

INDEPENDENT STUDENTS

Background

The purpose of this administrative procedure is to clearly identify an independent student and to set out the processes for establishing independent student status within the Division.

All employees who work with students, are responsible for admissions and programming, and are responsible for records management. All employees are responsible for knowing, understanding and complying with this administrative procedure.

The Division acknowledges and values the diversity of students, and understands that personalization of learning occurs in a variety of ways.

Under the Education Act, once a student is identified as an Independent Student, the student has the same rights and obligations as a parent including their own decision-making and signing consent and other school related forms.

Once a student has been declared an Independent Student, the parents cannot exercise any rights or obligations without the independent student's consent.

Students 18 years of age or older are independent students.

Definitions

Independent Student means a student who is:

- i) 18 years of age or older, or
- ii) 16 years of age or older and
 - a) who is living independently as determined by a board in accordance with section 6 of the *Education Act*, or
 - b) is party to an agreement under section 57.2 of the *Child, Youth and Family Enhancement Act*.

Age of Majority means 18 years of age

- i) Every person attains the age of majority and ceases to be a minor on attaining the age of 18 years. The *Age of Majority Act*, section 1.

Parent means a parent as defined by section 1 (2) of the *Education Act*.

Procedures

1. A student who is between the ages of 16 and 18 years of age and wishes to establish

independent student status must notify the school principal in writing of the request to be considered an independent student as defined in s.1(n) of the Education Act, which is stated in section 2 of this administrative procedure.

2. The Principal must consider the following criteria when determining if a student qualifies for independent student status:
 - 2.1 Whether a student or student's parent has made a statement in writing indicating the student is living independently;
 - 2.2 The student's living arrangements;
 - 2.3 Whether the student is financially independent or contributes financially to his or her maintenance;
 - 2.4 Whether the student is responsible for the making of significant decisions regarding matters such as health care;
 - 2.5 Whether the student makes and maintains arrangements for living accommodation;
 - 2.6 If there is a marriage or co-habiting arrangement; or
 - 2.7 Any other factor that the Board or board-delegated principal considers relevant.

None of these criteria alone is a sole indicator of independence, but the response to all of them will assist the Board or board-delegated principal in determining whether the student should be identified as an independent student.

3. If the Principal determines a student meets the criteria to be identified as an independent student, the Principal will notify the student in writing.
4. If the Principal determines a student does not meet the criteria to be identified as an independent student, the Principal will notify the student and the parent in writing.
5. If a student or parent disagrees with the decision of the Principal, they will utilize the [Administrative Procedure 390](#) (Appeals Concerning Student Matters) process.
6. If the student no longer meets the criteria for independent student status, the student and the parent must inform the Board or board-delegated principal in writing of the change in status.
7. If the status of a student changes to Independent Student or the status of Independent Student is terminated, the Principal will ensure the information is entered into the Division's student database.
8. Documentation of the decisions will be stored in the student record.
9. Once a student is declared an Independent Student, the independent student must sign consent before parents may access information about the student's progress or review the student's file, using [Form 323-1 - Release of Independent Student Information](#).

Reference: [Education Act](#) Section 1, 2, 11, 32, 33, 52, 53, 56, 196, 197, 222
[Student Record Regulation 97/2019](#)

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