

Administrative Procedure 3120

Pupil Files

Board Governance Policy Cross Reference: [1, 9, 14, 15](#)

Administrative Procedures Cross Reference:

[Dispute Resolution](#)

[Retention and Disposition of Records](#)

Form Cross Reference:

[Authorization for Release of Information](#)

[Consent to Disclose Personal Information to Parent/Guardian](#)

[Pledge of Confidentiality](#)

Legal/Regulatory Reference:

[Manitoba Pupil File Guidelines](#)

[Manitoba Regulation 468/88 R – Sections 10, 29\(3\) and \(4\) \(Education Administration Miscellaneous Provisions\)](#)

[The Freedom of Information and Protection of Privacy Act](#)

[The Personal Health Information Act](#)

[The Public Schools Act](#), sections 42.1 – 42.6, 58.6, 58.9(2)

[Youth Criminal Justice Act \(Canada\)](#)

The Interlake School Division (ISD) adheres to the provisions under [The Public Schools Act](#) regarding the procedures for the collection, storage, retrieval, and use of information respecting students. Detailed information regarding contents, access and privacy, security provisions and transfer of the Pupil File may be found in the [Manitoba Pupil File Guidelines](#).

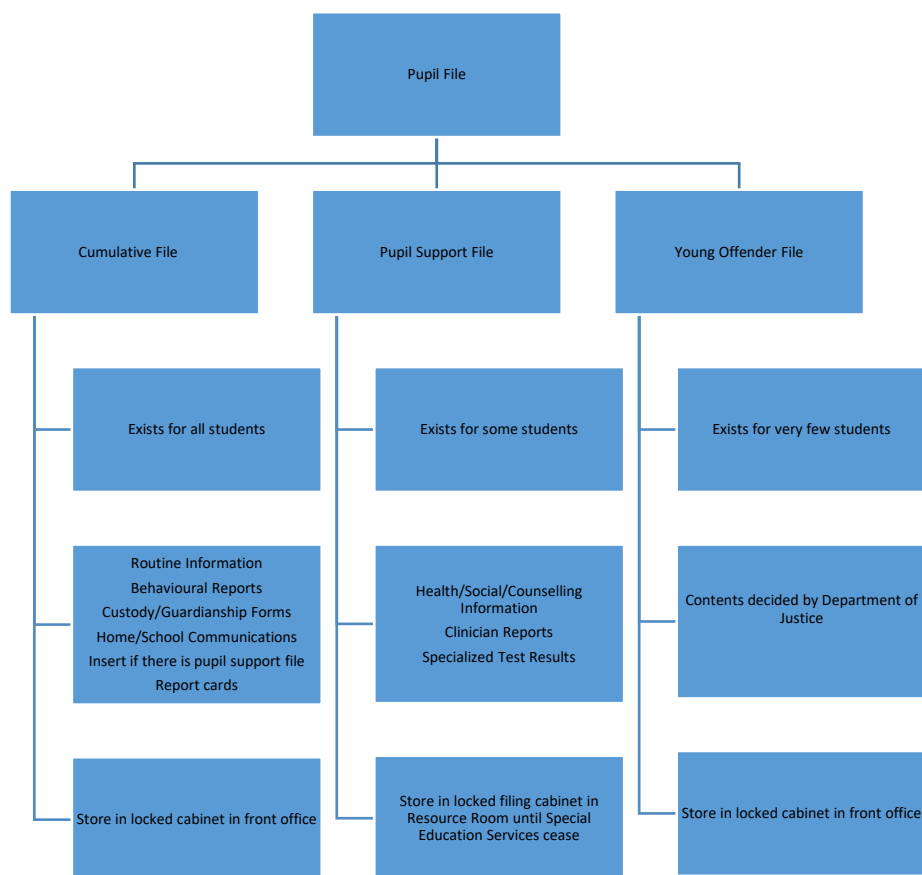
The Pupil File is an ongoing official record of a student's educational progress through the Kindergarten-Grade 12 school system in Manitoba and includes the entire collection or repository of information/documentation compiled or obtained by the staff of a school or school division relating to the education of the student. This includes a record or a collection of records respecting a student's

attendance, academic achievement and other related matters in the possession or control of a school. Information about a student may be in written, photographic, electronic or any other form, and can be held in a school, school division office or other office under the jurisdiction of the Division.

The Pupil File can potentially consist of one or more of three components comprising:

- the Cumulative file
- the Pupil Support file
- the Youth Criminal Justice file (as necessary)

The Pupil File can contain written information, photographs, audio and video tapes and information that is stored in electronic form. Provision is made to retain original records when it is important to keep an original signature or initial on a document. Any micro recording or computer file or reproduction of a Pupil File is subject to the same privacy and access requirements as hard copy. The following chart summarizes the types of files, contents and storage requirements of the Pupil File.



1. Cumulative File

A cumulative record must be maintained for each student in the school. A cumulative record means a student file which contains useful and pertinent information to the student's growth and development in the school.

The Cumulative File provides necessary background information to evaluate the student's progress in relation to educational goals. It provides a basis for discussing this progress and development with the student and parents/guardians, or other schools, post-secondary institutions, and prospective employers at the request of the student or parents/guardians.

The following data must be included in the Cumulative File:

- official administrative records (most current registration form, etc.);
- educational achievement records (cumulative report card);
- attendance records;
- student conduct and discipline;
- individualized education records, as available;
- legal documents;
- an insert that indicates the student has a pupil support file.

