

# STUDENT RECORDS – PARENT’S RIGHT TO INFORMATION

## Background

The District recognizes that positive communications between home and school contribute to student success and that parents/guardians are entitled to student records pursuant to the School Act. Students have rights of access to their own records under the School Act and the Freedom of Information and Protection of Privacy Act (FIPPA). Parents or guardians may exercise these rights on behalf of children, in accordance with the Family Law Act, who are too young to exercise them for themselves. The School Act also recognizes a “joint” right of students and parents to inspect student records, as defined in the School Act.

## Procedure

The Board will allow access to student records to parents and guardians to the extent legally permissible. In making decisions regarding the disclosure of student records to a student's parents/guardians, the Board will be guided by the School Act, the Freedom of Information and Protection of Privacy Act, other relevant legal considerations, and the best interests of the student.

1. Parental access to student records and student information is guided by the following definitions:
  - 1.1 School Act refers to legislation governing educational programming in British Columbia
  - 1.2 Family Law Act refers to legislation governing parental rights and access in British Columbia
  - 1.3 FIPPA refers to the Freedom of Information and protection of Privacy legislation which governs access and disclosure of information in British Columbia
  - 1.4 Parent refers to a parent or person who has guardianship or custody of the student, unless under an agreement or order under the Family Law Act that person does not have parental responsibilities in relation to the student’s education; or a person who usually has the care and control of the student
  - 1.5 Guardian refers to a parent by birth, Court Order or adoption. When a child's parents live together, both parents are the child's guardians (have guardianship). When the parents separate, both parents continue to be guardians unless they agree to change this or a court orders a change. A court can give guardianship of a child to a non-parent. Guardians are responsible for making all decisions about their child, including about daily care and supervision, education, health care, cultural or religious upbringing, and where the child will live.

- 1.6 Parental Responsibility refers to the responsibilities guardians have for the children in their care, including decisions about daily care, education, religious upbringing, extracurricular activities, etc. After separation or divorce, guardians can share parental responsibilities in whatever way that's in the child's best interests, as decided by formal or informal agreement or court order
  - 1.7 Parenting Arrangements refers to the arrangements made for parenting responsibilities and parenting time in a court order or agreement between guardians. Parenting arrangements don't include contact with a child
  - 1.8 Court Order refers to an official proclamation by a judge (or panel of judges) that defines the legal relationships between the parties.
2. Under the School Act, a student, and the parents of a student, are entitled, on request, and while accompanied by the principal or designate, to examine all student records pertaining to that student and upon request and on payment of any applicable fee, to receive a copy of any such record.
    - 2.1 To exercise the rights of a parent under the School Act, including accessing student records, a person must either be:
      - 2.1.1 a parent or person who has guardianship or custody of the student, unless under an agreement or order under the Family Law Act that person does not have parental responsibilities in relation to the student's education; or
      - 2.1.2 a person who usually has the care and control of the student.
    - 2.2 People who have parental responsibilities under a Court Order or Agreement are entitled to access and examine student records in accordance with that Order or Agreement. If not specified, that right would normally include the right to receive report cards and attendance information.
    - 2.3 A person who maintains guardianship but has no parental responsibilities by Court Order does not have the rights to access student information as a parent under the School Act.
    - 2.4 A person who has lost guardianship status by Court Order has no access rights to student information under both the Family Law Act and the School Act.
    - 2.5 Where there is any question about status of a parent to access records the requesting individual will be asked to show proof of access privileges through the presentation of appropriate documentation or Order and the Principal may seek advice from the District.
  3. Student records or information cannot be released generally to third parties without the written consent of the parent.

4. Where school administrators receive requests for information or require direction regarding the disclosure of student records where consent has not been provided, contact will be made with the parent who has the most parental responsibilities with respect to the education of the child.
5. Where more than one person has equal parental responsibilities with respect to a student's education, however, both parents will be contacted for direction on access student records.
6. Where parents with equal responsibility are in disagreement over the release or disclosure of student information, it is the parents' responsibility to resolve the dispute by agreement by a Court Order.
7. Where statutory authority exists the school is required to provide student information to third parties without the consent of the parent or guardian. Statutory authority may include the Vancouver Police Department, RCMP, Canada Border Services Agency, or the Ministry of Children and Family Development. Statutory authority does not include legal counsel or ICBC.
8. It is the sole responsibility of any person seeking to exercise parental rights with respect to the education of a child, or to prevent another person from exercising their parental rights with respect to that education, to provide the school with copies of any legal documentation, usually in the form of a Court Order or Agreement, which stipulates relevant parental responsibilities.
9. If there is a change in the legal status of the parents, it is up to the parents to bring it to the attention of the school. The school should request a copy of the changed order or agreement.
10. Questions concerning the validity or meaning of a Court Order or Separation Agreement, or any concerns relating to issues relating to parental responsibilities for a student's education will be referred by the school administrator to the Director of Instruction.
11. Requests for cooperation on evidence and subpoenas should be directed to the Director of Instruction prior to the school staff providing any information.
12. The Freedom of Information and Protection of Privacy Act strictly guards the confidentiality of student personal information. Disclosure to third parties is only allowed as specifically provided for in that Act or required by another enactment. Requests for student information under FIPPA will be directed to the District's FIPPA liaison by the school administrator.
13. The following considerations apply for access to student records and information under FIPPA.
  - 13.1 If the student is old enough to exercise their own information rights, they should be consulted as to whether they object to disclosure.

13.2 If the student is not old enough to exercise their information rights, then it will be determined whether (1) the person seeking access to the records is a guardian; and (2) the purpose for which the records are sought. A parent or guardian may only exercise a child's information rights under FIPPA on behalf of the child, and not for their own purposes.

Reference: Sections 7, 9, 17, 20, 22, 65, 79, 85 School Act  
Divorce Act  
Family Relations Act  
Freedom of Information and Protection of Privacy Act  
School Records Disclosure Order M14/91

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