

Public Schools Branch

OPERATIONAL GUIDELINE

PRINCE EDWARD ISLAND STUDENT RECORD GUIDELINES AND SUPPLEMENTARY APPENDICES	
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<i>Replaces:</i>	Prince Edward Island Student Record Guidelines, May 2011 ESD JRA-R Student Records Administrative Regulation, January 14, 1999

1.0 INTRODUCTION

- 1.1 The Prince Edward Island Student Record Guidelines provide for the maintenance of student records. In addition the Supplementary Appendices provide direction on student record maintenance, storage and retention and also includes frequently asked questions.

2.0 CROSS REFERENCE

- 2.1 PSB Operational Policy *103 Student Record*
- 2.2 *Education Act*
- 2.3 Student Record Regulations

PRINCE EDWARD ISLAND

STUDENT RECORD GUIDELINES



Education, Early
Learning and Culture

PRINCE EDWARD ISLAND

STUDENT RECORD GUIDELINES

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Introduction

The student record is essential for the smooth transition of a student through the public school system. Education authorities, in providing for the education of children, are required by the *Education Act* to establish and maintain a student record for each child enrolled in school. All student records are in the custody and under the control of the education authorities.

It is the responsibility of the Principal of each school to ensure that a student record is established and maintained for each student enrolled in the school. The Principal must make certain that all collection, documentation, maintenance, retention, transfer, release and disposal procedures are in compliance with all relevant acts, regulations and Minister's Directives including, but not limited to, the *Education Act*, the *Adoption Act*, the *Child Protection Act*, the *Custody Jurisdiction and Enforcement Act*, the *Freedom of Information and Protection of Privacy Act*, and the *Youth Justice Act*. (For some pertinent excerpts from the *Education Act*, the *Education Act Student Records Regulations* and the *Freedom of Information and Protection of Privacy Act* see Appendix I).

The purpose of the PEI Provincial Student Record Guidelines is to provide clear direction to ensure that student record management is consistent, accurate and accountable across the province. Student record management is governed by the provisions set out in these guidelines. The PEI Provincial Student Record Guidelines document will be revised as required, and reissued to the education authorities.

Definitions

Director – “Director” means the person appointed as the chief operating officer of an education authority. (*Education Act*)

Independent Student – “Independent student” means a student who is (i) 18 years of age or older, or (ii) 16 years of age or older, and (A) in the opinion of the Director is living independently of his or her parents, or (B) is party to an agreement under subsection 13(2) of the Child Protections Act. (*Education Act*)

Parent – “Parent” includes a guardian and a person who has custody of or access to a student under an enactment or by virtue of any court order (*Education Act*). In these Guidelines, parent refers to custodial parent/s, guardian/s or custodian/s.

Student Record - A student record is a collection of information directly related to a student and maintained by an education authority (*Education Act Student Records Regulations*). For the purpose of these Guidelines, a student record includes is a collection of information directly related to a student and maintained by a school or an education authority in paper, electronic or other form that the education authority considers appropriate.

The Student Record

The student record consists of

I The permanent Student Record (Cum Card)

and may include:

II A Supplementary Student Information Record (Red File)

III Resource Record

IV School Counselling Record

V Electronic Records

VI Other Student Related Information

I Permanent Student Record (Cum Card)

For a detailed list of contents of the Permanent Student Record (Cum Card) refer to Appendix II, and for information about creation and maintenance of the Cum Card refer to Appendix III.

The Permanent Student Record (Cum Card) contains the following:

- Personal and demographic information.
- Attendance records.
- Academic achievement records including report cards, transcripts and results of Provincial Common Assessments.
- Current Individual Education Plans (IEP), Transition Action Plans (TAP), and other individualized learning and behaviour plans.
- Information regarding disciplinary actions.
- Information about health issues and/or emergency medical information that may affect the educational programming, health and/or safety of the student (refer to the Minister's Directive, *Procedure for Dealing with Life-Threatening Allergies*, along with the *Information Handbook on Anaphylaxis*).
- If a Supplementary Student Information Record (Red File) is created for a student, the Permanent Student Record (Cum Card) will have a red dot in the appropriate location.

Sensitive information should **not** be contained in the Permanent Student Record (Cum Card).

II Supplementary Student Information Record (Red File)

Refer to Appendix IV for a detailed list of contents of the Supplementary Student Information Record (Red File).

When appropriate, a Supplementary Student Information Record (Red File) will be created for a student. The Red File may contain the following:

- Personal and demographic information.
- School-generated documentation regarding assessment reports and interventions and/or supports provided.
- Reports and/or referrals sent to education authorities, government and/or other agencies.

- Reports from education authorities, government and/or other agencies outside the school such as professional educational, psychological and/or medical assessment reports.
- A record of interventions the child has received.
- A record of who has had access to the Supplementary Student Information Record (Red File).

A Supplementary Student Information Record (Red File) should **not** contain:

- Raw data from standardized educational assessments administered by such professionals as Resource Teachers, School Counsellors and/or Psychologists.

For information about access to the Permanent student Record (Cum Card) and the Supplementary Student Information Record (Red File) refer to the section on Access to Information Contained in the Student Record and the subsection Parent and Student Access to the Student Record.

III The Resource Record

Resource Teachers may create a resource record for a student that may contain:

- Personal and demographic information.
- A copy of the student's current IEP and/or learning plan goals.
- Raw data from standardized educational assessments administered by a Resource Teacher.
- Documents such as:
 - program information,
 - schedules,
 - copies of the recommendations from confidential reports,
 - copies of resource reports, and
 - notes regarding the teacher's involvement with the student.

The Resource Record will not contain any information that forms part of a Supplementary Student Information Record (Red File), unless the teacher requires a copy for program planning purposes. When the planning is complete, the copy must be destroyed.

IV The School Counselling Record

Specific guidelines for the school counselling record are provided in *School Counselling Services: Standards and Guidelines Handbook for School Counsellors* (Department of Education, Early Childhood, and Culture).

The School Counsellor is responsible for the proper management of the School Counselling Record. As such, the School Counsellor will ensure that:

- Counselling notes, including collateral contact information, are maintained in a separate, secure file, referred to as the School Counselling Record in the office of the School Counsellor.

- Information acquired by a School Counsellor that is used for the purpose of program planning for the student, will be placed in the Supplementary Student Information Record (Red File) separate from the School Counselling Record.
- Reports completed by a School Counsellor will be placed in the Supplementary Student Information Record (Red File).

For information about access to the School Counselling Record refer to the section on Access to Information Contained in the Student Record and the subsection Access to the School Counselling Record.

Note: Student information that forms part of the Permanent Student Record (Cum Card), Supplementary Student Information Record (Red File), Resource Record and/or School Counselling Record, must be held in the appropriate record in hard copy.

V Electronic Records

Student record information may be stored in a number of electronic formats. Student record information that is held in electronic formats must follow the same guidelines for maintenance, access, security and transfer as those applied to hard copy student record information.

For information about access to electronic student records refer to the section on Access to Information Contained in the Student Record and the subsection Access to Electronic Student Record Information for Contractual Purposes.

