

STUDENT RECORDS

Background

The Division recognizes that from time to time it is appropriate to collect legal and personal information on students to support the learning process. This information is stored in the form of student records (also referred to as cumulative records) that are maintained in a secure manner and treated as confidential at all times, with access rights as outlined in section 56 of the *Education Act*. The Division also recognizes that, from time to time, it is necessary to collect personal information pertaining to students that does not become part of the official student record, but is kept in a separate confidential file where access rights are governed by the *Freedom of Information and Protection of Privacy Act* (FOIP).

Definitions

Types of Student Records

1. Student Record (Cumulative Record)

This is the official record maintained for each student in the school containing all the information that is directly useful in facilitating the student's education. It shall contain all information required in Student Record Regulation 97/2019, sections 2(1) and 2(2) and may also contain information referred to in Student Record Regulation, section 2(6). The Principal is responsible to ensure that each student's active cumulative record is digitized and uploaded to PASI and disclosure issues are outlined in sections 56 and 70, of the *Education Act*.

2. Confidential Record (Non-Cumulative Record)

There are two categories of confidential records identified in this policy, where it has been determined that the type of information pertaining to an individual student should not form part of the official student record. Confidential records for students will be locked in a secure cabinet in a secure location in the school and created on a needs basis, and not all students will have a confidential record.

a. Child, Youth and Family Enhancement Act and Youth Criminal Justice Act

In accordance with section 4(2) of Revised Statutes of Alberta 2000 Chapter C-12, information relating to a report or investigation under the *Child Youth and Family Enhancement Act*, or under the *Youth Criminal Justice Act* should each be stored in a secured confidential record in a locked cabinet that is separate from the student cumulative file and from each other. The existence of this type of confidential record shall be indicated in the official student record file. Access, storage, and destruction of a confidential file under this category is outlined in Administrative Procedure 180 and is also governed by the *Freedom of Information and Protection of Privacy Act*, referred to as FOIP throughout this policy.

b. Professional/Personal Records

In accordance with section 3(1) of Student Record Regulation 97/2019, notes and observations prepared by and for the exclusive use of a teacher, educational assistant, counsellor or Principal, and that are not used in program placement decisions, do not form part of the student record. Section 3(1)(iii) indicates that counselling records relating to the student that may be personal, sensitive, or embarrassing to the student shall not form part of the official student record file unless section 2(3) applies. All records under this subsection should be confidential and secure, with access privileges being governed by FOIP.

Procedures

1. The official record of a student, which will be referred to as the student record throughout this administrative procedure, 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. **The student record must include the following and be updated annually:**
 - a. the student's legal name as registered under the Vital Statistics Act, or under applicable legislation of the province/territory in which the student was born. Or as shown on documents under which the student was lawfully admitted to Canada. Along with any other names 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 the school or by the board,
 - c. the name of the student's legal guardian(s)
 - d. the addresses, email addresses and telephone numbers of the students legal guardian(s)
 - e. proof of guardianship of the student and any documents evidencing limits on the guardianship of the student
 - f. the citizenship of the student. If the student is not a Canadian citizen, the type of document pursuant to which the student and legal guardian are lawfully entitled to remain and work in Canada.
 - g. the birth date of the student,
 - h. the sex of the student,
 - i. the board in which the student is a resident student,
 - 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 semester summary of the student's achievement 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 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 name of any formal intellectual, behavioral or emotional assessment administered individually to a student, a summary of the results of the assessment, the date of the assessment and the name of the person who administered the assessment,
 - n. any health information that the legal guardian or the student wishes placed on the student record,
 - o. an annual summary of the student's school attendance,
 - p. information about any suspension or expulsion relating to the student or the student's rights pursuant to the Education Act, which must be retained on the student record for up to three years following the date of the suspension or expulsion, or until June 30 of the year following the year in which the expulsion or suspension occurred, whichever occurs last, and
 - q. if the legal guardian 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 legal guardian wishes to exercise that right.
 - r. Voluntary indigenous self-identification as per the Constitution Act. 1982, section 35(2)
2. If an individualized program plan (ISP) has been specifically designed for a student, the plan and any amendments to the plan must be placed in the student records. Copies of ISPs from each year of attendance are to be included in the cumulative record.
3. The information referenced in this guideline pertains to the confidential record (non-cumulative record) section included in the definition section of the policy, and outlines information pertaining to a student that must not be included in the student record.
- 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 that are not used in program placement decisions for a student are to be classified as personal/professional confidential files, and become the responsibility of the individual who collected the information.
 - ii. counselling records relating to the student that is or may be personal, sensitive or embarrassing to the student should be stored as confidential records in a locked and secured cabinet, and are the responsibility of the counsellor who collected the information.
 - b. Any information that:
 - i. identifies a student as a young person as defined in the *Youth Criminal Justice Act* and all information relating to that student in that capacity is to be handled in accordance with the stipulations outlined in Administrative Procedure 321: *Youth Criminal Justice Act Records*, and treated as a confidential record as defined in this administrative procedure.
 - ii. pertains to a report or to an investigation record relating to the student under the Child, Youth and Family Enhancement Act, shall become a confidential record as defined in this policy, with access and disclosure matters governed by FOIP.

