

CODE: HO.AR

EFFECTIVE DATE: (29-01-2020)

TOPIC: Student Records

ISSUE DATE: (29-01-2020)

REVIEW YEAR: (2011)

DEFINITIONS

Student information - any information or collection of information where the topic is a student of Edmonton Public Schools.

Examples of collections include:

Student Record - is the official, permanent cumulative collection of information affecting and documenting decisions made about the education of a student in the Division (also known as the cumulative record)

SIS databases - Division, school and teacher versions (SIS is Student Information System)

Other student files/data - includes files whose topic is a particular student maintained to make daily interactions efficient

Program specific collections e.g., Special Needs Funding, International Students, Inclusive Learning, etc.

Student Record Regulation means Alberta Regulation 225/2006.

REGULATION

A. INTRODUCTION

1. Principals shall ensure that the Student Record for each student enrolled in their school is either created (if no Student Record exists), or obtained (if a Student Record exists).
2. Information about students shall be located at the student's school in the Student Record and electronically in databases accessible to the school in SIS.
3. All information in the Student Record may be disclosed only in accordance with the *Education Act*, the Student Record Regulation, and the *Freedom of Information and Protection of Privacy Act*.

B. SECURITY OF THE STUDENT RECORD

Principals shall ensure that Student Records are secure. Casual access to the Student Record must be prevented at all times.

C. STUDENT RECORD

1. In accordance with the Student Record Regulation, the contents of a Student Record are as follows:

A Student Record shall contain all information affecting the decisions made about the education of a student 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. A copy of the information used to verify the student's legal identity shall be placed in the Student Record. A school may accept a copy of the student's 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. the student identification number assigned to the student by the Minister of Education and any student identification number assigned to the student by Edmonton Public Schools,
- c. the name of the student's parent,
- d. a copy of any separation agreement or court order defining access to a student and the student's information,
- 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. a copy of the citizenship papers 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 diagnostic test, achievement test and diploma examination conducted by or on behalf of the Province, and standardized test 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, the results of any application under the Student Evaluation Regulation (AR 177/2003) for special provisions or directive,
- m. either:
 - i. 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
- n. any assessment or evaluation or any interpretive report relating to the student that the parent of the student or the student wishes to be placed on the Student Record,
- o. any health information that the parent of the student or the student wishes to be placed on the Student Record, e.g., diagnoses of medical conditions,
- p. an annual summary of the student's school attendance,
- q. information about any suspension of more than one day or expulsion relating to the student or the student's rights pursuant to the *Education Act*, which must be retained on the Student Record:
 - i. for a minimum period of one year following the date of the suspension or expulsion, and
 - ii. 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
- r. 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.

- s. if an individualized program plan is specifically devised for a student, the current plan and any amendments to the plan must be placed on the Student Record of that student in addition to summaries of all the previous school years' individualized program plans.

2. The Principal shall ensure that the contents of a Student Record are updated annually.

D. A STUDENT RECORD MUST NOT INCLUDE:

In accordance with the Student Record Regulation, any of the following information:

1. 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,
2. a report or an investigation record relating to the student under the *Child, Youth and Family Enhancement Act*,
3. personal counseling records of a sensitive personal nature which may be injurious to the student unless the board determines that the information must be placed on the record because it is either in the public interest or necessary for the safety of staff and other students,
4. 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,
5. a test instrument or any part of it, unless the test instrument would not otherwise be available in the Division. A person who wishes to appeal the result of a test has the right to review the test instrument.

E. CUSTODY AND CONTROL OF STUDENT RECORDS

1. The school or location with primary responsibility for a Student Record is the school at which the student is currently enrolled for the majority of his/her instructional time. If a student is enrolled at a second school on a part-time basis for additional course work, then that school must transfer relevant information to the school with primary responsibility.
2. If the student has finished attending school, Student Information shall be the custodian of the Student Record.