VI Other Student Related Information

i Screeners

Screeners are diagnostic tools that enable specialists and other educational professionals to evaluate a student's performance and/or behaviour at a specific period in time. The results of screeners identify children who may need specific educational and or behavioural programs. Results of Screeners are not to be kept in the Permanent Student Record (Cum Card) or the Supplementary Student Information Record (Red File), but should be kept in a binder in a secure location.

ii. Highly Sensitive and Legal Documents

Documents pertaining to a student that are highly sensitive or legal in nature such as, but not limited to, court orders including Probation Orders, Custody Orders, Access Orders and Restraining Orders, as well as, Child in Need of Protection Referrals, Letters of Investigation and Child in Care of Director documents must be kept in a confidential folder in a locked location in the Principal's office.

For information about access to Highly Sensitive and Legal Documents refer to the section on Access to Information Contained in the Student Record and the subsection Access to the Record Containing Highly Sensitive and Legal Documents.

Refer to Appendix V for a list of contents of the Highly Sensitive and Legal Documents Folder.

Access to Information Contained in the Student Record

The *Education Act* states that no person shall knowingly disclose to any person information from a student record that identifies a student. Access to information contained in a student's Permanent Student Record (Cum Card) and/or Supplementary Student Information Record (Red File) is, generally, restricted to:

- Teachers and other school personnel who work directly with a Principal or his/her designate/s.
- Parents, including the non-custodial parent, unless otherwise directed by the court.
- Students who are 16 years of age or older.
- Contracted service providers.

Note: Students age 18 or older may exercise their right to deny a parent or parents access to their student record.

In all other instances, with the exception of those listed in Section 58 (4) of the *Education Act* (see below), written parental consent, or written student consent (if the student is age 18 or over) is required to disclose information from a student record that identifies the student. Principals have the responsibility to ensure that school staff is aware of and in compliance with acts, regulations, Minister's Directives and policies regarding the student record and disclosure of personal information.

If a parent of a student (who is age 18 or over) gives written consent to allow disclosure of information held in the Permanent Student Record (Cum Card) and/or the Supplementary Student Information Record (Red File), a record of disclosure of information will be kept in the Permanent Student Record (Cum Card).

Section 58 (4) of the *Education Act* states that there are a number of situations in which written parental or written student consent is not required to disclose information from a student record that identifies a student. In compliance with Section 58 (4) of the *Education Act*, information from a student record that identifies a student may be disclosed when the disclosure is:

- To an employee of an education authority or another person consulting with or providing services, assessment or advice regarding the student to the student's teacher, Principal, the education authority or to an educational institution.
- Approved by the Principal or the Director for release to an educational institution, an individual or organization that:
 - (i) is considering acceptance or placement of the student in one of its programs, or
 - (ii) provides scholarship, bursaries or services to a student.
- Authorized by the Director, if the Director believes on reasonable grounds, that the disclosure will avert or minimize an imminent danger to the health or safety of any person.
- Is made to the Director of Child Protection for the purposes of an investigation under the *Child Protection Act* R.S.P.E.I. 1988, Cap. C.
- Made to a police or corrections agency.
- Required by or under an enactment of the province or of Parliament.
- Required by a court.

The *Freedom of Information and Protection of Privacy Act* provides additional restrictions regarding the disclosure of personal information in general, including personal information contained in the student record. Section 37 (1) outlines situations where personal student information may be disclosed without written consent. Section 37 (1) of the *FOIPP Act* is reproduced in Appendix I.

I Parent and Student Access to the Permanent Student Record (Cum Card) and/or the Supplementary Student Information Record (Red File)

A student's record may be examined upon written request and with a minimum of 24 hours' notice by a parent if the student is under the age of 18, and/or by a student who is aged 16 or older. A copy of a student's record may be provided upon written request by a parent if the student is under the age of 18, and/or by a student who is aged 16 or older. With regard to parent and student access to information contained in the student record, the following apply:

- To ensure the integrity of the record, examination of a student's record must occur in the presence of the Principal or other instructional staff member of the school, as designated by the Principal, or the Director of the education authority.
- Parents or students will not have access to information in a student's record that identifies another individual. Before allowing access to the record, the record must be examined by the Principal or designate, and all information that identifies a third party (such as another student) must be severed from the record.
- At the age of 18, a student has the right to determine who may have access to his/her student record.
- Documentation of who requested to examine a student record will be kept in the Permanent Student Record (Cum Card).
- The Principal or designate may refuse to disclose a student record if the disclosure could reasonably be expected to threaten the student's or anyone else's safety or mental or physical health, or interfere with public safety.
- If a parent of a student believes there is an error/s in the information contained in the student's record, they have the right to request that the information be corrected, but this does not include a professional or expert opinion that may be included in a student's record.

II Access to the School Counselling Record

A student's counselling record is highly confidential and every effort must be made to protect the information contained in the counselling record and the privacy of the student. When considering disclosure of information contained in the School Counselling Record, the following apply:

- If a parent wishes to review information contained in the student's School Counselling Record, or wishes to authorize a review of the information by another party, the parent must make a request in writing to the School Counsellor. After receiving the request, the School Counsellor will have a minimum of 24 hours to prepare to meet with the parent or the party authorized by the parent.
- If a student, who is age 16 or over, wishes to review information contained in his/her School Counselling Record, the student must make a request in writing to

the School Counsellor. After receiving the request, the School Counsellor will have 24 hours to prepare to meet with the student.

- At the age of 18, a student has the right to determine who may have access to their School Counselling Record. The School Counsellor will have 24 hours to prepare for any meeting related to disclosure of information in a student's counseling record that is authorized by the student.
- In deciding who has access to information contained in a student's counselling record, the counsellor must evaluate the reason for the request, and the effect of the release of information.
- In deciding who has access to a School Counselling Record or to whom information may be disclosed, the school counsellor will be guided by the education authority designate.
- Before providing access to a School Counselling Record, the counselor must delete any reference to any other student/person in the record.
- The School Counselling Record must be reviewed in the presence of the Counsellor and an administrator and the record is not to leave the Counsellor's office.
- Documentation of who requested to examine a student's School Counselling Record will be kept in the Permanent Student Record (Cum Card).
- Disclosure of information in a student's School Counselling Record may occur when required by a court of law.
- When a student leaves a school, the School Counselling Record stays within the school, but the School Counsellor may transfer a summary of the record to the new school.
- When a School Counsellor leaves a school, the School Counselling Records are transferred to the counsellor's successor.

III Access to Electronic Student Record Information for Contractual Purposes

When third party service providers (contractors) are contracted to provide services for education authority operations and/or the administration of education and health-related services that necessitate the release of electronic student record information, the education authority designate must ensure that the request for the electronic student record information:

- Is reasonable.
- Will facilitate the school experience for students.

A contract must be negotiated that will ensure that:

- Only the minimal amount of electronic student record information that is necessary to provide the contracted service will be released.
- Electronic student record information will be used only for the contracted purpose/s.
- Only third party staff who are involved in the delivery of the service will have access to the electronic student record information, and all such staff will sign confidentiality agreements.
- Electronic student record information will be housed in Canada and will not be shared across international borders, that is, the service provider must be in compliance with the *Personal Information Protection and Electronic Documents Act (PIPEDA)*.

- If the contract includes one or more education authorities, as well as, the Department of Education, Early Childhood, and Culture (even if the Department's role is financial only), the contract must be signed by one signatory from each party.
- The maintenance, access, security and transfer of electronic student record information must follow the same guidelines as those applied to hard copy student record information, and must be guaranteed by the contractor.
- Before a contract is signed, the parties must ensure compliance with the Government of PEI Non-Disclosure Agreement.

