



Peterborough Victoria  
Northumberland and Clarington  
Catholic District School Board

BOARD POLICY	
<i>Policy Section</i> <b>FOI/RECORDS MANAGEMENT</b>	<i>Policy Number</i> <b>303</b>
<i>Administrative Procedure Number</i> <b>AP-FOI-303</b>	<i>Page</i> <b>1 of 6</b>

## POLICY TITLE

Parental/Guardian Access to Student Information

### 1.0 PURPOSE

The Peterborough Victoria Northumberland and Clarington Catholic District School Board is committed to communicating with parents/guardians about the academic achievement of their child. Both parents/guardians shall have equal entitlement to information about their child unless a written Separation Agreement or Court Order to the contrary has been provided by either parent/guardian. The Board realizes that its prime responsibility is to the child and the following Policy and Administrative Procedure, although rooted in a legal framework, focuses on ensuring that the child's welfare is paramount.

### 2.0 POLICY

It is the policy of the Peterborough Victoria Northumberland and Clarington Catholic District School Board to provide parents/guardians with access to information about their child's education, health, and welfare while at school unless a written Separation Agreement or Court Order to the contrary has been provided by either parent/guardian.

### 3.0 GUIDELINES

- 3.1 The Board shall support the right of parents/guardians to access information regarding their child's academic achievement, health, and/or welfare while at school.
- 3.2 Student records shall be maintained in accordance with the appropriate Ontario Ministry of Education Regulation(s) and Guidelines, the Municipal Freedom of Information and Protection of Privacy Act and the Personal Health Information Protection Act.

- 3.3 Parents who are separated/divorced shall have the right to meet with the principal and/or teacher to discuss his or her child's academic progress and shall have access to his or her child's school records, unless a Separation Agreement or Court Order denies the right to such information.
- 3.4 In the event of a Separation Agreement or divorce, the Board shall follow the provisions of the Children's Law Reform Act, the Divorce Act, and the Child and Family Services Act in matters relating to access of student information by parents/guardians.
- 3.5 The Board shall support the documented decisions of the courts in matters relating to access to information which are on file in the school.
- 3.6 The Board shall be subject to the provisions of the Education Act, Section 305, and Ontario Regulation 474/00, Access to School Premises.
- 3.7 In the event of a situation that is not covered in 3.3, 3.4, or 3.5 above, the principal shall act in the best interests of student safety.
- 3.8 The Board shall respond to student information requests sensitively and openly in a way that respects the rights of the child and both parents/guardians.
- 3.9 If a parent or both parents have access to their child, then the parent or both parents have access to information regarding the child. This includes information contained in the student's Ontario Student Record ("OSR").
- 3.10 If both parents/guardians are living together, or separate and apart but under the same roof, both parents/guardians shall have equal rights to direct and be involved with all aspects of their child's education, subject to a Separation Agreement or a Court Order.
- 3.11 Custody disputes between parents or other family members may be complicated by the fact that legal custody of the child has not been assigned. In situations where the mother and father are living separate and apart and there is no specific Separation Agreement or Court Order, instructions from the parent with whom the child lives shall be respected. The parents shall be advised that these instructions shall only temporarily be followed and that a Separation Agreement or Court Order must be obtained.

- 3.12 Where the mother and father are living separate and apart and there is a Separation Agreement or Court Order, but there is no mention in the Separation Agreement or Court Order of access to information, the principal may request that the parents return to court if they cannot come to agreement and have the Separation Agreement amended and such terms placed therein or have the terms regarding access to information placed in the Court Order.
- 3.13 Parental access to psychological reports shall be in accordance with Board Policy re: Psychological Reports.

#### **4.0 TERMS AND DEFINITIONS**

##### **4.1 ACCESS**

Access includes the right to visit with and be visited by the child and the same right as a custodial parent to make inquiries and to be given information as to the health, education, and welfare of the child, subject to any restrictions or conditions on those rights which are contained in a Separation Agreement or Court Order.

##### **4.2 CUSTODY**

Custody refers to the rights and responsibilities of a parent in respect of a child, including the right to physical access and the right to make decisions with respect to the child's health, education, and welfare in the best interests of the child.

