amendments to an existing record? If yes, what procedures are to be followed in making such amendments? Also, if there is not consensus (between parent/guardian and school official) about the change or amendment of an existing record, who or what determines closure?

Answer: This Directive prescribes procedures for correction of information (when the parent is of the opinion that information contained in a record is inaccurate or incomplete) under each type of record typically held on students.

Question: I have been reviewing records kept in our school and have noted that some records contain information that this Directive states should be kept in another record. Do I have to "clean up" all of the records?

Answer: Yes. "Cleaning up" of records is an important first step for the implementation of this Directive and in establishing a records system which complies with ATIP. While this may be time consuming initially it will save time, money and problems in the long run.

Question: Keeping track of when records are to be destroyed sounds like a management nightmare. Do you have any suggestions?

Answer: Store inactive files in boxes labeled with the year that they are scheduled for destruction and dispose of those records in the year indicated. Ensure that a list of records contained in each box is kept:

- so that records may be retrieved if necessary; and
- for the Record of Destruction which education bodies are required to keep permanently.

Question: I do not understand what severing is. Can you explain it, and give an example that shows what it means?

Answer: Within a given record some of the information may be "accessible information", while other information is "protected information". When a person requests access to a record, "protected information" is severed so that the individual has access only to the "accessible information".

Determining what information is protected (and is therefore to be severed before a record is released) requires knowledge of ATIP legislation. The decision to sever information needs to be based on the appropriate sections(s) of ATIP, not just someone's opinion. The ATIP coordinator for each DEC/DEA can provide assistance and direction when you have an access request and are not sure if some of the information should be "protected".

Answer: In the case of records schools typically hold on students, the majority, if not all, of the information is personal information about a specific individual. In such cases the information would be classified as “accessible information”, since (under ATIP) individuals generally have a right to access personal information held on them (or in this case their child). In other words, there would not typically be a great deal of severing of records held in schools since the majority of access requests are likely to be from parents wanting information on their own child(ren).

It is worth noting that in the case of the Student Record, information would never be severed, since the *Education Act* clearly states that parents/students have the right to examine and copy the Student Record (*Education Act*, section 30). This is one of the reasons why it is important to ensure that the contents of the Student Record are limited to the direction given in this Directive. (Refer to Student Record section of this Directive.)

The following example illustrates severing:
Suppose that a student has been assessed for a possible learning disability. Three different teachers and a classroom assistant work with this particular student for various reasons and varying lengths of time. Upon receipt of the assessment report the Program Support Teacher would sever the report to provide those working with the student the pertinent information – typically the “diagnosis” and suggested strategies for working with the student.

Although in this example there is no official access request – no one has applied under ATIP for access to the full assessment report – the report is severed so that those working with the student have information on a “need-to-know” basis. Sharing, or disclosing of information on a need-to-know basis is one of the principles of the Directive and is frequently recommended in the Access and Disclosure sections of the various records described in this Directive.

Question: What are the implications of the Directive for student records kept at the Council office. If they are copies, do the same access, management and disposal procedures apply or are there specific procedures related to these copies (some information may be original; some information may be copies)? I assume that the Directive applies if the records are originals. Is that correct?

Answer: Yes, if they are originals.

Question: Would the DEA/DEC or school violate access/disclosure regulations (no disclosure without parental consent) when providing enrollment information such as high school registration, high school marks or student attendance to the Department or to auditors who examine detailed records on identifiable students to verify attendance, etc?

Answer: Section 48 of ATIP states: "Public body may disclose personal information

- (a) for the purpose for which the information was collected or compiled or for a use consistent with that purpose;
- (j) to the Auditor General of Canada or to any other prescribed person for audit purposes; and
- (k) to an officer or employee of the public body or to a member of the Executive Council* where the information is necessary for the performance of the duties of the officer or employee or member of the Executive Council.

In summary, the Council would not violate ATIP by providing information such as enrollment information, marks or student attendance to the Department of Education, Culture and Employment or an auditor.

*The Minister of Education is a member of the Executive Council.

Question: Does the DEA/DEC have the right to access student records?

Answer: The DEA/DEC does not have the right of access to individual students' records like parent or members of the education staff do. Notwithstanding the above, the DEA/DEC may disclose personal information under section 48 of ATIP.

Question: Does the definition of education staff include Council office education staff or Department education staff?

Answer: The definition of education staff in the Education Act is "...education staff means teachers, teacher interns, principals, acting principals, assistant principals, education consultants, education assistants and school counsellors". In other words, consultants at the DEA/DEC are included in the definition, but other DEA/DEC and department staff are not considered part of the education staff.

Student Records

Question: Several students in our school live with relatives other than their parents. Should the relatives have access to information held in student records?

Answer: The school should get a signed note from the parent acknowledging who the student is living with and giving permission to that person to have the same access to which the parent is entitled.

Question: When a past student transfers from school to school within the same community (i.e. upon graduation from elementary school) is a written request for record transfer still necessary? By registered mail?

Answer: Technically yes. Realistically it sounds like a 'make work' project. While the form and registered mail process may not be necessary it would be important to complete the record improvement project, as prescribed.

Question: Are there any special requirements for inter-territorial/inter-provincial transfers?