F. RETENTION OF STUDENT RECORD

Student Records shall be forwarded to the Student Information - Records Storage Area when a student leaves the Division or completes high school. Student Records shall be forwarded after November 1 for students who leave the Division at the end of the school year. For students who leave after the first semester, the Student Records shall be forwarded after April 1. For all other students who leave the Division during the school year, the school shall retain the Student Record for at least one month after the student has left the Division.

G. DISPOSAL AND DESTRUCTION OF STUDENT INFORMATION

All disposal and destruction of student information shall be carried out in accordance with approved Division records retention and disposal schedules.

H. OTHER STUDENT RELATED INFORMATION COLLECTIONS

To provide effective services and to meet student needs, student information about daily interactions and activities must be maintained and kept current. This student information may take the form of teacher files,

school leadership files and administrative staff files. These files are not long-term in nature and typically their value is concurrent to the student's attendance at the school.

I. CONFIDENTIALITY OF ALL STUDENT INFORMATION AND ACCESS TO STUDENT RECORDS

1. A student, the student's parent, except where the student is an independent student, and any other person who has access to the student under a separation agreement or an order of a court is entitled under Section 56 of the *Education Act* to review the Student Record of that student.
2. The contents of a student record shall not be disclosed except in accordance with:
 - a. the *Freedom of Information and Protection of Privacy Act*, and
 - b. any one of the following:
 - i. to an employee or agent of the board if the information is used for a purpose consistent with the purpose for which the information was originally collected.
 - ii. to the Minister at the request of the Minister for the purpose of carrying out any program or policy under the Minister's administration;
 - iii. with the written consent of the parent if the student is under 16 years of age, or the student or the parent if the student is 16 years of age or older.
3. Information contained in a Student Record shall be disclosed to the Department of Justice of the Government of Alberta or to its designate when requested 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.
4. The following information shall be disclosed to the Medical Officer of Health as defined in the *Public Health Act* 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, 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.
5. Sensitive information referred to in Section E in this regulation shall be disclosed or withheld only in accordance with the *Freedom of Information and Protection of Privacy Act*.

J. REQUESTS FOR COPIES OR TRANSFER OF STUDENT RECORD

1. If a student transfers to another school
 - a. in Alberta, the Student Record shall be sent to that school on receipt of a written request from that school.
 - b. outside of Alberta, a copy of the Student Record shall be sent to that school on receipt of a written request from that school.
2. When a copy or a part thereof of a Student Record is requested by other individuals and agencies, schools shall comply only when request is accompanied by an authorization to release the information, signed by a person having access rights. The authorization shall include the name of the individual(s) or agency(ies) authorized to receive the information.

K. CORRECTION OF STUDENT RECORD CONTENT

1. If, on examining a Student Record, a person is of the opinion that the Student Record contains inaccurate or incomplete information, that person may request that the matter be rectified.
2. For information stored at the school, the Principal shall be responsible for the removal or correction of information from the Student Record. The Director District Support Services and Student Information shall be responsible if the information is stored centrally.
3. Advice and guidance shall be available from the Director District Support Services and Student Information.
4. Decisions to remove information from a Student Record shall be made in accordance with this Student Records Regulation, Sections D and E, also the *Freedom of Information and Protection of Privacy Act*.

L. COMPLIANCE

The Superintendent of Schools and FOIP Head have designated that the Director District Support Services and Student Information is responsible for ensuring that the policies and procedures established by the Board relating to:

1. Student Records, and
2. information not to be included in the Student Record comply with the Student Record Regulation (AR 225/2006) and the *Freedom of Information and Protection of Privacy Act*.

REFERENCES

AB.BP - Appeals
AB.AR - Appeal Procedures
CN.BP - Managing Division Information
CN.AR - Creation, Use and Maintenance of Division Information
HHEB.AR - Children in Need of Intervention
Freedom of Information and Protection of Privacy Act
Alberta Education - Student Evaluation Regulation (AR 177/2003)
Alberta Education - Student Record Regulation (AR 225/2006)
Canadian Charter of Rights and Freedoms Section 23
Child, Youth and Family Enhancement Act
Public Health Act
Vital Statistics Act
Youth Criminal Justice Act (Canada)
Education Act Sections 17(1), 56