



## **ADMINISTRATIVE PROCEDURES**

### **ONTARIO STUDENT RECORD (Policy Statement: Management of Student Information)**

#### **Purpose**

All staff are to strictly observe legislative requirements with respect to the contents of and access to the *Ontario Student Record (OSR)*. The purpose of this procedure is to establish a framework for compliance with the *OSR Guideline, 2000* and *The Municipal Freedom of Information and Protection of Privacy Act* with respect to student records.

#### **References**

*Ontario Student Record (OSR) Guideline, 2020*  
*Education Act and Regulations*  
*Safe Schools Act, 2000*  
*Growing Success: Assessment, Evaluation, and Reporting in Ontario's Schools – First Edition, Covering Grade 1-12, 2010*  
*Growing Success: The Kindergarten Addendum: Assessment, Evaluation, and Reporting in Ontario Schools, 2016*  
*Growing Success: The Mathematics Addendum, Grades 1 to 8, 2020*  
*The Municipal Freedom of Information and Protection of Privacy Act*  
*Child and Family Services Act*  
*Simcoe County District School Board Administrative Procedures*

#### **Procedures**

##### **1. Establishment of the Ontario Student Record (OSR)**

- 1.1 The Ontario Student Record (OSR) is the record of a student's educational progress through schools in Ontario. The Education Act requires that the principal of a school collect information "for inclusion in a record in respect of each pupil enrolled in the school and to establish, maintain, retain, transfer and dispose of the record". The act also regulates access to an OSR and states that the OSR is "privileged for the information and use of supervisory officers and the principal and teachers of the school for the improvement of instruction" of the student.
- 1.2 Each student and the parent/guardian(s) of a student who is not an adult (under 18 years

old) must be made aware of the purpose and content of, and have access to, all of the information contained in the OSR.

- 1.3 If an OSR folder is lost or inadvertently destroyed, a new OSR folder will be created. Previous information can be obtained from the current office index card and, if applicable, from the card(s) at the previous school(s). **A notation will be made in the margin on the front of the new OSR folder that gives the date on which the new folder was created and the reason.**

## **2.0 Responsibility for the Ontario Student Record (OSR):**

- 2.1 The Board authorizes principals to designate office staff, subject to the approval of the superintendents of education, to be responsible for the establishment and maintenance of OSRs.
- 2.2 The designation of office staff shall be based on position and not by name.
- 2.3 It is the duty of the principal of a school to establish, maintain, retain, transfer and dispose of a record for each student enrolled in the school in compliance with the board's procedures and the ministry guidelines; ensure that the materials in the OSR are collected and stored in accordance with the board's procedures and the ministry's guidelines; ensure the security of the OSR; and ensure that all persons specified by the board to perform clerical functions with respect to the establishment and maintenance of the OSR are aware of the confidentiality provisions in the *Education Act* and the *Freedom of Information and Protection of Privacy Act*.

## **3.0 Contents of the Ontario Student Record (OSR):**

- 3.1 In addition to all of the information specified in Section 3 of the OSR Guideline (2020), the following information shall be included as part of an active OSR (See Appendix 3 for a comprehensive list of all Ministry and Board prescribed OSR information.)
- 3.2 Forms and records that are to be stored in the OSR:
  - Appropriate information about the Sacramental programs.
  - Applications for Out of Boundary Attendance.
  - Notices of suspension and expulsions.
  - Written requests for access to information from the OSR and consent to access information in the OSR given by the adult student or the student's parent/guardian.
  - Each OSR will contain a record of the people who have accessed with appropriate consent, the OSR and/or received copies of the contents of the OSR and the date of access, excluding educational personnel named in Section 4 of the OSR Guideline until 5 years after the OSR becomes inactive. (Form C attached)
- 3.3 Report Cards
  - Report cards will be issued in compliance with the Ministry of Education's *Growing Success: Assessment, Evaluation, and Reporting in Ontario's Schools – First*

