

Administrative Procedure 320

STUDENT RECORDS

Background

The Student Record Cumulative File 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.

A Student Record Cumulative File consists of the following three components:

1. A 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 Records Regulation 97/2019.
2. A Confidential Record is a record kept separate from the Student Record Cumulative File 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, Violence Threat Risk Assessment (VTRA) protocol and reinstatement procedure, criminal charges, or other information which does not promote the educational welfare of the student.
3. A 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 notes or information observation notes.

Procedures

1. Responsibility
 - 1.1 The Superintendent and/or designate will be responsible for the overall administration of this administrative procedure.
 - 1.2 The Principal and/or designate will establish and maintain the Student Record and other school-based records, ensure the confidentiality of these records and ensure that information contained within the Student Record is updated annually.
 - 1.3 The Teacher maintains records necessary for the provision of educational programs and for completing progress reports. This would include samples of student work, marks and information pertaining to student evaluation and classroom instruction.
 - 1.4 The School Counsellor maintains confidential records which can be accessed by appropriate staff with permission from Principal and/or designate.

- 1.5 The Division Office Personnel:
 - 1.5.1 Maintain the information necessary to provide accountability for Alberta Education funding submission.
 - 1.5.2 Maintain the information obtained in the assessments of students for the purpose of program planning.
 - 1.5.3 Administer the Student Information System.
2. The Student Records will:
 - 2.1 Be maintained for all students registered in the system.

Parents/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 location available to professional staff but not in areas open to students or the public.
3. Recorded information regarding students will include the following:
 - 3.1 The Student Record file as outlined in the Student Record Regulation, see AP 320 - Appendix A - Student Records Lists (Mandated Student Records List).
 - 3.2 Division Student Information System Records.
 - 3.3 Student Services Files.
 - 3.4 Any other files or records used to provide educational services for students, see AP 320 – Appendix A –Student Records Lists (Supplementary Student Records List).
4. Recorded information regarding students will not include the following: (Student Record)
 - 4.1 Any information contained in:
 - 4.1.1 Notes and observations that are not used in program placement decisions;
 - 4.1.2 Any information relating to a report or an investigation under Child, Youth and Family Enhancement Act;
 - 4.1.3 Counseling records relating to the student that is or may be personal, sensitive or embarrassing to the student unless 4.2 applies.
 - 4.2 Any information referred to subsection 4.1.3 may be included in the Student Record if inclusion is:
 - 4.2.1 In the public interest, or
 - 4.2.2 Necessary to ensure the safety of students and staff.
5. Transfer of Student Record:
 - 5.1 When a student transfers to another school:
 - 5.1.1 Within our school Division see “Sending / Receiving Digital Cumulative Files Within our Division” in the Knowledge Centre.
 - 5.1.2 Within Alberta see “Sending / Receiving Digital Cumulative Files Outside our Division”.

- 5.1.3 Outside Alberta see “Digital Student Records Access for External Third Party” (Alberta Student Link)

6. Retention of Student Record Cumulative File

- 6.1 A Student Record shall be kept for seven (7) years from the date the student completes or could have been expected to complete grade 12 or, if the graduation date is not known, the year in which the student turns 25, or until the record has been forwarded to another school in Alberta. See AP 185 Appendix A – Records Retention Schedule for detailed retention and disposition of Student Records.
- 6.2 When a student transfers to a school outside Alberta, the Student Record shall be kept for seven (7) years from the date the student could be expected to have completed grade 12, or to age 25 if graduation date is not known, if the student had not transferred from the school. See AP 185 Appendix A – Records Retention Schedule for detailed retention and disposition of Student Records.
- 6.3 When a Student Record has been kept for the required amount of time, it must be destroyed. See AP 185 Appendix B – Records Disposition Process and AP 185 Appendix C – Disposition Authorization for the Destruction of Source Records Following Digitization for dispositions of Student Records.

7. Access and Disclosure

- 7.1 Access to information regarding students will be granted in accordance with the Student Record Regulation, the Education Act, the Children First Act, and the Freedom of Information and Protection of Privacy (FOIP) Act.
- 7.2 Access to a Student Record is only provided:
 - 7.2.1 To a staff member of Black Gold School Division; or
 - 7.2.2 At the request of the Minister of Education for the performance of the duties of the Minister or other Regulations; or
 - 7.2.3 To the parent, legal guardian or an independent student who:
 - 7.2.3.1 Has completed a request through Alberta Student Link on the Alberta Education website.
 - 7.2.3.2 Has completed the Personal Records & Information Access form, under the FOIP Act made a request in writing to view or receive a copy of the Student Record.
 - 7.2.3.3 Has requested access in person at the school to view or receive a copy of the Student Record.
- 7.3 Requests must include the student’s name and description of the records requested. The description may include date ranges, programs or services names, Division or school names or types of assessments and specific records or topics.
 - 7.3.1 Requests made in person will be logged into Student Records Access Log that is kept at each school for their records.
- 7.4 When other individuals or agencies request a copy or part of a Student Record, the request must be accompanied by a written authorization to release the information with the consent of the parent if the student is under 16 years of age, or the student

or parent if the student is 16 years of age or older, or as a result of a transfer under section 5. The authorization shall include the name of the individual(s) or agency(ies) authorized to receive the information.

- 7.5 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 a program or policy under either Act.
- 7.6 The following information shall be disclosed to the Medical Officer of Health as defined in the Public Health Act or 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:
 - 7.6.1 A student's name, address, date of birth, gender and school, and
 - 7.6.2 The name, address and telephone number of student's parent or guardian.
- 7.7 The Division shall, at the written request of a Regional Authority for a Francophone Education Region, disclose:
 - 7.7.1 The name, address, date of birth, gender and school of a student whose parent has been noted under section 9.19 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
 - 7.7.2 The name, address and contact information of the student's parent.
- 7.8 The Division, if supervising a home education program for a student, shall notify the student's resident board of the name, address, date of birth, gender and school and the name, address and telephone number of student's parent to ensure the resident board is aware the student is attending a school.
- 7.9 Persons who are permitted to examine the Student Record must be provided with an explanation of the contents (when necessary). This situation is particularly a concern for documents related to testing or test results. In such cases, an employee of the Division with recognized expertise will be made available.
- 7.10 The Division's FOIP Coordinator maintains a file of access inquiries based on established procedures for records and information management.
- 7.11 Legal counsel acting on behalf of the Division may have access to a student's records upon approval of Superintendent or designate.

Reference: Section 9, 11, 18, 32, 33, 36, 37, 52, 53, 56, 68, 70, 197, 222 Education Act
Administrative Procedure 185 – Record and Information Management
Child, Youth and Family Enhancement Act
Freedom of Information and Protection of Privacy Act
Public Health Act
Social Development Act
Vital Statistics Act
Youth Justice Act
Section 23 Canadian Charter of Rights and Freedoms
Youth Criminal Justice Act
Personal Information Protection Act Regulation 366/2003
Student Record Regulation 97/2019

Form: Form 320-1 Personal Records & Information Access
 Form 320-2 Historical Information Inventory