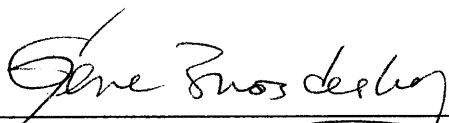


ALBERTA REGULATION 225/2006  
FILED ON Sept 15 2006

GOVERNMENT OF ALBERTA  
DEPARTMENT OF EDUCATION  
MINISTERIAL ORDER ( #026/2006 )

I, Gene Zwozdesky, Minister of Education, pursuant to Section 23(9) of the *School Act*, make the order in the attached Appendix, being the Student Record Regulation.

Dated at Edmonton, Alberta August 25, 2006.

  
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MINISTER OF EDUCATION

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

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**Definitions**

**1** In this Regulation,

- (a) “Act” means the *School Act*;
- (b) “resident board” means the board of the district or division of which a student is a resident student.

**Information included in student record**

**2(1)** The student record of a student must contain all information affecting the decisions made about the education of the student that is collected or maintained by a board, regardless of the manner in which it is maintained or stored, including

- (a) the student’s name as registered under the *Vital Statistics Act* or, if the student was born in a jurisdiction outside Alberta, the student’s name as registered in that jurisdiction, 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,
- (c) the name of the student’s parent,

- (d) a copy of any separation agreement or court order referred to in section 23(2)(c) of the Act,
- (e) the birth date of the student,
- (f) the sex of the student,
- (g) the addresses and telephone numbers of the student and of the student's parent,
- (h) the board of which the student is a resident student,
- (i) the citizenship of the student and, if the student is not a Canadian citizen, the type of visa or other document pursuant to which the student is lawfully admitted to Canada for permanent or temporary residence, and the expiry date of that visa or other document,
- (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 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) diagnostic test, achievement test and diploma examination conducted by or on behalf of 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 results of any application under the *Student Evaluation Regulation* (AR 177/2003) for special provisions or directives,
- (n) in relation to any formal intellectual, behavioural or emotional assessment or evaluation administered individually to the student by a board,
  - (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 independent 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) information about any suspension of more than one day or expulsion relating to the student or the student's rights pursuant to the Act, which must be recorded and retained on the student record for a minimum period of one year and a maximum period of 3 years following the date of the suspension or expulsion after which the information must be removed from the student's record,
- (s) if the parent 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 parent wishes to exercise that right, and

- (t) 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) Notwithstanding section 3, a board may include in a student record any information referred to in section 3(1)(a)(iii) that in the board's opinion would clearly be injurious to the student if disclosed, where inclusion of the information in the student record would, in the board's opinion, be

- (a) in the public interest, or
- (b) necessary to ensure the safety of students and staff.

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

(4) A board may require

- (a) that the information referred to in subsection (1)(a) be provided to the board by means of a copy, acceptable to the board, of
  - (i) the student's birth certificate, if the student was born in Canada, or
  - (ii) another official document acceptable to the board, if the student was born outside Canada,

and

- (b) that the information referred to in subsection (1)(i) be provided to the board by means of a copy, acceptable to the board, of a Canadian citizenship certificate or of the visa or other document referred to in subsection (1)(i).

(5) The board shall ensure that the information referred to in this section is updated annually.

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

**3(1)** A student record must 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 is or may be personal, sensitive or embarrassing to the student, unless section 2(2) 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) Notwithstanding section 2, a board may exclude from a student record a test instrument or any part of it, but where there is an appeal before the board in respect of a test, a test result or an evaluation of a student in respect of a test or a test result, the persons referred to in section 23(2) of the Act may review a 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*.

**Retention of student record**

**4(1)** Subject to subsection (2), a board shall keep a student record containing the information referred to in section 2(1) and (3) for 7 years after the student ceases to attend a school operated by the board or until the student record has been forwarded to another school in accordance with section 8(1).

(2) If a student transfers from a school in Alberta to a school outside Alberta, the board that operates the school from which the student transfers shall keep the student record containing the information referred to in section 2(1) and (3) for 7 years after the date the student could be expected to have completed grade 12 if the student had not transferred from the school.

(3) Notwithstanding subsections (1) and (2), a board may choose to keep a student record for longer than 7 years if a longer retention period is authorized by a resolution of the board.

#### **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).

#### **Access to student record**

6 A board shall ensure that a student, the student's parent and any other person who has access to the student under a separation agreement or an order of a court are informed of their entitlement under section 23 of the Act to review the student record of that student.

#### **Disclosure of information**

7(1) In this section, "employee" means an employee as defined in the *Freedom of Information and Protection of Privacy Act*.

(2) A board shall ensure that the contents of a student record are only disclosed

- (a) in accordance with sections 23, 40, 41 and 43 of the Act,
- (b) to an employee of the board 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 of this Regulation,
- (f) in accordance with any other regulation under the Act, or
- (g) in accordance with the *Freedom of Information and Protection of Privacy Act*.

(3) A board shall disclose information contained in a student record to the Department of Justice or its designate or to the Department of Solicitor General and Public Security or its designate when requested by either Department or that Department's 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.

(4) A board shall, at the written request of a medical officer of health as defined in the *Public Health Act* or the medical officer of health's designate, disclose

- (a) a student's name, address, date of birth, sex and school, and
- (b) the name, address and telephone number of the student's parent

to the medical officer of health or to a person designated by the medical officer of health for the purpose of contacting the parent of the student 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) A board shall, at the written request of a Regional authority for a Francophone Education Region, disclose

- (a) the name, address, date of birth, sex and school of a student whose parent has been noted under section 2(1)(s) 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

- (b) the name, address and telephone number of the student's parent

to the superintendent or to a person designated by the superintendent for the purpose of contacting the parent of the student and advocating for minority language education rights.

(6) A board or an accredited private school supervising a home education program for a student shall notify the student's resident board of

- (a) the student's name, address, date of birth, sex 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 to another school in Alberta, the board from which the student transfers shall, on receipt of a written request from that school, send the original student record containing the information referred to in section 2(1) and (3) to that school.

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

#### **Compliance**

**9** 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*.

**Consequential amendment**

**10** The *Private Schools Regulation* (AR 190/2000) is amended by repealing section 20 and substituting the following:

**Student records**

**20(1)** Only sections 1, 2(1)(a) and (c) to (i), 6 and 8 of the *Student Record Regulation* apply to registered private schools.

**(2)** The *Student Record Regulation* applies to accredited private schools except for the following sections:

- (a) section 2(1)(s) and (t);
- (b) section 3(3);
- (c) section 7(2)(g), (4) and (5);
- (d) section 9.

**(3)** On closing a private school, the operator must forward the student record for each 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.

**Repeal**

**11** The *Student Record Regulation* (AR 71/99) 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 July 31, 2016.