

ALBERTA REGISTERED

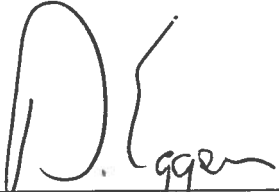
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**GOVERNMENT OF ALBERTA**  
**DEPARTMENT OF EDUCATION**  
**MINISTERIAL ORDER (# 027 / 2018 )**

I, David Eggen, Minister of Education, pursuant to Sections 38.1 of the **School Act**, make the Order set out in the attached Appendix, being the *Student Record Regulation*

DATED at Edmonton, Alberta August 29, 2018.

  
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MINISTER OF EDUCATION

**APPENDIX**  
**School Act**  
**STUDENT RECORD REGULATION**

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**Interpretation**

**1(1)** In this Regulation,

- (a) “Act” means the *School Act*;
- (b) “early childhood services program private operator” means a person, other than a board, that provides an early childhood services program;
- (c) “resident board” means the board of the district or division of which a student is a resident student under section 44 of the Act.

**(2)** For greater certainty, a reference in this Regulation to a student includes an individual who is younger than 6 years of age who is enrolled in an early childhood services program except where otherwise indicated.

**(3)** For the purposes of sections 7 and 10,

- (a) “employee”, in relation to a board, means an employee as defined in the *Freedom of Information and Protection of Privacy Act*, and
- (b) “employee”, in relation to an early childhood services program private operator or an operator of a private

school, means an employee as defined in the *Personal Information Protection Act*.

**Information included in student record**

**2(1)** The student record for a student must contain all information affecting the decisions made about the education of the student that is collected or maintained by a board, an operator of a private school 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 name
  - (i) as registered under the *Vital Statistics Act*, if the student was born in Alberta,
  - (ii) as registered under the applicable legislation of the province or territory in which the student was born, if the student was born in a province or territory of Canada other than Alberta, or
  - (iii) as shown on the documents under which the student was lawfully admitted to Canada, if the student was born outside Canada,and any other surnames 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 a board, an operator of a private school or an early childhood services program private operator,
- (c) the name of the student's parent,
- (d) a copy of any separation agreement or court order referred to in section 38.1(2)(c) of the Act,
- (e) the birth date of the student,
- (f) the gender of the student,
- (g) the addresses, e-mail addresses and telephone numbers of the student and of the student's parent,

- (h) the name of the resident board of the student, except in the case of a student who is a child referred to in section 30(1)(a) of the Act,
- (i) the citizenship of the student and, if the student is not a Canadian citizen, the type of document pursuant to which the student is lawfully admitted to Canada for permanent or temporary residence, and the expiry date of that document,
- (j) the names of all schools attended by the student 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 achievement or progress in the courses and programs in which the student is enrolled,
- (l) the results obtained by the student on any
  - (i) achievement test and diploma examination conducted by or on behalf of the Province,
  - (ii) diagnostic test administered by a board, an operator of a private school or an early childhood services program private operator, and
  - (iii) standardized tests, under any testing program administered by a board, an operator of a private school or an early childhood services program private operator to all or a large portion of the students or to a specific grade level of students,
- (m) any accommodations provided under the *Student Evaluation Regulation* (AR 177/2003),
- (n) in relation to any formal intellectual, behavioural or emotional assessment or evaluation administered individually to the student by a board, an operator of a private school 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,
- (o) in relation to any formal intellectual, behavioural or emotional assessment or evaluation requested by the student's parent and administered to the student 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,
- (p) any health information that the parent of the student or the student wishes to be placed on the student record,
- (q) an annual summary of the student's school attendance,
- (r) 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, if the parent of the student has the right to have the student 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 or by an operator of a private school that is eligible to receive the First Nation, Metis and Inuit Education funding allocation in respect of the private school, if the parent of the student or the student wishes to provide information that the student is of aboriginal ancestry, a notation indicating whether the student 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, an operator of a private school 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, the operator of the private school 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 and staff.

