



**DISTRICT SCHOOL BOARD  
ONTARIO NORTH EAST**

**Policy No. 2.1.27**

**Section: System Policies and Procedures**

**Related References:**

**Appendices: A**

**Approved:**

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**Review Date:**

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**TITLE: ONTARIO SCHOOL RECORD (OSR) POLICY**

**POLICY STATEMENT**

The attached sets out the policies of the Ministry of Education with regard to the establishment, maintenance, use, retention, transfer and disposal of the Ontario Student Record.



## POLICY MANUAL

DISTRICT SCHOOL BOARD ONTARIO NORTH EAST

# **Ontario Student Record (OSR) Guideline 2000 and DSB Ontario North East Procedures**

March 2006  
Revised August 2011

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## INTRODUCTION

**Below the text of the approved OSR Ministry Guideline 2000 is found in boxed sections, the persons responsible, and processes authorized by District School Board Ontario North East as a policy to implement these guidelines.**

The Ontario Student Record (OSR) Guideline 2000 is issued by the Minister under the authority of paragraph 8 (1) (27) of the Education Act. The Act requires Boards and their employees to comply with this OSR Guideline.

The Education Act, OSR Guideline and Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) all apply to the confidentiality, storage and retention of the OSR. A fundamental principle is to ensure that personal information is to be protected to ensure privacy.

While the MFIPPA mandates persons age 16 or over must consent to release of certain personal information, parents of 16 or 17 year old students continue to have access to their child's OSR.

### **Resources**

Ontario Student Record (OSR) Guideline, MET 2000  
Ministry Policy Memorandum No. 76, 1983 June 06 - Custody and Guardianship of Minors  
Education Act, Section 266  
Violence-Free Schools Policy, MET 1994, Section V

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. Each student and the parent(s)<sup>1</sup> of a student who is not an adult (that is, a student who is under the age of eighteen) must be made aware of the purpose and content of, and have access to, all of the information contained in the OSR.

- The school principal, through a newsletter, school website, or another suitable means, should annually remind parents and students as to the purpose and content of the OSR.

This guideline sets out the policies of the Ministry of Education with regard to the establishment, maintenance, use, retention, transfer, and disposal of the OSR. It replaces the *Ontario Student Record (OSR): Guideline 1989*.

<sup>1</sup> Throughout this document, *parent(s)* is used to refer to both parent(s) and guardian(s).

The contents of this guideline have been reviewed for compliance with the provincial Freedom of Information and Protection of Privacy Act and the Municipal Freedom of Information and Protection of Privacy Act. When implementing the policies contained in this guideline or set by the school board,<sup>2</sup> school staff must take into consideration the requirements of the relevant freedom of information legislation.

The OSR folder, Ontario Student Transcript, documentation file folder, and office index card are available from those vendors that are listed on the ministry's website, at <http://www.edu.gov.on.ca>. Samples of these OSR components are contained in appendices A, C, D and E, respectively, to this guideline.

Other forms needed for the OSR are available on the ministry's website.

The Ministry's website is <a href="http://www.edu.gov.on.ca">http://www.edu.gov.on.ca</a>
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Samples are provided in appendices F, G, H, I, J and K to this guideline. School boards and schools may wish to download and print these forms themselves, or they may have them printed by vendors of their choice. In either case, no changes of any kind may be made to the forms.

For instructions for obtaining the provincial report cards and for samples, boards and schools should refer to the *Guide to the Provincial Report Card, Grades 1-8* and the *Guide to the Provincial Report Card, Grades 9-12*. The provincial report cards are also available on the ministry's website.

<sup>2</sup> The terms *school board* and *board* refer to district school boards and school authorities.

## 1. ESTABLISHMENT OF THE OSR

An OSR will be established for each student who enrolls in a school operated by a school board or the Ministry of Education.<sup>3</sup> Each student and the parent(s) of a student who is not an adult must be informed of the purpose and content of the OSR at the time of enrolment.

- for elementary students, this information is printed on the Student Registration Form;
- for secondary students, this information is printed in the Course Calendar;
- the school principal, through a newsletter should annually remind parents and students as to the purpose and content of the OSR (see page 1);
- blank OSR folders, documentation folders, transcripts and mailing envelopes may be obtained from Data Group of Companies in Brampton Ontario Fax: 905-793-3621; telephone: 1-905-494-4193 or email: ministry of [edu@datagroup.ca](mailto:edu@datagroup.ca)

The OSR is an ongoing record and will be transferred, under the conditions outlined in section 6 of this guideline, if the student transfers to another school in Ontario.

Any part or parts of the OSR may be microrecorded or recorded and stored electronically in a manner that permits the printing of a clear and legible reproduction. Provision should be made to retain original documents when it is important to keep an original signature or initial on a document. Any microrecording, electronic file, reproduction, or facsimile of an OSR is subject to the security and access requirements applicable to the original OSR.

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.

Should an OSR folder be lost or inadvertently destroyed, the Principal will inform the Superintendent of that student's name, date of birth and current grade/placement.

The following schools in Ontario may choose to establish and maintain an OSR for their students:

- private schools
- schools operated by Indian and Northern Affairs, Canada, in First Nation communities (referred to as *federal schools* in this document)
- First Nation schools operated by Native education authorities

All schools that establish and maintain an OSR for their students must do so in accordance with this guideline.

<sup>3</sup> Schools operated by the ministry are Provincial Schools and Demonstration Schools.

## 2. RESPONSIBILITY FOR THE OSR

School boards are responsible for ensuring compliance with the policies set out in this guideline. Boards will specify those persons responsible for performing clerical functions with respect to the establishment and maintenance of the OSR. Boards will also develop policies for determining:

- the types of information beyond those specified in this guideline that could be considered to be conducive to the improvement of the instruction of the student;
- the uses of the information and materials contained in the OSR beyond those specified in this guideline (see section 3.4);
- the relevance of the materials in the OSR, with a view to removing those no longer considered to be conducive to the improvement of the instruction of the student (see section 9);
- the times other than those specified in this guideline at which it could be considered appropriate to issue report cards (see section 3.2.3.1);
- the types of information beyond those required by this guideline that could be added to the office index card (see section 3.5)

- Principals will specify and inservice the secretary or secretaries who will be responsible for particular tasks;
- The Principal's duties related to pupil records are specified in 265(d) of the Education Act (i.e. "in accordance with this Act, the regulations and the guidelines issued by the Minister, to 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");
- Supervisory Officers' duties under 286(1)(e) of the Education Act are "to ensure that the schools under his or her jurisdiction are conducted in accordance with the Education Act and Regulations".

In addition, boards will develop procedures to be followed to ensure:

- the security of the information contained in the OSR, whether it is maintained electronically or in hard copy, during both the period of use and the period of retention and storage;

OSRs shall be maintained in a secure area or a lockable filing cabinet.

- the regular review of the OSR for the removal of any material that is no longer considered to be conducive to the improvement of the instruction of the student;

This should occur at least annually in each school under the direction of the Principal.

- the storage of the OSR for the period specified in the retention schedule (see section 8);
- the complete and confidential disposal of material removed from the OSR.

See Section 8



Boards will ensure that all persons that they assign 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 relevant freedom of information and protection of privacy legislation.

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 this guideline and the policies established by the board;
- ensure that the materials in the OSR are collected and stored in accordance with the procedures in this guideline and the policies established by the board;
- ensure the security of the OSR;
- ensure that all persons specified by a board to perform clerical functions with respect to the establishment and maintenance of the OSR are aware of the confidentiality provisions of the Education Act and the relevant freedom of information and protection of privacy legislation.

### **3. COMPONENTS OF THE OSR**

An OSR will consist of the following components:

- an OSR folder - Form 1A or Form 1
- report cards
- an Ontario Student Transcript, where applicable
- a documentation file, where applicable
- an office index card
- additional information identified as being conducive to the improvement of the instruction of the student

#### **Additional OSR Contents**

- Cooperative Education Program Participant's Agreements;
- correspondence and/or forms relating to attendance and fees;
- It should be noted however that suspension letters accompanying a Violent Incident Form shall not be removed from the OSR unless three consecutive years have passed during which no further suspensions for serious violent incidents have taken place. (see page 13);
- Student Registration forms;
- Documentation File (see Section 3.4, page 11).

