

Classroom Observations by External Third Party Professionals	
Adopted: September 20, 2005	Last Reviewed/Revised: December 6, 2022
Next Scheduled Review: 2025-2026	
Associated Policies & Procedures: VI-48 Protocol With External Agencies For The Provision Of Services By Regulated Health Professionals, Social Service Professionals, And Paraprofessionals (PPM 149) VI-95 Procedure for Receiving Information from Regulated Health Professionals, Social Service Professionals, and Paraprofessionals – External Providers II-35 Access to School Premises VI-30 Access to School Premises	

Purpose

The purpose of this policy is to establish a process by which a parent/guardian may obtain approval for a third party professional (defined below), retained by the parent/guardian or on behalf of the parent/guardian, to attend an (HCDSB) school for the sole purpose of observing the parent/guardian's student. Further, this policy establishes the terms and conditions which will apply where permission is granted by the Principal for the third party's attendance. This is to ensure that all services provided within the school are keeping all students safe and to ensure best quality of care from professionals and associated staff.

Application and Scope

This policy and associated procedures apply to any third party as defined under this policy who is seeking access to any classroom or HCDSB site, including virtual spaces, for the purpose of observing a specified student as part of an assessment, diagnostic or program design protocol. The third party is recognized and approved of by the professional governing body, professional college, or licensing /accreditation body of which the third party is a member in good standing.

References

[Municipal Freedom of Information and Protection of Privacy Act \(MFIPPA\)](#)

[Ontario Regulation 521/01](#)

[Ontario Regulation 298, S3\(1\)](#)

Definitions

For the purposes of this policy, “third party” may be characterized as:

- A party whose services are paid for by parent(s)/guardian(s), or by another (or others) on behalf of parent(s)/guardian(s), or who may be providing “pro bono” service and who are working with parent(s)/guardian(s) for the purpose of supporting the special needs of a student regarding the student’s ability to benefit from the regular curriculum in the same way as other students not identified for special education services and/or for the purpose of assessing and remediating behavioural patterns in students.
- Including but not limited to: physiotherapists, occupational therapists, behaviour analysts/behaviour consultants, psychologists, psychological associates and supervised psychometrists, social workers, psychotherapists, persons with qualifications as educators, speech language pathologists, child and youth counsellors supervised by a professional, mental health and addictions nurses, and practitioners who belong to a regulated body, or are supervised by a member of a recognized professional body (college) and hold undergraduate and/or post graduate education degree(s)

Principles

- The HCDSB is committed to working in cooperation with community, health and social service professionals for the general health, well-being and development of students.
- The HCDSB recognizes and properly discharges its responsibilities to ensure that anyone coming into the direct company of students at any school site is properly qualified and satisfies the criminal reference check with vulnerable sector screening in compliance with O.Reg.521/01.
- The HCDSB acknowledges a responsibility to protect the instructional environment from too frequent or unnecessary disruptions thereby satisfying the requirements of Ontario Regulation 298, S3(1) pertaining to the instructional day.
- The HCDSB assumes responsibility under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) for the protection of the privacy rights of all students, staff and volunteers when on HCDSB property.
- The HCDSB asserts that the purpose of the classroom or instructional setting is to serve the best educational interests of all students in the classroom. The corollary of this principle is that the observation of individuals for the purpose of assessment may not impose upon nor hamper the instruction of other students in the instructional setting.
- The properties and schools of the HCDSB are the publicly funded teaching and learning venues for HCDSB-registered students and HCDSB-employed instructional and support staff.
- HCDSB employees remain under the direction and supervision of appropriately designated HCDSB personnel.