(4) If an individualized program plan is specifically devised for a student for a school year, the plan and any amendments to the plan must be placed on the student record of that student in addition to summaries of all individualized program plans for previous school years for that student.

(5) For the purposes of subsection (1), a board, an operator of a private school or an early childhood services program private operator may require a student's parent or an independent student to provide

- (a) a copy, acceptable to the board, the operator of a private school or the early childhood services program private operator, of
  - (i) the student's birth certificate and, if applicable, change of name certificate, if the student was born in Canada, or
  - (ii) another official document acceptable to the board, the operator of a private school or the early childhood services program private operator, if the student was born outside Canada,

and

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

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

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

**Information not to be included in student record**

**3(1)** A board, an operator of a private school or an early childhood services program private operator shall ensure that the student record for a student maintained or retained by the board, the operator of a private school 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 under the *Child, Youth and Family Enhancement Act*, or
- (iii) counselling records relating to the student that are or may be personal, sensitive or embarrassing to the student, 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, an operator of a private school 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 in respect of the test, examination, assessment or evaluation, the persons referred to in section 38.1(2) of the Act may review the test instrument as if it were part of the student record.

(3) A board shall 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) An operator of a private school or an early childhood services program private operator shall 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, an operator of a private school or an early childhood services program private operator shall retain the student record for a student containing the information referred to in section 2(1) and (4) for 7 years after the student ceases to attend a school operated by the board, the operator of a private school 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 transfers from a school in Alberta to a school outside Alberta, the board, the operator of a private school or the early childhood services program private operator that operates the school from which the student transfers shall retain the student record for the student containing the information referred to in section 2(1) and (4) for 7 years after the date the student would have been expected to have completed grade 12 had the student not transferred from the school.

(3) Notwithstanding subsections (1) and (2), a board 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) An operator 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 operator 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 operator of the private school or the early childhood services program private operator.

#### **Disposal and destruction of student record**

**5(1)** A board shall dispose of or destroy student records that are no longer required to be kept under section 4.

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

(3) A board shall dispose of information referred to in section 3 relating to a student in the same manner as student records are to be disposed of under subsection (2).

(4) For greater certainty, an operator of a private school or an early childhood services program private operator shall 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, an operator of a private school or an early childhood services program private operator shall ensure that the persons who, under section 38.1 of the Act, are entitled to review the student record of a student are informed that they are entitled to review the student record.

**Disclosure of information**

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

- (a) in accordance with sections 38.1, 40, 41 and 43 of the Act,
- (b) to an employee of the board, the operator of the private school 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 if the student is under 16 years of age, or
  - (ii) the student or the parent if the student 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, or
  - (ii) the *Personal Information Protection Act*, in the case of an operator of a private school or an early childhood services program private operator.

**(2)** A board, an operator of a private school or an early childhood services program private operator shall 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 or the Minister

- (a) the name, address, date of birth, gender and school of a student whose parent has been noted under section 2(1)(s) as having a right to have the student 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 parent

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

(4) The Minister may collect from a board 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 and advocating for minority language educational rights, or
- (b) accurately establishing the number of minority language educational right holders in Alberta.

(5) A board shall, 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* (AR 145/2006), supervising a home education program for a student shall, 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 transfer**

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

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

**(2)** If the student record for a student who transfers from a school in Alberta to another school in Alberta is not in electronic form, the board, the operator of a private school or the early childhood services program private operator from which the student transfers shall, on receipt of a written request from the school to which the student transfers, send the original student record for the student containing the information referred to in section 2(1) and (4) to that school.

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

### **School closure**

**9** An operator of a private school or an early childhood services program private operator, shall, on closing the private school or early childhood services program, transfer the student record for a student in the school

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

### **Compliance**

**10(1)** A board shall 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)** An operator of a private school or an early childhood services program private operator shall designate one of its employees to be responsible for ensuring that the policies and procedures established by the operator 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 225/2006) 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, 2025.

**Coming into force**

**13** This Regulation comes into force on September 1, 2018.