



## Chapter 3 Operations Management

### 3.1 Student Records

#### Policy Statement

The Atlantic Provinces Special Education Authority (APSEA) acknowledges its responsibility for the integrity of all student records within its custody and control. This policy provides direction to APSEA staff regarding their roles and responsibilities for; the completion, access, correction or removal of personal information, security, maintenance, storage, transfer, retention, and destruction of student records.

#### Definitions

**Confidential Record** – Documentation, including medical information related to the student’s educational programming that is considered to be highly sensitive in nature, as determined under this policy or by the Director of Programs – BVI (Blind or Visually Impaired) or DHH (Deaf or Hard of Hearing) or their designate. This includes, but is not limited to, parental consent forms and third-party reports such as medical, audiology and eye reports from health care providers.

**Cumulative Record** - Documentation related to a student’s educational progress that is not placed in the student confidential record (e.g., APSEA Service Plan (ASP), APSEA Program Planning Report, functional vision report).

**Director of Programs** – Director of Programs BVI or DHH at APSEA.

**Employee** – A person whose terms and conditions are set out in accordance with a contractual agreement of employment with APSEA, as well as other direct employees performing work for APSEA.

**Individual Case Notes** - Notes made by professionals in the course of counseling sessions and assessments (e.g., psychologists’ working notes or counsellors’/social workers’ notes).

**Legal Guardian** - An individual who has legal authority to care for another person. Legal guardianship is commonly used for minors, developmentally disabled adults, and incapacitated seniors.

**Medical Consent Form** - The form used for parents/guardians to give authority to APSEA staff to arrange for the provision of health care services for their child/ward.

**Medical/Health Records** - The record of a student's medical information, care, and treatment. This may include, but is not limited to, a chronological written account of a student's nursing/physician examination, care and treatment including any prescribed medication.

**Media Files** – Any electronic images, audio, or video files.

**Parent** - The parent, guardian, or other person who is legally responsible for the care and custody of a student.

**Personal Information** - recorded information about an individual, which may include:

- the individual's name, address, or telephone number,
- the individual's race, national or ethnic origin, colour, or religious or political beliefs or associations,
- the individual's age, sex, sexual orientation, gender identity, marital status, or family status,
- an identifying number, symbol or other particular assigned to the individual,
- the individual's fingerprints, blood type or inheritable characteristics,
- information about the individual's health-care history,
- information about the individual's educational, financial, criminal or employment history,
- anyone else's opinion about the individual, and
- the individual's personal views or opinions, except if they are about someone else.

Personal information must not be collected unless it relates directly to, and is necessary for, an operating program or activity.

**Student** - An individual who is receiving, or has received, APSEA services; this includes early learners.

**Student Record** - The student's APSEA cumulative and confidential records, and where applicable, the Youth Criminal Justice Record; a student record may exist in paper and/or electronic and/or digital format.

**Student Records Management** - The procedures related to the creation, collection, distribution, and use (including access and transfer), updating, protection, organization, storage, maintenance and retention, and closure of the student's records.

**Superintendent** - The Superintendent of APSEA.

**Youth Criminal Justice Record** - All recorded information pertaining to the federal *Youth Criminal Justice Act (YCJA)* and services or programs from the criminal justice system in which a student is identified.

### **Policy Objectives**

- (i) To ensure all student records management is conducted in a consistent, efficient, effective, accurate and accountable manner.
- (ii) To facilitate appropriate sharing of vital information.
- (iii) To ensure compliance with appropriate legislation.

### **Application**

This policy applies to all APSEA employees who have responsibility for student records.

All teachers, professional and administrative staff are required to keep accurate, well-maintained, and up-to-date information for all students.

### **Policy Directives**

#### **(i) Records**

##### **APSEA Cumulative Record**

An APSEA cumulative record must be established in a timely manner following acceptance for service under the direction of the appropriate Director of Programs. Access to this information is restricted (refer to Appendix B).

##### Content of APSEA Cumulative Record

The APSEA cumulative record must contain the following personal information, if applicable:

- APSEA Referral for Services form
- APSEA Service Plan (ASP)
- APSEA Program Planning Reports
- indication of any other files held by APSEA relating to the student
- custody documents
- legal documents pertaining to legal name change
- Discontinuation of APSEA Services form

The APSEA cumulative record may also contain the following:

- student individualized educational plans
- library and equipment loan records
- APSEA Assistive Technology SET3 report
- parental consent/authorization forms pertaining to APSEA programs and services not deemed to be sensitive or not required to be included in the confidential file
- photograph of the child

Note: A student's public school cumulative record, containing educational progress reports resides at the student's school.

