

609.5 Student Records

Division employees are strongly advised to contact the Associate Superintendent Instructional Services if uncertainties exist regarding the procedures described below.

The following procedures are based on the Alberta Regulation 166/2018, School Act, Student Record Regulation.

For a more precise coverage of these topics the original document should be accessed online.

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A. Information that must be included in the student record (shall be updated annually):

The student record must contain all information affecting the decisions made about the education of the student regardless of the manner in which it is maintained or stored, including:

- 1) the student's;
 - a) full legal name; (include a copy of the birth certificate if the student was born in Canada, or another official document acceptable to the Board, if the student was born outside Canada);
 - b) birthdate;
 - c) gender;
 - d) address;
 - e) telephone number;
 - f) email address(es);
- 2) Alberta Education identification number;
- 3) the parent(s) or guardian(s);
 - a) full legal name(s);
 - b) address(es);
 - c) telephone number(s);
 - d) email address(es);
- 4) a copy of any separation agreement or court order regarding custody;
- 5) the name of the board of which the student is a resident student;
- 6) the citizenship of the student (if the student is not a Canadian citizen, the type of visa or other document indicating that the student is lawfully admitted to Canada for permanent or temporary residence, and the expiry date of that visa or other document);
- 7) the names of all schools attended by the student in Alberta and the dates of enrolment, if known;
- 8) an annual or semester summary of the student's achievement or progress;
- 9) test results on;
 - a) diagnostic, achievement or diploma exams;
 - b) 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;
 - c) any formal intellectual, behavioural or emotional assessment or evaluation administered individually to the student by a board, or administered by an independent party at the request of a parent, and shall include:
 - i) the name of the assessment or evaluation;
 - ii) a summary of the results of the assessment or evaluation;
 - iii) the date of the assessment or evaluation;
 - iv) the name of the individual who administered the assessment or evaluation;
 - v) any interpretive report relating to the assessment or evaluation; and
 - vi) any action taken as program planning as a result of the assessment, evaluation or interpretive report;
 - d) any accommodations provided under the Student Evaluation Regulation (AR 177/2003)

- 10) any current individualized program plans and year end summaries of previous school years' individualized program plans.
- 11) any health information that the parent of the student or the student wishes to be placed on the student record;
- 12) an annual summary of the student's school attendance;
- 13) information about any suspension of more than one day or expulsion (must be recorded and retained on the student record for a minimum period of one year and a maximum period of 3 years following the date of the suspension or expulsion after which the information must be removed from the student's record);
- 14) if the parent of the student is eligible to have the student taught in the French language and a notation to indicate whether the parent wishes to exercise that right , and
- 15) 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.

B. Information that must not be included in a student record:

- 1) any information contained in:
 - a) notes and observations prepared by and for the exclusive use of a teacher, educational assistant, counsellor or administrator, and that are not used in program placement decisions;
 - b) a report or an investigation record relating to the student under the *Child, Youth and Family Enhancement Act*; or
 - c) counselling records that may be personal, sensitive or embarrassing to the student. (Such records are permitted in the school record if, in the board's opinion it would be in the public interest or necessary to ensure the safety of students and staff.)
- 2) any information that identifies a student in relation to circumstances under the authority of the *Youth Justice Act* or the *Youth Criminal Justice Act* (Canada) and all information relating to that student in that capacity.

C. Retention and/or transfer of a student record:

- 1) A board shall keep a student record for 7 years after the student ceases to attend a school or until the student record has been forwarded to another school.
- 2) If a student transfers to a school **within** Alberta, **send the original student** record, including the current registration form to that school (**No copy is kept**).
- 3) If a student transfers to a school **outside** Alberta, the board shall **send a copy** including the current registration form to the requesting school, and **keep the original** student record for 7 years after the date the student could be expected to have completed grade 12 if the student had not transferred from the school.
- 4) All requests for the transfer of a school record must be in writing.
- 5) A board may choose to keep a student record for longer than 7 years if a longer retention period is authorized by a resolution of the board.

D. Disposal and destruction of a student record:

- 1) A board shall dispose of or destroy student records that are no longer required to be kept under the above retention rules.
- 2) Student records shall be disposed of or destroyed in a manner that maintains the confidentiality of the information in the record.

DI. Access to a student record:

- 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 38.1 of the Act to review the student record of that student. **The onus is on the person claiming a right of access to provide the board with appropriate supporting documentation which is satisfactory to the board.**
- 2) All requests for access to a student record by a student, parent/guardian or other person with legal access must be discussed with the principal.
 - a) A Division staff member should be present at all times that the student record is available to the student or parent/guardian to ensure that no record is added, altered or removed from the record.