*Edition, Covering Grade 1-12, 2010, Growing Success: The Kindergarten Addendum: Assessment, Evaluation, and Reporting in Ontario Schools, 2016 and Growing Success: The Mathematics Addendum, Grades 1 to 8, 2020.*

- A completed Kindergarten Communication of Learning: Initial Observations or Kindergarten Communication of Learning or an exact copy of it, will be filed in the OSR folder for each student who has been enrolled in the school for more than six weeks from the commencement of the reporting period at the time of his/her transfer to another school; at the time of his/her retirement from school; or at the end of each reporting period, the first to occur during the fall.
- A completed Elementary Progress Report Card or Elementary Provincial Report Card (Grades 1-6 and Grade 7 and 8) or an exact copy of it, will be filed in the OSR folder for each student who has been enrolled in the school for more than six weeks from the commencement of the reporting period at the time of his/her transfer to another school; at the time of his/her retirement from school; or at the end of each reporting periods, the first to occur during the fall.
- A completed Provincial Report Card, Grades 9-12, or an exact copy of it, will be filed in the OSR folder for each student who has been enrolled in the school for more than six weeks from the commencement of the reporting period at the time of his/her transfer to another school; at the time of his/her retirement from school; two times in each semester for semestered schools, the first to occur during the fall; or at the end of each of three reporting periods, and the first to occur during the fall, for non-semestered schools.

#### 3.4 Student Record of Accumulated Instruction in French as a Second Language

- An individual electronic record of accumulated instruction in French as a Second Language will be established and maintained for each student enrolled in an elementary school. The record will replace Appendix F of the Ministry's OSR Guideline, 2000 and will include all of the information required for each entry. An entry will be made on the electronic record at the end of a school year, a semester, or a summer course; when a student transfers to another school, including a private, federal, or First Nation school; and when a student retires from school. The Record of Accumulated Instruction in French will be printed and included in the OSR before it is transferred, or retired.
- If a student has had previous instruction in French, but no record is available, the entries on the card must be started at least from the date of enrolment in an Ontario school. A note will be made on the first lines of the instruction card indicating what is known about a student's previous instruction in French as a Second Language and in other subjects taught in French. If the number of accumulated hours must be estimated, an annotation must indicate that the figure is approximate.
- The student record of accumulated instruction in French as a Second Language will be transferred with the transfer of the OSR.
- Prior Learning Assessment and Recognition (PLAR) Challenge for Credit Cumulative Tracking Record.
- If a secondary school student challenges for credit a Grade 10, 11, or 12 course through the PLAR challenge process, a record of all credits earned in Grades 10,

11, and 12 and attempted Grades 11 and 12 courses will be established and will be maintained in the student's OSR.

- The student's passing or failing percentage grade, or withdrawal from the challenge process must be entered on the "PLAR Challenge for Credit: Cumulative Tracking Record" (See Appendix K of the Ministry's OSR Guideline, 2000).
- If a student earns a credit through the challenge process in a school outside his/her regular school (the one that maintains the OSR), the Principal of the school outside the student's regular school will use the "Interim Tracking Record" form (provided in the Ministry's PPM No. 129) to communicate the results of the student's challenges for credit to the school that maintains the OSR. The Principal of the student's regular school will enter the information on the "Cumulative Tracking Record" form in the student's OSR.
- Only the "Cumulative Tracking Record" form will be maintained in the student's OSR.

### 3.5 The Ontario Student Transcript (OST)

- The OST is part of the OSR. The requirements for the OST and a sample are outlined in the *Ontario Student Transcript Manual: 2003* document. The OST is a cumulative and continuous record of a student's successful completion of Grades 9 and 10 courses; successful and unsuccessful attempts at completing Grades 11 and 12 courses, and completion of other diploma requirements.
- When the OST is maintained as a hard copy, it should be filed in the OSR folder. When it is maintained electronically, a hard copy must be produced and maintained in accordance with the Ministry's OST Manual.