### **APSEA Confidential Record**

A student's confidential record contains sensitive reports and documents, either generated within APSEA or received from third parties. Access to this information is restricted (refer to Appendix B).

#### Content of APSEA Confidential Record

The APSEA Confidential Record must contain the following personal information, if applicable:

- APSEA assessment reports
- Third party information requested by APSEA from an agency or professional (who is a recognized service provider and not employed by APSEA), such as assessments, referrals, correspondence or reports from occupational therapists, psychologists, physicians, social workers
- APSEA Incident Report forms and any related notices, e.g., letter to school or parent.

#### **(ii) Changes or Corrections to the Student Record**

A student record may be changed or corrected as set down in this Policy.

All requests for change or correction to the student record must be made in writing to the Director of Programs – BVI or DHH, and retained in the student's file.

If a student (current or former), parent, APSEA teacher, or school professional staff requests a change or correction to the student record, the following procedure will apply:

- If the Director of Programs – BVI or DHH decides the student record or part of the student record is inaccurate, the change is made and documented in the student record.
- If the Director of Programs – BVI or DHH decides the student record or part of the student record is accurate, no change is made.

- If the Director of Programs – BVI or DHH decides the student record or part of the student record was accurately recorded, but there is a subsequent variation in circumstances to render the student record or part of the student record inaccurate from that time on, the student record or part of the student record is changed at the time of identifying the inaccuracy and documentation of the request for a change is kept.
- Name changes must be accompanied by legal documentation. A photocopy of the legal documentation must be placed in the cumulative record.

Where a third party requests information from the student record in relation to changes or corrections, the Director of Programs BVI or DHH shall, subject to the YCJA or any other applicable laws, only provide such information from the record to which the student has provided written consent.

### **(iii) Access to Student Records**

The Director of Programs – BVI or DHH is responsible for ensuring access to student records is carried out in accordance with this policy as well as appropriate legislation.

Note: For clarification concerning access to student records and the related process, refer to Appendix A in this document.

- a) Access considered on a “need to know” basis is determined by:
  - relevancy for delivery of services.
  - safety and security of students, staff, and members of the school community.
- b) Access requested via a production order requires the following:
  - The APSEA employee obtain advice from the appropriate senior APSEA staff (Director of Programs - BVI or DHH), who should seek advice from APSEA legal counsel.
  - Upon receipt of a production order, subject to the advice from appropriate senior staff and APSEA legal counsel, a copy of all APSEA-generated documents from the original student record will be provided through the appropriate process. Upon return of the original file, the copy of the student record is shredded in a secure manner.
  - With the exception of a production order, access to records does not include third party information.
- c) APSEA must ensure the original student records remain in the APSEA record keeping system, except when the record has been requested through a production order or is required for some other legally permissible purpose. When APSEA provides viewing access, the viewing must occur on APSEA premises.

#### **(iv) Transfer of Records**

It is the responsibility of the Director of Programs – BVI or DHH or their designate to ensure the secure and confidential transfer of the student record. A request for student records from outside of APSEA must be approved by the Director of Programs – BVI or DHH or their designate. Any transfer will be in accordance with the following:

- Transfer of student records must be carried out in a secure manner from the APSEA Centre.
- The manner of transfer can include secure electronic mail or secure public or private mail service.
- When a transfer of records has been approved, a copy of the records shall be provided. The original records shall be retained at APSEA.
- Transfer of records does not include “third party information.”
- Transfers must be documented, including where, to whom and which parts of the student record have been sent.
- Transfers require a legible and original copy of the parent/legal guardian or student signature as applicable.
- Transfers shall be completed in a time-sensitive manner.

#### **(v) Maintenance and Retention of Student Records**

Student records and any copies must be maintained with a high degree of security to avoid unauthorized access, use, alteration, disclosure, or disposal.

- Student records must be kept in locked storage/briefcase, secure rooms and/or on a secure database designated for file storage.
- Student records of students who no longer receive APSEA services will be maintained with the same level of security as the student records of students currently served by APSEA.
- Student records kept in electronic format must be secured through the use of confidential passwords and encryption.
- Media files created by APSEA must be either shredded or securely erased when no longer used for programming, assessment or for sharing information/communication.
- Media files received from a third party are the responsibility of the recipient and must be returned or destroyed with the consent of the originator.

#### **(vi) Responsibility for Security and Maintenance**

The Director of Programs – BVI or DHH has the responsibility for all student records management, including:

- making every reasonable effort to ensure the information is accurate and up to date.
- ensuring each student has a cumulative record and, when necessary, a confidential record.

- providing storage and ensuring security of the student records.

The Director of Programs – BVI or DHH may assign tasks for student records management to APSEA staff, but retains responsibility. All staff should have access to, and familiarity with, all provisions of this policy.

