



ACCESS TO STUDENTS AND STUDENT RECORDS

Context

Three (3) statutes govern access to students and their records: the British Columbia School Act, the Canada Divorce Act (CDA), and the British Columbia Child, Family, and Community Service Act.

1. Section 1 of the School Act defines “parent” in respect of a student or of a child registered under Section 13 as
 - 1.1. a parent or other person who has guardianship or custody of the student or child, other than a parent who, under an agreement or order made under the Family Law Act that allocates parental responsibilities, does not have parental responsibilities in relation to the student’s or child’s education, or
 - 1.2. a person who usually has the care and control of the student or child.
2. Section 1 of the School Act defines “student record” as:
 - 2.1. A record of information in written or electronic form pertaining to a student or francophone student, or a child registered under Section 13 with a school or a francophone school, but does not include a record prepared by a person if that person is the only person with access to the record, or a record of a report under Section 14 (1) or 16 (3)(b) of the Child, Family and Community Service Act or of information that forms the basis for a report under Section 14 (1) of that Act.
3. Section 9 of the School Act states that “a student and the parents of a student of school age are entitled:
 - 3.1. on request and while accompanied by the Principal or a person designated by the Principal to interpret the records, to examine all student records kept by a Board pertaining to that student, and
 - 3.2. on request and on payment of the fee, if any, charged under subsection (2), to receive a copy of any student record that they are entitled to examine.”

Further, a Board may, for any copies of student records...charge a fee that does not exceed the cost to the Board of providing the copies.

4. Section 16(5) of the CDA provides that "unless the court orders otherwise, a spouse who is granted access to a child of the marriage has the right to make inquiries, and to be given information, as to the health, education, and welfare of the child".

Procedures

1. The Principal or Vice-Principal should request a copy of a court order in support of any notification that a parent or guardian no longer has access to a child registered at the school or advise the person making the request must obtain a court order.
2. If provided with a legal court order, the Principal or Vice-Principal must respect the order concerning access to a student attending the school. The court order may include information about who is authorized to pick up the child from school, what information may be provided to the non-custodial parent, and the role of the non-custodial parent at school activities and events. It should be noted that a non-custodial parent with “access”, under the CDA, has the same right to a parent/teacher conference as a custodial parent unless otherwise specified in a court order.
3. The procedure above will apply in most instances. However, if in doubt, the Principal or Vice-Principal should contact the office of the Deputy Superintendent.

Relevant Board Policy: N/A

Developed by: Deputy Superintendent of Schools

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Related Documents: N/A