

## Custody and Access Policy

### Policy Overview

This policy outlines the communication and physical access of parent(s)/guardian(s) who have a legal separation agreement or court order related to the custody and access of their child(ren).

### Table of Contents

- 1.0 Legislative Context
- 2.0 Principles
- 3.0 Authorization
- 4.0 Policy Review

### Policy and Procedures History

- Policy approved April 6, 2011
- Policy revised March 21, 2018
- Procedures approved April 6, 2011
- Procedures revised March 21, 2018

### 1.0 Legislative Context

- 1.1 The Halifax Regional School Board is committed to ensuring the legal custody and access rights of parent(s)/guardian(s) are in accordance with the following:

- 1.1.1 *Education Act*
- 1.1.2 *Child and Family Services Act*
- 1.1.3 *Custody and Maintenance Act*
- 1.1.4 *Divorce Act*
- 1.1.5 *Student Records Policy*
- 1.1.6 *Freedom of Information and Protection of Privacy Act*

### Custody and Access Policy

Approved: April 6, 2011  
Revised: March 21, 2018

**2.0 Principles**

- 2.1 The Halifax Regional School Board will ensure the safety of students and provide direction to schools regarding the legal custody and access rights of parent(s)/guardian(s).
- 2.2 The Halifax Regional School Board will support the documented decisions of the courts in matters relating to custody and access.

**3.0 Authorization**

- 3.1 The Superintendent is authorized to issue procedures in support of this policy.

**4.0 Policy Review**

- 4.1 This policy will be reviewed by the Superintendent every year and by the Governing Board every five (5) years or on an as needed basis.

## Custody and Access Procedures

### Table of Contents

- 1.0 Communication**
- 2.0 Physical access**

### **1.0 Communication**

- 1.1 Parent(s)/guardian(s) are to be provided direct access to information from the school regarding their child's education, health and welfare such as school notices, school assessment and evaluation information, and individualized programming information.
  - 1.1.1 The access rights of a parent/guardian, regardless of whether or not the child lives with that parent/guardian, are varied or denied only by signed written Agreements or Court Orders.
- 1.2 Parent(s)/guardian(s) are to be informed during the registration process of their responsibility to share all court decisions related to custody and access.
- 1.3 Generally, there will be one parent-teacher interview per child scheduled during the reporting period to which parent(s)/guardian(s) will be invited.
  - 1.3.1 Requests for alternate arrangements for parent-teacher interviews must be made through the principal.
- 1.4 The principal will ensure processes are established to provide appropriate staff with explicit instructions for communication with parent(s)/guardian(s) regarding such things as school and bus cancellation, school trips, or contact in the case of an emergency or illness.
- 1.5 The principal will ensure custody and access information is:
  - 1.5.1 recorded in PowerSchool as a Guardian Alert
  - 1.5.2 retained in the Student Cumulative Record.

### **Custody and Access Policy**

Approved: April 6, 2011  
Revised: March 21, 2018

- 1.5.3 communicated to the appropriate school staff annually in September or as necessary when new written Agreements or Court Orders are received by the principal.
- 1.6 Unless otherwise determined by a Court Order, for the purposes of decision making for school programs and activities, the school shall deal with the custodial parent.
- 1.7 Any questions regarding custody issues are to be directed to the school principal who will refer to the court order.

## **2.0 Physical Access**

- 2.1 Parent(s)/guardian(s) are provided physical access to their child at school.
  - 2.1.1 Any restrictions by either parent(s)/guardian(s) with respect to physical access to their child at school will be based on the provisions of the most recent signed Agreement or Court Order in the Student Cumulative Record.
- 2.2 The best interests of student safety is to be considered with regards to physical access.