### 3.1 THE OSR FOLDER

Principals must establish an OSR folder, Form 1A (see appendix A), for students enrolling in school for the first time after September 1, 1985. For students attending school who enrolled in school before that date, the OSR folder Form 1 must be adjusted to correspond to Form 1A (see appendix B). The folder will contain the parts set out below in sections 3.1.1 to 3.1.7.

#### 3.1.1 Biographical data: Part A

The following information will be provided:

- the student's full name and date of birth (The principal will indicate the method of verification on the folder – e.g., birth certificate, baptismal certificate, passport – and will initial and date the folder.)

Year/Month/Day e.g., 1984 APR 01
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- a student number assigned by the school or the school board, where applicable
- a Ministry Identification Number (MIN) or Ontario Education Number (OEN) assigned by the ministry, where applicable

#### 3.1.2 Schools attended: Part B

The following information will be provided:

- the name of each school that the student has attended
- the name of the board, the name of the Native education authority, or the name of the person who operated the private or federal school
- the date of entry and the date of the last day of attendance in each grade
- the name of a teacher contact

Where the student is transferring to a school from an educational institution that was not required to maintain an OSR, Part B may include any information that will complete the record of schools previously attended.

#### 3.1.3 Retirement from an Ontario school: Part C of Form 1A or Parts J and K of Form 1

The following information will be provided on retirement (see also section 7):

- the date of retirement
- the student's address at retirement
- the student's destination at retirement with respect to further education or employment

### 3.1.4 Names of parent(s): Part D

The following information will be provided:

- the first name of the student's parent(s) or the first name and surname of the student's parent(s) when the surname of the latter differs from that of the student

Principals are reminded to ensure that all other manual and electronic records are updated.

- if applicable, the date of death of the parent(s) of a student opposite the name of the deceased

### 3.1.5 Special health information: Part E

A summary of a student's special health conditions will be included when such conditions are disclosed to the principal. Entries in Part E will be dated and kept current.

Principals shall request from parent(s)/guardian(s) written notification of such health conditions. Please refer to our Student Health Support forms on Docu Share at the following link:

<http://docushare.dsb1.edu.on.ca/docushare/dsweb/View/Collection-1695>

### 3.1.6 Photographs and information on school activities: Parts F and G of Form 1A or Parts F, G, and I of Form 1

This information may be inserted if it satisfies the policies on inclusion set out by the board (see section 2).

A recent photograph of each student may be affixed to Part F.

### 3.1.7 Additional information: Part H

The following information will be provided, if applicable:

- The Supervised Alternative Learning (SAL) plan (Regulation 374/10), progress reports, reviews, decisions and transition plans are inserted in the OSR documentation file (see section 3.4)

## **3.2 REPORT CARDS**

### **3.2.1 The Provincial Report Card, Grades 1-8**

#### **3.2.1.1 Use and completion**

All school boards will use the Provincial Report Card, Grades 1-8, in all their elementary schools at least two times a year.

A completed Provincial Report Card, Grade 1-8 (all five pages), 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 (including all calendar days – i.e. weekends & holidays) from the commencement of the reporting period:

- at the time of his or her transfer to another school; or
- at the time of his or her retirement from school; or
- at the end of each of two reporting periods, the first to occur by February.

Reporting Period 1 – November 21- February 20

Reporting Period 2 – February 21 – June 30

Provincial Progress Report, Grades 1-8 will be filed in the OSR for each student enrolled between September 1 and November 20 for 6 consecutive weeks.

Anecdotal and other informal reports of student progress related to the improvement of instruction may be issued and filed at the discretion of the Principal.

The Provincial Report Card, Grades 1-8, or an exact copy of it, will be forwarded to the parent(s) of a student who is not an adult or to the student if he or she is an adult.

#### **3.2.1.2 Content**

See *Growing Success: Assessment, Evaluation, and Reporting in Ontario Schools, 2010* for available versions and information about the content.

#### **3.2.1.3 Quality of paper**

The paper used to produce the report card must be suitable for long-term storage.

#### **3.2.1.4 Electronic format**

School boards may use an electronic format of the Provincial Report Card, Grades 1-8, to facilitate completion and use. However, a completed Provincial Report Card, Grades 1-8, or an exact copy of the report card, must be filed in the OSR as a hard copy.

## **3.2.2 The Provincial Report Card, Grades 9-12**

### **3.2.2.1 Use and completion**

Boards will use the Provincial Report Card, Grades 9-12, in all secondary schools.

A completed Provincial Report Card, Grades 9-12 (all four pages), 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 or her transfer to another school; or
- at the time of his or her retirement from school; or
- 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, the first to occur during the fall, for non-semestered schools.

The Provincial Report Card, Grades 9-12, or an exact copy of it, will be forwarded to the parent(s) of a student who is not an adult or to the student if he or she is an adult.

### **3.2.2.2 Content**

See *Growing Success: Assessment, Evaluation, and Reporting in Ontario Schools, 2010* for available versions and information about the content.

### **3.2.2.3 Quality of paper**

See section 3.2.1.3.

### **3.2.2.4 Electronic format**

School boards may use an electronic format of the Provincial Report Card, Grades 9-12, to facilitate completion and use. However, a completed Provincial Report Card, Grades 9-12, or an exact copy of the report card, must be filed in the OSR as a hard copy.

## **3.2.3 Board report cards**

### **3.2.3.1 Use and completion**

Boards may develop and use their own report cards for students in Junior Kindergarten and Kindergarten. In addition, they may use their own report cards for students with an Individual Education Plan (IEP), as indicated in *Growing Success: Assessment, Evaluation, and Reporting in Ontario Schools, 2010* under "IEP".

Boards that have more reporting periods than those stipulated in sections 3.2.1.1 and 3.2.2.1 may use board-developed reports at such times.

A report card will be completed and 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 or her transfer to another school; or
- at the time of his or her retirement from school; or
- at the end of the school year; or
- at the end of each semester, if the school is organized on a semester plan; or
- at such other times that the board may stipulate.

The report card or an exact copy of it will be forwarded to the parent(s) of a student who is not an adult or to the student if he or she is an adult.

### **3.2.3.2 Content**

For those grades where there is no provincial report card, and under the conditions indicated in section 3.2.3.1, a school board will approve, for use in its schools, report cards that will include the following:

- the full name of the student, as recorded on the OSR folder
- the name and address of the school and any other particulars that may be required to identify the school
- the name of the principal
- the signature of the teacher
- the signature of the principal
- the record of attendance of the student at school
- the date the report card is issued
- the grade in which the student is placed or to which he or she is promoted
- space for comment by the parent(s) of a student who is not an adult or the student if he or she is an adult
- the following statement to parents and students:

#### *To Parents and Students*

This copy of the report card should be retained for reference. The original or an exact copy has been placed in the student's Ontario Student Record (OSR) folder and will be retained for five (5) years after the student leaves school.

### **3.2.3.3 Quality of paper**

See section 3.2.1.3.

### 3.3 THE ONTARIO STUDENT TRANSCRIPT (OST)

Copies of Ontario Student Transcripts are provided free of charge to students currently on the roll of a Secondary School. Copies requested by students not currently on the roll and out of school for more than one year will be subject to a fee set by the school.

The requirements for the OST are outlined in the *Ontario Student Transcript (OST): Manual, 2010*. Beginning with the 1999-2000 school year, the OST will be a cumulative and continuous record of a student's successful completion of Grade 9 and 10 courses, successful and unsuccessful attempts at completing Grade 11 and 12 courses, and completion of other diploma requirements. The OST is part of the OSR. When it 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 *Ontario Student Transcript (OST): Manual, 2010*. For a sample of the OST form, see appendix C to this guideline.