##### **4.3 LEGAL CUSTODY**

The parent with legal custody can make all decisions regarding the health, welfare, and education of the child.

##### **4.4 PHYSICAL CUSTODY**

Physical custody determines which parent has the actual, physical right to be with and to have the child with him or her.

#### 4.5 SOLE LEGAL CUSTODY

One parent is awarded sole legal custody; that parent makes all decisions regarding the health, education, and welfare of the child (and the other parent has no input on these decisions).

#### 4.6 SOLE PHYSICAL CUSTODY

One parent is given sole physical custody; the child remains with him or her and the other parent is excluded from having physical custody of the child (for example, when the other parent has abused or neglected the child).

#### 4.7 JOINT LEGAL CUSTODY

Joint legal custody is where both parents participate in reaching decisions regarding the health, education, and welfare of the child.

#### 4.8 JOINT PHYSICAL CUSTODY

Both parents have the ability to be with the child. Typically joint physical custody is coupled with a parenting plan to determine who will be with the child at what particular time.

#### 4.9 SHARED CUSTODY

Shared custody is where both parents equally share the legal and physical custody of the child. This is typically found only where both parents are able to resolve their personal differences and keep them in check for the sake of raising the child in a caring, nurturing environment.

#### 4.10 PARENT

A parent is the lawful and natural father or mother of a person. The word does not mean grandparent or ancestor, but can include an adoptive parent.

#### 4.11 GUARDIAN

Guardian is defined as a person, other than a parent, who has lawful custody of a child, as established by Court Order.

#### 4.12 FOSTER PARENT

A foster parent is a person who acts as parent and guardian for a child in place of the child's natural parents but without legally adopting the child.

#### 4.13 STEP-PARENT

A step-parent is the spouse of a child's parent by a subsequent marriage.

#### 4.14 CUSTODIAL PARENT

The custodial parent is the term that is used for the parent who has primary physical custody of a child. Typically the child resides with the custodial parent. Often the child is either with the custodial parent or the non-custodial parent, but not both. This arrangement comes about as a result of the separation of the parents and both parents maintaining separate residences. The child resides with the custodial parent most of the time and the non-custodial parent spends time with the child during periods of child visitation. This way, both parents are able to spend time with the child despite having separate residences. If both parents have access to the child, they, therefore, both have access to the information about their child.

#### 4.15 NON-CUSTODIAL PARENT

The term non-custodial parent is used for the parent who has the child for a lesser amount of time. Typically the child does not reside with the non-custodial parent except during the time that the non-custodial parent exercises his or her visitation right with the child.

#### 4.16 ONTARIO STUDENT RECORD (OSR)

The OSR is the record of a student's educational progress through schools in Ontario. The Education Act requires that the principal of a school collect information "for inclusion in a record in respect of each pupil enrolled in the school and to establish, maintain, retain, transfer and dispose of the record". The Education Act also regulates access to an OSR and states that the OSR is "privileged for the information and use of supervisory officers and the principal and teachers of the school for the improvement of instruction" of the student. Each student and the parent(s) of a student who is not an adult (that is, a student who is under the age of 18) must be made aware of the purpose and content of, and have access to, all of the information contained in the OSR.

**5.0 REFERENCES/RELATED DOCUMENTS**

Education Act, R.S.O. 1990, c.E.2, Section 305  
Ontario Regulation 474/00, Access to School Premises  
Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990,  
c.M.56  
Children's Law Reform Act, R.S.O. 1990, c. C.12, as amended  
Family Law Act, R.S.O. 1990, c. F.3, as amended  
Child and Family Services Act, R.S.O. 1990, c. C.11, as amended  
Divorce Act, R.S.O. 1985 (2nd Supp.), c. 3, as amended  
Ministry of Education, OSR Guidelines

**6.0 RELATED POLICIES**

Policy 305, Records and Information Management  
Policy 307, Ontario Student Record (OSR)  
Policy 308, Municipal Freedom of Information and Protection of Privacy

**7.0 RELATED FORMS****8.0 APPROVED BY BOARD**

October 26, 2010

**9.0 EFFECTIVE DATE**

October 26, 2010

**10.0 POLICY REVIEW DATE**

October 2015

**11.0 REVIEW BY**

Communication Services