

Christ the Teacher Catholic Schools

ADMINISTRATIVE PROCEDURES

SECTION: 300 - STUDENTS

CODE: AP 330

PROCEDURE: **RIGHT OF ACCESS**

BACKGROUND

Schools 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. At the same time, schools have a duty to make information available to parents, guardians or others having a legitimate interest in the child or to provide access to the child at appropriate times. It is the responsibility of the Principal to determine whether or not the request is appropriate. The following procedures may assist in cases where disputes arise.

Definitions

Custody is a parent's right and responsibility to care for a child. Custody includes the legal right to make decisions regarding a child's schooling, religious upbringing, health care, and participation in extracurricular activities. It also includes the right to have the child live with the parent.

Sole Custody is where only one parent has the right and responsibility to care for the child and the child lives with the parent.

Shared Custody occurs when both parents share in the right and responsibility to care for the child. The child can live with each parent part of the time, or with only one parent while both parents share in the child's upbringing.

Access refers to the right of the child to spend time with the non-custodial parent. The purpose of access is to allow the child to continue to have a relationship with the other parent. Access cannot be refused because of problems related to child support. The parent with access can spend time with the child, and has the right to receive information about the child's education, health and general wellbeing.

Access may be left open, so that the parents can decide together when visiting will happen, or allowed only at certain times on certain days. Also, a court may refuse access or order supervised access if the parent who wants access is violent, will neglect the child, or will put the child in danger.

PROCEDURES

1. The onus is on the parent/guardian or other party to provide evidence or documentation in support of their claim to guardianship, custody or access to the child. This is normally done through the school registration process and updated any time there is a change in status.
2. Where the Principal considers there to be a threat to the safety of the child, a staff member or herself/himself, she/he shall call the RCMP, school counsellor as well as the Department of Community Resources & Employment at 786-1300.
3. The Principal shall make every effort to ensure the safety of the child is not compromised until the matter is satisfactorily resolved. In so doing, the Principal is not to place herself/himself or staff in physical danger.
4. In cases where the Principal is unsure of the action to take, and if circumstances permit, the Principal shall contact the School Counsellor or Director's office for clarification.

Reference: Sections 85, 87, 108, 109, 175, 231 Education Act
Sections 11, 12, 17, 18, 81 Child and Family Services Act
Emergency Protection of Victims of Child Sexual Abuse and Exploitation Act
Youth Criminal Justice Act
Canadian Charter of Rights and Freedoms

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