### 3.4 THE DOCUMENTATION FILE

When a documentation file is required, it will be kept in the OSR folder. A documentation file will be established when the following information is required:

- verification of a custody order
- verification of a change of surname (see section 10)
- a written request to be named by repute (see section 10.1)
- the statement of decision of an Identification, Placement, and Review Committee (IPRC); the recommendation of an appeal board and the decision of the school board regarding identification and/or placement, where applicable; and a tribunal's decision regarding identification and/or placement, where applicable
- an Individual Education Plan (IEP) for a student receiving special education programs and services
- educational, psychological, and health assessments
- documentation of a Supervised Alternative Learning (SAL) committee
- letters of request for a correction to, or a deletion from, the record where the request has not been granted (see section 9)
- other reports and/or information identified in accordance with the policies established by the school board (see section 2)
- a Violent Incident Form (see appendix J)<sup>4</sup>

<sup>4</sup> See the ministry's publication *Violence-Free Schools Policy, 1994*, Part Two, Section V, "Record Keeping of Violent Incidents Leading to Suspension/Expulsion and of Reports to the Police", pp. 39-40, for details on the keeping of records on violent incidents.

A sample documentation file folder is provided in appendix D.

When a report is requested from a professional, paraprofessional, or other relevant person, that person should be advised that the report will be filed in the OSR and will be subject to the access provisions governing the OSR.

As with other material included in an OSR, these reports should only be included if, in the principal's opinion, they are conducive to the improvement of the instruction of the student.

#### **Documentation File Contents**

- speech and language reports;
- information not listed above, which is considered useful in monitoring the programs of exceptional/special needs students;
- psychological reports and all documents related to them, including consent forms;
- Violent Incident Forms (see page 13);\*
- Expulsion documentation – retained for 5 years
- Record of Communication (see appendix D) - The Record of Communication is for the purpose of noting significant communications as determined by the Principal. These entries may include communications with the parent/guardian, community agencies, Board services, etc.;
- IPRC Statement of Decisions;
- Individual Education Plans (I.E.P.);
- standardized achievement reports;
- third party reports;\*\*
- Supervised Alternative Learning (SAL) documents;
- Immigration and related information;
- E.Q.A.O. results.

Any other material included in an OSR, must in the principal's opinion, be conducive to the improvement of the instruction of the student.

\* See the ministry's publication *Violence-Free Schools Policy, 1994*, Part Two, Section V, "Record Keeping of Violent Incidents Leading to Suspension/Expulsion and Reports to the Police", pp. 39-40, for details on the keeping of records on violent incidents.

\*\* When a report is requested from a professional, paraprofessional, or other relevant person, that person should be advised that the report will be filed in the OSR and will be subject to the access provisions governing the OSR.



## **Record Keeping of Violent Incidents Leading to Suspension/Expulsion and of Reports to the Police**

**(Source - pg. 39, 40 - Violence Free School Policy, MET 1994)**

The information relating to serious violent incidents leading to reports to the police, as well as the information relating to violent incidents leading to suspension or expulsion, must be maintained in the OSR. This information is to be recorded on the Violent Incident Form.

### **A. Insertion of Information in the OSR**

The following information will be included in the OSR:

- a Violent Incident Form, containing:
  - a description of the serious violent incident leading to a suspension or expulsion or a call to the police
  - a reference to the call to the police, if applicable
  - a reference to the school/board disciplinary response to the incident, if applicable
- a copy of the school board's letter(s) to the student and/or parent(s) or guardian(s) regarding the suspension or expulsion for violent behaviour

### **B. Removal of Information from the OSR**

- The information relating to suspension for violent behaviour shall not be removed from the OSR unless three consecutive years have passed during which no further suspensions for serious violent incidents have taken place.
- The information relating to expulsion shall be removed five years after the date on which the school board expelled the student.
- Where an expelled student has been readmitted to school by a school board, and is expelled again, the information relating to the expulsions shall not be removed from the OSR until five consecutive years have passed without any further expulsion.
- Where the student has not been suspended or expelled, the Violent Incident Form shall be removed after three years if no further serious violent incident is reported to the police during that time.

### **C. Transfer of the OSR**

If the student transfers to another school, the information in the OSR relating to the serious violent incident that led to suspension or expulsion, as well as to a report to the police, will remain in the OSR unless removed under (A) or (B) above. The transfer will occur in accordance with section 6 of the guideline *Ontario Student Record (OSR), 2000*.

### 3.5 THE OFFICE INDEX CARD

If these cards are computer-generated, no additional information is required other than that which is listed under 3.5.

The office index card provides the school with immediate access to information about a student. It will remain at the school during the period in which the student is enrolled at 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. A sample office index card is provided in appendix E.

The office index card will record the following information:

- the full name of the student, as recorded on the OSR folder
- the number assigned to the student by the school or school board, where applicable
- a Ministry Identification Number (MIN) or Ontario Education Number (OEN) assigned by the ministry, where applicable

Information related to Ontario Education Numbers (Education Act, Section 266.1 to 266.5) is available in appendix C.

- the gender of the student
- the student's date of birth (year, month, day)
- the name(s) of the student's parent(s)
- if applicable, the name(s) of the individual(s) who has (have) custody of the student
- the student's current address and home telephone number, as well as an emergency number if one has been provided
- the dates (year, month, day) on which the student enrolls in the school, transfers from the school, and/or retires from the school
- the name and address of the school to which the student transfers and the date on which the OSR is transferred
- the student's address on the date of transfer or retirement
- the name and address or some other means of identification of the school from which the student is transferring or retiring
- other information that is identified in accordance with the policies established by the school board (see section 2)

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 or at a central record office provided by the board.

### **3.6 STUDENT RECORD OF ACCUMULATED INSTRUCTION IN FRENCH AS A SECOND LANGUAGE IN ELEMENTARY SCHOOL**

An individual 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 be kept on a card that is identical to the one in appendix F, and will include all of the information required for each entry. An entry will be made on the record:

- at the end of a school year, semester, or summer course; and
- when a student transfers to another school, including a private, federal, or First Nation school; and
- when a student retires from school.

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.

### **3.7 PRIOR LEARNING ASSESSMENT AND RECOGNITION (PLAR) CHALLENGE FOR CREDIT: CUMULATIVE TRACKING RECORD**

If a secondary school student challenges for credit for a Grade 10,11 or 12 course through the Prior Learning Assessment and Recognition (PLAR) challenge process, a record of all credits earned and attempted will be established and will be maintained in the student's OSR. This record will be kept on the form entitled "PLAR Challenge for Credit: Cumulative Tracking Record" (see appendix K). The student's passing percentage grade, failing percentage grade, or withdrawal from the challenge process must be entered on this form. (If it is necessary to use more than one "Cumulative Tracking Record" form to record a student's attempts to challenge for credit, the additional form(s) should be attached to the original form.)

As stated in Policy/Program Memorandum No. 129, "Prior Learning Assessment and Recognition (PLAR): Implementation in Ontario Secondary Schools", issued July 6, 2001, there are two possible tracking forms – the "Cumulative Tracking Record" and the "Interim Tracking Record". Only the "Cumulative Tracking Record" form will be maintained in the student's OSR. If a student earns a credit through the challenge process in a school outside his or her regular school (the regular school is the school that maintains the student's OSR), the principal of the school outside the student's regular school will use the "Interim Tracking Record" form (provided in the memorandum) 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 onto the "Cumulative Tracking Record" form in the student's OSR.

#### 4. ACCESS TO THE OSR

Access to an OSR means the right of those authorized by the Education Act or other legislation to examine the contents of the OSR. In addition, municipal and provincial freedom of information legislation permits persons who have the right to have access to personal information to receive copies of the information. This provision applies during both the period of use of the OSR and the period of retention and storage.

