



201.6AP Student Records

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LEGAL REFERENCE:

- *Education Act* Section 9, 42,43,56,70
- Student Record Regulation 97/2019
- *Family Law Act*
- *Child, Youth & Family Enhancement Act*
- *FOIPP Act*
- *Health Information Act*
- *Youth Justice Act Youth Criminal Justice Act (Canada)*
- *Vital Statistics Act*
- *Alberta Human Rights Act*
- Canadian Charter of Rights and Freedoms

CROSS-REFERENCE:

- [301.1AP Outcomes-Based Grading & Reporting](#)
 - [202.8AP Student Suspension](#)
 - [202.9AP Student Expulsion](#)
 - [201.6AP Exhibit 1 Student Record Portfolio Summary](#)
 - [201.6AP Exhibit 2 Student Records Release Form](#)
 - [201.6AP Exhibit 3 BTPS Student Registration Form](#)
 - BTPS V-TRA Protocol and Reinstatement Procedures
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The Student Record Portfolio shall be established and maintained at the highest standard of integrity. It must be treated as confidential to the student, the parent or the legal guardian, and to Division staff, and shall be used to promote the educational welfare of students.

DEFINITIONS:

1. A student record consists of the following three components:
 - 1.1 Student Record 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 97/2019.
 - 1.2 Confidential Record is a record kept separate from the Student Record and it 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*, V-TRA protocol and reinstatement procedure, criminal charges, or other information which does not promote the educational welfare of the student.
 - 1.3 Working File is a file maintained by professional staff during the course of a school year. The documents contained in the working file consist primarily of notes that have been collected to assist in programming decisions. This could include notes related to special education/counselor planning notes, counselor interview or session notes, anecdotal note or informal observation notes.

PROCEDURES:

1. Responsibility
 - 1.1 The Superintendent and/or designate shall be responsible for the overall administration of this administrative procedure for each student enrolled in a school operated by a board and for each child or student enrolled in an early childhood services program provided by the board. The student record for a student or child must contain all information affecting the decisions made about the education of the student or children that is collected and maintained by the board or an early childhood services program private operator, regardless of the manner in which the student record is maintained or stored.
2. The Student Record Portfolio shall:
 - 2.1 Be maintained for all students registered in the system.
Parent/Guardian/Students shall complete the standard Division registration form to ensure that appropriate information is collected.
 - 2.2 Be updated annually.
 - 2.3 Be stored in a secured digital location available to professional staff but not in areas open to students or the public.
 - 2.4 Consist of all information that affects decisions made about the education of the student including:
 - 2.4.1 Student identification data; date of birth, legal name, preferred name, gender, name of the student's guardian/parent(s), addresses, email addresses and

telephone numbers of the student and of the student's guardian/parent(s), Alberta Student Number.

While Alberta Education requires documentation to confirm a student's legal name and birthdate, it does not require documented proof for a change of sex or gender. Schools and school authorities have the ability to change student gender information on a student record in the PASI system using PASIprep, or through their PASI-enabled Student Information System.

- 2.4.2 Student status information: grade, program, inclusive educational services.
- 2.4.3 An annual (or semester) summary of the student's school attendance.
- 2.4.4 The student's resident Division.
- 2.4.5 The names of all schools attended by the student in Alberta and dates of enrolment.
- 2.4.6 The citizenship of the student and, if the student is not a Canadian citizen, the type of visa or other document by which the student is lawfully admitted to Canada for permanent or temporary residence and the expiry date of that visa or other document.
- 2.4.7 An annual (or semester) summary of the student's achievement/progress in the courses and programs in which the student is enrolled.
- 2.4.8 Health information that the parent or student wishes to be placed in the student record.
- 2.4.9 Results obtained by the student on any:
 - 2.4.9.1 Diagnostic test, achievement test and diploma examination conducted by or on behalf of the province.
 - 2.4.9.2 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.
 - 2.4.10 Special Evaluations:
 - 2.4.10.1 Either a notation of any formal intellectual, cognitive, social or emotional test or evaluation of the student, the name of the person who conducted the test or evaluation, the date, a summary of the result of the test or evaluation. Any accommodation or exemption in respect of a provincial assessment under a program established by the Minister.
 - 2.4.10.2 Any interpretative report relating to the student.
 - 2.4.11 Any assessment, evaluation, or interpretative reports referred to in 2.4.10 that the parent or student wishes to be placed in the record.
 - 2.4.12 Documents from local health unit, such as vision and hearing screens, and speech and language reports.
 - 2.4.13 A notation to indicate if the student is eligible to be taught in the French language pursuant to Section 23 of the Canadian Charter of Rights and Freedoms and whether the parent wishes to exercise that right.

- 2.4.14 In the case of a student record maintained by a board, including a person responsible for the operation of a private school that is eligible to receive the First Nation, Metis and Inuit Education funding allocation in respect of the private school but not including any other person responsible for the operation of a private school, if the parent of the student or child or the student or child wishes to provide information that the student or child is of aboriginal ancestry, a notation indicating whether the student or child is Status Indian/First Nations, Non-Status Indian/First Nations, Metis or Inuit.
- 2.4.15 The individual program/educational plan and amendments, if one has been devised.
- 2.4.16 Results of any application under the Student Evaluation Regulation (AR 177/2003) for special provisions or directives.
- 2.4.17 Information about any suspension or expulsion relating to the student, will be retained on the student record for 3 years from the document date.
- 2.4.17 A copy of any separation agreement or court order referred to in Section 56 of the *Education Act*.

