



## STUDENT RECORDS POLICY

DM Approval:

Effective Date: January 1, 2019

### GENERAL INFORMATION

Under ss. 20 (1) of the *Education Act*, every school administration must establish and maintain a student record for each student enrolled in their school in accordance with established policies and guidelines.

Subsection 20 (3) of the Act provides that each student's record is for the information and use of school-based and other Department of Education staff for the purpose of improving the instruction of the student. A student's record should document the activities that school-based and other Department of Education staff undertake to support the instruction of the student.

A student's record is privileged and is only available for use by staff for the purpose of improving the instruction of the student. It is not available to any other person without the written permission of the student's parent, or the student if they are 16 years of age or older (ss. 20 (2)).

Under ss. 20 (4) of the Act, persons who contribute information to a student record are exempt from any liability with respect to the provision of that information as long as they acted in good faith, within in the scope of their duties, and without negligence.

### PURPOSE

The purpose of this policy is to provide direction for the management of student records by Department of Education employees, and to enable the implementation of guidelines that ensure consistency in the collection, retention, and use of student records.

### DEFINITIONS

'Parent' means the biological parents, the adoptive parents by custom or otherwise, the persons legally entitled to custody, or the persons who usually have the care and control of the child.

'Student Record' means a record of information in written or electronic form pertaining to a student, but does not include a record prepared by a person if that person is the only one who will have access to it.

## **POLICY STATEMENT**

### **A. General**

In accordance with the requirements of the *Education Act* and the *Access to Information and Protection of Privacy Act*, school-based and other Department of Education staff may collect, retain, and use a student record for the purpose of improving the instruction provided to the student and improving the student's academic achievement and success.

The collection, retention, and use of student information must be consistent with the guidelines and procedures developed pursuant to this policy.

### **B. Retention and Disposition of Student Records**

The school administration must ensure that:

- a) Student information is collected, retained, and used in accordance with the guidelines and procedures established under this policy.
- b) All student records are stored in a secure location.
- c) Student records for inactive students are prepared and transferred to the Department of Education's Records Unit in accordance with the guidelines and procedures established under this policy.
  - a. A student's record becomes inactive five years after the student leaves the Yukon education system, after which the Department of Education's Records Unit will forward the it to the Records Centre for retention/disposal in accordance with the Records Retention & Disposition Schedule

### **C. Disclosure of Student Records**

The school administration must ensure that student records are not disclosed to any person except in accordance with the requirements of the *Education Act* and the guidelines and procedures established under this policy.

In general, a student's record may only be disclosed:

- a) to school-based and other Department of Education staff for the purpose of improving the instruction of the student; or
- b) with the written permission of the student's parent, or the student if they are 16 years of age or older.

If a student transfers to a school within the Yukon education system, the school administration will transfer the student's record to that school upon receipt of a written request from the administration of that school.

If a student transfers to a school outside the Yukon education system, the school administration should transfer a copy of the student's record to that school with the written permission of the student's parent, or the student if they are 16 years of age or older. The original of the student's record must be retained by the Yukon school.

#### **D. Inaccurate or Incomplete Student Records**

If a person believes that a student record contains inaccurate or incomplete information, they can request that the school administration rectify the record.

Any dispute arising about the accuracy or comprehensiveness of a student record can be referred to the superintendent, who must review the request and provide direction to the school administration.

Any dispute that remains unresolved may be appealed to the Education Appeal Tribunal within 14 days of the superintendent's decision.

### **ROLES AND RESPONSIBILITIES**

Teachers are responsible for maintaining whatever records required by their school administrator, the superintendent or the Act, and for making these records available for inspection by the superintendent or a person authorized by the superintendent (ss. 168(f)).

School administrators are responsible for maintaining student records for students attending their school in accordance with the requirements of the Act and this policy (ss. 169(g)).

The Department of Education is responsible for issuing policies and guidelines respecting the form, content, confidentiality, and disposition of student records (ss. 186(1) (c)).

### **APPLICATION**

This policy applies to all Department of Education staff.

### **EXCEPTIONAL CIRCUMSTANCES**

In situations where the individual circumstances of a case are such that the provisions of this policy cannot be applied or to do so would result in an unfair or an unintended result, the decision may be based on the individual merits and justice of the situation. Such a decision will be considered for that specific case only and will not be precedent setting.

## **EFFECTIVE DATE**

This policy is effective January 1, 2019.

## **LEGISLATIVE AND POLICY REFERENCES**

*Education Act s. 20, ss. 168 (f), ss. 169 (g), ss. 186 (1) (c).*  
*Access to Information and Protection of Privacy Act.*

## **HISTORY**

Student Records Policy, effective January 1, 2019.