- See Sections 4.1 to 4.4 in this document;
- access to the OSR by anyone other than those stated in 4.3 is to be under the supervision of a member of the teaching staff authorized by the Principal.
- a copy of third party reports such as psychological and agency reports are NOT to be given out. The request must be directed to the author of such reports.
- a copy of the contents of the OSR shall be subject of a fee of \$25.00 plus 25¢ per page. Principals may waive the fee based on compassionate reasons. One copy shall be issued free of charge to other educational institutions authorized to receive the OSR.

In situations concerning separated or divorced parents, a copy is to be provided to both parents, upon written request, unless altered by a court. If the wording of an order or agreement does not make clear whether the person claiming a right does in fact have such a right, consultation should occur with the Superintendent of Schools for your school.

Both the Municipal Freedom of Information and Protection of Privacy Act, which applies to schools operated by school boards, and the Freedom of Information and Protection of Privacy Act, which applies to Provincial and Demonstration Schools, prohibit institutions from releasing personal information in their custody or under their control to anyone other than the person to whom the information relates, except in certain circumstances. These circumstances are defined in the legislation, and it is up to the head of an institution to decide whether or not to grant access to personal information in such circumstances. School boards should therefore consult with their freedom of information coordinators to determine whether they should develop policies on access to OSRs. Any such policies must be developed in accordance with the legislation.

Boards should develop their own consent forms, which they must use where the consent of the parent(s) or adult student is required for the release of information from the OSR. It is not acceptable to use Form 14 for this purpose; Form 14 should only be used for the release of clinical records under the Mental Health Act.

Board consent forms are found in DocuShare under Special Education, Release of Information form (<http://docushare.dsb1.edu.on.ca/docushare/dsweb/View/Collection-1469> )

#### **4.1 STUDENTS**

Every student has the right to have access to his or her OSR.

#### **4.2 PARENTS**

The parents of a student have the right to have access to the student's OSR, until the student becomes an adult (age eighteen). Under both the Children's Law Reform Act and the Divorce Act, 1985, the legal right of a non-custodial parent to have access to a child includes the right to make inquiries and to be given information concerning the child's health, education, and welfare.

### 4.3 EDUCATIONAL PERSONNEL

#### **Access to Board Legal Counsel Re: OSR Issues**

Individuals requesting access to Board solicitors are required to refer the matter to the Superintendent of Schools.

#### **Withholding Information in Special Circumstances**

Information in an OSR should not be released unless the principal is so ordered by the Court or the principal has a signed release from the legal guardian, parent, or student if the student is of legal age.

- It may be justified in a particular emergency situation for a principal to withhold certain personal information, such as a spouse's address or location, which is normally available to the other parent/guardian of a student. This refusal may be justified in compelling circumstances when such disclosure could reasonably expect to threaten the safety or health of an individual. A woman seeking protection at a shelter may create such a circumstance;
- The principal should consider disclosing as much information as can reasonably be provided without releasing location and include information, if known, that the child is safe and well. It should be indicated that certain personal information cannot be released at the time as it affects the interest of another party and the other party is requesting an opportunity to make representations concerning disclosure;
- The principal must be seen as acting in good faith with reasonable grounds for the belief and suspicion that the student is or may have been suffering abuse or be seriously threatened as it relates to safety or health;
- The student's views and wishes, appropriate to age and circumstance, should be reasonably ascertained and considered. The Children's Aid Society, police, or legal representatives of both parties should resolve issues where necessary.

Under the Education Act, only supervisory officers and the principal and teachers of the school have access to the OSR for the purpose of improving the instruction of the student. As noted above, additional access may be permitted under municipal and provincial freedom of information legislation, under specified and limited circumstances.

- Staff employed by DSB Ontario North East such as attendance staff and Principals of Special Education, may have access to appropriate parts of an OSR as determined by the Principal. Such access is subject to addressing the issues noted in the MFIPPA section below and where the employee is acting in a consultative role to the principal or teacher. In situations where DSB Ontario North East staff are meeting with or providing direct service to the student, written consent from the parent(s) or guardian is required.
- Itinerant teachers employed by the Board assigned to specific schools on a regularly timetabled basis to work directly with individual students or groups of students have

access to the OSR as part of their duties as a teacher of the school under the Education Act Section 266(2).

- improper release or disclosure of information is referenced in the Ontario College of Teachers Act, 1996 as a matter of professional misconduct (Ontario Regulation 437/97).
- no OSR shall be removed from the school without the permission of the Principal.
- for secondary schools a Substitute Record Card or equivalent tracking system is to be inserted in the file when the OSR is transferred from the school.
- when OSRs are temporarily removed from the area of storage, they must be replaced by a sign-out card or notation in a tracking register as approved by the principal.

### **Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)**

It should be noted that pursuant to section 32, clause (d) of the MFIPPA, disclosure of personal information may be made “if the disclosure is made to an officer or employee of the institution who needs the record in the performance of his or her duties and if the disclosure is necessary and proper in the discharge of the institution’s functions”. Such access may be permitted if all of the conditions below are met:

1. the person to whom the disclosure is made must be an employee of the Board;
2. that person must need the record to perform his or her duty (or job); and
3. the disclosure is necessary and proper for the institution to carry out its function.

Board employees requesting access to an OSR under this clause without written consent of the adult student or parent/guardian of the child must ensure that in performing his or her duty to a specific individual that legal as well as ethical and professional practices and guidelines are addressed. This includes consideration of issues related to informed consent as well as the individual’s privacy rights. (e.g. a principal may authorize access to an OSR where a DSB Ontario North East Program Services staff person has been requested by a Principal or Teacher for advice on specific teaching strategies for an individual student. Such access is in the role as a consultant to the Principal or Teacher.)

Normally “duty” to an individual student begins once written consent has been obtained and following full information being provided to the adult student or parent/guardian of the student regarding the “duty” offered. Principals in approving such access to an OSR must be sensitive to situations where the adult student or parent or guardian of the student may object to access without written consent.

## **4.4 MINISTRY AND SCHOOL BOARDS**

The Education Act permits the compiling and delivery of information contained in an OSR if it is required by the Minister of Education or the school board. In instances where ministry staff members are seeking to collect information from OSRs, students who are adults and parents of students who are not adults will be notified.

## 4.5 COURTS AND LAW ENFORCEMENT AGENCIES

**All requests and/or subpoenas from Courts, law enforcement agencies, and lawyers must be forwarded to the Superintendent of Schools before documents are copied or released.**

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, boards should obtain legal advice from their lawyers in order to deal with such issues as the following:

- whether the Education Act in fact prevents the production of the OSR
- whether the OSR in question is relevant to the proceedings
- if the OSR is relevant to the proceedings, whether a copy, rather than the original, may be submitted to the court

All of these issues are relevant in both civil and criminal cases (see sections 4.5.1 and 4.5.2).

Both the municipal and provincial freedom of information acts permit disclosure of personal information for the purposes of law enforcement. The conditions for disclosure and the definition of “law enforcement” are contained in the legislation. School boards should consult with their freedom of information coordinators and their legal counsel to determine whether they should develop policies on the disclosure of personal information in an OSR to courts and law enforcement agencies.

In court proceedings, subject to an appeal, the judge’s order must be followed. If a principal receives a court order requiring the release of an OSR, the principal should contact the board’s legal counsel. Although court orders must be followed, the principal should obtain legal advice about the issues listed above.

### 4.5.1 Civil suits

A principal may be served with a subpoena requiring that he or she appear in court on a particular date and bring part or all of an OSR. If a principal receives a subpoena, he or she must comply with it, but should obtain legal advice from the board’s legal counsel about the issues in section 4.5 above.

As a general rule, the principal should go to court with both the original OSR and a complete and exact photocopy of it, and should propose to the judge that the photocopy be submitted instead of the original. The principal should also inform the judge that the subpoena is inconsistent with subsection 266(2) of the Education Act. The principal must, however, relinquish the documents if ordered to do so by the judge.



#### **4.5.2 Cases involving the Criminal Code**

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 obliged to comply with the search warrant or the subpoena. In both cases, the principal should obtain legal advice from the board's legal counsel about any relevant issues, including those on page 15 in section 4.5.

