

Administrative Procedure 322

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.

District schools operate under the "Protocol and Guidelines for Child Welfare Workers and School Personnel" approved by Alberta Education and Alberta Children's Services. The following procedures may assist in cases where disputes arise.

Procedures

1. The onus is on the parent/guardian or other party to provide evidence (documentation) in support of their claim to guardianship, custody or access to the child. This shall normally be done through the school registration process, and updated any time there is a change in status.
2. Where the Principal is not satisfied with the evidence provided, and where there is a dispute, the matter shall be referred immediately to the nearest office of the Child Welfare Department of the Child and Family Services Regional Authority, prior to the release of the children.
3. Where the Principal considers there to be a threat to the safety of the child, a staff member, or her/himself, he/she shall call the R.C.M.P. as well as the Child and Family Services Regional Authority.
4. 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 should not place her/himself or staff in physical danger.
5. In cases where the Principal is unsure of the action to take, and circumstances permit, the Principal shall contact the Superintendent's Office for clarification.
6. Definitions:
 - ◆ Guardianship refers to the rights and responsibilities of an individual/agency to make decisions on behalf of a child.
 - ◆ Custody refers to the individual or agency that is actually providing support services to the child.

- ◆ Access refers to those who may (usually by court order) have access to the child. This may range from unlimited access to conditional access.

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Reference: Section 1, 27, 60, 61, School Act
Protocol and Guidelines for Child Welfare Workers and School Personnel