



1. Purpose

To establish access to pupils according to the *Education Act* and *Freedom of Information and Protection of Privacy Act*.

The Catholic District School Board of Eastern Ontario permits access to or interviews with pupils within the schools, other than by staff or consultants to the Board, only with the prior consent or in the presence of the custodial parents, and generally in the presence of the principal.

DEFINITIONS

Classes of Persons Seeking Access/Interviews

Persons who may seek to have access to or to interview pupils enrolled in Board schools may be divided into five classes:

- 1) Board teaching and support staff, and external consultants retained on behalf of the Board;
- 2) Custodial parents (including guardians) and their delegates; Non-custodial parents;
- 3) Police;
- 4) Family and Children's Services; and
- 5) Others.

Before permitting access, it is the responsibility of the principal to ascertain the class into which the person seeking such access may fall, and to apply these Procedures accordingly.



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2. Administrative Procedures

1) Appointment for Access/Interviews

School communities plan and schedule activities for the general benefit of the pupils enrolled in the school, or for individual pupils. Persons seeking access to pupils during such times may disrupt these activities to the detriment of the pupils involved. In all cases, therefore, persons seeking access to pupils are expected to make an appointment in advance so that mutual convenience and minimal disruption may be assured.

This may not strictly apply to Board staff or to Board consultants, at least to the extent that they regularly attend the school in discharge of their duties and make suitable arrangements with the principal.

2) Report to the Office

Upon arrival at the school, persons seeking access to pupils are required to report to the office, thus giving the principal the opportunity to meet them. Such persons shall be requested to sign the Visitor's Book, stating name, and reason for the visit.

This does not apply to Board staff and generally does not apply to Board consultants, both of whom regularly attend the school in performance of their duties.

3) Identification of the Person

Because of the obligation of the Board, the principal, the Teachers, and other staff, to safeguard the welfare of the pupils in appropriate cases, the Principal must be satisfied that the visitor is the person who he/she purports to be.

Unless the visitor is known to the Principal, proper identification should, with sensitivity and discretion, be insisted upon. This may be accomplished, among other ways, by:

- a) personal identification of the visitor by someone in the school
- b) production of a driver's license



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- c) verification of information given by the visitor against information contained in school records.

4) Refusal of Access

- a) Where, because of demeanor or other reason, the Principal determines that the presence of the visitor would be detrimental to the physical or mental well-being of a particular pupil or of the pupils generally, the Principal has the power under the *Education Act* to, and should, refuse admission to the visitor. However, the Principal is required to advise the visitor that he/she has the right to appeal that refusal directly to the Board through the Director of Education. This does not apply to Board staff or to Board consultants.
- b) Unauthorized visitors to the school will be questioned and, if permission to remain on the premises is not granted, they will be asked to leave. A suitable verbal directive will be given by the Principal/designate (in the presence of a witness if possible) indicating that the person is in violation of the trespass policy.
- c) If the subject refused to comply, the police will be called. In such an event those involved will record the following information:
- the name and address of the trespasser, if known;
 - a description of the individual's hair, size, clothing, etc.;
 - details of the incident;
 - license and description of any vehicle used by the trespasser; and
 - if feasible, a camera may be used to photograph the trespasser.
- d) Trespassers will be issued the appropriate Trespass Notice. This notification will be either hand delivered in the presence of witnesses or will be delivered by registered mail, with copies of the notification sent to the police. Subsequent incidents of trespassing will result in charges being laid.
- e) When deemed necessary by the Principal/designate, appropriate Board supervisory personnel will be informed of incidents of trespassing; and



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- f) Former students of the school will be advised that they are no longer registered students of the school and, as such, they are required to follow the rules for visitors to that school.

5) Access to Information

Even if a person has a right to be present in the school operated by the Board, and may be given access to a pupil, such right does not carry with it the right to have access to information in the possession of the Board, the Principal or the School. Staff should consult the specific policy of the Board related to such access. *See Note 2*

6) Access by Board Staff and Consultants to the Board

Because the work of the Board covers such a wide variety of activities, some educational in character (specialists, itinerant staff, related professionals, etc.) And some not (building construction and maintenance, air quality, etc.), the needs of the pupils and staff are served by many persons whose duties take them from school to school. Principals may not always be familiar with all who attend their schools for the purpose of supplying these services. Once they have been identified as Board staff or consultants, the regular school staff is expected to co-operate as required in order that their skills may be applied for the benefit of the particular pupils they are to serve.

