Guardianship, Custody, and Access to Students

Purpose

This administrative regulation sets requirements and guiding principles for assessing, documenting parental/guardian authority, and managing student access and decision-making authority over students. This regulation is to be consulted in conjunction with AR 307a Child Protection and Duty to Report and AR 307b Parental Arrangements and Student Release. The framework may be adapted as necessary to specific situations.

As a guiding principle, school administration and staff avoid direct involvement in custody and access disputes as members of the Academy. This does not preclude them from participating as individuals, but the Academy does not typically use its powers as employer to support or suggest staff involvement in such matters. The school's primary responsibility is to provide students with a safe and effective learning environment and to safeguard the well-being and best interests of students during their time at school, subject to applicable legislation and court orders. This regulation is drafted, and should be interpreted in light of, this principle.

Principals are expected to evaluate and maintain control over documented guardianship, parental authority, and access arrangements at the earliest opportunity to support consistent and careful decision-making. The school's role is to administer these arrangements within the school setting; it is not to determine disputed legal rights or resolve disagreements between parents or guardians.

In circumstances where documentation does not provide sufficient clarity to guide the appropriate course of action, the Principal shall consult the Superintendent or designate and obtain legal advice or other support where necessary. At all times, it is the individual seeking to establish that they have authority as a parent/guardian over a child who has the onus of establishing such authority. Likewise, the person challenging an individual's authority as a parent/guardian has the onus of establishing the curtailment or lack of such authority.

Definitions

Access: For the purposes of this regulation, contact with or collection of a student at school or a school-sponsored activity. Where the term appears in a court order or agreement, its meaning and effect shall be determined by that document or applicable legislation.

Authorized Collector: an individual authorized to collect a student in accordance with the school's documented release arrangements and any applicable legal restrictions. Authorization to collect a student does not, by itself, confer guardianship or educational decision-making authority.

Custody: shall be used to indicate primary responsibility for, and primary care and control of a student and making decisions on that student's behalf.

Guardian: shall refer to an individual who has entitlements (rights), responsibilities and powers with respect to a child, as defined by *The Family Law Act* (20), as the Act establishes guardianship. A guardian is entitled to be involved in making significant decisions about the child and have enough time with the child to exercise the powers and responsibilities.

Parent: shall have the same meaning as under the *Education Act* 1(2). The term "guardian" (and derivations thereof) is used interchangeably with "parent".

Parenting Time: shall refer to time that is typically specified in an Order of the Court and applies to parents who are seeking clarity on parental responsibilities and time with the child (typically understood to be a form of Access and not typically equated with Custody or decision-making responsibilities).

Procedures

1. Referral and review of documentation

    1.1. All claims concerning guardianship, parental authority, or restrictions on access to a student shall be referred to the Principal, who shall also be responsible for collecting relevant information and reviewing the documentation affecting the school's responsibilities.

    1.2. The Principal or designate shall carefully review the documentation for completeness, apparent authenticity, effective dates, and any subsequent amendments, to ensure that the school has the most recent and applicable

orders and agreements. The Principal shall assess the claims based on the standard that the individual asserting a right, or the lack of a right, shall have the burden and onus of establishing such a right, or lack thereof.

1.3. The Superintendent or designate shall be consulted and shall make the final determination where the Principal is concerned that they are unable to make the determination required at paragraph 1.2, including situations where documentation may lack authenticity (e.g. appears to be forged, incomplete, inconsistent, or lacks clarity) and where they are unable to evaluate competing claims. Legal advice shall be sought when necessary.

2. Proof of authority or restrictions

2.1. Where a person claims to be a parent or guardian, or claims a limitation on another person's authority or access, that person must provide appropriate documentation proving the validity and legal basis of the claim.

2.2. Principals shall communicate this requirement through the student registration process and when a new claim or restriction is brought to the school's attention.

2.3. The Academy is impartial and is not aligned with one parent or guardian to the detriment of another. A restriction on another person's authority or access shall not be treated as established solely on the basis of an unsupported assertion. Any associated safety concern shall nevertheless be assessed promptly and addressed under the applicable procedure.

3. Orders and Agreements

3.1. Upon request, guardians shall provide copies of all current orders or agreements addressing guardianship rights, responsibilities or entitlements, parenting time, contact, or other arrangements affecting the school's dealing with students.

3.2. Within a standard of reasonability, the Principal shall review relevant provisions and establish school access and release arrangements consistent with applicable legal requirements. The Principal shall not vary a court order or resolve disputed interpretations independently.

3.3. Relevant orders may be issued by the Alberta Court of Justice, the Court of the King's Bench, or another court having jurisdiction.

3.4. Documentation establishing guardianship or custody under the *Child, Youth and Family Enhancement Act, the Family Law Act*, or other applicable legislation may be provided as proof of authority.

3.5. Where circumstances raise a child protection concern, staff shall follow Administrative Regulation 307a Child Protection and Duty to Report.

4. Protection and Restraining Orders

4.1. A student or guardian may be subject to a protection, restraining, no-contact, or other order that affects access to student or school premises.

4.2. Guardians shall provide the school with current copies of relevant orders. The Principal shall review restrictions affecting school operations and ensure that staff responsible for implementing them receive the information necessary to do so.

4.3. Where circumstances raise a child protection concern, staff shall follow AR 307a. Immediate danger shall be addressed through the school's emergency procedures.

