

|                                |                          |   |
|--------------------------------|--------------------------|---|
| <b>HORIZON SCHOOL DIVISION</b> | <b>Policy Code:</b>      | IO  |
|                                | <b>Policy Title:</b>     | Student Records   |
| <b>POLICY HANDBOOK</b>         | <b>Cross Reference:</b>  | IFH, JB   |
|                                | <b>Legal Reference:</b>  | Education Act S.56, 70 FOIPP Act; Youth Justice Act; Alberta Learning Regulations 225/2006; Public Health Act |
|                                | <b>Adoption Date:</b>    | June 25, 1997   |
|                                | <b>Amendment or Re-</b>  | Feb. 10/98, Nov. 26/99,   |
|                                | <b>Affirmation Date:</b> | Apr. 19/07, Nov. 30/17<br>November 25, 2019   |

## **POLICY**

THE BOARD OF TRUSTEES OF HORIZON SCHOOL DIVISION EXPECTS PRINCIPALS AND DISTRICT ADMINISTRATORS TO PROVIDE FOR THE APPROPRIATE MANAGEMENT AND STORAGE OF AN OFFICIAL STUDENT RECORD FOR ALL STUDENTS INCLUDING THOSE ENROLLED IN AN EARLY CHILDHOOD SERVICES PROGRAM.

## **REGULATIONS**

### **Record Content**

1. The Principal shall be responsible for maintaining accurate and complete records for each student and for ensuring that policies and procedures established by the Board relating to student records and the FOIPP Act are complied with.
2. 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
  - 2.1. the student's name as registered under the *Vital Statistics Act* or, if the student was born in Canada but outside Alberta, the student's name as registered in that province or territory, or as shown on the documents under which the student was lawfully admitted to Canada, and any other surnames by which the student is known;
  - 2.2. the student identification number assigned to the student by the Minister and any student identification number assigned to the student by a Board or early childhood services program private operator;
  - 2.3. the name of the student's parents;
  - 2.4. proof of guardianship of the student and any documents evidencing limits on the guardianship of the student
  - 2.5. the birth date of the student;
  - 2.6. the gender of the student;
  - 2.7. the addresses, email addresses, and telephone numbers of the student and of the student's parents;
  - 2.8. the board of which the student is a resident student;

- 2.9. 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 entitled to remain in Canada, and the expiry date of that document;
- 2.10. the names of all schools attended by the student in Alberta and the dates of enrolment, if known;
- 2.11. 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;
- 2.12. the results obtained by the student on any:
  - 2.12.1. diagnostic test administered by the board or an early childhood services program operator,
  - 2.12.2. provincial assessments conducted by or on behalf of the Province; and
  - 2.12.3. 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.
- 2.13. any accommodation or exemption in respect of a provincial assessment under a program established by the Minister;
- 2.14. in relation to any formal intellectual, behavioural or emotional assessment or evaluation administered individually to the student by a board
  - 2.14.1. the name of the assessment or evaluation,
  - 2.14.2. a summary of the results of the assessment or evaluation,
  - 2.14.3. the date of the assessment or evaluation
  - 2.14.4. the name of the individual who administered the assessment or evaluation,
  - 2.14.5. any interpretive report relating to the assessment or evaluation, and
  - 2.14.6. any action taken as program planning as a result of the assessment, evaluation or interpretive report,
- 2.15. 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.
  - 2.15.1. the name of the assessment or evaluation,
  - 2.15.2. a summary of the results of the assessment or evaluation,
  - 2.15.3. the date of the assessment or evaluation,
  - 2.15.4. the name of the individual who administered the assessment or evaluation,
  - 2.15.5. any interpretive report relating to the assessment or evaluation, and
  - 2.15.6. any action taken as program planning as a result of the assessment, evaluation or interpretive report,
- 2.16. any health information that the parent of the student or the student wishes to be placed on the student record;
- 2.17. an annual summary of the student's school attendance;
- 2.18. 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.