Neither the presence nor the prior consent of the custodial parent is required for access to pupils by Board staff or consultants except where consent is required by law or by Board policies or procedures.

7) Access by Custodial Parents and their Delegates

It has long been an understanding of the Board that the schools under its jurisdiction should have as a major objective the fostering of close school/community relations, particularly as a means of encouraging parents to take a substantial interest in the activities of the school and the participation of children in such activities. This objective of course, must be seen in the light of the obligation of the Board with respect to the overall educational process within each individual school.



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In the vast majority of cases, therefore, the Principal will co-operate with the custodial parent who wishes to visit with one or more of his/her children, even during school hours when classes or other activities are in progress. This co-operation will generally be extended to a person who is known to be the delegate of the custodial parent. **The decision to refuse such access, or to impose controls on such access, must be exercised with considerable care and delicacy.**

8) Access by Non-Custodial and Separated Parents

Where the parents of a pupil are separated or divorced, the person seeking access to the pupil may be the parent other than the parent with whom the pupil is then living. Care should be taken that the school is not drawn into the middle of a domestic dispute and used as a tool by one parent against the other, or even (no matter how unlikely) to ensure that the school does not become an unwitting participant in a kidnapping. Although it is clear that a separated or divorced parent remains a parent and is therefore entitled to access to the pupil unless and until the right of access is removed by Court Order or by a term of a separation agreement, it is the practice of the Board to require the consent of the custodial parent before such access is given to the non-custodial parent. In the best interest of the pupil, primary recognition and respect should be given to the decision of the parent with whom the pupil is residing.

9) Access by Police

Despite a desire to co-operate fully with the police, the Board only reluctantly permits police officers to question a pupil in school, and then only when there is no other reasonable alternative. In the event that the police are proposing to arrest a pupil, they should be specifically requested to refrain from doing so in the school or on school property, except if there is known and serious risk of harm to one or more persons.

In addition to compliance with requirements of the statement of Policy and of Procedures 2, 3, 4 and 6 above, the following additional provisions apply when police seek to interview a pupil:

- a) the police officers should be requested to attend the school in plain clothes, not in uniform;
- b) the police officer, and subsequently the custodial parent(s), must be advised,



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specifically on that occasion, that it is the preference of the Board that:

- the interview take place only with the prior knowledge and consent of the custodial parent(s) ;
 - the interview take place in the presence of the custodial parent(s); and
 - the custodial parent is requested to be present.
- c) whenever the Principal cannot speak to the custodial parent in advance, as required in 9(b), the Principal should use his/her own judgment as to permitting access, depending upon the particular circumstances of the case;
- d) no part of the interview will take place, and no questions will be put to a pupil, in the presence of other pupils;
- e) a support person as requested and chosen by the pupil should, whenever possible, be present at the interview;
- f) the Principal or designate may at his/her request be present, unless:
- the pupil refuses, or
 - the police officer convinces the Principal that such attendance will not be in the best interest of the pupil.;
- g) unless it is not possible to do so in the circumstances, the interview and all questioning shall take place in the privacy of the office of the Principal or in another room designated by him/her;
- h) every effort reasonable in the circumstances shall be made to cause as little embarrassment as possible to the pupil who is interviewed/questioned.



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10) **Access by Family and Children's Services**

In the case of a child who is a ward of the Crown or a Children's Aid Society, Family and Children's Services, by law, stands in the role of the parent. All of the above procedures that deal with the custodial parent apply equally to such Family and Children's Services.

In addition, Family and Children's Services have an obligation by law to afford protection to children in need thereof, and for this purpose, have the power to apprehend such children. Staff should consult the specific policies of the Board related to these matters.

11) **Access by Others**

As a general rule, no access to or interviews with a pupil will be permitted to persons who do not fall into the categories described in clauses a) through e) of Procedure 1. If permitted at all, it is not the responsibility of the Principal to seek the consent of the custodial parent(s); in such cases, however, it is the duty of the Principal to be satisfied that the consent has been obtained and that the custodial parent has been encouraged to be present.

Note 1: In any case in which there is some question, doubt, or difficulty, the Principal should seek the guidance of the appropriate Supervisory Officer.