Reference to page 15 in section 4.5 above is the equivalent of page 19, section 4.5 in this Guideline.

The principal should also inform the relevant authority (i.e., the police or the judge) that the use of any part(s) of the OSR as evidence in court proceedings is inconsistent with subsection 266(2) of the Education Act. The principal should present the police or the judge with both the original OSR and a complete and exact photocopy of it, and should propose that the photocopy be submitted instead of the original.

#### **4.5.3 Provisions under the Child and Family Services Act**

Under the Child and Family Services Act, R.S.O. 1990, c. C.11, it is possible for a court to order a principal of a school to produce a student's OSR for inspection and copying. A court may make such an order if it is satisfied that (a) a record contains information that may be relevant to a consideration of whether a child is suffering abuse or likely to suffer abuse, and (b) the person in control of the record has refused to permit a Children's Aid Society director to inspect it. If a principal receives a court order under the Child and Family Services Act, he or she should seek legal advice about how to comply with it.

The OSR is identified under Section 266 (2) of the Education Act as "privileged for the information and use of supervisory officers and the principal and teachers of the school for the improvement of instruction of the pupil and such record . . . is not available to any other person." This section is subject to subsections (2.1), (3), and (5) which give detail re: the medical officer of health, the right of the parent and pupil to examine the record, and a hearing related to disagreement regarding information in an OSR. Section 266 (10) gives further direction to "preserving secrecy".

Written permission of the parent or guardian of the pupil or, where the pupil is an adult, the written permission of the pupil is required in other circumstances.

Principals in providing relevant information to persons employed as school attendance counsellors under Section 28(1)(a) and (b) for the purpose of enforcement of compulsory school attendance is addressed in Section 266(10)(a). This section authorizes communication regarding

OSR contents relevant to enforcement of compulsory school attendance as may be required in the performance of the principal's duties. Access to the OSR by attendance counsellors is available with written consent of the student's parent/guardian.

Section 266(7) notes that principals are required to compile and deliver such information as may be required by the Minister.

It should be noted that the provisions of 266(2) of the Education Act may influence consideration by a judge with respect to the issue as to whether contents of the OSR should be disclosed.

Requests from lawyers are to be referred to the Supervisory Officer of your school. These requests will be processed with the same procedures and scrutiny as any inquiry.

While ensuring that each parent's rights to information are respected, disputes related to custody and access are not the responsibility of the school to resolve.

### **Requests for Information from Third Parties Regarding Students**

- Release of information regarding students requires the written consent of the adult student or the parent/guardian of a child;
- Access to information is regulated by the Ontario Student Record (OSR) Guideline;
- Requests for information must be in writing and addressed to the school principal. An original copy of a consent form signed by the adult student or parent/guardian of the child must be included. Principals should assure themselves that all requests are authorized;
- Requests from family physicians, psychologists in private practice, etc. must meet the requirements as above. A copy of the student's most recent report card, IEP and/or IPRC as addendums, are also acceptable;
- Requests for copies of psychological assessments and/or copies of reports from other agencies that have been included in the OSR should be directed to the originator of the report.
- Requests for information from lawyers should be reviewed in the context of Article 4 of the Ontario Student Record Guideline. As information sought in legal matters may be sensitive, principals are encouraged to review the contents of school reports carefully to ensure that information provided is appropriate and objective. Requests from lawyers representing one party in an action may well seek a bias towards that party. It may be appropriate to review certain requests with our board solicitor. Contact is made through your Superintendent of Schools;
- All copies of released documents should be signed by the principal and the author(s). A copy of the request and the entire package released should be stapled together and filed in the OSR.

## **5. USE AND MAINTENANCE OF THE OSR**

Information from an OSR may be used to assist in the preparation of a report required under the Education Act or the regulations made under it. Information from an OSR may also be used in the preparation of a report for an application for further education or an application for employment, if a written request for such a report is made by an adult student, a former student, or the parent(s) of a student.

The freedom of information legislation sets out criteria for the use of personal information. The purposes for which personal information in a student's OSR is being used must be consistent with the policies in this guideline and with school board policies. Students who are adults and parents of students who are not adults should be informed of the uses of personal information at the time that that information is collected for inclusion in an OSR.

The contents of the OSR should be reviewed on a regular basis according to the policies established by the school board to ensure that they remain conducive to the improvement of the instruction of the student. Any such review must comply with the provisions of section 9 of this guideline.

## 6. TRANSFER OF THE OSR

The transfer of the OSR means the transfer of all parts of the OSR other than the office index card (see section 3.5 for information on the index card). Subject to the conditions outlined below, the original OSR is transferable only to schools in Ontario.

When a student transfers to another school in Ontario, the receiving school must be sent written notification of the student's transfer (see form in appendix G) indicating that the student's OSR will be sent upon receipt of an official written request (see form in appendix H and I). When a student transfers to another school outside Ontario, only a copy of the student's OSR may be sent upon receipt of an official written request from the receiving school. See sections 6.1 to 6.3.

If the original OSR is being transferred between schools operated by the same school board, it may be transferred by a delivery service provided by the board.

The receiving school will forward a Request for Ontario Student Record to the sending school requesting that the record be transferred. This form is available on DocuShare.

If the original OSR is being transferred to a school in another board, to a private, federal or First Nation school, or to a Provincial or Demonstration School, it must be transferred by Priority Post or an equivalent delivery method that is approved by the board and that maintains confidentiality and guarantees prompt delivery.

The use of Canada Post Corporation first class mail which includes tracking number and signature of recipient (e.g. XpressPost) is approved as an equivalent delivery method for the transfer of an OSR.

If some or all of the information in the OSR has been microrecorded or stored electronically and if the receiving school is capable of receiving this information in microrecorded form or electronically in such a way that the OSR can be effectively reproduced or viewed, the information may be transmitted to the receiving school either as a microrecording or by electronic transmission in advance of the paper parts of the OSR.

If a school is transmitting OSR information electronically or by means of facsimile, arrangements must be made to ensure the secure and confidential transfer of the information.

## **6.1 TRANSFER TO A SCHOOL IN ANOTHER BOARD OR TO A PROVINCIAL OR DEMONSTRATION SCHOOL IN ONTARIO**

Before a principal transfers an original OSR to a school operated by another school board in Ontario, or to a Provincial or Demonstration School in Ontario, the principal must receive a written request for the information from the principal of the receiving school. A sample form for indicating this official request for information is provided in appendix H.

### **Confidential Transfer of OSRs**

- When students are registered in one of the designated schools for children whose mothers in seeking protection have gone into shelter, the principal will ascertain whether or not the mother wishes the move to be kept confidential. See Section 4.2, page 17 regarding:
  - Access to Board Counsel Re: OSR Issues
  - Withholding Information in Special Circumstances.
- If there is no problem with others knowing the location of the children then the records will be requested in the normal manner.
- Where the mother wishes the move to remain confidential the following procedure will be followed:
  - . The receiving school will notify their Superintendent of Schools of the need for confidentiality, the name(s) of the student(s) concerned, the school name/address from which the student(s) came and date admitted.
  - . The previous school will be notified by the Superintendent of Schools to demit the student(s) and requested to send the student(s) records to the Superintendent of Schools. No information will be provided regarding the destination of the students.
  - . The records will then be forwarded to the receiving school by the Superintendent of Schools and a record kept of this transaction.
  - . If an enquiry is made of the sending school as to the whereabouts of the children, the sending school should only relate that the records were sent to the Superintendent of Schools.

## **6.2 TRANSFER TO A PRIVATE, FEDERAL OR FIRST NATION SCHOOL IN ONTARIO**

Before a principal transfers an original OSR to an inspected school, a non-inspected private school, or a federal or First Nation school in Ontario, the principal must have received:

- a written request for the information from the receiving private school, in which the school agrees to accept responsibility for the OSR and to maintain, retain, transfer, and dispose of the OSR in accordance with this guideline (see appendix I); and
- a written statement indicating consent to the transfer, which is signed by the parent(s) of the student if he or she is not an adult, or by the student if he or she is an adult.