IV Access to the Record Containing Highly Sensitive and Legal Documents

Access to the Record containing highly sensitive and legal documents is restricted to the Principal, the Principal's designate or education authority designate, and the School Counsellor.

Transfer of the Student Record

Note: This section pertains to individual requests for transfer of student records that occur during the school year, and not the end-of-year mass transfer of student records from one school level to the next.

When a student transfers to another school, it is the responsibility of the Principal or designate to ensure the safe and confidential transfer of the Permanent Student Record (Cum Card) and the Supplementary Student Information Record (Red File) and/or appropriate electronic records. When a student transfers within the PEI public school system, to reduce the risk of loss of the original copy of the Permanent Student Record (Cum Card) and the Supplementary Student Information Record (Red File), the school sending the records must document how and when the student record was transferred.

I Transfer within the PEI Public School System

When a student transfers from one school to another within the PEI public school system, the original Permanent Student Record (Cum Card) and Supplementary Student Information Record (Red File), as well as electronic records, are transferred to the receiving school. Before these portions of the student record are transferred, they must be reviewed to determine that only appropriate contents are contained in the record. It is recommended that the transfer occur between the school Principals or designates. If it is necessary to transfer the record through another means, the record must be transferred by courier or registered mail to protect against loss.

II Transfer to a School in another Province or to a Private School

When a student transfers to a school in another province, or to a private school, the parent (if the student is under the age of 18), or the student (if the student is 18 years or older) must complete and sign an Authorization to Obtain/Release Personal Information form before a copy of the Permanent Student Record (Cum Card) and Supplementary Student Information Record (Red File) may be transferred to the receiving school in either hard

copy or electronic format. The original record or records stay with the last school attended.

Storage, Retention, and Destruction of the Student Record

All forms of student records must be stored in a secure manner, in accordance with the policies and procedures of the education authority.

Based on the *Education Act* Student Records Regulations, the Permanent Student Record (Cum Card) must be kept for 73 years from the date of birth of a student and the Supplementary Student Information Record (Red File) must be kept for 39 years from the date of birth of a student. Education authorities have agreed that the School Counselling Record and the Resource Record must be kept for 39 years from the date of birth of the student.

Schools must retain any personal records that have been used to make a decision about a student for one year from the time of use of the information.

Destruction of all forms of student records must occur in a manner that protects the privacy of the student and ensures that the information cannot be retrieved. Student records that are maintained at education authority offices must follow the same retention and destruction protocol that is followed in the schools.

Appendix I: Excerpts from *Education Act*, *Education Act* Student Records Regulations, and *Freedom of Information and Protection of Privacy Act*

Excerpts from *Education Act* – Sections 58 - 61

58. (1) An education authority shall ensure that each school under its jurisdiction establishes and maintains, for the prescribed period, a record for each student enrolled at the school.
- (2) Subject to the regulations, an education authority shall establish written procedures respecting the storage, retrieval and appropriate use of student records.
- (3) Student records are the property of the education authority.
- (4) No person shall knowingly disclose to any person any information from a student record that identifies a student, unless the disclosure complies with regulations and is
- (a) made with the written consent of
 - (i) the student's parent, or
 - (ii) in the case of an independent student, the student;
 - (b) made to an employee of an education authority or another person consulting with or providing services, assessment or advice regarding the student to the student's teacher or principal, the education authority or an educational institution;
 - (c) approved by the student's principal or Director for release to an educational institution, an individual or organization that
 - (i) is considering acceptance or placement of the student in one of its programs, or
 - (ii) provides scholarships, bursaries or services to a student
 - (d) authorized by the Director if the Director believes on reasonable grounds that the disclosure will avert or minimize an imminent danger to the health or safety of any person;
 - (e) made to the Director of Child Protection for the purposes of an investigation under the *Child Protection Act*;
 - (f) made to a police or corrections agency;
 - (g) required by or under an enactment of the province or of Canada; or
 - (h) required by a court order.
- (5) Despite subsections (3) and (4), the Minister and employees of the Department
- (a) shall have access to information contained in the student records of education authorities;
 - (b) may compile and maintain student records; and
 - (c) shall not disclose information from student records except in the manner provided by subsection (4).
- (6) Every person who fails to comply with subsection (4) is guilty of an offence and is liable on summary conviction to the penalties set out in section 106. 2016,c.6,s.58.
59. Nothing in this Act authorizes the release of information from any record under this Act to any person in a manner contrary to the *Youth Criminal Justice Act* (Canada) or the *Youth Justice Act* R.S.P.E.I. 1988, Cap. Y-3. 2016,c.6,s.59.

60. (1) Subject to section 61, a parent may, in accordance with the regulations, examine the student records kept by a school or an education authority respecting the child of that parent.
- (2) A person who is at least 16 years of age may, in accordance with the regulations, examine the student records kept by a school or an education authority respecting that person. 2016,c.6,s.60.
61. Despite any other provision of this Act, any rights given to a parent do not apply to a parent who is prohibited access to a student
- (a) by any court order made or recognized in Prince Edward Island; or
 - (b) by the Director of Child Protection, if the student is in the care of the Director of Child Protection. 2016,c.6,s.61.

Education Act Student Records Regulations

Pursuant to section 107 of the *Education Act* R.S.P.E.I. 1988, Cap. E.-02, Council made the following regulations:

1. In these regulations,
 - (a) “Act” means the *Education Act* R.S.P.E.I. 1988, Cap. E.-02;
 - (b) “examine” means to personally inspect or review a student record or to receive an oral description or review of a student record;
 - (c) “student record” means a collection of information directly related to a student that is created and maintained by an education authority. (EC532/16)

2. (1) A student record that an education authority is required to create and maintain under section 58 of the Act for each student enrolled in a school operated by the education authority shall be in paper, electronic or other form that the education authority considers appropriate.

- (2) A student record shall include, but is not limited to, the following information:
 - (a) the student’s
 - (i) legal name,
 - (ii) gender,
 - (iii) provincial student number,
 - (iv) date and place of birth,
 - (v) residence address and telephone number,
 - (vi) current grade and school attended,
 - (b) the name, residence address and telephone number of each of the student’s parents;
 - (c) the student’s academic achievement and attendance records;
 - (d) the student’s academic support information, including
 - (i) psychometric information,
 - (ii) health status and medical conditions,
 - (iii) other health-related information as requested by the parent of the student;
 - (e) other information respecting the student, as required by the student record policy of the education authority.

- (3) For the purposes of section 60 of the Act, a person who is authorized by that section to examine a student record may examine the record by being provided with
 - (a) access to the record or part of the record; or
 - (b) a copy of the record or part of the record,

in accordance with the policy and procedure respecting the examination of student records established by the education authority.

