STUDENT RECORDS

Belief

Student records shall be established and maintained at the highest standard of integrity, and shall be used to promote the educational welfare of students.

Guidelines

1. There shall be two different and distinct student records:
   1.1 The first record is called the Student Record and is a record that is maintained for each student in the school in which the student is enrolled. It shall contain all information that is directly useful in facilitating the student's education and shall contain all information required in the Student Record Regulation 166/2018.
   1.2 The second record is called the Confidential Student Record and is a record kept separate from the Student Record. The Confidential Student Record contains information of a sensitive nature, the disclosure of which, in the opinion of the Principal, would clearly be injurious to the student. This could include information relating to investigations under the Child, Youth and Family Enhancement Act, Youth Criminal Justice Act, criminal charges, or other information which does not promote the educational welfare of the student.

Procedures

2. The Superintendent, or designate, shall be responsible for the overall administration of this administrative procedure.

3. The Student Record shall:
   3.1 Be maintained for all students registered in the Division.
   3.2 Parent/Guardian/Students shall complete the standard Division registration form to ensure that appropriate information is collected.
   3.3 Be updated annually.
   3.4 Be stored in a secured location available to professional staff but not in areas open to students or the public.
3.5 Consist of all information that affects decisions made about the education of the student including:

3.5.1 Student identification data: student’s name as registered under the Vital Statistics Act, or if the student was born in a jurisdiction outside of Alberta, the student’s name as registered in that jurisdiction, and any other surnames by which the student is known, date of birth, sex, name of the student's guardian/parent(s), addresses and telephone numbers of the student and of the student's guardian/parent(s), student ID number (Alberta Education and school).

3.5.2 Student status information: grade, program, special educational services.

3.5.3 An annual (semester) summary of the student's school attendance.

3.5.4 The board of which the student is a resident student.

3.5.5 The names of all schools attended by the student in Alberta and dates of enrolment, if known.

3.5.6 The citizenship of the student and, if the student is not a Canadian citizen, the type of visa or other document pursuant to which the student is lawfully admitted to Canada for permanent or temporary residence, and the expiry date of that visa or other document.

3.5.7 An annual summary or a summary at the end of each semester of the student's achievement/progress in the courses and programs in which the student is enrolled.

3.5.8 Health information that the parent or student wishes to be placed in the student record.

3.5.9 Results obtained by the student on any:

3.5.9.1 Diagnostic test, achievement test and diploma examination conducted by or on behalf of the province.

3.5.9.2 Standardized tests under any testing program administered by the Division to all or a large portion of the students or to a specific grade level of students.

3.5.10 Formal intellectual, behavioural or emotional assessments or evaluations administered individually to the student by the Division, or requested by the student's parent and administered to the student by an independent party:

3.5.10.1 Name of the instrument, summary of the results, date of the administration, name of the individual who administered the instrument, an interpretive report, and any action taken as program planning as a result of the assessment or evaluation, or interpretive report.

3.5.11 Any assessment, evaluation, or interpretative reports referred to in 3.5.10 that the parent or student wishes to be placed in the record.

3.5.12 Documents from local health unit, such as vision and hearing screens, and speech and language reports.
3.5.13 The individual program/educational plan and amendments, if one has been devised and summaries of all previous individualized program plans.

3.5.14 Results of any application under the Student Evaluation Regulation (A.R. 177/2003) for special provisions or directives.

3.5.15 Information about any suspension of more than one day or expulsion relating to the student or the student’s rights pursuant to the School Act, which must be recorded and retained on the student record for a minimum period of one year and a maximum period of three years following the date of the suspension or expulsion after which the information must be removed from the student’s record and may, at the discretion of the Principal based on 3.7, be placed in the Confidential Student Record.

3.5.16 If the parent of the student is eligible to have the student taught in the French language pursuant to section 23 of the Canadian Charter of Rights and Freedoms, a notation to indicate that and a notation to indicate whether the parent wishes to exercise that right,

3.5.17 If the parent of the student or the student wishes to provide information that the student is of aboriginal ancestry, a notation indicating whether the student is Status Indian/First Nations, Non-Status Indian/First Nations, Metis or Inuit, and

3.5.18 A copy of any separation agreement or court order.

3.6 The following data must not be included in the Student Record:

3.6.1 Any information contained in:

3.6.1.1 Notes and observations that are not used in program placement decisions;

3.6.1.2 Any information relating to a report or an investigation under the Child, Youth and Family Enhancement Act;

3.6.1.3 Counselling records relating to the student that is or may be personal, sensitive or embarrassing to the student, unless 3.7 applies.

3.6.2 Any information that identifies a student as a young person as defined in the Youth Justice Act or the Youth Criminal Justice Act and all information relating to the student in that capacity.

3.7 Information referred to in subsection 3.6.1.3 may be included in the Student Record if inclusion is:

3.7.1 In the public interest, or

3.7.2 Necessary to ensure the safety of students and staff.

4. Transfer of the Student Record

4.1 When a student transfers to another school:
4.1.1 Within the Division, the Student Record and Confidential Student Record shall be forwarded to the receiving school.