- 2.19. 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 such and a notation to indicate whether the parent wishes to exercise that right.
- 2.20. if the parent 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, Métis or Inuit.
3. A board may include in a student record any information where inclusion of the information in the student record would, in the opinion of the Principal, Director of Learning, or Family School Liaison Program Clinical Team Leader, be
  - 3.1. in the public interest; or
  - 3.2. necessary to ensure the safety of students and staff.
4. 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 all previous school year end individualized program plans.
5. A student record must not include:
  - 5.1. Any information contained in
    - 5.1.1. 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;
    - 5.1.2. a report or an investigation record relating to the student under the *Child, Youth and Family Enhancement Act*; or
    - 5.1.3. counselling records relating to the student that is or may be personal, sensitive or embarrassing to the student, unless regulation 3 of this policy applies.
  - 5.2. 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 the student in that capacity.
6. Notwithstanding regulation 2, 3 and 4, the Principal, Director of Learning, or Family Liaison Program Clinical Team Leader may exclude from a student record a test instrument or any part of it, but where there is an appeal before the board with respect to a test, a test result or an evaluation of a student based on a test or a test result, the persons referred to in section 23(2) of the Education Act may review a test instrument as if it were part of the student record.
7. The Principal shall ensure that the information referred to in this section is updated annually.

### **Student Transfer**

8. 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 (see attachment A - sample request for cum file), send the original student record containing the information referred to in regulation 2 and 4 to that school.
9. 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 regulations 2 and 4 to that school.

### **Record Transfers and Retention**

10. A school shall keep a student record containing the information referred to in regulations 2 and 4 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.
11. 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 for at least 7 years after the date the student could be expected to have completed grade 12 if the student had not transferred from the school
12. The 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.

### **Disposal and Destruction of Student Record**

13. The school Principal shall dispose of or destroy student records that are no longer required to be kept under regulation 10 thru 12.
14. Student records shall be disposed of or destroyed in a manner that maintains the confidentiality of the information in the record.
15. A board shall dispose of information referred to in regulation 5 relating to a student in the same manner as student records are to be disposed of under regulation 13.

### **Access to Student Record**

16. The Principal shall ensure that the persons who, under the Education 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**

17. The Principal shall ensure that the contents of a student record are only disclosed
  - 17.1. in accordance with sections 56 and 70 of the Education Act;
  - 17.2. to an employee of the Board if the information is necessary for the performance of the duties of the employee;
  - 17.3. to the Minister if the information is necessary for the performance of the duties of the Minister;
  - 17.4. with the written consent of
    - 17.4.1. the parent if the student is under 16 years of age, or
    - 17.4.2. the student or the parent if the student is 16 years of age or older;
  - 17.5. in accordance with regulation 8 and 9 of this Regulation;

- 17.6. in accordance with any other regulation under the Act.
- 17.7. in accordance with the Freedom of Information and Protection of Privacy Act.
18. A Principal 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.
19. A medical officer of health may by notice in writing require a school board, an operator of a private school or of a charter school, an operator of an early childhood services program or a provider of a child care program to provide to the medical officer of health, in the form and manner and within the time specified in the notice, the information set out in regulation 18.1 that is in its custody or within its control, for the purpose of contacting a parent or guardian of a student or child, or contacting an independent student, regarding voluntary health programs, including immunization, hearing, vision, speech and dental health programs, and for the purpose of communicable diseases control.
- 19.1. For the purposes of regulation 18, a medical officer of health may require the following information to be provided:
- 19.1.1. the name, address, postal code, date of birth and sex, and the grade level, if applicable, of a student or child and the school, attended by the student;
- 19.1.2. the name, address, postal code, telephone number and electronic address
- 19.1.2.1. of the parent or guardian of a child or a student other than an independent student, or
- 19.1.2.2. of an independent student;
- 19.1.3. any other information prescribed in the regulations.
- for the purpose of contacting a parent or guardian of a student, or contacting an independent student, respecting voluntary health programs, including immunization, hearing, vision, speech and dental health programs, and for the purpose of communicable diseases control.
- 19.1.4. A school who receives a notice under regulation 18 shall comply with it.
20. A board shall, at the written request of a Regional authority for a Francophone Education Region, disclosed,
- 20.1. the name, address, date of birth, gender and school of a student whose parent has been noted under regulation 2.19 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
- 20.2. 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.
21. A board or an accredited private school supervising a home education program for a student shall notify the student's resident board of
- 21.1. the student's name, address, date of birth, sex and school, and
- 21.2. 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.