### 3.6 Documentation File

- When a documentation file (inside folder) is required, it will be kept in the OSR folder. All items in the documentation file must be signed, dated by the person responsible for maintaining the document, and arranged chronologically with the most recent at the front of the file.
- A documentation file shall be established for storing the following documents:
  - Verification of custody orders.
  - Verification of a change of surname in accordance with the law of the province, state, or country. Upon request, the principal will change the surname of the student on all components of the OSR so that the record will appear as if it were originally established in the new surname.
- Written requests to be named by repute. These requests may only be affected by the written consent of the student when he/she is 12 years of age or older. On written request from an adult student or the parent(s)/guardian(s) of a student who is not an adult that the student be identified by a surname other than the legal surname, and when the student is known by a surname other than his/her legal surname, the surname is a name obtained by repute, and the use of the surname is in the student's best interests, the principal will record the requested surname on the OSR in addition to the legal surname of the student. The OSR shall be filed under the new surname with the legal name enclosed in

brackets.

- Documentation which establishes that a student has had his/her surname changed by marriage. The principal will file the document, a copy of the document, or a verification of his/her knowledge of the document, in the documentation file and will change the surname of the student on all current and future components of the OSR.
- The statement of decision of an Identification, Placement, and Review Committee (IPRC); the recommendation of a special education appeal board and the decision of the school board special education tribunal's decision regarding identification and/or placement, where applicable.
- An IEP for a student receiving special education programs and services.
- Special education forms as noted on the Board's form distribution list.
- Educational, psychological, and health assessments by the Board and other parties; with parent permission forms for inclusion in the OSR attached.
- Completed Ministry Violent Incident Forms containing a description of the violent incident (See APM A7100 for information regarding the timelines for removal of such information from the student's OSR).
- Supervised Alternative Learning For Excused Pupils (SALEP) committee Reports.
- Letters of request for a correction to, or a deletion from the OSR where the request has not been granted.
- Documentation dealing with home schooling, home instruction and temporary absence.
- The following documents may be stored in the documentation file: copies of letters of reference from school personnel; letters and forms outlining school and community activities; and student photographs (dated).

### 3.7 The Office Index Card

- The office index card provides the school with immediate access to information about a student. It must remain at the school for 55 years after the student retires from the school. The card is not filed in the OSR folder and is not transferred with the OSR when the student transfers from the school. Schools will use the Office Index Card that is part of the Aspen system. This card will be used for all active students. At the end of each school year a hard copy of the card will be generated for each student who has retired from the school. This copy must be retained in the school for 55 years. Information for the Office Index Card is obtained from the School Registration Form and transferred onto Aspen. Registration forms must also be retained for 55 years and separate from the OSR. The following shall be recorded on the student's office index card:
  - Full name of the student, as recorded on the OSR folder.
  - Number assigned to the student by the school or school board, where applicable.
  - Ontario Education Number (OEN) assigned by the Ministry.
  - Gender of the student.
  - Student's date of birth (year, month, day).
  - Name(s) of the student's parent/guardian(s).

- If applicable, the name(s) of the individual(s) who has (have) custody of the student.
- Student's current address and home telephone number, as well as an emergency number if one has been provided.
- Dates (year, month, day) on which the student enrolls in the school, transfers from the school, and/or retires from school.
- Name and address of the school to which the student transfers and the date on which the OSR is transferred.
- Student's address on the date of transfer or retirement.
- Name and address or some other means of identification of the school from which the student is transferring or retiring.

