

Administrative Procedure 305

Students

INDEPENDENT STUDENT

BACKGROUND

Under the *Education Act*, students who are 18 years of age or older, or 16 years of age or older and living independently or who are a party to an agreement under the *Child, Youth and Family Enhancement Act*, are considered independent students.

The *Education Act* states that an independent student is entitled to exercise all the rights and powers, and receive all the benefits, and is subject to all the obligations under the *Education Act* that the student's parent is entitled to exercise or receive or is subject to those obligations. The student's parent shall not exercise those rights, receive those benefits or be subject to those obligations.

This administrative procedure sets out the process for establishing independent student status at Westmount Charter School.

DEFINITIONS

1. In this administrative procedure, "independent student" means a student who is
 - 1.1 18 years of age or older; or
 - 1.2 16 years of age or older, and who
 - 1.2.1 in the opinion of the principal, is living independently, or
 - 1.2.2 is party to an agreement under the *Child, Youth and Family Enhancement Act*.
2. In this administrative procedure, "age of majority" means 18 years of age.
 - 2.1 Under the *Age of Majority Act*, every person attains the age of majority and ceases to be a minor upon attaining 18 years of age.

REQUEST PROCESS

1. A student aged 16 to 18 who wishes to establish independent student status based on living independently must notify the principal in writing of the request.

CRITERIA

1. In order to determine independent student status, the principal must consider the following criteria:
 - 1.1 Have the student's parents or the student provided a written statement or statutory declaration stating that the student is living independently?
 - 1.2 Does the student demonstrate to the principal's satisfaction that they make decisions in day-to-day living?
 - 1.3 Does the student earn their own living, substantially contribute to their own maintenance, or receive government financial support?
 - 1.4 Does the student handle major decisions such as medical treatment?
 - 1.5 Does the student make and maintain arrangements for living accommodations?

- 1.6 Is the student married or cohabiting?
- 1.7 Are there any other factors that the principal considers relevant?.
2. None of these criteria alone is an indicator of independence. However, the responses to all of them will assist the principal in determining whether a student is appropriately considered an independent student.
3. Prior to granting independent status to a 16 or 17 year old living independently, the principal may consult with the Superintendent.
4. If the principal determines that the criteria are not met, the principal must advise the parents and the student in writing of the principal's decision in a timely manner.

RECOGNITION OF STATUS

1. If the principal determines that the criteria are met, the student is recognized as an independent student, and the principal must ensure that this information is entered into the school's Student Information System.
2. Once a student is recognized as an independent student, all communication regarding the student's education, attendance, or student record shall occur directly with the student unless the student provides written consent for communication with the parent(s).
3. The principal shall offer the independent student the opportunity to provide or withhold consent for disclosure of their student record or educational information to third parties, including their parent(s).
4. If consent is not granted, no employee may disclose information to parents or other third parties unless the disclosure is authorized under legislation or court order.
5. The Student Information System must record both independent student status and consent for disclosure.

CHANGE IN STATUS

1. If the student no longer meets the criteria for independent status, the student and parent must inform the school principal in writing of the change in status.
2. When the principal receives notice that the student no longer has independent status, the principal must ensure that this information is entered into the school's Student Information System.

Legal Reference:	<i>Education Act</i> <i>Child, Youth and Family Enhancement Act</i> <i>Age of Majority Act</i>
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