

Administrative Procedures Manual	Administrative Procedure 320
	Student Records
	APPROVED: September 2013
Page 1 of 5	AMENDED/REVIEWED: September 2019
LEGAL REFERENCE:	Section 9, 18 52, 53, 56, 70, 222 Education Act Child, Youth and Family Enhancement Act Freedom of Information and Protection of Privacy Act Public Health Act Vital Statistics Act Youth Justice Act Youth Criminal Justice Act (Canada) Section 23 Canadian Charter of Rights and Freedoms Freedom of Information and Protection of Privacy Regulation 200/95 Student Record Regulation 97/2019

Background

Student records are maintained in order to provide accurate, up to date background information for making important educational decisions such as grade promotion/ retention, program assignment and assisting students who have special educational needs. Student records must be maintained in accordance with Alberta Education requirements and kept in a format that protects the privacy of the student in accordance with the Freedom of Information and Protection of Privacy Act.

Procedures

1. Principals are required to establish and maintain on file a student cumulative record for each student enrolled in their schools.
2. A student's record shall consist of the following information:
 - 2.1 Student identification data:
 - 2.1.1 Date of birth.
 - 2.1.2 Student's Legal Name as defined in the Student Record Regulation 2(1)(a)
 - 2.1.3 Citizenship and if the student is not a Canadian citizen, the type of document pursuant to which the student is lawfully entitled to remain in Canada, and the expiry date of that document.
 - 2.1.4 Gender.
 - 2.1.5 Student's Alberta Student Number (ASN).
 - 2.1.6 A copy of the student's birth certificate, and if applicable, change of name certificate or another official document if the student was born outside of Canada.
 - 2.2 Name of parent/s.
 - 2.3 Proof of guardianship of the student or child and any documents evidencing limits on the guardianship of the student or child.

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- 2.4 Addresses, e-mail addresses and telephone numbers of the student and of the student's parent(s).
- 2.5 Name of the resident board.
- 2.6 Eligibility and desire for education under section 23 of the Canadian Charter of Rights and Freedoms.
- 2.7 Eligibility to receive First Nation, Metis and Inuit Education funding allocation if the parent of the student or student wishes to provide information.
- 2.8 Schools, grades, programs attended, levels of achievement/progress and attendance history with corresponding dates.
- 2.9 Relevant health information.
- 2.10 Results of diagnostic tests, achievement tests and diploma examinations conducted by or on behalf of the Province.
- 2.11 Standardized tests under any testing program administered by the Division to all or a large portion of the students.
- 2.12 Any accommodation or exemption in respect of a provincial assessment under a program established by the Minister.
- 2.13 An Individual Education Plan or Individual Program Plan and any amendments to the plan, if one has been developed. Summaries of all individualized program plans for previous school year for the student must be included.
- 2.14 A summary report of any formal intellectual, cognitive, social or emotional evaluation of the student by the board or independent party: the name of the assessment or evaluation, the name of the individual who administered the assessment or evaluation, the date conducted, any interpretive report relating to the assessment or evaluation and action taken as a result of the evaluation.
- 2.15 Information about any suspension of more than one day or expulsion relating to the student or the student's rights. To be retained on the student record for at least one year after the date on which the suspension or expulsion began and to be removed from the student record not later than three years after the date on which the suspension or expulsion began.

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3. A student record shall not include:
 - 3.1 Formal intellectual, behavioural or emotional assessment or evaluation instruments and protocols.
 - 3.2 Information of a sensitive nature, which in the opinion of the Superintendent would be injurious to the student if disclosed.
 - 3.3 Notes and observations that are prepared by and for the exclusive use of a teacher, teacher's assistant, counsellor or Principal, and that are not used in program placement decisions.
 - 3.4 Any information relating to a report or an investigation under the Child, Youth and Family Enhancement Act.
 - 3.5 Counselling record relating to the student that are or maybe personal, sensitive or embarrassing to the student, unless section 2(3) applies.
 - 3.6 Any information that identifies a student as a young person as defined in the Youth Justice Act or the Youth Criminal Justice Act (Canada) and all information relating to that student in that capacity.
4. Student records shall be updated annually.
5. Student records shall be stored in a secure location.
6. Disclosure of Student Records

The contents of a student record are not to be disclosed except:

 - 6.1 Where an employee if the information is necessary for the performance duties of the employee to meet the educational needs of a student.
 - 6.2 With the written consent of the parent/s if the student is less than sixteen (16) years of age.
 - 6.3 With the written permission of the parent/s or student if the student is sixteen (16) years of age or older.

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- 6.4 With the written permission of the Minister.
- 6.5 Where required by law pursuant to a court order, subpoena, warrant or other appropriate legal document.
- 6.6 In accordance with the Division's procedures for transfer of records as noted in section 8.
- 6.7 In accordance with the Freedom of Information and Protection of Privacy Act.
- 6.8 To the Department of Justice and Solicitor General or its designate when requested.

7. Review of Student Records

A student record may be reviewed in accordance with the following:

- 7.1 The student or the student's parent, except where the student is an independent student.
- 7.2 Where a student record contains psycho-educational information that has been provided by a person who has recognized expertise or training, the individuals referred in 7.1 and 7.2 above are entitled to review such information. This information will only be reviewed at a time when a person who is competent to explain and interpret the information is available.
- 7.3 When a student record has been reviewed the date and name of the reviewer shall be recorded in the record.
- 7.4 If any information is challenged as being inaccurate or incomplete, the reviewer shall record the challenge or correction in the student record.
- 7.5 In the case of an unresolved dispute the Principal may refer the matter to the Superintendent.

8. Transfer of Student Records

- 8.1 Within the Division, the student record shall be forwarded to the receiving Principal upon written request.
- 8.2 Within Alberta, the Principal of the school from which the student has transferred shall, on receipt of a written request from the receiving Principal, send the record.

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8.3 Outside of Alberta, the Principal of the school from which the student has transferred may, on receipt of a written request from the receiving Principal, send a copy of the student record.

9. Retention of Student Records

9.1 A student record shall be kept for at least seven (7) years after the student ceases to attend a school operated by the Division or until the record has been forwarded to another school in Alberta.

9.2 When a student transfers to a school outside Alberta, the student record shall be kept seven (7) years after the date the student could be expected to have completed grade 12 if the student had not transferred from the school.

9.3 After a student record has been kept for the required amount of time, it shall be shredded.

10. An annual review of student record procedures will be carried out by the Superintendent or designate.