



BOARD ADMINISTRATIVE PROCEDURE	
<i>Administrative Procedure</i>	<i>Administrative Procedure Number</i>
<b>Access to Students in Schools</b>	<b>1204</b>
<i>Directional Policy</i>	
<b>1200 – Records and Information</b>	

**Title of Administrative Procedure:**

Access to Students in Schools

**Date Approved:**

October 4, 2022

**Projected Review Date:**

October 2027

**Directional Policy Alignment:**

The Access to Students in Schools Administrative Procedure aligns with Directional Policy 1200 – Records and Information Management by establishing a consistent procedure and process for the equitable application of separation agreements, parenting orders, contact orders or other court issued documents at the school level.

**Alignment with Multi-Year Strategic Plan:**

The Access to Students in Schools Administrative Procedure supports the Board’s Multi-Year Strategic Plan to value relationships and maximize resources.

[PVNCCDSB Board Vision, Mission and Strategic Priorities](#)

**Action Required:**

The Peterborough Victoria Northumberland and Clarington Catholic District School Board is committed to ensuring the safety and well-being of students by adhering to the terms within parenting orders, separation agreements, contact orders, and other court issued documents that have been established under the Federal Divorce Act or the Provincial Children's Law Reform Act.

All schools will endeavour to ensure that copies of current separation agreements, parenting orders, contact orders or other court issued documents are routinely sought and retained in individual student Ontario Student Record (OSR) folders as well as documented in the student information system. These shall be referred to when parents or other legal guardians want to physically access a student, make a school-based decision impacting a student and/or request access to information pertaining to the student. It is the responsibility of the parents/guardians to update school administration on any changes to orders and/or agreements and to provide the school with up-to-date court issued documents.

Where parents are not officially separated or divorced or where an order, agreement or other court issued legal document do not exist, both parents are equally entitled to physical access of students and can make school-based decisions. However, in the situation where parents cannot agree on school-based decisions, the principal shall attempt to facilitate an agreement. If consensus cannot be reached, the principal shall act in the best interests of student safety and well-being.

Where the school has been provided a restraining order, the terms of the order will be upheld by the school administration including contacting the police for assistance and intervention if necessary.

**Responsibilities:****The Board of Trustees is responsible for:**

- Ensuring alignment of this administrative procedure with the Records and Information Directional Policy;
- Reviewing this Administrative Procedure as part of its regular policy and procedure review cycle.

**The Director of Education is responsible for:**

- Designating resources for ensuring the implementation of and compliance with this Administrative Procedure.

**Superintendents of Schools and System Portfolios are responsible for:**

- Ensuring school principals are consistent with the application of this Administrative Procedure.
- Ensuring that any employee for whom they have supervisory responsibility are aware of the requirements under this Administrative Procedure.
- Assist the school principal with responsibilities and duties as assigned.

**Principals and Vice-Principals are responsible for:**

- Handling inquiries and issues regarding the application of parenting orders, separation agreements and other court issued documents.
- Applying the terms of parenting orders or other court orders appropriately to school-related matters and ensuring relevant staff are trained to respond accordingly.
- Referring an exceptional issue to the school superintendent or other subject matter experts within the school system.
- Taking reasonable steps to prevent unauthorized access to a student by a non-custodial parent.
- Enforcing a restraining order, including, where necessary, contacting the police for assistance and intervention and supporting parents who have restraining orders to help them meet the safety needs of themselves and their children.

**Staff are responsible for:**

- Documenting and referring to parenting orders, separation agreements and other court documents in the OSR and student information system.
- Forwarding inquiries related to parenting time and decision-making responsibility to the school principal.
- Referring the matter to the school principal if asked to provide information or testimony to a parent's lawyer or if subpoenaed to family court.
- Normally arranging one parent-teacher interview to which both parents and guardians are invited. However, if that is not possible, the matter will be referred to the school principal.

**Students are responsible for:**

- Respecting the terms of the parenting order, separation agreement or court document.
- Advising school staff if they are receiving assistance through the Ontario Works program as this requires student consent before parents can access the student and/or their school held information. A student must be between 16 and 18 years of age to qualify to receive assistance.

**Parents/guardians are responsible for:**

- Providing their children's school(s) with up-to-date copies of separation agreements, parenting orders or other court documents and notifying the school with respect to any changes.
- Complying with the decisions of the school administration.
- Organizing custody arrangements such as drop-offs and pick-ups without involving the school staff or school property.
- Communicating transportation arrangements to the school accordingly.

**Progress Indicators:**

- School administrators will communicate that this Administrative Procedure has contributed to the equitable application of separation agreements, parenting orders, contact orders or other court issued documents at the school level.

