



Province of Alberta

EDUCATION ACT

STUDENT RECORD REGULATION

Alberta Regulation 97/2019

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Extract

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ALBERTA REGULATION 97/2019

Education Act

STUDENT RECORD REGULATION

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Interpretation

1(1) In this Regulation,

- (a) “early childhood services program private operator” means a person, other than a board, that provides an early childhood services program;
- (b) “resident board” means the board of the school division of which a student is a resident student under section 4 of the Act.

(2) For the purposes of sections 7 and 10,

- (a) “employee”, in relation to a board, other than a person responsible for the operation of a private school, means an employee as defined in the *Freedom of Information and Protection of Privacy Act*, and
- (b) “employee”, in relation to a person responsible for the operation of a private school or an early childhood services program private operator, means an employee as defined in the *Personal Information Protection Act*.

Information included in student record

2(1) The student record for a student or child must contain all information affecting the decisions made about the education of the student or child that is collected or maintained by a board or an early childhood services program private operator, regardless of the manner in which the student record is maintained or stored, including

- (a) the student's or child's name
 - (i) as registered under the *Vital Statistics Act*, if the student or child was born in Alberta,
 - (ii) as registered under the applicable legislation of the province or territory in which the student or child was born, if the student or child was born in a province or territory of Canada other than Alberta, or
 - (iii) as shown on the documents under which the student or child was lawfully admitted to Canada, if the student or child was born outside Canada,and any other surnames by which the student or child is known,
- (b) the student identification number assigned to the student or child by the Minister and any student identification number assigned to the student or child by a board or an early childhood services program private operator,
- (c) the name of the student's or child's parent,
- (d) proof of guardianship of the student or child and any documents evidencing limits on the guardianship of the student or child,
- (e) the birth date of the student or child,
- (f) the gender of the student or child,
- (g) the addresses, email addresses and telephone numbers of the student or child and of the student's or child's parent,
- (h) in the case of a student, the name of the resident board of the student,
- (i) the citizenship of the student or child and, if the student or child is not a Canadian citizen, the type of document pursuant to which the student or child is lawfully entitled to remain in Canada, and the expiry date of that document,

- (j) the names of all schools attended by the student or child in Alberta and the dates of enrolment, if known, except for the names of any schools in respect of which including the name of the school would be contrary to section 3(1)(b),
- (k) an annual summary, or a summary at the end of each semester, of the student's or child's achievement or progress in the courses and programs in which the student or child is enrolled,
- (l) the results obtained by the student or child on any
 - (i) provincial assessment under a program established by the Minister,
 - (ii) diagnostic test administered by a board or an early childhood services program private operator, and
 - (iii) standardized tests, under any testing program administered by a board or an early childhood services program private operator to all or a large portion of the students or children or to a specific grade level of students,
- (m) any accommodation or exemption in respect of a provincial assessment under a program established by the Minister,
- (n) in relation to any formal intellectual, behavioural or emotional assessment or evaluation administered individually to the student or child by a board or an early childhood services program private operator,
 - (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, including, without limitation, the provision of specialized supports or services,

- (o) in relation to any formal intellectual, behavioural or emotional assessment or evaluation requested by the student's or child's parent and administered to the student or child by an independent party,
 - (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, including, without limitation, the provision of specialized supports or services,
- (p) any health information that the parent of the student or child or the student or child wishes to be placed on the student record,
- (q) an annual summary of the student's or child's school attendance,
- (r) in the case of a student, subject to subsection (2), information about any suspension of more than one day or expulsion relating to the student or the student's rights pursuant to the Act,
- (s) in the case of a student record maintained by a board, other than a person responsible for the operation of a private school, if the parent of the student or child has the right to have the student or child receive primary and secondary school instruction in the French language under 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, and
- (t) 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)** Information referred to in subsection (1)(r) must
- (a) be retained on the student record for a student for at least one year after the date on which the suspension or expulsion began, and
 - (b) be removed from the student record for a student not later than 3 years after the date on which the suspension or expulsion began.
- (3)** A board or an early childhood services program private operator may include in a student record any information referred to in section 3(1)(a)(iii) if, in the opinion of the board or the early childhood services program private operator, inclusion of the information in the student record would be
- (a) in the public interest, or
 - (b) necessary to ensure the safety of students or children and staff.
- (4)** If an individualized program plan is specifically devised for a student or child for a school year, the plan and any amendments to the plan must be placed on the student record of that student or child in addition to summaries of all individualized program plans for previous school years for that student or child.
- (5)** For the purposes of subsection (1), a board or an early childhood services program private operator may require a student's or child's parent or an independent student to provide
- (a) a copy, acceptable to the board or the early childhood services program private operator, of
 - (i) the student's or child's birth certificate and, if applicable, change of name certificate, if the student or child was born in Canada, or
 - (ii) another official document acceptable to the board or the early childhood services program private operator, if the student or child was born outside Canada,
- and