22. A person who is entitled to review a student record under 56 of the Education Act may review a student record only in the presence of a staff member.
23. A person who is entitled to review a student record under 56 of the Education Act may request a copy of the student record from the school, and the school shall provide, or on request shall send, the copy to the person on receiving payment for it at the rate prescribed by the Board.
24. Where a student record contains
  - 24.1. a test, a test result or an evaluation of a student that is given by a person who has a recognized expertise or training in respect of that test or evaluation, or
  - 24.2. information relating to a test, test result or evaluation referred to in regulation 23.1,A person who is entitled to review a student record under 56 of the Education Act are entitled to the things referred to in regulation 24.
25. If regulation 23 applies, a person who is entitled to review a student record under 56 of the Education Act are entitled
  - 25.1. to review the test, test result or evaluation referred to in regulation 23.1 or information referred to in regulation 23.3, and
  - 25.2. to receive from a person who is competent to explain and interpret it an explanation and interpretation of that test, test result, evaluation or information.
26. If a person reviewing a student record referred to in regulation 23 so requests, the board shall ensure that a person who is competent to explain and interpret the test, test result, evaluation or information is available to explain and interpret that test, test result, evaluation or information.
27. If, on examining a student record, a person is of the opinion that the student record contains inaccurate or incomplete information, that person may request the board to rectify the matter.
  - 27.1. If the principal is of the view that the student record is accurate and complete and that appropriate access has been provided, he shall notify the parent or student, in writing, of his decision and of the right to appeal in accordance with policy IFH.

**Information Sharing for Administrators, Classroom Support Teachers, Classroom Teachers, and Family School Liaison Counsellors**

27. Student information may be shared among administrators, classroom support teachers, classroom teachers, and Family School Liaison Counsellors in order to support the successful academic, social/emotional and physical development and well-being of students. See the attached Protocol for Student Information Sharing.

## Success in School for Children and Youth in Care

October 2010

Success in School for Children and Youth in Care – Provincial Protocol Framework (PPF) is a joint initiative between Alberta Education and Children and Youth Services (CYS) to support improved school outcomes and high school completion rates for children and youth in provincial government care. The PPF will guide the work of those involved with children and youth in care to support school success. Success plans are child focused, collaborative, flexible, and allow open communication between partnerships to support the needs of the child.

### “Working Together” Structure

#### 1. Core team identification

- a. The school point person and the caseworker will identify a team, including the care provider and the child or youth in care to support and promote their educational achievement, while respecting the need for dignity and confidentiality.
  - i. Key point person’s role – to communicate and organize planning, and oversee effective implementation of the plan
  - ii. The core team will identify alternatives or interventions if there are signs the child or youth in care is at risk of being suspended, expelled, or of dropping out of school

#### 2. Registration procedures

- a. The caseworker will provide the school with a minimum one-day notice before the child or youth in care attends. The school authority will place the student in an appropriate educational program within one week. Provisions for joint determination of temporary educational arrangements if exceptional circumstances delay school placements.
- b. Expectations for information sharing to facilitate appropriate educational programming
- c. An outline of individual and joint roles and actions that support positive transitions

#### 3. Planning for and supporting school success

- a. The core team will meet to collaboratively develop and implement a holistic, strength-based and culturally appropriate Success in School Plan for each child and youth in care within eight weeks of registration or receiving in-care status.

- b. They will meet at least once more in the school year to review the effectiveness of the plan, make revisions as necessary and to celebrate accomplishments of the child or youth in care.
- c. The core team will communicate with each other in between meetings as necessary.
- d. The Success in School Plan is attached to any existing Instructional Student Plan (ISP), but also includes
  - i. Information to clarify roles and responsibilities of core team members
  - ii. Cultural supports as appropriate
  - iii. Goals and strategies across multiple domains, with reference made to other existing plans as appropriate and to avoid duplication

#### 4. Transition Planning

- a. Placement moves (home and school) should be avoided or minimized wherever possible. When moves must occur, the partners will work together to:
  - i. Engage in careful planning and timing of transitions to maintain educational program continuity for the student and preserve positive team working relationships
  - ii. Consider the educational needs of the the child or youth in care, as well as opportunities for farewells and closure.
  - iii. Provide advance notification of pending transitions, where possible

#### 5. Celebrating Success

Encouragement and celebration play an important role in the educational success for all children and youth but are especially important for those in care.