**Definitions:****Access**

Access refers to the time an individual is primarily responsible for the child whether or not the child is physically with that person during that entire time or not, for example, when the child is in school.

**Access to Information**

All instruction regarding a person's access to a child (parenting time) and their decision-making responsibilities includes access to information about the student pertaining to health, education, and welfare unless where restricted by law.

**Contact Order**

Contact Order means an order made under section 28 of the Children's Law Reform Act regarding contact to a child. A Contact Order can be issued by a court of law and can apply to parents and non-parents such as grandparents.

**Court Order**

See Parenting Order

**Custody**

Custody is the right to make important decisions about the care and upbringing of a child in accordance with The Children's Law Reform Act. Custody includes the right to make decisions regarding the child's religion, school and educational programs, and medical treatment. Different types of custody include sole custody, joint custody, share custody, and split custody. In Ontario law (Children's Law Reform Act), guardianship is referred to as custody.

**Decision-Making Responsibility**

Decision-making responsibility is the responsibility for making significant decisions about a child's well-being, including with respect to health, religion, and education in accordance with the Divorce Act. It also equates decision-making responsibility to guardianship.

**Legal Guardian**

In Ontario, parents are automatically guardians of their children, unless that right has been removed by a court. For another person, who is not the child's biological parent, assuming legal guardianship also requires the status to be specifically appointed by a court.

A guardian of a minor is responsible for protecting that minor by making decisions that are in the minor's best interests including decisions related to health-care and education. Under the application of the Education Act, a minor is a person who is under the age of majority; that is, under the age of 18.

Guardianship is referred to as "custody" in Ontario law (Children's Law Reform Act) and "decision-making responsibility" in Canadian laws (Divorce Act).

Step-parents or common law partners have no right to access students or information about the student unless they have legally adopted the child or have had rights assigned in a written court order.

**Ontario Student Record (OSR)**

The Ontario Student Record is the official record required by the Ministry of Education that documents the educational progress of the student such as achievement results, credits earned, and other information important to the education of the student.

**Ontario Works Program**

A provincial program that provides money for food, shelter, and other costs to people in financial need who meet the eligibility criteria.

**Non-Custodial Parent**

A non-custodial parent has had physical access to their child revoked by a court of law and documented in a Parenting Order or other court issued document. This parent will continue to have access to information about their child's health, education and welfare unless the Parenting Order or other document specifically states otherwise and normally does not have decision-making responsibility.

**Parent**

When the term parent is used, it also refers to Legal Guardian.

**Parenting Order**

When parents' divorce, and as per the Federal Divorce Act, a Parenting Order is issued by a court of law that provides for the exercise of parenting time and decision-making responsibility. It applies only when parents divorce.

Also, Parenting Order means an order made under section 28 of the Children's Law Reform Act respecting decision-making responsibility or parenting time with respect to a child and can apply to parents and non-parents such as grandparents.

**Parenting Time**

Parenting time means access to a child as described in a Parenting Order issued by a court of law and in accordance with the Federal Divorce Act awarded to parents and non-parents such as grandparents.

**Restraining Order**

A restraining order is issued from a family court judge, which means that the person to whom it applies will not be able to:

- come within a certain distance of a parent and/or the children
- come within a certain distance of their home and a parents' workplace
- talk to or contact a parent and/or the children except through someone else

If this person does not follow the restraining order, they can be arrested and charged.

**Separation Agreement**

When parents separate, under Part IV of the Family Law Act, a Separation Agreement is issued that provides for the custody (decision-making rights) and access (visitation rights or the right to have the child physically with the parent).

The Separation Agreement applies a) prior to a Parenting Agreement, b) when parents are not divorcing, c) parents live common-law, or d) parents do not cohabit but have a child together.

**Student Information System**

The board's electronic database containing student information and achievement data.

**References:**

[Divorce Act R.S.C., 1985, c. 3 \(2nd Supp.\) s16.1](#)

[Children's Law Reform Act, R.S.O. 1990, c. C.12](#)

[Family Law Act, R.S.O. 1990, c. F.3](#)

[Education Act, R.S.O. 1990, c. E.2 ss170, 171; reg.474/00, 298/90](#)

[Municipal Freedom of Information and Protection of Privacy Act R.S.O., 1990, C.m.56](#)

**Supporting Documents:**

Appendix A – Restraining Order Checklist for School Principals

Appendix B – A Checklist for Parents Informing School Staff About a Restraining Order

**Related Policy and Procedure:**

[DP 1200 – Records and Information](#)

[AP 1201 – Records and Information](#)

[AP 1202 – Protection of Privacy](#)

[AP 1203 – Ontario Student Records Management](#)

[AP 1207 – Freedom of Information](#)