



## ACCESS OF NON DECISION-MAKING (NON-CUSTODIAL) PARENTS TO PUPILS AND TO PUPIL ACADEMIC RECORDS

Responsibility: Freedom of Information, Privacy and Information Management Officer

Legal References: Education Act  
Divorce Act  
Child, Youth and Family Services Act  
Children's Law Reform Act  
Age of Majority and Accountability Act  
Ontario Human Rights Code  
Family Law Act

Related References: [Child Decision-Making \(Custody\) and Parenting Time \(Access\) Agreements: Impact on Access to Students, Student Information & Education Decision-Making Guidelines](#)

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### 1. Preamble

The procedures that follow provide expectations and guidelines regarding the access of non decision-making (non custodial) parents to pupils on school premises, beyond the limits of school property, and access of non decision-making (non custodial) parents to pupils' academic information.

Refer to the Child Decision-Making (Custody) and Parenting Time (Access) Agreements guidelines for information on rights of access to students, to student information, and educational decision-making in relation to all other types of family separations.

### 2. Physical Access on School Premises

- 2.1 When a child of separated parents is attending school or initially enrolling, the principal may not know about the disrupted marital relationship. In this case, access to the child by both parents is acceptable.
- 2.2 If the principal is aware of the marriage breakdown, the principal shall request a photocopy of the most current Court Order or Separation Agreement dealing with decision-making (custody) and parenting time (access). This will ensure that the principal has definitive proof regarding decision-making, (custody) and parenting time (access) rights.

2.2.1 The principal shall review the Order or Separation Agreement on file and determine whether the non decision-making (non custodial) parent is entitled to access to the child as requested.

2.2.2 If the Order or Separation Agreement does not permit any parenting time (access) and the non decision-making (non custodial) parent feels they have a right of access, the principal shall ask the non decision-making (noncustodial) parent if the Order or Separation Agreement has been updated with a more recent Court Order or an Amending Agreement which permits the non decision-making (noncustodial) parent access. If so, ask for a photocopy of the new Order or Amending Agreement. If no documentation is available, follow the original order.

2.2.3 If the Order or Separation Agreement provides for “reasonable parenting time (access) on reasonable notice” or something similar, the principal should contact the decision-making (custodial) parent and inform him/her that the non decision-making (non custodial) parent has made arrangements to pick the child up.

2.2.4 If the non decision-making (non custodial) parent insists upon visiting or removing the child from the school when access is not allowed, the principal should request that the decision-making (custodial) parent attend the school to assist the principal in dealing with this situation. The principal should suggest the non decision-making (non custodial) parent cease attending school premises under these circumstances.

2.2.5 If such action does not solve the problem, the principal should refer the matter to the appropriate superintendent.

2.2.6 If the non decision-making (non custodial) parent becomes agitated, abusive or threatening, the principal must consider the safety and welfare of the child, the other students and the school staff. If necessary, the police must be contacted to remove the non decision-making (non custodial) parent from the school premises. Warning about trespass should be given.

### **3. Physical Access Beyond Limits of School Property**

If the non decision-making (non custodial) parent meets the child beyond the limits of school property, it is a matter for the decision-making (custodial) parent and/or that parent’s lawyer to handle. It is advisable to inform the decision-making (custodial) parent of such a meeting when the principal is aware of the situation. No further action should be taken by school officials in relation to incidents beyond the limits of school property.

### **4. Supporting Information**

4.1 The Age of Majority and Accountability Act provides that a person is an adult upon attaining the age of eighteen years. Accordingly, the principal has no jurisdiction to prevent an eighteen year old, or a married student under the age of eighteen years, from leaving school with a non custodial parent.

- 4.2 Persons declaring themselves to be parents but not known by school personnel may be properly asked for identification by the principal. If there is no anxiety or declarations of inaccessibility on the part of the student, identification can often be made by simply getting the student and parent together for verification of the relationship.
- 4.3 If challenges continue to exist in a family situation despite the information outlined in this procedure and the related Child Decision-Making (Custody) and Parenting Time (Access) Agreement guidelines, contact the board's Freedom of Information, Privacy and Records Information Management Officer.
- 4.4 The Ontario Human Rights Code and Board Policy 1017 - Human Rights prohibit discrimination based on family status and marital status; following the requirements outlined in this procedure does not amount to discrimination under the Code.

## **5. Access to Academic Information**

Unless a Court Order or Separation Agreement otherwise provides, non decision-making (non custodial) parents with parenting time (access) may have access to records regarding the health, welfare, academic progress, attendance, behavior or any document that would otherwise be available to the decision-making (custodial) parent.