#### 6. Concluding in care status

A child or youth's in-care status may end for a number of reasons, including the youth turning 18, the child or youth returning to the care of a parent or private guardian, or being adopted. The regional partners acknowledge that the determination to conclude in-care status of children/youth is the purview of the caseworker as directed by the Child, Youth and Family Enhancement Act.



The School Authority will:

- a. Continue with the Success in School Plan to the end of the school year as appropriate with transition planning for supporting future educational success
- b. Support youth in care turning 18 years of age to complete high school, and transition into the workforce or post-secondary opportunities
- c. Provide the youth in care information regarding the Advancing Futures Bursary program

For additional information, please visit

<https://education.alberta.ca/children-and-youth-in-care/?searchMode=3>

**Q & A**

Q. Describe the difference between the roles of the foster parent vs. that of the CFSA caseworker as it relates to communication with the school.

A. The CFSA caseworker has delegated authorities to act as the guardian of the child when temporary/permanent guardianship rests with the director. The caseworker must be involved in major educational decisions-specialized educational programming, expulsions, activities that require guardian consent etc.

The foster parent has sub delegated authority to be involved in day to day educational decisions and communication and is the primary regular contact for the school as it relates to the child's challenges, conduct, and educational program.

Q. Describe the various legal statuses under the *Child, Youth and Family Enhancement Act* and the guardianship authority attached to each.

A. Involvement with children and families occurs in various ways under the *Child, Youth and Family Enhancement Act* as listed below:

- Permanent Guardianship – sole guardianship rests with the Director under the *Child, Youth and Family Enhancement Act* and is primarily carried out by the assigned caseworker within certain authorities delegated to a supervisory or management level.
- Temporary Guardianship – guardianship is shared between the Director and the parent for the term of the Temporary Guardianship Order. The caseworker will be the primary contact for guardianship consents/issues and may involve the parent in meetings and educational decisions.
- Custody Agreement with Guardian – although the Director has custody and provides a placement of a child, the parent is the guardian.
- Supervisions Order/Enhancement Agreement with Guardian – In the above noted legal statuses; the Director is involved providing supports and services to families where the child/youth remains in parental care and guardianship.
- Enhancement Agreement with Youth – for youth aged 16 – 18; the Director may enter into an Enhancement Agreement directly with the youth where it is deemed necessary and appropriate for the youth to live apart from their guardian. Normally this involves providing supports for independent living. The parent still remains the guardian.
- Support and Financial Assistance Agreement – this allows the Director to remain involved with and provide supports to youth aged 18 – 22 who was in the care/guardianship to the Director prior to their 18<sup>th</sup> birthday. (Primarily this would include financial and placement supports). As the youth is an adult, guardianship consent is no longer required.

Attachment A - Sample Request for Cum File

[Horizon school name]  
[Horizon school address],  
[Horizon school phone number], [Horizon school fax number]  
[Horizon school url]

[school name - from which student is coming]  
[school address – from which student is coming],

RELEASE OF STUDENT RECORD

The following student(s) have transferred from your school into [school name], in [town], Alberta.

| Student name | Grade | Date of Birth | ASN |
|--------------|-------|---------------|-----|
|              |       |               |     |
|              |       |               |     |
|              |       |               |     |
|              |       |               |     |
|              |       |               |     |

Horizon School Division is formally requesting the release of the student record. Please send, as soon as possible, the cumulative records and any pertinent information and / or confidential files that may apply to the above student(s).

I understand that the information is confidential and that the information is protected as outlined by the Freedom of Information Privacy and Protection Act.

|  |               |
|--|---------------|
| _____<br>Principal’s Signature<br>[principal name] | _____<br>Date |
|--|---------------|

*In accordance with the Alberta Education Student Record Regulations, “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” [2(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” [8(1)] “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” [8(2)]*