4. If testing instruments or results are not included in the student's cumulative record, upon appeal to the Superintendent, persons referred to in section 56 of the *Education Act*, may review these instruments or results as if they were included in the cumulative record. In accordance with Student Record Regulation 97/2019 section 2(1)(o), legal guardian may request that the school place in the student cumulative record interpretive reports and/or test results that the legal guardian or student believe should be considered when making educational decisions about a student.
5. Retention of Confidential Files
 - a. Confidential files that fall under the *Child, Youth and Family Enhancement Act* or the *Youth Criminal Justice Act* should be shredded by the school FOIP coordinator in accordance with the one-year access stipulation under FOIP legislation. It is the responsibility of the youth justice worker who is working with the individual student to provide pertinent information to the receiving school.
 - b. Confidential files that are professional/personal in nature containing information that is deemed to be no longer of use, should be shredded by the individual who created the file. At the end of each school year, professional/personal confidential files should be reviewed and decisions made by the individuals who created the file to determine whether the information is no longer of use and should be shredded, or whether the information should be carried forward into the next school year. In accordance with Section 34 of the FOIP Act, personal information that is used by the Division to make a decision that directly affects the student must be retained for at least one year after use of the personal information.
6. Retention of Student Records:
 - a. A school shall keep the student record for a minimum of seven years after the student ceases to attend a school in the division, or until the records have been forwarded to another school as outlined in the student transfer guideline, #8.
 - b. If a student transfers to a school outside Alberta, the receiving school will use the Alberta Student Link service to request access to student records. Where paper files exist, the original school shall keep the student record for a minimum of seven years after the date the student could be expected to have completed grade twelve, if the student had not transferred.
 - c. Student records will be digitally archived after the student completes his/her high school program. If a student transfers outside the province, the digital version of the student record will be stored in PASI.
7. Disposal and destruction of student records:
 - a. The Division manages the content of a student record based on Administrative Procedure 180--Records Management. Once a student ceases to attend a school operated by the Division, the student record is retained for seven years. The Division may retain the record longer if authorized by the Board.
 - b. Other student information collections are retained to support programs and services provided to students. These records are managed following the retention requirements set out in Administrative Procedure 180—Records Management.

8. Student transfers and student records

- a. If a student transfers to another school in Alberta outside the LRSD, the digital student record is available in PASI.
- b. When a student moves from one school to another within the Livingstone Range School Division, the school receiving the student shall access the digital student record through PASI
- c. If a student transfers to a school outside Alberta, an Alberta Student Link request will need to be initiated by the receiving school. Alberta Student Link will grant access to the digital student record.

9. Access to student records

- a. A school shall ensure that a student, the student's legal guardian(s) and any other person who has access to the student under a separation agreement or an order of a court are entitled under section 56 of the Education Act to review the student's record.
- b. In cases of family separation, before legal custody is established in the courts, both parents may have access to the cumulative records. After legal custody has been established, the custodial parents and parents with access rights, are entitled to access the information contained in the student record file. Access rights for non-custodial parents are generally granted by the courts.
- c. Under a separation agreement or order of the court, the onus is on the person claiming a right of access to provide the school with appropriate supporting documentation that is kept in the student's record.
- d. The following conditions outline when and how disclosure is permitted:
 - i. the *Freedom of Information and Protection of Privacy Act* (FOIP),
 - ii. a school shall disclose information contained in a student's cumulative record and confidential record to the Alberta Department of Justice, or to its designate, when requested by that Department for the purposes of administering the *Youth Criminal Justice Act*.
 - iii. at the written request of a medical officer of health as defined in the Public Health Act, a school shall disclose a student's name, address, date of birth, sex and school and the name, address, and telephone number of the student's legal guardian. The purpose of this disclosure is to allow contact with the home 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.
 - iv. disclosure is also permitted for the following reasons:
 - ◆ in accordance with sections 56 and 70 of the Education Act;
 - ◆ 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;
 - ◆ to the Minister at the request of the Minister for the purpose of carrying out any program or policy under the Minister's administration;
 - ◆ with the written consent of the legal guardian if the student is under 16 years of age, or if the student is 16 years of age or older; when the student transfers and the records are being forwarded in accordance with guideline 9;
 - ◆ when a student's record is the basis for a research project, the FOIP head

for the LRSD may grant permission to use specific student data from the student records in accordance with Sections 40 and 41 of the *FOIP Act*. The written permission must state clearly what information is to be released, along with what steps have been taken to ensure student confidentiality.

10. An independent student who is identified as such in the Education Act Section 6 :
11. Access to a student's record shall be arranged through the principal or designate. In all cases where legal guardian and/or student access to the student record has occurred, the date, time, and place should be noted in the student record and shall be initialed by the legal guardian and/or student.
12. Legal Guardians or eligible students may request the school principal, or designate, for assistance in the interpretation of specialized tests and reports that are contained in the student record.
13. School counsellors generally focus their activities in three main areas: academic, vocational, and personal counselling. Personal counselling notes and observations should not form part of the student record, but may form part of a student's professional/personal confidential record. Because these professional/personal records are in the custody of the school, they are subject to the *FOIP Act*.
14. The Board shall designate the FOIP coordinator to be responsible for ensuring that the guidelines and procedures established in this policy comply with the *Student Record Regulation* and the *Freedom of Information and Protection of Privacy Act*.

Adopted: December, 2003

References

Section 6,9,11,18,32,33,36,37,52,53,56,68,70,197,222 Education Act
Student Record Regulation 97/2019
Child, Youth and Family Enhancement Act
Freedom of Information and Protection of Privacy Act, 1994, Chap. F-18.5
Freedom of Information and Protection of Privacy Regulation AR 200/95
Public Health Act
Social Development Act
Youth Criminal Justice Act
Vital Statistics Act