(4) The education authority shall make a notation in each student record that lists all persons or agencies, other than instructional personnel employed by the education authority, who have examined the record. (EC532/16)

3. (1) An education authority shall establish policies and procedures respecting
 - (a) the security of the information contained in student records during active use and during their retention and storage;
 - (b) the regular review of active student records for the removal of material that is no longer considered conducive to the improvement of the instruction of the student;
 - (c) the transfer of student records between schools;
 - (d) the safe and secure storage and retention of student records;
 - (e) the examination of student records;
 - (f) the retention and disposal of student records in accordance with these regulations and the *Archives and Records Act* R.S.P.E.I. 1988, Cap. A-19.1.
- (2) An education authority shall not dispose of a student record unless
 - (a) in the case of information specified in clauses 2(2)(a), (b) and (c), the record has been retained for a period of 55 years after the date the student attained the age of 18 years;
 - (b) in the case of information specified in clauses 2(2)(d) and (e), the record has been retained for a period of 21 years after the date the student attained the age of 18 years; and
 - (c) the disposition of the record is authorized under the *Archives and Records Act*.
- (3) An education authority shall, when disposing of a student record, ensure that the disposition is carried out in a manner that ensures the confidentiality of the information contained in the student record. (EC532/16)

Excerpts from *Freedom of Information and Protection of Privacy Act* – Sections 1 and 37

1. (i) “personal information” means recorded information about an identifiable individual, including
 - (i) the individual’s name, home or business address or home or business telephone number,
 - (ii) the individual’s race, national or ethnic origin, colour or religious or political beliefs or associations,
 - (iii) the individual’s age, sex, marital status or family status,
 - (iv) an identifying number, symbol or other particular assigned to the individual,
 - (v) the individual’s fingerprints, blood type or inheritable characteristics,
 - (vi) information about the individual’s health and health care history, including information about a physical or mental disability,
 - (vii) information about the individual’s educational, financial, employment or criminal history, including criminal records where a pardon has been given,
 - (viii) anyone else’s opinions about the individual, and
 - (ix) the individual’s personal views or opinions, except if they are about someone else.

37. (1) A public body may disclose personal information only
- (a) in accordance with Part I;
 - (a.1) if the disclosure would not be an unreasonable invasion of a third party's personal privacy under section 15;
 - (b) for the purpose for which the information was collected or compiled or for a use consistent with that purpose
 - (c) if the individual the information is about has identified the information and consented, in the prescribed manner, to the disclosure;
 - (d) for the purpose of complying with an enactment of Prince Edward Island or Canada or with a treaty, arrangement or agreement made under an enactment of Prince Edward Island or Canada;
 - (e) for any purpose in accordance with an enactment of Prince Edward Island or Canada that authorizes or requires the disclosure;
 - (f) for the purpose of complying with a subpoena, warrant or order issued or made by a court, person or body having jurisdiction to compel the production of information or with a rule of court that relates to the production of information;
 - (g) to an officer or employee of the public body or to a member of the Executive Council, if the information is necessary for the performance of the duties of the officer, employee or member;
 - (g.1) to an officer or employee of a public body or to a member of the Executive Council, if the disclosure is necessary for the delivery of a common or integrated program or service and for the performance of the duties of the officer or employee or member to whom the information is disclosed;
 - (h) for the purpose of enforcing a legal right that the Government of Prince Edward Island or a public body has against any person;
 - (i) for the purpose of
 - (i) collecting a fine or debt owing by an individual to the Government of Prince Edward Island or to a public body or to an assignee of either of them, or
 - (ii) making a payment owing by the Government of Prince Edward Island or by a public body to an individual;
 - (j) for the purpose of determining an individual's suitability or eligibility for a program or benefit, including determining if an individual remains eligible or suitable for a program or benefit that individual is already participating in;
 - (k) to the Auditor General or any other prescribed person or body for auditing purposes;
 - (l) to a member of the Legislative Assembly who has been requested by the individual the information is about to assist in resolving a problem;
 - (m) to a representative of a bargaining agent who has been authorized in writing by the employee the information is about to make an inquiry;
 - (n) to the Public Archives and Records Office or to the archives of a public body for permanent preservation;
 - (o) to a public body or a law enforcement agency in Canada to assist in an investigation
 - (i) undertaken with a view to a law enforcement proceeding, or
 - (ii) from which a law enforcement proceeding is likely to result;
 - (p) if the public body is a law enforcement agency and the information is disclosed
 - (i) to another law enforcement agency in Canada, or
 - (ii) to a law enforcement agency in a foreign country under an arrangement, written agreement, treaty, or legislative authority;
 - (q) so that a spouse, relative or a friend of an injured, ill or deceased individual may be contacted;
 - (r) in accordance with section 39 or 40;
 - (s) to an expert for the purposes of section 16(2);

- (t) for use in a proceeding before a court or quasi-judicial body to which the Government of Prince Edward Island or a public body is a party;
- (u) when disclosure is by the Minister of Justice and Public Safety and Attorney General or an agent or lawyer of the Minister of Justice and Public Safety and Attorney General to a place of lawful detention;
- (v) for the purpose of managing or administering personnel of the Government of Prince Edward Island or a public body;
- (w) to the Director of Maintenance Enforcement for the purpose of enforcing a maintenance order under the *Maintenance Enforcement Act* R.S.P.E.I. 1988, Cap M-1;
- (x) to an officer of the Legislative Assembly, if the information is necessary for the performance of the duties of that order;
- (y) for the purpose of supervising an individual under the control or supervision of a correctional authority;
- (z) when the information is available to the public;
- (z.1) if the personal information is information of a type routinely disclosed in a business or professional context and the disclosure
 - (i) is limited to an individual's name and business contact information, including business title, address, telephone number, facsimile number and email address, and
 - (ii) does not reveal other personal information about the individual or personal information about another individual;
- (aa) to a relative of a deceased individual if, in the opinion of the head of a public body, the disclosure is not an unreasonable invasion of the deceased's personal privacy;
- (bb) to a lawyer or an articulated clerk acting for an inmate under the control or supervision of a correctional authority; or
- cc) if the head of the public body believes, on reasonable grounds, that the disclosure will avert or minimize an imminent danger to the health or safety of any person.

Appendix II: Contents of the Permanent Student Record File (Cum Card)

A Cum Card contains factual and current demographic information about a student, as well as, cumulative information on academic achievement and attendance. Information that forms the student’s Cum Card includes, but is not limited to, the items in the following checklist.

Factual Personal and Demographic Information:

Original student registration/information collection form
Student’s full legal name
Gender
Date of Birth
Place of Birth (if available)
Provincial ID (database ID)
Student Number (database ID)
Grade and school attended
Student’s address and telephone number
Parent/Guardian name/s, address/es, and contact information (telephone, email, etc.)
Current emergency contact information
Current after-school and early closure contact information, where required
Copy of current Student Information Form
Student Photo (Optional)
Court Ordered Custody and Student Access Information Form, where warranted
Administering Medication or Medical/Physical Procedures Form
Any anaphylaxis and epinephren injection device documentation, as outlined in the Information Handbook on Anaphylaxis
Communication and Information Technology Responsible Use Agreement for students
Any general permission or information forms required by the education authority (e.g. approval to display/publish student work, travel forms, low risk activities form, etc.)
Violent incident reports, letters of suspension, and other disciplinary actions concerning events deemed relevant, severe, or showing a pattern of behaviour
Leaving date and destination (if known), if leaving the PEI public school system
Copy of any request for records received from destination school (Authorization to Obtain/Release Personal Information) if transferring to a school outside the PEI public school system
Approval to attend school out of zone
Any parent/guardian/student request to access student record