The following information may be included as part of the office index card:

- Bus routes.
- Languages other than English spoken at home by parent/guardian(s) or student.
- Class placement of the student (i.e., grade, homeroom, teacher).
- Health concerns likely to impact on achievement. (This needs the consent of the student or parents(s)/guardian(s) if the student is under 16 years of age.)
- When a student transfers to another school, or to a private, federal, or First Nation school, or retires from school, the office index card will be stored at the sending school for a minimum of fifty-five years.
- While most of the forms and reports will be stored in the OSR folder, some of them may be stored elsewhere for administrative reasons, as long as they are secured according to Appendix 2 of this Board policy. The name and location of forms stored elsewhere must be recorded in the OSR.

#### **4.0 Access to Ontario Student Record (OSR):**

4.1 In addition to those people specified in section 4 of the *OSR Guideline (2020)*, the following staff shall have access to the OSRs for performing clerical tasks only, as directed by the principal and/or the supervisory officer responsible for administrative computer services. All other Board staff must have the written consent of the adult student or the parent/guardian of the student who is not an adult, prior to accessing any part of the OSR:

- Secretary to the principal (elementary).
- Head secretary (secondary).
- Guidance secretary.
- Attendance secretary.
- Information Technology Services department staff.
- Student Services department secretaries.
- Administrative Assistants to Supervisory Officers.

4.2 All persons except the teachers and the principal of a school, supervisory officers

and board authorized support staff, require informed written consent of an adult student, or the student's parent(s)/guardian(s) if the student is less than 18 years of age, before accessing the student's OSR.

#### 4.3 Requests for OSR Documents

- When first presented with a request which is neither a court order nor a search warrant, the principal is to request that the third party obtain a release from the parent/guardian or adult pupil. If a release is provided, copies of the requested documents may be released and the obligations with respect to the statutory privilege are fulfilled. **Originals should not be provided to third parties.**
- A court order or search warrant requires the production of the documents named to the individual presenting the order or warrant. In most cases, the issue of the *Education Act* privilege protecting the OSR from disclosure will have been considered by a judge at the time of the court order or warrant, which overrides the privilege.
- A summons and a subpoena require an individual to attend court or a hearing with the documents requested in the summons or subpoena, and to testify as to the contents. The determination of whether the *Education Act* privilege protecting the disclosure applies and therefore, whether the documents are required to be disclosed in the proceedings, is made when the individual attends court. When a principal is given a summons or subpoena, the adult student or the students' parents/guardians must be notified in writing immediately. The principal should contact his/her superintendent of education for advice in this situation.

#### Child and Family Services Act Provisions

- A Director appointed under the *Child and Family Services Act*, or a Children's Aid Society is entitled to apply to a court to obtain a record or part of a record from the person who is in possession or control of the record.
- The Court shall issue an order requiring that the record be produced for inspection where it is satisfied that the record contains information that may be relevant to a consideration of whether a child is suffering abuse or is likely to suffer abuse, and where the person in possession or control of the record has refused to permit inspection of the record.
- During any proceeding conducted under the *Child and Family Services Act*, the court has the general authority to summon any individual to testify before it and to produce any document it has ordered that person to produce.
- A Principal should only produce a record in a proceeding under the *Child and Family Services Act* when required to do so pursuant to a court order.
- A Principal required to produce an OSR and give evidence at a proceeding under the *Child and Family Services Act* (pursuant to a summons issued under the court's general powers under this Act) should not produce the documents until in attendance in court and being

requested by a judge to disclose the documents. In order to save time, it is best to appear at the proceeding with the documents and one set of photocopies available.

### Civil Court Proceedings

Subsection 266(2) of the Education Act states that the OSR will not be produced in the course of any legal proceedings. There may be occasions, however, when access to the OSR of current students or former students will be sought. In such cases, the principal should contact their supervisory officer to notify them of the request and if necessary, obtain legal advice from Board legal council in order to deal with such requests.