Requirements

Process for Making a Request:

- A parent/guardian requests that a third party be permitted to attend at a school or classroom for the purpose of conducting an observation of their student or for the purpose of determining or supporting the educational needs of the student, shall be made in writing to the Principal.
- The written request shall include an outline from the third party which sets out:
 - the purpose of the desired visit to the school. It must be clear that the observation is a required component of a professional activity approved by the professional governing body, professional college, licensing or accreditation body of which the third party or their supervisor is a member;
 - any proposed uses of image or sound recording technology. Any proposed use of any form of such technologies requires discussion with and approval from the Principal. The use of the technologies will be measured against the expectations of privacy of the staff and students;
 - the nature of the activities which the third party wishes to observe (e.g., behaviour in the classroom, interaction with peers, playground activity etc.); and
 - the proposed timing of the visit.
- In addition, the third party will provide:
 - their professional accreditation (and/or the name and professional accreditation of the supervisor, if applicable);
 - a certificate of a criminal reference check with vulnerable sector screening which is no more than one (1) year old. Such certificates must set out any record of offences, which the third party has (excepting only an offence for which the third party has received a pardon unless such offence relates to children).
- In deciding whether to grant the parent/guardian request, the Principal shall consult with the Superintendent of Special Education or designate.
- In considering the parent/guardian request, the following factors will be taken into account:
 - the number of third parties and the frequency of visits proposed from all the parents/guardians of students in the classroom;
 - that the education of students is not disrupted by the visit of the third party;
 - student safety;
 - that the privacy of information rights of students and staff are maintained;
 - that staff are not placed in the position of being intimidated or of being unfairly dealt with as a result of any visit by a third party;

- that appropriate signed releases of information are provided in those cases where staff are asked to share information pertaining to the student or requested or instructed to perform tasks and duties not in keeping with their job description and their responsibilities;
- availability of HCDSB professionals (e.g. Behaviour Analyst, Speech Language Pathologist, Psychologist/Psycho-educational Consultant) to be present for observations.

Terms and Conditions:

Where permission for a visit by a third party is granted, the conditions of the permission will include the following:

- The parents/guardians (and where parents/guardians are separated, the parent(s)/guardian(s) who have custody), and the third party must agree that the third party make every reasonable effort to ensure that the visit does not disrupt any student or any staff member in carrying out their duties);
 - An observation period is limited to 1 (one) hour at a time. However, if two or more observations are required, these are scheduled in cooperation with the teacher;
 - HCDSB staff counterpart appropriate to purpose of the visit (e.g., Speech Language Pathologist, Behaviour Analyst, Psychologist/Psycho-educational Consultant) must be present for the observation;
 - The third party must agree in writing to respect the privacy rights of every person at the school, whether student or staff;
 - The third party must agree to report to the Principal or designate when entering and leaving the school (refer to Policy II-35 Access to School Premises);
 - Any observation of a student in a setting where the student is participating in remote learning, is subject to the requirements of this policy.
 - Any recording (video or audio) of the class and/or students is not permitted without the expressed permission of the Principal as outlined in #2 of the Requirements;
 - Permission to observe does not carry with it approval to provide casual, or on-the-spot consultation, advice, or recommendations to the school staff. Discussion with staff and the consideration of recommendations for academic program changes, classroom and/or behaviour management may be discussed in the setting of a case conference by agreement with the school Principal in consultation with the Superintendent of Special Education Services or designate;
 - The parent/guardian and the third party must agree in writing that any visit by the third party is without prejudice to any litigation, existing or future, between the parent/guardian and the HCDSB and that the visit will not be used in any way to obtain “evidence” which is to be used against the HCDSB or any of its staff;
 - The parent/guardian and the third party will be informed that:
 - the HCDSB is open to receiving the resulting observation reports and recommendations and will consider possible implementation of the contents in good faith;



- reports/recommendations will be forwarded to the appropriate HCDSB professional for review and consideration of implementation;
- written reports proposed for inclusion in a student's Ontario Student Record must be free of references to other students in the school or class and statements which could be taken as evaluation of staff;
- reports written by third party professionals who are supervised by regulated professionals must be co-signed by the regulated supervising professional;
- the HCDSB is not bound to honour and is not financially obligated to provide any form of material resource, equipment, furniture or personnel recommended in a third party report;
- a completed and signed agreement (attached) is required proof that the parent/guardian and third party subscribe to the terms and conditions;
- in the event the third party fails to comply with the terms of the agreement, the Principal shall withdraw permission for the third party to be on the school premises and the third party shall be asked to leave the school immediately.

APPROVED: Regular Meeting of the Board

AUTHORIZED BY: _____
Chair of the Board