#### **(vii) Retention of Records**

APSEA must ensure student records are protected, including long-term storage in accordance with the Records Retention Schedule (Appendix C).

### **Accountability**

All APSEA Employees are responsible for understanding and following this operational policy and any documents related to student records.

### **Monitoring**

- The Superintendent of APSEA or their designate will review this policy annually.

This is an operational policy designed to supplement other APSEA operational policies and is not intended to replace or preclude them. If a situation occurs where there is a conflict between application of this operational policy and any other APSEA operational policy, the policy most specific to the situation will apply.

### **Approval Dates**

Approved: March 2016  
Reviewed/Revised: December 2023

**APPENDIX A**

**PROCEDURE FOR OBTAINING ACCESS TO STUDENT RECORDS**

Access to a student record may be obtained by:

- (a) making a request in writing, by completing the APSEA Consent for Release of APSEA Information form (Appendix D) with appropriate signatures for consent as outlined in Appendix B, to the Director of Programs – BVI or DHH;
- (b) specifying the subject matter of the record requested with sufficient detail so that someone familiar with the subject matter can find the information; and
- (c) paying for any applicable fees, if required.

The requested information will be sent via mail or fax as soon as possible.

**APPENDIX B**

**CUMULATIVE RECORD**

<b>Access by Whom</b>	<b>Process</b>
Student under 19 years	Consent of parent required. Request as per Appendix A.
Student over 19 years	Consent of student required. Request as per Appendix A.
Parent of students under 19 years	No consent required if in the care of that parent. Request as per Appendix A.
Parent of students over 19 years	Consent of student required. Request as per Appendix A.
Legal Guardian of students over 19 years	Consent of student required. Request as per Appendix A.
APSEA teacher assigned to work with the student	Where necessary for his or her work.
Other APSEA staff	Where necessary for his or her work.
Third party (student’s legal counsel)	Consent of parent if child is under 19 years and in care of that parent. Consent of the student if student is over 19 years.
Law enforcement agencies	Requested via a production order.
All other third parties	If the student is under 19 years, with written consent of parent. If student is over 19 years, or not in care of the parent, written consent of student; subpoena, FOIPOP process or advice of APSEA legal counsel.



**CONFIDENTIAL RECORD**

<b>Access by Whom</b>	<b>Process</b>
Student under 19 years	Consent of parent required. Request as per Appendix A.
Student over 19 years	Consent of student required. Request as per Appendix A.
Parent of students under 19 years	No consent required if in the care of that parent. Request as per Appendix A.
Parent of students over 19 years	Consent of student required. Request as per Appendix A.
Legal Guardian of students over 19 years	Consent of student required. Request as per Appendix A.
APSEA teacher assigned to work with the student	The Director of Programs – BVI or DHH considers “need to know” and provides access as appropriate.
Other APSEA staff	The Superintendent or designate considers “need to know” and provides access as appropriate.
Third party (student’s legal counsel)	Written request with consent of both student and parent if child is under 19 years, and in the care of the parent. Written request with consent of the student if the student is over 19 years, or not in care of the parent.
Law enforcement agencies	Requested via a production order.
All other third parties	Subpoena; written request unless a copy of the record has been provided to the parent or student previously and parent or student who had previously received the record has consented in writing, or advice of legal counsel.

**APPENDIX C**

**RECORDS RETENTION SCHEDULE**

APSEA must ensure student records are protected, including long-term storage.

<b>Original Documents</b>	<b>Minimum Retention Period</b>
Cumulative File/Record	In accordance with policies of each province.
Confidential File/Record (includes APSEA-generated and third party documents)	25 years after graduation/leaving school.



**APSEA**

Serving Children and Youth Who are Deaf,  
Hard of Hearing/Blind or Visually Impaired

## **APPENDIX D - Consent for Release of APSEA Information**

I authorize the Atlantic Provinces Special Education Authority to release the following information:

### **Select the type(s) of information to be shared:**

APSEA Field Based Assessment Reports

APSEA Psychological Assessment Reports

APSEA Program Reports

APSEA Functional Vision Assessment Reports

Other APSEA documents:

### **Provide Student Details (name and date of birth):**

from my child's file (name of student under 19 years):

Date of Birth:

**OR**

from my file (name of student over 19 years):

Date of Birth:

### **Send this information to (include fax number or mailing address):**

### **Signature of Parent/Guardian/Student over 19 Years:**

**Date:**

Return the completed, signed form to the attention of the Director of Programs – BVI or DHH by fax (902-423-8700) or email [apsea@apsea.ca](mailto:apsea@apsea.ca)