Answer: There is no established protocol for transferring records between Canadian jurisdictions, however, records should be transferred as requested by schools in other provinces to which NWT students transfer.

Question: Do we have to dispose of the Student Record after 10 years?

Answer:

Question: Is there any student information that must be kept more than 10 years (e.g. dates attending elementary school/high school, etc.) for inquiries that might take place after the 10 year period? We have had lawyers ask for information about school attendance for periods more than 10 years ago.

Answer:

Program Support Records

Question: If a student does not have a Program Support Record and there is medical information that arrives on him/her, where does that medical information (a medical condition such as seizures, deafness and medication, etc) go, if not into the Student Records?

Answer: Student Records Regulation 5 states that medical or psychological reports shall not be included in the Student Record, however, an indication of a medical condition should be noted on the Student Record (e.g. partial deafness, allergies). A medical report itself is placed in the Program Support Record. If a Program Support Record does not exist, one should be created.

Question: What if the medical information is in regard to life saving information (e.g. severe allergies or diabetic reactions)?

Answer: If a child has a severe medical condition, it needs to be indicated on the Student Record, however, medical reports are not included in the Student Record.

Question: Suppose a team meeting has been held in which teachers have brainstormed strategies for three different children. Where do the notes from the meeting get filed?

Answer: When more than one child's program is discussed during a Team Meeting an efficient strategy is to write a separate record of decision of strategies pertaining to each child. These should be dated and placed in the Program Support Record of the appropriate child. Any other notes that individual participants kept on the meeting are considered transitory records and, as such, do not become part of students' Program Support Records.

Question: Suppose a small school has no PST. Who is responsible for managing the Program Support Records?

Answer: This Directive identifies certain types of records and provides direction about the management of information contained in each record type. Even when there is no Program Support Teacher, Program Support Records will exist for those students requiring extra supports and services. In this instance it is the principal's responsibility for managing Program Support Records.

Records are named by the information they contain, not by the name of the person who manages them.

Question: This Directive says that assessment information that is more than four years old is to be removed from the Program Support Record and the Support Services record. Why is this direction being given? What should I do with the information when it is removed?

Answer: If assessment information is still current and useful, it is not removed regardless of its age; however, information that is more than four years old and is not longer useful for programming decisions, is not kept. There are two reasons why the information may no longer be useful:

- the child's developmental need change; or
- a more recent assessment replaces an older one.

Programs Support Records and Support Services Records are not cum files of assessment information kept on a student but should only contain current and useful information.

Assessment information is to be disposed of in a manner which is consistent with privacy legislation, for example, shredding, incineration or electronic purging.

Question: Can a PST request copies of information from a support Services Record (i.e. audiogram)? Should the PST keep this in a certain record or send the copy back?

Answer: The Support Services Record includes information used to support programming decisions beyond those that the school is able to provide/coordinate. This happens in rare instances when a student has particularly challenging needs. Education staff involved in the delivery of a child's education program have access to information in the Support Services Record through the Student Support Consultant on a need-to-know basis.

The answer to the question is yes and there is no need to return the copy.

Question: The Student Support Consultant for our Divisional Education Council often keeps copies of information from Program Support Records at central office. What is the status of these records?

Answer: Such records are referred to under ATIP as transitory records. In this case, they are the Consultant's working records so that the Consultant can support the school in making programming decisions. As transitory records they should be kept only as long as they are immediately useful and do not need to be managed according to procedures in this Directive, other than disposal procedures.

Principal's Record

16. What happens to the Principal's Record when he/she leaves?

Question:

Answer: The Principal's Record is the property of the education body and shall remain in the school to be managed by the in-coming or acting principal.

Counselling Record

Question: Who owns the Counselling Record and who has access to them?

Answer: The Canadian Counselling Association suggests that a client owns the information in the Counselling Record and that the counsellor manages the record on behalf of the client. The client has the right to decide who can access their record.

Section 32 of the Education Act clearly articulates that "no person shall have access to notes taken by a school counsellor about a student except the school counsellor, a person who has the permission of the school counsellor or the school counsellor's successor".

In this instance, successor means

- a new counsellor replacing a former counsellor in the same school; and
- a counsellor from another school if the student has transferred to that school and is seeing their counsellor.

In either case, the client must give consent for anyone, including the successor, to access the record.

If a counsellor leaves a position, all of their records are sealed and left with the education body to be managed according to this Directive. Only with permission of the client or by court order can records be unsealed.

Youth Justice Record

23. Question: Is Justice required to pass on principal's information about youth offenders (which would go into the Youth Justice Record)?

Answer:

28. Question: What happens to records from the court for students who are older than a youth offender which stipulates that the student, as part of his/her sentence, must go to school and follow certain guidelines.

Answer: The Principal's Record contains, among other things, sensitive information that does not belong in any other record. A record such as the one described here should be kept in the Principal's Record and kept only as long as it is current and necessary. In other words, once the sentence is completed, the record should be destroyed.

Report of Suspected Child Abuse

Question: As a classroom teacher, I recently reported suspected child abuse and I'm wondering what to do with my copy of the report?

Answer: There is no legal requirement to keep a copy of the report but it might be a useful reference for you if you are called upon during an investigation or to appear in court. Nevertheless, the report is the property of the person who wrote it and it is that person's responsibility to manage it. It does not belong in any records defined in this Directive.