5. Guardianship and parental responsibilities

5.1. While a parent is often a guardian of the child, this is not always the case. Guardianship may be shared, limited, or terminated in accordance with applicable law.

5.2. Where a child has more than one (1) guardian, the guardians may exercise the powers, responsibilities and entitlements subject to applicable legislation, court orders, and legally effective arrangements.

5.3. Guardians are expected to use their best efforts to cooperate with one another and provide the school with clear, current information about arrangements affecting the student.

5.4. The school shall respect each guardian's entitlement to information, consultation, and involvement in significant educational decisions, subject to applicable legislation and documented restrictions. Entitlement to education information or participation in decisions shall not in itself be treated as unrestricted authorization to collect a student.

5.5. Guardianship, decision-making responsibility, parenting time, and contact may be affected in different ways by an order or agreement. The Principal shall review the specific provisions rather than infer rights or restrictions from labels such as "custodial" or "non-custodial".

5.6. Employees who are also parents or guardians of a student at the Academy remain subject to applicable professional standards and Academy employment requirements when on school property, participating in school activities, or interacting with the school about their child or children. Employment with the Academy does not permit a staff member to use Academy resources to limit access or custody over a student to another parent, access to student information, or authority to direct student release. In the event of uncertainty, staff are expected to seek direction and authority from the Principal. In the event of any disputed arrangements between a staff member and another parent/guardian of their own child, the staff member is required to follow AR 307b.

6. Records and communication

6.1. The Principal shall ensure that all relevant orders and agreements are maintained securely in accordance with the Student Record Regulations and applicable Academy records procedures, including submission to the Provincial Approach to Student Information [PASI] system where required.

6.2. Information shall be accessed and shared only as authorized by law and as necessary for staff to carry out their responsibilities. Staff shall not use their privileges of access to access information about any student, including their own child, unless necessary to carry out responsibilities.

6.3. The Principal shall ensure that staff responsible for student access and release have clear operational instructions reflecting the current documented arrangements.

6.4. Parents and guardians shall be reminded annually to confirm that the school's information remains current and to provide updated documentation promptly whenever arrangements change.

6.5. Parental agreements and routine release arrangements shall identify authorized collectors and provide verification of identity where the individual is not known to staff.

7. Requests subject to documented restrictions

7.1. Where a guardian requests access to a student and that access is limited by an applicable order, the Principal shall;

7.1.1. Review the current documentation and remind the guardian of the responsibility to provide any subsequent order affecting the arrangements;
7.1.2. Carefully assess whether the restrictions apply during school hours, on school premises, or at school-sponsored activities;
7.1.3. Apply the relevant restrictions within the school's responsibilities, including declining access or release where it would be inconsistent with the order; and
7.1.4. Consult the Superintendent or designate regarding any uncertainty or further action required.

7.2. Information may be sought from another guardian to establish whether more recent documentation exists. A guardian's account shall not substitute for the order itself or resolve a disputed legal interpretation.

7.3. Conflicting pickup instructions or disputed release arrangements shall be addressed under Administrative Procedure 307b.

8. Disputed or unclear authority

8.1. Where the legal guardianship rights and/or entitlement respecting a child are in dispute, and one of the guardians is making a demand for access, the Principal shall:

8.1.1. Inform the claimant of the requirement to provide documentation supporting the claimed authority or restriction;

8.1.2. Review the current applicable orders and relevant agreements held by the Academy;

8.1.3. Where appropriate and safe, give other persons with documented parental authority an opportunity to identify or provide more recent documentation; and

8.1.4. Consult the Superintendent or designate where the documentation remains unclear or conflicting.

8.2. Where the dispute concerns who may collect the student or when release may occur, the Principal shall follow Administrative Procedure 307b.

8.3. Staff shall not ask the student to resolve the parental dispute or determine which adult has legal authority.

8.4. Any child protection concern arising during the dispute shall be addressed under Administrative Procedure 307a.

9. Disturbances and safety concerns

9.1. Where a disagreement concerning access results in a disturbance, interruption of school proceedings, or a threat to safety, the Principal shall take reasonable steps to protect students and staff and maintain safe school operations.

9.2. In consultation with the Superintendent or designate, the Principal may restrict an individual's presence on school premises in accordance with applicable law and Academy procedures. The Principal shall request police assistance where necessary.

9.3. Restrictions on an adult's presence at school shall be distinguished from changes to that person's guardianship or parenting rights. Where necessary, the Principal shall establish a safe method of communication or student collection consistent with applicable orders.

9.4. The Principal shall document the incident, the action taken, and any arrangements established to prevent recurrence.

Reference:

- Education Act
- Student Record Regulation, AR 97/2019, as amended
- Canadian Charter of Rights and Freedoms

This regulation shall be read alongside the following:

- AR 102 Parent Communications with the School
- AR 103 Emergency Preparedness and Response
- AR 104 School Lockdown Procedures
- AR 301 Parent Code of Conduct
- AR 304 Student Attendance and Extended Absence
- AR 306 Student Health and Safety and Student Supervision
- AR 307a Child Protection and Duty to Report
- AR 307b Parental Arrangements and Student Release
- AR 312 Student Records and Information Requests
- AR 410 Employee Code of Professional Ethics and Conduct
- AR 502 Access to Information and Protection of Privacy
- AR 506 Transportation Parent Commitment and Code of Conduct

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