- (b) a copy, acceptable to the board or the early childhood services program private operator, of the student's or child's Canadian citizenship certificate or the document pursuant to which the student or child is lawfully admitted to Canada for permanent or temporary residence.

(6) Each year that a student or child is enrolled in a school operated by a board or an early childhood services program private operator, the board or the early childhood services program private operator must ensure that

- (a) the information referred to in this section is recorded on or updated on the student record for the student or child, and
- (b) any information to which subsection (2)(b) applies is removed from the student record for the student or child.

Information not to be included in student record

3(1) A board or an early childhood services program private operator must ensure that the student record for a student or child maintained or retained by the board or the early childhood services program private operator does not include

- (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, and that are not used in program placement decisions,
 - (ii) a report or an investigation record relating to the student or child under the *Child, Youth and Family Enhancement Act*, or
 - (iii) counselling records relating to the student or child that are or may be personal, sensitive or embarrassing to the student or child, unless section 2(3) applies,

or

- (b) 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.

(2) A board or an early childhood services program private operator is not required to include in a student record a test instrument or any part of it relating to a test, examination, assessment or evaluation referred to in section 2(1)(l), (n) or (o),

but if there is an appeal relating to the test, examination, assessment or evaluation or an evaluation of a student or child in respect of the test, examination, assessment or evaluation, the persons referred to in section 56(3) of the Act may review the test instrument as if it were part of the student record.

(3) A board, other than a person responsible for the operation of a private school, must ensure that the information referred to in this section is disclosed only in accordance with the *Freedom of Information and Protection of Privacy Act*.

(4) A person responsible for the operation of a private school or an early childhood services program private operator must ensure that the information referred to in this section is disclosed only in accordance with the *Personal Information Protection Act*.

Retention of student record

4(1) Subject to subsection (2), a board or an early childhood services program private operator must retain the student record for a student or child containing the information referred to in section 2(1) and (4) for 7 years after the student or child ceases to attend a school operated by the board or the early childhood services program private operator or until the student record has been provided in accordance with section 8(1) or (2).

(2) If a student or child transfers from a school in Alberta to a school outside Alberta, the board or the early childhood services program private operator that operates the school from which the student or child transfers must retain the student record for the student or child containing the information referred to in section 2(1) and (4) for 7 years after the date the student or child would have been expected to have completed grade 12 had the student or child not transferred from the school.

(3) Notwithstanding subsections (1) and (2), a board, other than a person responsible for the operation of a private school, may choose to retain a student record for more than 7 years if a longer retention period is authorized by a resolution of the board.

(4) A person responsible for the operation of a private school or an early childhood services program private operator may choose to retain a student record for more than 7 years if

- (a) the person responsible for the operation of the private school or the early childhood services program private operator reasonably requires the student record for legal or business purposes for more than 7 years, and
- (b) a longer retention period is authorized by the governing body of the person responsible for the operation of the

private school or the early childhood services program private operator.

Disposal and destruction of student record

5(1) A board, other than a person responsible for the operation of a private school, must dispose of or destroy student records that are no longer required to be kept under section 4.

(2) Student records must be disposed of or destroyed in a manner that maintains the confidentiality of the information in the record.

(3) A board, other than a person responsible for the operation of a private school, must dispose of information referred to in section 3 relating to a student or child in the same manner as student records are to be disposed of under subsection (2).

(4) For greater certainty, a person responsible for the operation of a private school or an early childhood services program private operator must deal with student records in accordance with section 35 of the *Personal Information Protection Act* when the student records are no longer required to be kept under section 4.

Access to student record

6 A board or an early childhood services program private operator must ensure that the persons who, under section 56 of the Act, are entitled to review the student record of a student or child are informed that they are entitled to review the student record.