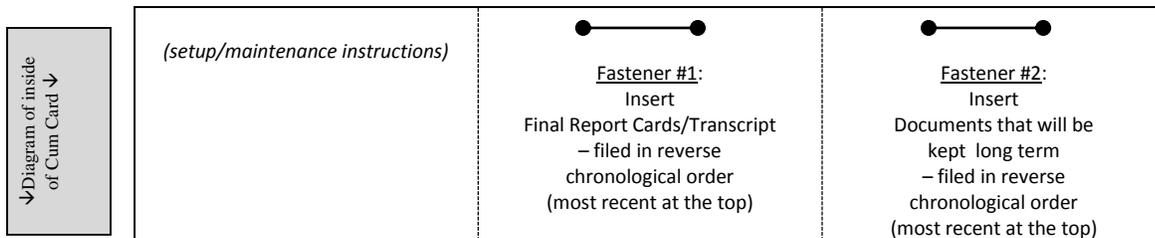
Academic Achievement and Attendance:

Type of program (e.g. regular, French Immersion) – may be included on report card
Copy of most recent Report Card/Student Learning Report/Progress Report
Copy of <u>each year’s</u> final Report Card/Student Learning Report/Progress Report, <u>including attendance summary</u>
Copy of final high school transcript
For students with IEP/TAP, a signed copy of the student’s IEP/TAP and update to this IEP/TAP (current + previous year)
<u>All</u> record(s) of course/curriculum adaptations and/or record(s) of course/curriculum modifications
Academic case management forms and student learning plans
Any behavioural planning documents
Reading Recovery-Observation Summary for Multiple Assessments form
Copy of each year’s end-of-year Resource Program Reports (<u>Not assessment reports</u>)
EAL Language proficiency assessments and program recommendations (protocols to be maintained by the assessor)
Provincial Common Assessment results

The Cum Card should **not** contain any information that correctly belongs in other student records, for example, information that should be in Supplementary Student Information Record (Red File), the School Counselling Record, or Highly Sensitive and Legal Documents file.

Items that may be purged at the end of a school year include such items as miscellaneous notes; reports no longer relevant to student’s education (e.g. summer tutoring from past years); early dismissal plans; notes from parents; yearly permission forms (unless of long-term legal relevance); suspension forms/letters for minor and non-repetitive infractions; etc.

APPENDIX III: CREATION/MAINTENANCE OF THE PERMANENT STUDENT RECORD (2010 CUM CARD)*



NOTE: Cum Cards for all students entering kindergarten should be set up using the 2010 version.

<p>INITIAL SETUP OF CUM CARD:</p> <ul style="list-style-type: none"> - Complete Student information file folder label - create and attach computer-generated label, or print legibly - Enter "Destruction Year (earliest)" – year of birth + 74 – print legibly - Enter Common Name (<i>may be changed in future years, if necessary</i>) – print legibly
<p>MAINTENANCE OF CUM CARD:</p> <p>(1) Documents</p> <ul style="list-style-type: none"> - <u>Fastener #1</u> – Attach final report card for each grade, and final transcript. File in reverse chronological order. - <u>Fastener #2</u> – Attach documents that will be kept in the Cum Card long term (<i>e.g., initial student registration form, some permission/release forms, parent requests for file access, etc.</i>) - Other documents - Documents that will be replaced or discarded can be left loose in the Cum Card (<i>e.g., single year or short-term forms, interim report card or transcript, etc.</i>).
<p>(2) School Information and Promotion History</p> <ul style="list-style-type: none"> - DO NOT USE LABELS on this portion of the Cum Card. - <u>Grades K-9:</u> Each school year, enter information for School Year, School, Grade, and Program. At the end of the school year, teacher to (1) insert final report card in fastener; (2) put checkmark in box (RC✓) to indicate report card has been inserted; (3) check off Placed, Promoted or Retained; (4) print their name; and (5) sign and date. - <u>Grades 10-12:</u> Each school year, enter information for School Year, and School. At the end of the school year, teacher to (1) insert final report card in fastener, (2) put checkmark in box (RC✓) to indicate report card has been inserted, (3) enter number of credits earned for the year, (4) print their name, and (5) sign and date. - <u>Exit from high school:</u> When the student graduates from, transitions from or leaves high school, complete all items in Exit from High School section, insert a copy of the final transcript in fastener, and put checkmark in box (TC✓) to indicate transcript has been inserted.
<p>(3) Supplementary "Red" File Exists – indicate the existence of a Red File with a red "dot" in the location provided.</p>

MAINTENANCE OF THE PERMANENT STUDENT RECORD (PRE-2010 CUM CARD)*

Schools will continue to maintain the pre-2010 version of the Cum Card in the same manner as they have, using the provincial and education authority student records management guideline documents to dictate the information to be retained in the file.

Some recommendations have been generated as a result of the new 2010 format:

- By ensuring a copy of each year's report card, including attendance data, is included in the Cum Card, schools can dispense with the manual completion of marks, etc. on the exterior of the Cum Card. THIS COPY MUST BE SIGNED BY THE HOME ROOM TEACHER. It is recommended that schools affix a two-hole fastener to the inside of the Cum Card and place the report cards in that fastener. Senior high schools should also ensure the inclusion of a signed copy of the final transcript.

- The new label format, which includes full legal name, date of birth, gender, provincial ID, and student number may be used on the pre-2010 Cum Card.
- Schools may choose to complete a School Information and Promotion History form to summarize the student's school history within the Cum Card, completed according to the instructions above.

*Refer to Provincial and Education Authority student records management documents for detailed instructions on Cum Card maintenance.

Appendix IV: Contents of the Supplementary Student Information File (Red File)

A “Red File” is created for a student if/when deemed appropriate. The information contained in this file is more sensitive than the factual and academic information contained in a student’s cumulative record. Access to this file should be kept limited, available to teachers and other school personnel on a “need to know” basis, as determined by the Principal or designate.

INFORMATION THAT FORMS PART OF THE STUDENT’S RED FILE INCLUDES, BUT IS NOT LIMITED TO, THE ITEMS IN THE FOLLOWING CHECKLIST.

	Record of Access sheet, to provide a record of who has accessed the file
	Tracking form
	Reports from educational, intellectual, behavioural and/or emotional assessments or consultations. This would include individual assessments as administered by Resource Teachers, School Counsellors, education-authority-based Consultants or Psychologists. NOT RAW DATA*
	Reports from health services/agencies such as Speech and Language, Occupational Therapy, H.E.A.R., APSEA, Child and Family Services, IWK Health Centre, and private practitioners.
	Any sensitive additional health related information as requested by the parent or student to be placed in the student record, including information from medical professionals.
	Referrals to school-based student services team.
	Copy of referrals sent to education authority Student Services or to services or agencies outside the education authority (e.g. Mental Health).
	Consent forms for psychoeducational assessments and achievement-based assessments (level B).
	Consent form for consultant involvement.
	Threat assessment documentation.
	Appropriate forms that have been signed by parents that give the school authorization to obtain or release information about the student (Authorization to Obtain/Release Personal Information).
	Contact, consultation, and case conference notes.
	EAL Intake documentation.

*Raw data from assessments ARE NOT to be included in Cum Cards or Red Files. Such data are to be kept in the professional files of the person who conducted the assessment, and retained for the same period of time as information in the student’s Red File.

Appendix V: Contents of the Highly Sensitive and Legal Documents Folder (Principal's "Legal File")

Some documents that pertain to a student are highly sensitive or legal in nature. These documents must be kept in a confidential folder in a locked location in the Principal's office.

Such documents include, but are not limited to, the items outlined in the following list.