### **6.3 TRANSFER TO AN EDUCATIONAL INSTITUTION OUTSIDE ONTARIO**

An original OSR may not be transferred outside Ontario. Only an exact copy of the OSR may be sent to the principal of an educational institution outside Ontario after the principal who is responsible for the OSR has received:

- a written request for the information from the principal of the educational institution outside Ontario; and
- a written statement indicating consent to the transfer, which is signed by the parent(s) of the student if he or she is not an adult, or by the student if he or she is an adult.

### **7. RETIREMENT OF A STUDENT**

A student retires from school when he or she ceases to be enrolled in school. A student is not considered to have retired if he or she (a) withdraws for a temporary period with the written consent of the principal, or (b) transfers to another school in Ontario.

When a student retires from the school that maintained an OSR for the student, the principal will give the following to the parent(s) of the student if he or she is not an adult, or to the student if he or she is an adult:

- an up-to-date copy of the student's OST, if applicable
- the information and materials stored in the OSR folder that are not required to be retained under the retention schedule provided in section 8

### **8. RETENTION, STORAGE, AND DESTRUCTION OF INFORMATION IN THE OSR**

Regulations under freedom of information legislation require that personal information that has been used by an institution be retained by the institution for at least one year after use, unless the individual to whom the information relates consents in writing to its earlier disposal. Therefore, any personal information placed in an OSR should be retained by the school for at least one year after use, unless the principal receives written consent to its earlier disposal.

The following components of the OSR will be retained for five years after a student retires from school:

- reports cards
- the documentation file, where applicable
- additional information that is identified by the school board as appropriate for retention

The following components of the OSR will be retained for fifty-five years after a student retires from school:

- the OSR folder
- the OST
- the office index card

The destruction of all or any part of the OSR when its retention is no longer required under this guideline will be effected under conditions that ensure the complete and confidential disposal of the record.

## **9. CORRECTION OR REMOVAL OF INFORMATION IN THE OSR**

If certain information or material in an OSR folder is determined, according to the board's policies, to be no longer conducive to the improvement of the instruction of the student, the principal will have the information or material removed from the OSR folder. Such information will be given to the parent(s) of a student who is not an adult or to the student if the student is an adult, or it will be destroyed (see section 8).

If the parent(s) or adult student is (are) of the opinion that the information contained in the student's OSR is inaccurately recorded or that it is not conducive to the improvement of the instruction of the student, the parent(s) or adult student may request in writing that the principal correct the alleged inaccuracy or remove the information from the record. If the principal complies with the request, the material will be corrected or will be removed from the file and destroyed or returned to the parent(s) or the adult student, and no record of the request will be retained in the OSR.

If the principal refuses to comply with the request, the parent(s) or the adult student may request in writing that the principal refer the request to the appropriate supervisory officer.

The principal is to contact the Superintendent of Schools.
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The supervisory officer will either (a) require that the principal comply with the request, or (b) submit the OSR and the request to a person designated by the Minister of Education. If the supervisory officer requires that the principal comply with the request, no record of the request will be retained in the OSR. If the supervisory officer submits the request to a person designated by the Minister, that person will hold a hearing, which the principal and the person(s) who made the request will attend. After the hearing, the person designated by the Minister will make a decision on the matter. This decision will be final and binding. If the person designated by the Minister requires that the principal comply with the request, no record of the request will be retained in the OSR. If the person designated by the Minister denies the request, the original request, including the date on which it was made, and the statement of this final decision will be retained in the documentation file.

Freedom of information legislation also permits persons to request that recorded personal information be corrected.

Every principal will ensure that no OSR discloses (a) the contravention or alleged contravention by a student of any statute or regulation to which the Young Offenders Act or Part V-A of the Provincial Offences Act applies, or (b) the disposition of any proceedings brought under those statutes or regulations. If an entry in an OSR does disclose such information, the principal of the school in which the student is enrolled will ensure that the entry is altered appropriately or deleted from the OSR.

## **10. CHANGE OF SURNAME**

Principals are reminded to ensure that all other manual and electronic records are updated.

### **10.1 CHANGE BY REPUTE**

Repute is defined as:

- commonly ascribed to, being favourably known or spoken of;
- according to reputation or popular belief, status .

(Source - Webster's International Dictionary).

NOTE: Unless the student's name is legally changed and the school receives verification of the new legal change of surname (i.e. a new birth certificate), the legal name of the student also continues to be recorded on all official documents (report cards, transcripts, OSR, Maplewood, ONSIS, IPRCs, etc.). The surname by repute may be used on class lists and other unofficial school records.

When a principal receives a written request from an adult student or the parent(s) of a student who is not an adult that the student be identified by a surname other than the legal surname of the student and when (a) the student is known by a surname other than his or her legal surname, (b) the surname is a name obtained by repute, and (c) the use of the surname is in the student's best interests, the principal will record the requested surname in Part A of the OSR folder in addition to the legal surname of the student, and the requested surname will be used henceforth. In this case, the legal surname will be enclosed in brackets. The written request will be stored in the documentation file (see section 3.4).

### **10.2 CHANGE BY MARRIAGE**

When a principal receives a document that establishes that a student for whom the principal maintains an OSR has had his or her surname changed by marriage, the principal will file the document, a copy of the document, or a verification of his or 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.



### 10.3 CHANGE BY LAW

When a principal receives a document that establishes that a student for whom the principal maintains an OSR has had his or her surname changed in accordance with the law of the province, state, or country in which the document was made, the principal will file the document, a copy of the document, or a verification of his or her knowledge of the document in the documentation file, and, on request, will change the surname of the student on all components of the OSR so that the record will appear as if originally established in the new surname.

## 11. 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 or credits, the principal of the continuing education course or program will establish an office index card, which will contain the following information:

- the full name of the student
- the number assigned to the student by the school or school board, where applicable
- a Ministry Identification Number (MIN) or Ontario Education Number (OEN) assigned by the ministry, where applicable
- the gender of the student
- the student's date of birth (year, month, day) and the source used to verify the date
- if applicable, the name(s) of the individual(s) who has (have) custody of the student and for whom verification of the custody order is included in the documentation file
- the student's current address and home telephone number, as well as an emergency number if one has been provided
- the dates (year, month, day) on which the student enrolls in the program, transfers from the program, and/or retires from the program
- the name and address of the school to which the student transfers and the date
- the student's address on the date of transfer or retirement
- the name and address or some other means of identification of the continuing education program from which the student is transferring or retiring
- other information that is identified in accordance with the policies established by the school board (see section 2)

The OST will be maintained by the principal of the continuing education program. If, however, the student is also enrolled in a day school program, the principal of the continuing education program will forward information on credits earned to the principal of the day school program for inclusion in the student's OST.

Permission should be sought at the time of registration.

An OSR is to be established by the Principal of Continuing Education for any student for whom an OSR is unavailable.

# APPENDIX 1

## MINISTRY OSR GUIDELINE APPENDICES \*

*\* listed below and as available on the Ministry of Education website, at <http://www.edu.gov.on.ca/eng/document/curricul/osr/osr.html>*

Appendix A:	OSR Folder, Form 1A
Appendix B:	Adjustment of OSR Folder Form 1 to Form 1A
Appendix C:	Ontario Student Transcript
Appendix D:	Documentation File Folder
Appendix E:	Office Index Card
Appendix F:	Student Record of Accumulated Instruction in French As a Second Language in Elementary School
Appendix G:	Notification of Student Transfer Within Ontario
Appendix H:	Request for an OSR by a School in Another Board or a Provincial or Demonstration School in Ontario
Appendix I:	Request for an OSR by a Private, Federal, or First Nation School in Ontario
Appendix J:	Violent Incident Form
Appendix K:	Prior Learning



## **DISTRICT SCHOOL BOARD ONTARIO NORTH EAST- ATTACHMENTS**

- Attachment 1:           Definitions**
- Attachment 2:           Education Act – Pupil Records**
- Attachment 3:           Education Act – Ontario Education Numbers**
- Attachment 4:           Record of Communication**
- Attachment 5:           OSR Organization**
- Attachment 6:           OSR sign-out card**



## ATTACHMENT 1: DEFINITIONS

The following definitions are provided for the purposes of this guideline only. Most are based on definitions of terms in the Education Act.