Disclosure of information

7(1) A board or an early childhood services program private operator may only disclose the contents of a student record

- (a) in accordance with sections 56 and 70 of the Act,
- (b) to an employee of the board or the early childhood services program private operator if the information is necessary for the performance of the duties of the employee,
- (c) to the Minister if the information is necessary for the performance of the duties of the Minister,
- (d) with the written consent of
 - (i) the parent in the case of a child or a student who is under 16 years of age, or

- (ii) the student or the parent in the case of a student who is 16 years of age or older,
- (e) in accordance with section 8,
- (f) in accordance with any other regulation under the Act, or
- (g) in accordance with
 - (i) the *Freedom of Information and Protection of Privacy Act*, in the case of a board other than a person responsible for the operation of a private school, or
 - (ii) the *Personal Information Protection Act*, in the case of a person responsible for the operation of a private school or an early childhood services program private operator.

(2) A board or an early childhood services program private operator must 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 that is a Francophone regional authority may collect from a board, other than a person responsible for the operation of a private school, or the Minister

- (a) the name, address, date of birth, gender and school of a student or child whose parent has been noted under section 2(1)(s) as having a right to have the student or child receive primary and secondary school instruction in the French language under section 23 of the *Canadian Charter of Rights and Freedoms*, and
- (b) the name, address and telephone number of the student's or child's parent

for the purpose of contacting the parent of the student or child and advocating for minority language educational rights.

(4) The Minister may collect from a board, other than a person responsible for the operation of a private school, the information referred to in subsection (3) for the purpose of

- (a) disclosing the information to a board that is a Francophone regional authority for the purpose of the Francophone regional authority contacting the parent of

the student or child and advocating for minority language educational rights, or

- (b) accurately establishing the number of minority language educational right holders in Alberta.

(5) A board, other than a person responsible for the operation of a private school, must, on request, disclose the information referred to in subsection (3)

- (a) to a board that is a Francophone regional authority for the purpose referred to in subsection (3), or
- (b) to the Minister for a purpose referred to in subsection (4).

(6) An associate board or associate private school, as defined in the *Home Education Regulation*, supervising a home education program for a student must, annually, 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.

Student or child transfer

8(1) If a student or child transfers from a school in Alberta to another school in Alberta,

- (a) the board or the early childhood services program private operator from which the student or child transfers may disclose the student record for the student or child containing the information referred to in section 2(1) and (4) to the board or the early childhood services program private operator to which the student or child transfers, and
- (b) the board or the early childhood services program private operator to which the student or child transfers may collect the student record for the student or child containing the information referred to in section 2(1) and (4).

(2) If the student record for a student or child who transfers from a school in Alberta to another school in Alberta is not in electronic form, the board or the early childhood services program private

operator from which the student or child transfers must, on receipt of a written request from the school to which the student or child transfers, send the original student record for the student or child containing the information referred to in section 2(1) and (4) to that school.

(3) If a student or child transfers to a school outside Alberta, the board or the early childhood services program private operator from which the student or child transfers must, on receipt of a written request from the school to which the student or child transfers, send a copy of the student record for the student or child containing the information referred to in section 2(1) and (4) to that school.

School closure

9 A person responsible for the operation of a private school or an early childhood services program private operator must, on closing the private school or early childhood services program, transfer the student record for a student or child in the school

- (a) to the school to which the student or child transfers, or
- (b) if the school to which the student or child transfers is unknown, to the Minister.

Compliance

10(1) A board, other than a person responsible for the operation of a private school, must designate one of its employees to be responsible for ensuring that the policies and procedures established by the board relating

- (a) to student records, and
- (b) to information referred to in section 3

comply with this Regulation and the *Freedom of Information and Protection of Privacy Act*.

(2) A person responsible for the operation of a private school or an early childhood services program private operator must designate one of its employees to be responsible for ensuring that the policies and procedures established by the person responsible for the operation of a private school or the early childhood services program private operator relating

- (a) to student records, and
- (b) to information referred to in section 3

comply with this Regulation and the *Personal Information Protection Act*.

Repeal

11 The *Student Record Regulation* (AR 166/2018) is repealed.

Expiry

12 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on August 31, 2022.

Coming into force

13 This Regulation comes into force on September 1, 2019.



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