Probation Orders
Child Protection Referrals
Custody and Access Orders
Restraining Orders
Copy of School Incident Report Form and any corresponding permission forms, where litigation may be possible.

PUBLIC SCHOOLS BRANCH

SUPPLEMENTARY

APPENDICES

Updated August 2016

APPENDIX 1

MAINTENANCE AND STORAGE OF STUDENT RECORDS

It is the principal's responsibility to ensure that student records under his/her control are safeguarded from unauthorized access, use, disclosure, disposal and/or destruction.

All Cum Cards and Red Files must be stored in a secure area in locked file cabinets, separate from each other. Schools should establish procedures for access to student Cum Cards and Red Files. Principals must ensure that all staff are aware of and in compliance with these procedures.

Long term storage of student records is the responsibility of the last PEI public school attended by the student or, in the case of a student who has graduated, the school from which the student received their graduation certificate. Records for students no longer attending the school may be kept in a separate area from those of students currently attending the school. Currently, the responsibility for long term storage of student records rests with each school.

Student records must be reviewed on a yearly basis by a teacher in September. This should be done again in June when final report cards and other materials are added to a student's Cum Card. Transitory notes or information should be destroyed in a manner that ensures the information cannot be retrieved. Transitory information is defined as information that is no longer required for the purpose for which it was collected, is not required to provide evidence of decision-making, or is not related to ongoing issues that extend over a period of time. In general, any information that was used to make a decision directly affecting a student should be retained for at least one year. This would apply to all types of student information (paper, electronic or other).

Schools and the education authority must make every reasonable effort to ensure that information regarding students is accurate, relevant and complete. Any information included in a student record should be professionally recorded in an objective and factual manner. Personal impressions and points of view should be clearly identified as such.

At the end of the school year or at the time of transition to another school, the following should be removed from the Cum Card: work sheets, discipline reports (in most cases), bus conduct reports, class tests and assignments, and material no longer conducive to the improvement of welfare or the instruction of the student. In June, home room teachers must insert the final report card (including attendance summary) in each student's Cum Card and ensure the removal and secure destruction of unnecessary material.

General File Management Points for All Student Records

- Only one copy of information (report, letter, form, etc.) should be kept in a student's Cum Card or Red File. Do not keep multiple copies in a student's file or make multiple copies to be used in other areas of the school.
- Organize file information in chronological order with the most recent information on the top.
- Use ink for file notations (preferably black ink), not pencil.
- Sign and date all reports, correspondence and notes.
- Initial and date any changes made to file information.
- Information that is to be severed from a record to avoid identifying a third party should be copied, the information then "whited out," and re-copied to ensure the third-party information cannot be retrieved. (Note: In the case of a FOIPP request, the original (unsevered) document would be required.)

Appendix 2 - Cross Reference and Information Guide		
Form/Document/Information	Storage Location*	Information (Status, Retention, Where to Find, etc.)
Academic intervention plans/documentation	Cum Card	see <i>IEP/TAP and Adaptations and modifications</i>
Acceptable Use Agreement form	Cum Card	see <i>Communication and Information Technology Responsible Use Agreement</i>
Access to Electronic Student Record Information for Contractual Purposes	....	Student Record Guidelines - page 7
Access to Information Contained in the Student Record - Parent and Student Access to the Cum Card and Red File	....	Student Record Guidelines - page 6
Access to Information Contained in the Student Record - School Counselling Record	....	Student Record Guidelines - page 6
Access to the Legal File	....	Student Record Guidelines - page 8
Adaptions and modifications to curriculum	Cum Card	purge when 2 years old
Administering Medication or Medical/Physical Procedures form	Cum Card	retain until replaced with most current // form available on PSB website
Anaphylaxis and Epi-Pen documentation	Cum Card	retain until replaced/updated by most current // governed by MD 11-06 and the Information Handbook on Anaphylaxis
Attendance	Cum Card	recorded as part of report card - see Student Record Guidelines - Appendix II
Authorization to Obtain/Release Personal Information form - relating to Student Services	Red File	permanent retention* // form available on PSB website
Authorization to Obtain/Release Personal Information form - to a destination school outside PEI public school system	Cum Card	permanent retention* // form available on PSB website
Case conference and other professional notes	Red File	long-term retention**
Child Protection Referrals	Legal File	long-term retention*
Common Assessment results (provincial)	Cum Card	
Communication and Information Technology Responsible Use Agreement ("internet form")	Cum Card	retain until replaced with most current // governed by MD 2015-03 - copies are provided yearly by the Department of Education
Computer and Information Technology Acceptable Use Agreement form ("internet form")		see <i>Communication and Information Technology Responsible Use Agreement</i>
Consent forms and Referrals - Student Services	Red File	long-term retention*
Contact Information - after school and early closure	Cum Card	purge at end of year
Counselling notes	School Counselling Record	long term retention*
Court Order	Legal File	retain until replaced or no longer valid
Court Ordered Custody and Student Access Information form	Cum Card	retain to end of year, or purge if replaced/no longer valid if earlier // form available on PSB website
Cum Card - Creation and Maintenance	....	Student Record Guidelines - Appendix III
Cum Card Contents	....	Student Record Guidelines - page 2 and Appendix II
Custody and Access Orders	Legal File	retain until no longer valid

* permanent retention = when student reaches age 73 *

long-term retention = when student reaches age 39

Form/Document/Information	Storage Location*	Information (Status, Retention, Where to Find, etc.)
Definition of a Student Record	....	Student Record Guidelines - page 1
Disciplinary actions/documentation - minor and non-repetitive infractions	Cum Card	purge at end of year
Disciplinary actions/documentation - relevant, severe, or showing pattern of behaviour	Cum Card	relocated to Red File for long term retention*
Display or Publication of Student Information or Work - Information for Parents and Release Form ("media form")	Cum Card	retain until replaced with most current
EAL Intake documentation	Red File	provided by EAL/FAL Reception Centre; long term retention*
EAL Language proficiency assessment and program recommendations	Cum Card	
Education Act - excerpt	....	Student Record Guidelines - Appendix 1
Electronic Records	....	Student Record Guidelines - page 4
FOIPP Act - excerpt - definition of personal information	....	Student Record Guidelines - Appendix I
Health information - routine	Cum Card	retain until replaced/updated
Health information - sensitive or from outside sources other than parent	Red File	long-term retention*
IEP/TAP - copy of current year	Cum Card	purge when 2 years old (long term retention at Branch office)
IEP/TAP - copy of previous year	Cum Card	purge when 2 years old (long term retention at Branch office)
Incident Report form (Student Services)	Red File	long term retention* // form available on PSB website
Independent Student - definition	....	Student Record Guidelines - page 1
Internet form	....	see <i>Communication and Information Technology Responsible Use Agreement</i>
Legal and highly sensitive documents	Legal File	retention depends on nature of the document(s) - many can be purged when replaced or expired; documents relating to child protection should be retained long-term*
Legal File - contents	....	Student Record Guidelines - Appendix V
Legal or highly sensitive documents	....	Student Record Guidelines - page 4 and Appendix V
Marks	Cum Card	recorded as part of report card - see Student Record Guidelines - Appendix II
Media form	....	see <i>Display or Publication of Student Information or Work - Information for Parents and Release Form</i>
Notes from parents - general	Cum Card	if notes have been filed in the Cum Card, can be purged at end of year
Out of Zone - approval to attend	Cum Card	retain until replaced by more current
Parent Permission form for Alternative Education	Red File	long-term retention*
Parent request to access student record	Cum Card	permanent retention*

