

SCHOOL ACT

ALBERTA REGULATION 71/99

STUDENT RECORD REGULATION

Table of Contents

Definition	1
Student record	2
Retention of student record	3
Disposal and destruction of student record	4
Access to student record	5
Student transfer	6
Compliance	7
Repeal	8
Expiry	9

Definition

- (1) In this Regulation, "Act" means the *School Act*.

Student record

- 2(1) The student record of a student must contain all information affecting the decisions made about the education of the student that is collected or maintained by a board, regardless of the manner in which it is maintained or stored, including
- (a) the student's name as registered under the *Vital Statistics Act* or, if the student was born in a jurisdiction outside Alberta, the student's name as registered in that jurisdiction, and any other surnames by which the student is known,
 - (b) the student identification number assigned to the student by the Minister and any student identification number assigned to the student by a board,
 - (c) the name of the student's parent,
 - (d) a copy of any separation agreement or court order referred to in section 18(2)(c) of the Act,
 - (e) the birth date of the student,
 - (f) the sex of the student,
 - (g) the addresses and telephone numbers of the student and of the student's parent,
 - (h) the board of which the student is a resident student,

- (i) 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,
- (j) the names of all schools attended by the student in Alberta and the dates of enrolment, if known,
- (k) an annual summary or a summary at the end of each semester of the student's achievement or progress in the courses and programs in which the student is enrolled,
- (l) the results obtained by the student on any
 - (i) diagnostic test, achievement test and diploma examination conducted by or on behalf of the Province, and
 - (ii) standardized tests under any testing program administered by the board to all or a large portion of the students or to a specific grade level of students,
- (m) the results of any application under the *Student Evaluation Regulation (AR 169/98)* for special provisions or directives,
- (n) either
 - (i) the name of any formal intellectual, behavioural or emotional assessment or evaluation administered individually to the student by a board, a summary of the results of the assessment or evaluation, the date of the assessment or evaluation and the name of the person who administered the assessment or evaluation, or
 - (ii) any interpretive report relating to the student

and any action taken as program planning as a result of the assessment, evaluation or interpretive report,
- (o) any assessment or evaluation referred to in clause (n)(i) or any interpretive report referred to in clause (n)(ii) that the parent of the student or the student wishes to be placed on the student record,
- (p) any health information that the parent of the student or the student wishes to be placed on the student record,
- (q) an annual summary of the student's school attendance,
- (r) information about any suspension or expulsion relating to the student or the student's rights pursuant to the Act, which must be retained on the student record
 - (i) for one year following the date of the suspension or expulsion, or
 - (ii) until June 30 of the year following the year in which the suspension or expulsion occurred,

whichever occurs last, and

- (s) 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.
- (2) If an individualized program plan is specifically devised for a student, the plan and any amendments to the plan must be placed on the student record of that student.
- (3) A board may require
 - (a) that the information referred to in subsection (1)(a) be provided to the board by means of a copy, acceptable to the board, of
 - (i) the student's birth certificate, if the student was born in Canada, or
 - (ii) another official document acceptable to the board, if the student was born outside Canada,and
 - (b) that the information referred to in subsection (1)(i) be provided to the board by means of a copy, acceptable to the board, of a Canadian citizenship certificate or of the visa or other document referred to in subsection (1)(i).
- (4) Notwithstanding subsection (1), a student record must not include
 - (a) any information contained in
 - (i) notes and observations 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,
 - (ii) a report or an investigation record relating to the student under the *Child Welfare Act* or,
 - (iii) counselling records relating to the student that is or may be personal, sensitive or embarrassing to the student, unless subsection (6) applies, or
 - (b) any information that identifies a student as a young person as defined in the *Young Offenders Act* and all information relating to that student in that capacity.
- (5) Notwithstanding subsection (1), a board may exclude from a student record a test instrument or any part of it, but where there is an appeal before the board in respect of a test, a test result or an evaluation of a student in respect of a test or a test result, the persons referred to in section 18(2) of the Act may review a test instrument as if it were part of the student record.
- (6) A board may include in a student record any information referred to in subsection (4)(a)(iii) that in the board's opinion would clearly be injurious to the student if disclosed, where inclusion of the information in the student record would, in the board's opinion, be
 - (a) in the public interest, or
 - (b) necessary to ensure the safety of students and staff.
- (7) The board shall ensure that the information referred to in subsection (1) is updated annually.

Retention of student record

- 3(1) Subject to subsection (2), a board shall keep a student record containing the information referred to in section 2(1) and (2) for at least 7 years after the student ceases to attend a school operated by the board or until the record has been forwarded to another school in accordance with section 6(1).
- (2) If a student transfers from a school in Alberta to a school outside Alberta, the board that operates the school from which the student transfers shall keep the student record containing the information referred to in section 2(1) and (2) for at least 7 years after the date the student could be expected to have completed grade 12 if the student had not transferred from the school.

Disposal and destruction of student record

- 4(1) A board shall dispose of or destroy student records that are no longer required to be kept under section 3.
- (2) Student records shall be disposed of or destroyed in a manner that maintains the confidentiality of the information in the record.
- (3) A board shall dispose of information referred to in section 2(4) relating to a student in the same manner as student records are to be disposed of under subsection (2).

Access to student record

- 5(1) A board shall ensure that a student, the student's parent and any other person who has access to the student under a separation agreement or an order of a court are informed of their entitlement under section 18 of the Act to review the student record of that student.
- (2) A board shall ensure that the contents of a student record are not disclosed except in accordance with
 - (a) the *Freedom of Information and Protection of Privacy Act*, and
 - (b) any one of the following:
 - (i) in accordance with sections 18, 25.1, 25.2 and 26 of the Act;
 - (ii) to an employee or agent of the board if the information is necessary and relevant to a matter being dealt with by the employee or agent;
 - (iii) to the Minister at the request of the Minister for the purpose of carrying out any program or policy under the Minister's administration;
 - (iv) with the written consent of
 - (A) the parent if the student is under 16 years of age, or
 - (B) the student or the parent if the student is 16 years of age or older;
 - (v) in accordance with section 6 of this Regulation;
 - (vi) in accordance with any other regulation under the Act.

- (3) A board shall disclose information contained in a student record to the Department of Justice of the Government of Alberta or to its designate when requested by that Department or its designate for the purpose of administering the *Young Offenders Act* or the *Young Offenders Act (Canada)* or carrying out any program or policy under either Act.
- (4) A board shall, at the written request of a medical officer of health as defined in the *Public Health Act* or his designate, disclose
 - (a) a student's name, address, date of birth, sex and school, and
 - (b) the name, address and telephone number of the student's parent or guardian,to the medical officer of health or his 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.
- (5) A board shall ensure that the information referred to in section 2(4) is disclosed only in accordance with the *Freedom of Information and Protection of Privacy Act*.

Student transfer

- 6(1) If a student transfers to another school in Alberta, the board from which the student transfers shall, on receipt of a written request from that school, send the student record containing the information referred to in section 2(1) and (2) to that school.
- (2) If a student transfers to a school outside Alberta, the board from which the student transfers shall, on receipt of a written request from that school, send a copy of the student record containing the information referred to in section 2(1) and (2) to that school.

Compliance

- 7 A board shall designate one of its employees to be responsible for ensuring that the policies and procedures established by the board relating
 - (a) to student records, and
 - (b) to information referred to in section 2(4)comply with this Regulation and the *Freedom of Information and Protection of Privacy Act*.

Repeal

- 8 The *Student Record Regulation* (AR 213/89) is repealed.

Expiry

- 9 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on February 29, 2004.