

Administrative Procedure 322 - Right of Access

Background

School staff have an obligation to act in loco parentis (in place of the parent) with respect to protecting the safety and rights of students while at school or on any school related activity. At the same time, schools have a duty to make information available to parents or others having a legitimate right of access to the student information, or to provide access to the student at appropriate times. It is the responsibility of the Principal to determine whether or not the request is appropriate, in consideration of [Administrative Procedure 180 Protection of Privacy](#) and [Administrative Procedure 320 Student Records](#).

Identifying the parents for each student registered in the school, and as such who has the legal right for access to the student and student information, is required because of legislation as well as a student's right to attend a particular school is based on the residence of the "parent" as defined under the relevant government legislation/regulations. It is the parent who exercises the various responsibilities, rights and entitlements under the relevant government legislation/regulations.

The Division expects all staff to follow applicable government legislation and regulations.

Procedures

1. Where a person claims to be a parent, or claims the existence of any limitation on the authority of the parent, the onus is on that person to provide proof of the claim. This is normally to be done through the school registration process, and updated any time there is a change in status. Updating such information is the responsibility of the parent.
2. Where the Principal is not satisfied with the evidence provided and where there is a dispute, and one of the parents is making a demand for access, the Principal shall:
 - 2.1 Inform the claimant of the obligation to provide documentation in support of the authority of the parent to access the child;
 - 2.2 Carefully review each agreement for authenticity so as to ensure that the school has the most recent order issued in proceedings with respect to the legal guardianship of the child;
 - 2.3 Ensure that any other individual claiming to have legal guardianship rights, has been given the opportunity to verify that the Division has the most recent and relevant documentation respecting legal guardianship and/or access to the student;
 - 2.4 In the event of a dispute, between the parent and the Principal, which results in a disturbance or interrupts the proceedings of the school, over the rights of access to the student, the Principal shall where the governing documents clearly deny the parent the right of access to the student take such steps as are reasonably

necessary to avoid the recurrence of the issue, which can include the issuance of an appropriate notice as per the relevant government legislation/regulations;

2.5 Consult with the Assistant Superintendent of Learning Services.

3. The Principal shall make a reasonable effort to ensure the safety of the student is not compromised until the matter is satisfactorily resolved. In so doing, the Principal is not to place themselves or staff in physical danger.

Reference: Section 1, 2, 11, 32, 33, 52, 53, 56, 196, 197, 222 Education Act
Child, Youth and Family Enhancement Act
Domestic Relations Act
Canadian Charter of Rights and Freedoms
Divorce Act
Family Law Act
Student Records Regulation 97/2019

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