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long-term retention = when student reaches age 39

Form/Document/Information	Storage Location*	Information (Status, Retention, Where to Find, etc.)
Participation, Release and Indemnification form ("high risk" form)	Cum Card	purge from Cum Card at end of year BUT keep in school, filed by school year (AND - where there is an accompanying School Incident Report, file copy with that form) // form available on PSB website
Participation, Release and Indemnification forms	....	see <i>Release - Low Risk Activities</i> and <i>Release - Specific Activities</i>
PEI Legislation - Acts and Regulations	....	access through government website
Permission for Assessment / Consultation	Red File	long-term retention* // form available on PSB website
Permission Forms - general	Cum Card	purge at end of year unless there might be long-term legal implications
Probation Orders	Legal File	until no longer valid
Raw data from assessments - Level B & C	assessor's professional files	long-term retention*
Reading Recovery - Observation Summary for Multiple Assessments form	Cum Card	long-term retention* // form available on PSB website
Record of Access sheet	Red File	permanent retention* // form available on PSB website
Red File Contents	....	Student Record Guidelines - page 2 and Appendix IV
Referral Form for Alternative Education	Red File	long-term retention*
Registration Form/Information Collection form - new student	Cum Card	permanent retention* // forms available on PSB website
Release - Low Risk Activities form	Cum Card	purge at end of year or when replaced // form available on PSB website
Release - Specific Activities form ("high risk" form)	Cum Card	purge from Cum Card at end of year BUT keep in school, filed by school year (AND - where there is an accompanying School Incident Report, file copy with that form) // form available on PSB website
Report Card - end-of-year	Cum Card	permanent retention*
Report Card - semester (1st AND 2nd)	Cum Card	permanent retention* for senior high
Report Card - term	Cum Card	retain until replaced with most current
Reports from various professionals (counsellors, psychologists, outside agencies, etc.) - EXCLUDING RAW DATA	Red File	long-term retention*
Resource Record	....	Student Record Guidelines - page 3
Restraining Orders	Legal File	until Expiry Date
Retention and Destruction of the Student Record	....	Student Record Guidelines - page 9
School Counselling Record	....	Student Record Guidelines - page 3
School Counselling Services: Standards and Guidelines Handbook for School Counsellors	....	access through Department of Education website (Student Services)
School Counsellor's reports or information used for programming	Red File	long-term retention*

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long-term retention = when student reaches age 39

Form/Document/Information	Storage Location ⁺	Information (Status, Retention, Where to Find, etc.)
School Incident Report form		sent to Branch office for long-term retention - copy kept in school (attach to high risk form, where appropriate), usually in file folder for that year // multi-part form available from Branch office
Screener results	binder for each set	
Screeners	...	Student Record Guidelines - page 4
Student Information Form (generated from Trevlac)	Cum Card	replace yearly with most current
Student photo	Cum Card (optional)	retention optional
Student Record Regulations - excerpt	....	Student Record Guidelines - Appendix I
Student Suspension Report	Cum Card	retention for most: current + previous year; longer retention for items deemed relevant, severe, or showing a pattern of behaviour // form available on PSB website
Summer tutoring from past years	Cum Card	purge at end of year
Third-party Service Providers	....	Student Record Guidelines - page 7
Threat assessment documentation	Red File	long-term retention*
Tracking Form	Red File	long-term retention* // form available on PSB website
Transcript - final	Cum Card	permanent*
Transcript - interim	Cum Card	retain until replaced with most current
Transfer of the electronic (Trevlac) record - to another PEI public school - what/how	....	Trevlac Reference Manual - Section 5
Transfer of the Student Record - general	....	Student Record Guidelines - page 8
Transfer of the Student Record - to a PEI private school or another province	....	Student Record Guidelines - page 8
Transfer of the Student Record - to another PEI public school	....	Student Record Guidelines - page 8
Verification of Credit form (AltEd)	Cum Card	permanent*
+ During the school year, some forms may be kept outside the Cum Card for ease of access; however, they must be placed in the Cum Card before it is transferred to another school or placed in storage.		
Last updated: August 2016		

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long-term retention = when student reaches age 39

APPENDIX 3

FREQUENTLY-ASKED QUESTIONS AND CROSS-REFERENCES (based on PEI Student Record Guidelines – 2016)

QUESTION	RESPONSE/REFERENCE*
<i>Access to a student's record - Who has access? How old does a student have to be to access his/her own record?</i>	Access to student records is outlined in the <i>Education Act</i> - see <i>Access to Information Contained in the Student Record (page 4)</i> for details. A student may legally access their own record upon turning age 16.
<i>Additional Records - What happens to these files when the teacher leaves the school?</i>	Additional records include School Counsellor and Resource files. These files are passed on to the teacher's replacement within that school.
<i>Co-op Placement Reports - Where should these be stored?</i>	This is the same as any other regular assessment tool (e.g. Math test) - transitory data, not normally filed in the Cum Card.
<i>Court Orders/Placement Orders - Who can access these and when?</i>	Administrators are often the only ones to have access to this information. A summary form has been developed to record basic, relevant information on custody and access.
<i>Cum Card - What goes in it?</i>	See <i>Appendix II</i>
<i>Destruction - How long must student records be kept?</i>	Cum Card data may not be destroyed earlier than 55 years after the student attains age 18; and other data, including Red Files, raw data from formal assessments, or any information respecting the student that may have been required by educational authority policy, may not be destroyed earlier than 21 years after the student attains age 18 (per <i>Education Act Student Records Regulations</i>)
<i>Electronic Records - A lot of the information on the list for the Cum Card exists in Trevlac. Isn't this enough?</i>	Electronic sources such as Trevlac are not always available, or as reliable as paper records; so, especially where information is required under the <i>Education Act</i>, hard copy is the most permanent record. However, paper records can be produced from Trevlac to meet some of the requirements. The use of electronic information may expand in the future.
<i>File Management - Are there general guidelines for maintaining files?</i>	Yes - see <i>Maintenance and Storage of Student Records (Supplementary Appendix 1)</i>
<i>Forms - Where can we get copies of the forms referred to in the Guidelines?</i>	Most are available on the PSB website. See also: <i>Supplementary Appendix 2</i> for additional information relating for forms.
<i>Forms - Tracking Form - What is it used for?</i>	The Tracking Form must be included in every Red File. It summarizes the involvement of additional supports or testing relating to the student.