*adult* A person who is eighteen years of age or older.

*board* A board of education, public school board, secondary school board, Roman Catholic separate school board, or Protestant separate school board, including a French-language board or the public sector or Roman Catholic sector of a French-language board or the minority-language section of a board.

*DND school* An educational institution operated either in or outside Ontario to provide education for students whose parents or guardians are members of the Canadian Forces or employees of the Department of National Defence of the Government of Canada. A DND school is deemed to be a private school in Ontario that is operated by the Government of Canada.

*guardian* A person who has lawful custody of a child, other than the parent of the child.

*Linkage program* A program authorized by the Minister of Education, the Minister of Colleges and Universities, and the Minister of Skills Development that enables a student who has obtained credits in specific technological studies courses and has successfully achieved competencies identified in approved training profiles to qualify for advance placement when entering apprenticeship programs.

*Ontario Student Transcript* The component of an OSR that is used to record particulars of the secondary school courses successfully completed by a student and the credits granted in recognition thereof.

*principal* A teacher appointed by a board to perform in respect of a school the duties under the Education Act and the regulations made under it.

*private school* An institution at which instruction in any of the subjects of the elementary or secondary school courses of study is provided at any time between the hours of 9:00 a.m. and 4:00 p.m. on any school day for five or more students who are over compulsory school age and that is not a school as defined in the Education Act.

*school* The body of public school students, separate school students, or secondary school students that is organized as a unit for educational purposes under the jurisdiction of the appropriate board or the body of students enrolled in any of the elementary or secondary school courses of study in an educational institution operated by the Government of Ontario, as well as the teachers and other staff members associated with such unit or institution and the lands and premises used in connection therewith.

*supervisory officer* A person qualified in accordance with the regulations governing supervisory officers and who is employed

a) by a board or

b) in the Ministry of Education and designated by the Minister of Education

to perform such supervisory and administrative duties that are required of supervisory officers by the Education Act and the regulations made under it.

*teacher* A person who holds a valid certificate of qualification or a letter of standing as a teacher in an elementary or secondary school in Ontario.



## ATTACHMENT 2: EDUCATION ACT

### Pupil Records

266. (1) Definition - In this section, except in subsection (12), "record", in respect of a pupil, means a record under clause 265 (d).

(2) Pupil records privileged - A record 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 pupil, and such record,

(a) subject to subsections (2.1), (3) and (5), is not available to any other person; and

(b) except for the purposes of subsection (5), is not admissible in evidence for any purpose in any trial, inquest, inquiry, examination, hearing or other proceeding, except to prove the establishment, maintenance, retention or transfer of the record, without the written permission of the parent or guardian of the pupil or, where the pupil is an adult, the written permission of the pupil.

(2.1) Information to medical officer of health - The principal of a school shall, upon request by the medical officer of health serving the area in which the school is located, give that medical officer of health the following information in respect of pupils enrolled in the school;

1. The pupil's name, address and telephone number.
2. The pupil's birth date.
3. The name, address and telephone number of the pupil's parent or guardian.

(3) Right of parent and pupil - A pupil, and his or her parent or guardian where the pupil is a minor, is entitled to examine the record of such pupil.

(4) Idem - Where, in the opinion of a pupil who is an adult, or of the parent or guardian of a pupil who is a minor, information recorded upon the record of the pupil is,

(a) inaccurately recorded; or

(b) not conducive to the improvement of instruction of the pupil, such pupil, parent or guardian, as the case may be, may, in writing, request the principal to correct the alleged inaccuracy in, or to remove the impugned information from, such record.

(5) Reference where disagreement - Where the principal refuses to comply with a request under subsection (4), the pupil, parent or guardian who made the request may, in writing, require the principal to refer the request to the appropriate supervisory officer who shall either require the principal to comply with the request or submit the record and the request to a person designated by the Minister, and such person shall hold a hearing at which the principal and the person who made the request are the parties to the proceeding, and the person so designated shall, after the hearing, decide the matter, and his or her decision is final and binding upon the parties to the proceeding.

(6) Use re further education or employment - Nothing in subsection (2) prohibits the use by the principal of the record in respect of a pupil to assist in the preparation of,

(a) a report required by this Act or the regulations; or

(b) a report,

(i) for an educational institution or for the pupil or former pupil, in respect of an application for further education, or

(ii) for the pupil or former pupil in respect of an application for employment,

where a written request is made by the former pupil, the pupil where he or she is an adult, or the parent or guardian of the pupil where the pupil is a minor.

(7) Information for Minister or board - Nothing in this section prevents the compilation and delivery of such information as may be required by the Minister or by the board.

(8) No action re content - No action shall be brought against any person in respect of the content of a record.

(9) Testimony re content - Except where the record has been introduced in evidence as provided in this section, no person shall be required in any trial or other proceeding to give evidence in respect of the content of a record.

(10) Secrecy re contents - Except as permitted under this section, every person shall preserve secrecy in respect of the content of a record that comes to the person's knowledge in the course of his or her duties or employment, and no such person shall communicate any such knowledge to any other person except,

(a) as may be required in the performance of his or her duties; or

(b) with the written consent of the parent or guardian of the pupil where the pupil is a minor; or

(c) with the written consent of the pupil where the pupil is an adult.

(11) Definition - For the purposes of this section, "guardian" includes a person, society or corporation who or that has custody of a pupil.

(12) Application to former records - This section, except subsections (3), (4) and (5), applies with necessary modifications to a record established and maintained in respect of a pupil or retained in respect of a former pupil prior to the 1st day of September, 1972.

(13) Use of record in disciplinary cases - Nothing in this section prevents the use of a record in respect of a pupil by the principal of the school attended by the pupil or the board that operates the school for the purposes of a disciplinary proceeding instituted by the principal in respect of conduct for which the pupil is responsible to the principal.



## **ATTACHMENT 3: EDUCATION ACT**

### **Ontario Education Numbers**

266.1 Definition - In sections 266.2 to 266.5,

"personal information" means personal information within the meaning of section 38 of the Freedom of Information and Protection of Privacy Act and section 28 of the Municipal Freedom of Information and Protection of Privacy Act.

266.2 (1) Assignment of numbers - The Minister may assign an Ontario education number to a person who is enrolled or who seeks admission to be enrolled in a prescribed educational or training institution.

(2) Same - For the purpose of assigning an Ontario education number, the Minister and prescribed educational and training institutions are authorized to collect, directly or indirectly, personal information.

(3) Same - Subsection 39 (2) of the Freedom of Information and Protection of Privacy Act and subsection 29 (2) of the Municipal Freedom of Information and Protection of Privacy Act do not apply to a collection under subsection (2).

(4) Same - For the purpose of assigning an Ontario education number, the Minister and prescribed educational and training institutions may use or disclose personal information and the disclosure shall be deemed to be for the purposes of complying with this Act.

266.3 (1) Privacy re education numbers - Except as permitted by this section or otherwise by law, no person shall collect, use, disclose or require the production of another person's Ontario education number.

(2) Exception - A prescribed educational or training institution may collect, use, disclose or require the production of a person's Ontario education number for purposes related to the provision of educational services to that person.

(3) Same - The Minister and a person prescribed under clause 266.5 (1) (b) may collect, use or disclose or require the production of Ontario education numbers for purposes related to education administration, funding, planning or research.

(4) Same - The Minister and a prescribed educational or training institution may collect, use, disclose or require the production of a person's Ontario education number for purposes related to the provision of financial assistance associated with the person's education.



266.4 (1) Offence - Every person who contravenes subsection 266.3 (1) is guilty of an offence.

(2) Penalty individuals - An individual who is convicted of an offence under this section is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than six months, or to both.