DII. Disclosure of information:

- 1) A board shall ensure that the contents of a student record are only disclosed:
 - a) in accordance with sections 38.1, 40, 41 and 43 of the Act;
 - b) to an employee of the Board if the information is necessary for the performance of the duties of the employee;
 - c) to the Minister, or an authorized designate, if the information is necessary for the performance of the duties of the Minister;
 - d) with the written consent of:
 - i) the parent if the student is under 16 years of age; or
 - ii) the student or the parent if the student is 16 years of age or older;
 - e) in accordance with student transfer regulations; and
 - f) in accordance with the *Freedom of Information and Protection of Privacy Act*.
- 2) A board shall disclose information contained in a student record to the Department of Justice and Solicitor General or its designate when requested by the 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.
- 3) A board shall, at the written request of a Regional authority for a Francophone Education Region, disclose
 - a) the name, address, date of birth, gender and school of a student whose parent has been noted under section 2(1)(s) as being eligible to have the student taught in the French language pursuant to section 23 of the *Canadian Charter of Rights and Freedoms*, and
 - b) the name, address and telephone number of the student's parent to the superintendent or to a person designated by the superintendent for the

purpose of contacting the parent of the student and advocating for minority language education rights, or for the purpose of accurately establishing the number of minority language educational right holders in Alberta.

- 4) A board or an accredited private school supervising a home education program for a student shall notify the student's resident board of:
 - a) the student's name, address, date of birth, gender and school, and
 - b) the name, address and telephone number of the student's parent to ensure that the resident board is aware that the student is attending a school.

G. Release to researchers:

- 1) Any cumulative records may be released to researchers upon the written approval of the Superintendent, or designate, but only in aggregate or composite form with no student names attached.

H. Process for preparing/maintaining a student cumulative file folder:

- 1) Cumulative files available through the Division of Instructional Services must be used.
- 2) A RED file folder inserted into the Division file folder must be used for information such as:
 - a) psycho-educational assessments;
 - b) neurological, psychiatric or other external assessments;
 - c) suspensions and expulsions letters;
 - d) custody/separation agreements and court orders; and
 - e) threat/risk assessments (to be determined by the principal).
- 3) No other coloured file folders are to be inserted into the Division cumulative file folder.
- 4) Copies of birth certificates should be placed in page protectors and placed at the back of each file.
- 5) Cumulative files shall be kept in a secure/locked central location in the school where there is reasonable control, and supervision may be maintained.
- 6) Each school should implement a process for regularly reviewing cumulative files to ensure they contain appropriate information.

I. Common questions and answers:

- 1) **Who maintains the student file?**
It is up to each school to determine how best to implement the Student Record Regulation and maintain files.
- 2) **Where do test scores like Gates-McGinitie go?**
They would be placed inside the file.
- 3) **How many registration forms should be contained in the file?**
Only the most current registration form should be contained in the file. A registration form remains in the file until it is replaced by a new one.

- 4) **What order should be used for the contents of the file?**
The birth certificate should be at the back of the file and all other information should be in chronological order with the most recent first. Staff who access the files must be informed of the requirements of the regulation.
- 5) **What do I do if I receive a file from a previous school outside of the Division? Do I continue to use that file or a Division one?**
Use the Division file. If there is information on the previous school's file folder, photocopy the contents and place them in the student's Division file.
- 6) **How do I order new file folders?**
Contact the Division of Instructional Services at 403-380-5298. You must send a requisition to order files. The Division will keep an ample supply of folders on hand.
- 7) **Do we put consultative team meeting notes in the cumulative file folder?** Yes,
however, if there is any concern about the sensitivity of the information, the school principal should be consulted.
- 8) **Are we required to put student pictures on the file folder?**
It is not a requirement of Alberta Education to include a student's picture. However, our Division has them on a student's report card.
- 9) **Are threat/risk assessments to be in the file?**
No. A file notice that a threat/risk assessment has taken place is placed in the student record, but the threat/risk assessment document is not stored in the student record. See Procedure 502.1.10 VTRA Protocol, Appendix J.
- 10) **What about reports or assessments from an external source such as a psychiatrist, general practitioner, or counsellor?**
*A report that has been included in the student record related to educational programming becomes part of the record. If the student moves to another school Division, **these documents are to remain in the file** that is sent to the new school.*