- On occasion, requests for information may be made by a plaintiff or a defendant in a civil proceeding, for example, one involving an insurance claim on behalf of an injured student. The record should only be produced if a court order accompanies the request.
- Where a summons is received for a principal or board employee to attend at a civil court proceeding or at a hearing by an administration board (i.e., an arbitration hearing), the principal should have the documents and one set of photocopies available. In these cases, the principal shall request the assistance of the superintendent of education, as legal counsel may be required since the act under which the proceeding is being held will likely not override the *Education Act* privilege and the documents may be required to be protected against disclosure.

### Criminal Court Proceedings

- The Criminal Code is federal legislation; where there is a conflict between it and provincial legislation, it takes precedence. Therefore, if a principal is served with a search warrant under the Criminal Code requiring the surrender of an OSR to the police, or is served with a subpoena requiring his or her appearance at court with the OSR, he or she is obligated to comply with the search warrant or the subpoena. In both cases, the principal will contact their supervisory officer and if necessary, seek legal advice from the board's legal council prior to the release of any documents, or production of OSR.
- The principal should present the police or the judge with both the original OSR and a complete and exact photocopy of it or the documents listed in the request and propose that the photocopy be submitted instead of the original.

### Documents Not Protected by the *Education Act* Privilege

- Requests may sometimes be received for all information regarding a student, not just information contained in the OSR. This may include requests for a teacher's anecdotal notes about a student or the student's



work, such as essays and diaries, neither of which are part of the OSR. This information is not protected by the *Education Act* privilege.

- The principal shall produce this information for the person who presents a Court order or a search warrant. The principal shall seek assistance through the superintendent of education, since legal advice may be required to review the order or warrant and the documents produced, especially if there is any concern that they may form part of the OSR.
- When presented with a summons or subpoena for this kind of information, it is recommended that the information only be produced in court upon attendance by the principal or other board employee. If there are concerns about releasing the documents, or the scope of the summons or subpoena, the principal should seek assistance from his/her superintendent of education.

### Summary

- Any request made for access to the OSR that is not pursuant to a court order or search warrant must be accompanied by the appropriate release from the parent/guardian or student.
- OSR documents must be released if a court order or search warrant is presented.
- If a summons or a subpoena is presented, the OSR should only be released to the court when the principal or other board employee attends court. The principal should inform the person presenting the summons or subpoena, usually a lawyer, that the required release should be obtained and that the documents will not be released prior to the hearing.
- The principal should seek the advice/assistance of his/her superintendent of education if in doubt as to what actions to take.
- The restrictions imposed by the *Municipal Freedom of Information and Protection of Privacy Act* apply.

#### 4.4 Continuing Education Records

- For each student enrolled in a school board continuing education course or program for the purpose of achieving an Ontario secondary school credit(s), the board's Principal of continuing education will ensure the establishment of an Office Index Card in accordance with the OSR Guideline 2000, Section 11.
- The Ontario Student Transcript will be maintained by the board's principal of continuing education. If however, the student is also enrolled in a day school program, the principal of continuing education will forward the information on credits earned to the principal of the day school program for inclusion in the student's OSR.

## 5.0 Storage, Retention and Destruction of Information in the Ontario Student Record (OSR):

### 5.1 Retention and Destruction of Student Information

- The Municipal Freedom of Information and Protection of Privacy Act

requires that personal information about a student which has been used by a school be retained for at least one year after the use, unless the principal receives a written consent to its earlier disposal from a student of any age or a legal custodian of a student who is less than 16 years of age.