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long-term retention = when student reaches age 39

QUESTION	RESPONSE/REFERENCE*
<i>Forms - Tracking Form – Our school prefers to keep this form in the Cum Card. Is this okay?</i>	Schools wishing to maintain the Tracking Form in the Cum Card may do so – while the student is attending your school. However, the provincially-agreed location is the Red File. Therefore, before a student is transferred to any other PEI public school, or the student's records are put into long-term storage, the Tracking Form must be relocated to the Red File.
<i>Forms - Our school keeps some of the student forms in a folder outside the Cum file - e.g. Student Information Forms, Permission to Administer Medication, Low Risk Permission forms, etc. Is this okay?</i>	If that works best for your school - yes - but with conditions. You must develop consistent practices within your school and make sure that your staff are aware of what is kept out, and where those forms can be found. They must also be kept with the same consideration to security as the Cum Card. If some of the forms are not common to every student (e.g. Permission to Administer Medication), there must be something in or on that student=s Cum Card to indicate the form exists. Also, before a Cum Card is sent to another school or to storage within or outside your building, all relevant forms must be inserted.
<i>French Immersion Screening - Where should this be stored?</i>	The results of each type of screener would generally be filed in its own binder. See <i>Other Student Related Information – page 4.</i>
<i>Guidelines - Are they "written in stone?"</i>	Some of the guidelines are requirements based on legislation and policy. Where that is not the case, guidelines may change according to input received from schools, and a changing environment. They will continue to be reviewed on a regular basis.
<i>Guidelines - How were these guidelines developed?</i>	A provincial committee with representation from all PEI education authorities, as well as the Department of Education, consulted extensively to create the guidelines.
<i>High Risk Permission forms</i>	See: <i>Release – Specific Activities</i>
<i>Kindergarten evaluations (EYE) – Where should the results be stored?</i>	
<i>Legal file – What should be done with documents in the legal file when a student transfers to another PSB school?</i>	If a document is still valid, a <u>copy</u> of the document should be delivered (in person) to the receiving principal. The original document should remain with the sending school.
<i>Marks – Where should they be recorded?</i>	Marks form part of the Cum Card and are included on the report cards filed in the Cum Card and, in some cases, on the Cum Card itself. See <i>Appendix III – Creation and Maintenance of the Permanent Student Record Card (Cum Card)</i> for details.
<i>Medical logs - Where should the record of medication administered by kept?</i>	At the school's discretion - often with or near the medication itself.

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 long-term retention = when student reaches age 39

QUESTION	RESPONSE/REFERENCE*
<i>Other records - What about items that don't belong in either the Cum Card or the Red File?</i>	All items about a student form part of their record - but some are not appropriate for filing in the Cum Card or Red File. Certain items are designated as forming part of a specialist's file (see page 3). Also, some notes or observations of a teacher or administrator might be maintained by that individual.
<i>Participation, Release and Indemnification forms</i>	See: Release – Specific Activities
<i>Personal Information - What is it?</i>	Personal information is defined in the FOIPP Act (see Appendix I)
<i>Photos/Student Pictures – Where are they affixed to the Cum Card?</i>	The inclusion of the student's photo in/on the Cum Card is optional. If desired, there is space available on the inside cover the 2010-version Cum Card to affix a photo.
<i>Raw Data - What is it? Where is it kept?</i>	Raw data includes test forms used to administer an assessment to an individual student, from which a report or summary is written. Raw data is kept in the files of the person who administered the assessment. If that person changes schools or leaves the employ of the Public Schools Branch, those files remain at the school.
<i>Red File - What goes in it?</i>	See Appendix IV
<i>Release – Specific Activities (high risk) forms – Can they be purged from the Cum Card?</i>	They can BUT they must be kept in the school, filed by school year. Also, where the activity resulted in the completion of a School Incident Report form, the original high risk form should have been attached to the Incident report and sent to the Branch office, with a copy kept in the school.
<i>Reports Cards - Which report cards must be kept in the Cum Card?</i>	The Cum Card must contain a copy of <u>each year's</u> final report card or, for senior high grades, a copy of each semester's final report card. During the school year, it should contain a copy of the most recent report card.
<i>Report Cards - Why must we keep a copy of each year's report card in the Cum Card?</i>	The report card contains achievement data from across the school year, as well as an attendance summary. Having this information as part of the permanent student record is required by the <i>Education Act/regulations</i>.
<i>Review of Student Files - When should student files be reviewed and by whom?</i>	Student records are to be reviewed twice a year by a teacher - within the first month of school, and again at the end of the school year. (See <i>Supplementary Appendix 1 - Maintenance and Storage of Student Records</i>)

* permanent retention = when student reaches age 73 *
 long-term retention = when student reaches age 39

QUESTION	RESPONSE/REFERENCE*
<i>School Counsellor's file – Should this file be transferred to the new school when a student transfers to another school in the Public Schools Branch?</i>	No. Where the transfer is between two PSB schools, a counsellor's written summary should be provided, if it is deemed that the information is relevant. Where transitions meetings are held, some information is shared verbally.
<i>School Counsellor's file – Should any of the information in this file be shared with the receiving school when a student transfers outside the Public Schools Branch?</i>	Not without parental consent. However, where there has been in-depth involvement of complex nature, a verbal exchange of information between counselors may be warranted.
<i>School Incident Report Form – Do we need to keep a copy?</i>	One copy of the School Incident Report Form IS kept by the school. Also, where the incident resulted from an activity for which a Release – Specific Activities ("high risk") form was completed, a copy of the high risk form should be attached to the School Incident Report when it is sent to the district office.
<i>School Incident Report Form (risk management) versus Incident Report Form (District Response Team – Student Services) – What is the difference, and when are they completed?</i>	The "School Incident Report Form" is a three-part preprinted provincial form that is completed, for risk management purposes, when an injury is sustained during an incident. The "Incident Report Form" is completed when a student is involved in a situation which is, or has the potential to be, threatening or violent. Where such a situation results in injury to that student or others, BOTH forms are to be completed.
<i>Storage - Where are <u>inactive</u> student records stored?</i>	Secure long-term storage of inactive files is the responsibility of the last PEI public school a student attended.
<i>Storage - Where are <u>active</u> student records stored?</i>	Cum Cards and Red Files must be stored in locked file cabinets, separate from each other. See <i>Supplementary Appendix 1 - Maintenance & Storage of Student Records</i> for more details.
<i>Student record - What is it?</i>	See <i>Definition of a Student Record</i>, and <i>The Student Record (page 1)</i>
<i>Student Records - How were the lists of contents for a Cum Card and Red File determined?</i>	The basic requirements are outlined in the <i>Education Act</i> and <i>Student Records Regulations (see Appendix I)</i>. The original committee compiled the final list.
<i>Supplementary Student Information File</i>	Listed under <i>Red File</i>
<i>Transfer - How are the student record files transferred from one school to another?</i>	The transfer of hard copy files should be done in a secure manner, usually face to face between the two professionals involved. Where other means are required, courier or registered mail should be used. (See <i>Transfer of the Student Record – page 8</i>)

* permanent retention = when student reaches age 73 *
 long-term retention = when student reaches age 39

QUESTION	RESPONSE/REFERENCE*
<i>Transfers - What files are sent when a student transfers to another public school on PEI?</i>	The Cum Card and Red File are provided (as well as the electronic file from the Trevlac database). (See <i>Transfer within the PEI Public School System – page 8</i>)
<i>Transfers - What information is sent when a student transfers outside the PEI public school system (private school or out of province)?</i>	Upon receipt of the necessary permission form, a <u>copy</u> of the information in the Cum Card, and usually the Red File information, are sent to the new school. (See <i>Transfer to a School in Another Province or to a Private School – page 8</i>)
<i>What the best way to organize individual files?</i>	Place items in chronological order, most recent on top; no staples in the Cum Card. The new (2010) Cum card has designated locations for some information (see <i>Appendix II</i>).

*Page and Appendix references refer to the PEI Student Record Guidelines, May 2016 version

If you have additional questions, or require additional clarification, please discuss with your school administrator.

(Last updated: August 2016)

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