The school Principal shall be responsible for all cumulative records in the school. It is also the responsibility of the Principal to ensure that a record is kept for each student in the school and that these records be kept up to date.

Each Cumulative File shall be reviewed annually and updated as necessary in order to provide an accurate record of the student's education. The Learning Support program will also maintain a Pupil Support File for students that are referred to the Learning Support program.

2. Pupil Support File

Pupil Support Files will be kept by the Learning Support program, as required, and shall include the following:

- clinical assessments;
- medical information;
- other professional assessments.

At the discretion of the school Principal, information in the Pupil Support File may be released to the professional staff of the school. Once a Pupil Support File insert has been placed in a Cumulative File, check (✓) the box on the front of the file and then update this insert each time a new service is accessed.

3. File Control

Cumulative and Pupil Support files must be kept in the school for a period of 10 (ten) years after a student ceases to attend school or until a student transfers to another school, except for High School marks which must be retained for thirty years.

The Young Offender file must be shredded by the school when a student transfers to another school division or when it is no longer needed for the purpose for which it was established (e.g. the need to comply with a court order).

- All files must be kept in locked rooms or filing cabinets.
- Confidential material must be put away at the end of a day.
- Computers must be closed down at the end of a day.
- Sensitive materials and portable computers in a car must be locked in the trunk.
- Confidential materials must not be left on voice mail via telephones or faxed unless the recipient is available for immediate receipt.
- E-mail must also be done only in a secure transmission.

4. Culling

Files must be culled once annually (by June 30th) and before a student leaves the Interlake School Division. Culling is the responsibility of teacher, learning support teacher, clinician or counselor. The following should be removed:

- Undated or unsigned notes or documents;
- Irrelevant or outdated student work;
- Meeting notes that are not necessary for ongoing educational services for the student;
- Third party information;
- When in doubt, the teacher should consult the Principal.

All material that is removed from a file should be shredded in a secure manner at the school.

5. Access

Access to pupil files and protection of student information is governed by [The Public Schools Act, Manitoba Regulation 468/88](#) under [The Education Administration Act](#), [The Freedom of Information and Protection of Privacy Act](#), [The Personal Health Information Act](#), and the [Youth Criminal Justice Act](#). Each employee must sign a [Pledge of Confidentiality](#) after having been provided with orientation regarding divisional security procedures before they are provided access to pupil files.

All information in the Pupil File shall be treated as confidential and normally accessible only to the school staff who are directly involved with the student's program, the parents/guardians, or students themselves who have reached the age of 18 years. Divorced or separated parents have the right to receive information about the health and educational progress of their child except as restricted by a court order. Information in a Youth Criminal Justice File is not to be disclosed by the school division to parents/guardians.

In addition to the right of access, the student and/or the student's parents/guardians have a right to a professional interpretation of the data contained in an official record, if such is required and provided an [Authorization for Release of Information Form](#) accompanies the request.

Clinic referrals and reports are not to be released to outside agencies unless specifically requested by the student over eighteen years of age or the parent/guardian of a minor student under the age of 18 and upon receipt of the signed [Authorization for Release of Information Form](#).

Information in Pupil Files shall be available for research projects authorized by the Superintendent's Department, provided that the anonymity of the student(s) is guaranteed.

If a parent/guardian, or student who has reached the age of majority (18), wishes to examine a Cumulative File, the school Principal or designate should be present during the time the record is examined. Parents/guardians of students who have reached the age of majority may only access the Pupil File if the student has provided consent via the [Consent to Disclose Personal Information to Parent/Guardian](#) form. See sample letter in [AP 3120-F1](#).

No information shall be released to any other person than listed above unless in response to a court subpoena or pursuant to legislation and a record shall be kept in each Pupil File of the date, time, and name of the individual to whom information was disclosed. Disclosure of any information must exclude personal information of a third party.

Copies of the assessments can be shared with parents/guardians upon request. If there is a dispute regarding any item contained in the Pupil File, the [Dispute Resolution Process](#) should be followed.

6. Transfer of Files

The school Principal must forward the Pupil File, including the cumulative components and all files which comprise the support file component, when the student transfers out of the school and enrolls in another school. No files shall be transferred until the student is enrolled in that school. All schools must use the pupil file transfer form provided in the [Manitoba Pupil File Guidelines](#).

The contents of the Pupil File being transferred should be reviewed to ensure that only personal information and personal health information necessary for the schooling and provision of educational services to the student is forwarded to the new school. Duplicate information and information that is not necessary for the schooling and provision of education services to the student may be culled and destroyed. The youth criminal justice component of the Pupil File may be transferred from one school to another within the Division but must never be transferred to a school within a different school division. In that case, the youth criminal justice component of a Pupil File must be destroyed.

Transfer procedures should ensure that the file contents, as they are of a sensitive and personal nature, are adequately protected from unauthorized access, disclosure, loss or destruction while being transferred. In Division transfers should use the Division Courier. Out of Division transfers should be discussed with receiving Division.

Transfer of Pupil Support Files may only be made with the consent of the parent/guardian (for students under 18 years of age) or the student (if 18 or older). The Pupil Support File component

should be transferred directly from professional to professional wherever possible to further ensure the security and confidentiality of the file contents. If it is not possible to transfer the Pupil Support File component from professional to professional, then the files that make up this component should still be transferred to the new school. Such files should be clearly identified as containing sensitive personal health information.

Unclaimed pupil files may be reported to Program and Student Services, Manitoba Education.