

Parental Access to Schools

By Kathryn Craig, LLB

Some principals in the Waterloo County Board of Education (WCBE) have recently barred parents from entering their school. Do they have the legal right to do this?

Section 51 of the Ontario Education Act provides that parents or guardians of children attending public and secondary schools may visit their children's schools. Trustees and MPP's may visit schools in their constituencies, and clergymen may visit schools in the area of their pastoral charge. Section 136 provides the same rights in separate schools.

The WCBE has tried to justify its actions by citing the provisions of the Education Act which allow principals to maintain proper order and discipline in the school (Section 236). Of course, nothing is hard and fast in law, but it is my opinion that Section 236 cannot be used to justify keeping parents out of schools. The Section 236 provision is a general power, and the specific power given in Section 51 would over-ride it.

Forcing a board to change its actions is another matter, and a more complex one. Recent changes in civil procedure rules make it more difficult to go to court to make school boards change their practices. To the best of my knowledge, no one in Ontario has yet challenged a school board for barring access to his children's school. Anyone wishing to resolve this question would have to retain a lawyer.