4.1.2 Within Alberta, the school from which the student has transferred shall, on receipt of a written request from the receiving school, send only the Student Record and not the Confidential Student Record.

4.1.3 Outside Alberta, the school from which the student has transferred shall, on receipt of a written request from the receiving school, send only a copy of the Student Record and not the Confidential Student Record.

5. Retention of Student Record

5.1 The Student Record shall be kept for 8 years from the date the student completes or could have been expected to complete grade 12, or until the record has been forwarded to another school in Alberta.

5.2 When a student transfers to a school outside Alberta, the Student Record shall be kept for 8 years from the date the student could be expected to have completed grade 12 if the student had not transferred from the school.

5.3 When the Student Record has been kept for the required amount of time, it and the Confidential Student Record shall be destroyed.

6. Access to Student Record

6.1 Principals shall develop a procedure for informing parents, legal guardians and students 16 years or older of their right to review a Student Record.

6.2 The contents of a Student Record are not disclosed except in accordance with:

6.2.1 The Freedom of Information and Protection of Privacy Act, and

6.2.2 Any one of the following:

6.2.2.1 In accordance with sections 38.1, 40, 41, and 43 of the School Act;

6.2.2.2 To a staff member or agent of the Division if the information is necessary and relevant to a matter being dealt with by that person.

6.2.2.3 To the Minister at the request of the Minister.

6.2.2.4 With the written permission of:

- The parent if the student is less than 16 years of age.
- The student or the parent if the student is 16 years of age or older.

6.2.2.5 With the written permission of the Minister.

6.2.2.6 In accordance with any other regulation under the School Act.
6.3 A Student Record may be reviewed:

6.3.1 By the parent or legal guardian of a student, if the student is younger than 16 years old.

6.3.2 By the student and the parent or legal guardian if the student is 16 years of age or older.

6.3.3 By an individual who has access to the student under a separation agreement or an order of a court.

6.3.4 In accordance with any other regulation under the School Act.

6.4 Where a Student Record contains a test, test results or an evaluation of a student that is given by a person who has recognized expertise or training, the individuals referred to in 6.2 above are entitled to review the test, test results, evaluation or information, only at a time when a person who is competent to explain and interpret the test is available to provide the explanation and interpretation.

6.5 Information contained in a Student Record shall be disclosed to the Department of Justice or the Department of Solicitor General and Public Security of the Government of Alberta or to their designates when requested by that Department or its designate for the purpose of administering the Youth Justice Act or the Youth Criminal Justice Act (Canada) or carrying out any program or policy under either Act.

6.6 At the written request of a medical officer of health as defined in the Public Health Act, the following Student Record information shall be disclosed to the medical officer of health or designate for the purpose of contacting parents or guardians regarding voluntary health programs offered by the regional health authority, including immunization, hearing, vision, speech and dental health programs, and for the purpose of communicable disease control:

6.6.1 A student's name, address, date of birth, sex and school, and

6.6.2 The name, address and telephone number of the student's parent or guardian.

6.7 At the written request of a regional authority for Francophone Education for an student identified in 3.5.16 the following Student Record information shall be disclosed:

6.7.1 A student’s name, address, date of birth, sex and school

6.7.2 The name, address and telephone number of the student’s parent.

6.8 When a Student Record has been reviewed, the date and name of the reviewer shall be recorded in the record.

7. Removal or correction of Student Record and Confidential Student Record entries

7.1 Persons with access rights may request the Principal to correct or remove entries in a student's Student Record or Confidential Student Record.

7.2 The Principal, on receiving a written request, shall make a ruling.

7.3 If the Principal denies the request, the applicant shall be informed of the right to appeal the Principal’s decision to the Associate Superintendent: Business. The
Associate Superintendent: Business has been authorized to deal with appeals pursuant to section 123 of the School Act.

7.4 If the Associate Superintendent: Business denies the request, the applicant, where appropriate, shall be informed of his/her right to request a ministerial review.

7.5 Other than as noted in sections 7.1, 7.2, and 7.3 above, no entries may be removed from a student's Student Record or Confidential Student Record.

8. Disposal and destruction of student records:

8.1 Student records that are no longer required to be kept under procedure 5 shall be disposed of or destroyed.

8.2 Student records shall be disposed of or destroyed in a manner that maintains the confidentiality of the information in the record.

8.3 The Division shall dispose of information referred to in procedure 3.6 relating to a student in the same manner as student records are to be disposed of under 8.2 above.

Reference: Section 15, 38.1, 39, 40, 41, 43, School Act
          Student Record Regulation 166/2018
          Child, Youth and Family Enhancement Act
          Section 33, 39, 40, Freedom of Information and Protection of Privacy Act
          Freedom of Information and Protection of Privacy Regulation 200/95
          Public Health Act
          Social Development Act
          Vital Statistics Act
          Section 23, Canadian Charter of Rights and Freedoms
          Youth Justice Act
          Youth Criminal Justice Act
          Information Sharing Protocol: Youth Criminal Justice Act