- The principal may remove and destroy suspension letters and appeals where no violent incident report is attached. Suspension letters will be removed from the OSR only after careful scrutiny. **The student or parents/guardians of a student under the age of 18 will be informed in writing when any information is removed from the OSR.**
- The following components of the OSR will be retained for 5 years after a student retires from the school:
  - Report Cards.
  - The Documentation File, where applicable (Note: Violent Incident Form is part of the documentation file).
  - The record of French as a Second Language or Native as a Second Language Instruction (Elementary only).
  - Any additional information identified by the Board as being conducive to improving instruction of the student.
- The following components of the OSR shall be retained for a minimum of fifty-five years after a student retires from school:
  - The OSR folder.
  - The Ontario Student Transcript.
  - The Office Index Card.
  - Records of Suspensions and Expulsions as required by the Safe Schools Act.
  - All consent to access forms, legal orders, and requests.
  - The destruction of all or any part of the OSR when its retention is no longer required as outlined above, shall be by shredding under conditions to ensure the complete and confidential disposal of the record.
  - The principal shall establish a procedure by which guidance and/or classroom teachers review OSRs and recommend the removal of information no longer considered to be conducive to the improvement of instruction of the student
  - The principal shall determine what is to be removed and destroyed or returned to the student or his or her parents/ guardians. Information about students with special needs will only be removed following consultation with the Superintendent with responsibility for Student Education.
  - The principal shall inform the student or his/her parents/guardians in writing when information has been removed from the OSR.
  - Requests by a parent/guardian or adult student for corrections or removal of information from and OSR shall be made in writing to the Principal who shall proceed in accordance with the Education Act, and the Ministry OSR Guideline,-2020.

## 5.2 Storage of OSRs

- OSRs of students currently enrolled in a school shall be kept in a lockable filing cabinet/room in the school office (or a secured location adjacent to the office with limited access) as designated by the principal.
- The OSR files shall not be removed without the authorization of the Principal.
- The contents of the OSR file shall not be copied without the authorization of the principal.
- Inactive OSR files shall be stored in a central location in the last school of the pupil. They must be stored in a locked filing cabinet or locked room, for the appropriate retention period. The location of these files should be shared with new administrative and support staff.
- Upon closing of a school, the OSR files including the Office Index Cards will be transferred to a Board designated Records Centre.
- Any items removed permanently from an OSR according to requirements of the guidelines will be shredded.

5.3 Confidentiality of information contained in the OSR must be maintained in adherence with the *Education Act* and the *Municipal Freedom of Information and Protection of Privacy Act*.

## 6.0 Transfer of the Ontario Student Record (OSR):

- 6.1 When a student transfers to another school in Ontario, the receiving school must send a written notification of the transfer and request the OSR according to the OSR Guidelines 2020.
- 6.2 If the original OSR is being transferred to a school in another board, private or federal, or a First Nation School, Or to a Provincial or Demonstration School, it must be transferred by Priority Post or an equivalent delivery method that ensures confidentiality and guarantees prompt delivery with a signed receipt.
- 6.3 An original OSR may not be transferred outside of Ontario. Only an exact copy of the OSR may be sent to the principal of an educational institute outside of Ontario after the Ontario principal has received a written request that includes signed consent by the adult student of parent/guardian.

For students transferring to a school in Ontario from another province, secure electronic transfer of student information can be an option, with parent permission. The sending board arranges the upload, communication of transfer and provides a secure access code to the receiving school in our board. The principal will download the documents provided, ensure they are eligible for inclusion in the OSR and destroy any documents he, or she feels does not need to be included according to board direction on records destruction. These documents will be considered as part of the OSR thereafter.

## 7.0 Retirement of a Student

- 7.1 A student retires from a school when he/she ceases to be enrolled in school. A student is not considered to have retired if he/she withdraws for a temporary period or transfers to another school in Ontario.
- 7.2 When a student retires from the school which has maintained the student's OSR, the principal will give an up-to-date copy of the student's Ontario Student Transcript, if applicable, and the information and materials stored in the OSR folder which are not required to be retained under the Ministry OSR Guideline 2020 to the parents/guardians of the student if the student is not an adult or to the adult student.

### **Appendices**

Appendix 1: Definitions

Appendix 2: Student Records

Appendix 3: Comprehensive List of All Ministry and Board Mandated Components of the OSR

### **Forms**

Form A: Student Transfer Form

Form B: Request for an Ontario Student Record

Form C: Record of People Who Have Accessed OSR With Consent

Approved: February 2022