2.5 The following data must not be included in the portfolio:

- 2.5.1 Any information contained in:
 - 2.5.1.1 Notes and observations that are not used in program placement decisions;
 - 2.5.1.2 Any information relating to a report or an investigation under *Child, Youth and Family Enhancement Act*;
 - 2.5.1.3 Counseling records relating to the student that is or may be personal, sensitive or embarrassing to the student, unless 2.6 applies.
- 2.5.2 Any information that identifies a student as a young person as defined in the *Youth Justice Act* or *Youth Criminal Justice Act* (Canada) and all information relating to the student in that capacity.

2.6 Information referred to in subsection 2.5.1.3 may be included in the student record if inclusion is:

- 2.6.1 In the public interest, or
- 2.6.2 Necessary to ensure the safety of students and staff.

3. Transfer of Student Record

- 3.1 When a student transfers to another school within Alberta this occurs automatically in PASI based on school enrollment.
- 3.2 Outside Alberta – requests are approved in Alberta Student Link.

4. Retention of Student Record (occurs automatically in PASI since digitization)
 - 4.1 A student record shall be kept for seven years from the date the student completes or could have been expected to complete Grade 12 or, if graduation date is not known, the year in which the student turns 26, or until the record has been forwarded to another school in Alberta.
 - 4.2 When a student transfers to a school outside Alberta, the student record shall be kept for seven years from the date the student could be expected to have completed Grade 12, or to age 26 if graduation date is not known, if the student had not transferred from the school
 - 4.3 When a student record has been kept for the required amount of time, it must be destroyed.
5. Access to Student Record
 - 5.1 Principals shall develop a procedure for informing parents, legal guardians and students 16 years or older of their right to review a student record.
 - 5.2 The contents of a student record are not disclosed except in accordance with:
 - 5.2.1 *The Freedom of Information and Protection of Privacy Act*, and
 - 5.2.2 Any one of the following:
 - 5.2.2.1 In accordance with sections 9, 70, and 43 of *the Education Act*;
 - 5.2.2.2 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. (See Exhibit 2)
 - 5.2.2.3 To the Minister at the request of the Minister.
 - 5.2.2.4 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.
 - 5.2.2.5 With the written permission of the Minister.
 - 5.2.2.6 In accordance with section 3 of these procedures.
 - 5.2.2.7 In accordance with any other regulation under the *Education Act*.
 - 5.3 A student record may be reviewed:
 - 5.3.1 By the parent or legal guardian of a student, if the student is younger than 16 years old.
 - 5.3.2 By the student and the parent or legal guardian if the student is 16 years of age or older.
 - 5.3.3 By an individual who has access to the student under an order of the *Divorce Act* (Canada).
 - 5.3.4 In accordance with any other regulation under the *Education Act*

- 5.4 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 5.2 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.
- 5.5 At the written request of the Superintendent a Regional Authority of a Francophone Education Region, the following information may be released to the Superintendent or to a person designated in writing by the Superintendent for the purposes of contacting the parent of the student and advocating for minority language education rights:
- 5.5.1 The name, address, date of birth, gender and school of a students whose parent has been noted under section 2(1)(s) of the *Education Act* as being eligible to have the student taught in the French language pursuant to Section 23 of the Canadian Charter of Rights and Freedoms.
- 5.5.2 The name, address and contact information of the student's parent.
- 5.6 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 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.
- 5.7 At the written request of a medical officer of health as defined in the Health Information Act or his designate, the following student record information shall be disclosed 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:
- 5.7.1 A student's name, address, date of birth, gender and school.
- 5.7.2 The name, address and telephone number of the student's parent or guardian.
- 5.8 The information referred to in section 5.5 must only be disclosed in accordance with the *Freedom of Information and Protection of Privacy Act*.
- 5.9 PASI audits when a student record has been reviewed.
6. Removal or correction of student records/confidential/working file entries:
- 6.1 Persons with access rights may request the Principal to correct or remove entries in a student's record.
- 6.2 The Principal, on receiving a written request, shall make a ruling.
- 6.3 If the Principal denies the request, the applicant shall be informed of the right to appeal to the Superintendent or designate. The Superintendent or designate has been authorized pursuant to section 61 to deal with appeals pursuant to section 42 of the *Education Act*.

- 6.4 If the Superintendent or designate denies the request, the applicant shall be informed of his/her right to request a ministerial review.
- 6.5 Other than as noted in sections 6.1, 6.2, and 6.3 above, no entries may be removed from a student's record.
- 6.6 Working File documents
 - 6.6.1 During the course of the year, information that is identified in Section 2 of this procedure should be appropriately digitally filed in either the Student Record or in the Confidential File.
 - 6.6.2 At the end of each year, any information not transferred as outlined in 6.6.1 must be destroyed as outlined in Section 7. The BTPS Director of Inclusive Learning may provide assistance in determining retention of information in this regard.
7. Disposal and destruction of a student record (occurs automatically in PASI since digitization)
 - 7.1 Student records that are no longer required to be kept under Section 4 shall be destroyed.
 - 7.2 Student records shall be destroyed in a manner that maintains the confidentiality of the information in the record.
 - 7.3 The Division shall dispose of information referred to in section 2.5 relating to a student in the same manner as student records are to be disposed of under 7.2 above.