(3) Penalty, corporations - A corporation that is convicted of an offence under this section is liable to a fine of not more than \$25,000.

266.5 (1) Regulations - The Lieutenant Governor in Council may make regulations,

(a) prescribing educational institutions, training institutions or classes of such institutions for the purposes of this section and sections 266.2 to 266.4;

(b) prescribing persons or classes of persons for the purposes of subsection 266.3 (3);

(c) for purposes associated with Ontario education numbers, authorizing personal information to be collected by the Ministry or by prescribed educational or training institutions, other than directly from the individual to whom the information relates, and regulating the manner in which the information is collected;

(d) requiring the use of Ontario education numbers by prescribed educational or training institutions for the purposes specified in the regulations;

(e) respecting any matter that the Lieutenant Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of sections 266.2 to 266.4.

(2) General or particular - A regulation under this section may be general or particular.

(3) Classes - A class may be defined with respect to any attribute and may be defined to consist of or to exclude any specified member of the class, whether or not with the same attributes





## ATTACHMENT 5

# Ontario Student Records -- Organization

(listed in order to be filed in OSR)

**TRANSCRIPT** – secondary schools only -- strongly suggest that secondary schools print an updated transcript at least annually (June) – either working copy or legal version on plain white paper – keep only current copy (i.e. replace with most current copy)

**REPORT CARDS:** (GREEN sheet of paper)

A report card will be completed and held and filed in the OSR folder for each student who has enrolled in the school for six weeks (including all calendar days) or more from the commencement of the enrolment or reporting period. Report cards must be filed with the most current report on top. These reports should be paper clipped together with a GREEN sheet of paper entitled “REPORT CARDS”.

The Progress Reports should also be filed in this grouping and maintained with the most recent on top.

**FRENCH CARDS:**

An individual record of accumulated instruction in French as a Second Language shall be established and maintained with entries made at the end of a school year, when a student transfers, and when a student retires.

**SPECIAL EDUCATION DOCUMENTATION --- THE FOLLOWING DOCUMENTS ARE TO BE MAINTAINED IN A RED FILE FOLDER IN THE OSR:**

**1. INDIVIDUAL EDUCATION PLANS (IEP): (clipped under RED paper titled “INDIVIDUAL EDUCATION PLANS – MOST RECENT ON TOP”)**

An IEP is required for every student that has been identified with an exceptionality. The copy for each term must also have the parent’s signature along with the teacher’s signature. They must be filed with the most recent IEP on top and managed in the red folder.

Keep the current year IEP until the one for Term 2 (or Semester 2) is completed: as long as each term’s goals and expectations are printed on the final one for the year, then that is the ONLY IEP that should be kept permanently-thus, there would be one IEP on file for each previous school year for that student, which would have all of the goals and expectations for each term or semester in that year.

The IEP sign-off sheet is to be kept in this Special Education folder also. This consent is sent home with each IEP, signed by the parent and returned. If the parent does not return this page, you should send another one by registered mail, so a formal record evidences a serious attempt for parent feedback.

## **2. IDENTIFICATION, PLACEMENT and REVIEW COMMITTEE (IPRC):**

An IPRC is required each year to review the placement and identification of an identified student. These must be filed with the most recent IPRC on top and managed in a yellow folder.

IPRC Conference notes—should be kept attached to the IPRC forms in this folder. These notes should be signed by the parents and again every attempt should be made to get their signature so registered mail may be required.

## **3. BEHAVIOUR MANAGEMENT PLANS: (PINK sheet of paper)**

Behaviour Management Plan- for those students for whom behaviour has been identified (formally or otherwise) as a concern, it is necessary to have a behaviour management plan in place and the copy paper clipped behind a Pink sheet of paper entitled “ BEHAVIOUR MANAGEMENT PLANS”. The most recent should be on top.

## **4. SAFETY PLANS: (GOLDEN sheet of paper)**

Safety Plans—for any student in your school who would require assistance exiting the building in an emergency ( i.e. physically or mentally challenged, incapable of independent motion, blind or deaf) or whose safety would be at risk if they got “lost” in the shuffle of an emergency situation. This necessity to have a Safety Plan would also include younger students with severe allergies, anaphylaxis, asthma, diabetes, etc.

## **5. SPECIAL EDUCATION SIGN-OFF SHEET: (YELLOW sheet of paper)**

Special Education Sign-off sheets should be paper-clipped to a sheet of yellow paper entitled “SIGN-OFF SHEETS”. This is the form that should be generated every school year, with space for EVERY staff member who works with an identified student to sign off and the date, indicating that they have read the contents of the OSR and are aware of the needs/strengths/goals for that student . This form is on DocuShare.

## **6. SPECIAL EDUCATION ASSISTIVE TECHNOLOGY (SEA): (WHITE sheet of paper)**

This folder should hold all the paper work required for the SEA equipment. The most recent request and approval should be on top.

**NOTE:** It is not necessary to keep the speech/language/OT therapists’ progress reports in the OSR. They should be kept by the SERT in a file in his/her office for that student (after being shared with classroom teachers).

## **DOCUMENTATION FILE: (Cream coloured folder purchased from the Ministry printer)**

Ministry Guidelines require that the Special Education File and the additional items listed below be placed in the DOCUMENTATION FILE:

- Health Forms (Appendices A-F as applicable) – these include permission to administer medication, etc.
- Custody Order – copy of legal document – do not need entire document (i.e. financial information) but must have cover page with DATE & the sections identifying the children (with dates of birth), parents names & sections dealing with custody, access and, if applicable any section denying the non-custodial parent access to the child’s educational records/teachers. Revised Court Orders must also be forwarded to the school as they are issued.
- Change of Surname - This is a legal document – requires we change all student information to the new, legal surname --- comes with an official document AND A NEW BIRTH CERTIFICATE issued in the new name – usually following an adoption.
- Written request to be named by repute. – LEGAL SURNAME is maintained in brackets on OSR and continues to be used in M/W and on all legal documents (OSR, report cards, ONSIS, transcripts, IPRCs, etc)
- SALEP Committee Report
- Letters of request for Correction/Deletion of Record (where request not granted)
- Special Instructional Arrangement Documentation: Satisfactory Instruction (Education Act, Section 21). Retain for two (2) years after student returns to school; Temporary Absence for Home Instruction (Ontario Regulation 298, subsection 11 (11)). Retain two (2) years only.
- Violent incident form.( retained for 3 years IF no further violent incidents occur (accompanying suspension letter, police report, etc. to be retained for this period as well)
- Expulsion documentation – retained for 5 years (if no further expulsions)
- Psychological Assessments reports, Speech and Language Pathologist reports, Academic Assessment reports, and Health Assessment reports. Filed in order of date of administration, most recent on top - reminder that any “third party” assessments/reports cannot be copied/shared even if requested by lawyer, etc.
- Parent consent forms for Psychological or Psychiatric Assessments
- Consent(s) for Disclosure, Transmittal or Examination of Student Record Form
- Copy of documentation (request by parent & follow-up letter from Attendance Counsellor) regarding withdrawal for Home Schooling
- Requests from third parties (lawyers, subpoena to Court, insurance companies – all with original, signed consent to release information) – include copy of responding cover letter from Principal indicating what, if anything, was copied and sent to this third party
- Any other documents “identified as being conducive to the improvement of the instruction of the student” – at the discretion of the Principal

### **Registration Forms (WHITE sheet of paper)**

This form is the last sheet in the OSR. It contains all registration forms – stapled together, most recent on top - from all schools/boards attended and includes family information, address, self-identification. Previous registrations for all schools/Boards are to be filed. Copies of the following forms (as applicable – all on D/S) are to be included with registration form:

- OSR Consent Form
- Student Release of Information (for photos/school work)
- Self-identification of Aboriginal Ancestry
- Special Needs of JK/K Students new to the Board



# OSR SIGNED OUT

(place-holder for OSR file)

**Student's Name**

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**Signed out by**

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**Date**

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