

## ADMINISTRATIVE PROCEDURE NO. 363

### 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 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, and the student's parent shall not exercise those rights, receive those benefits or be subject to those obligations.

The Freedom of Information and Protection of Privacy Act (FOIP Act) of Alberta requires RDCRS to disclose information to students who are the age of majority and then only to others with the written consent of the Independent Student.

This regulation sets out the process for establishing and adhering to independent student status at Red Deer Catholic School Division.

In this regulation "independent student" means a student who is:

- (a) 18 years of age or older, or;
- (b) 16 years of age or older and who
  - (i) in the opinion of the principal is living independently, or
  - (ii) is party to an agreement under section 57.2 of the Child, Youth and Family Enhancement Act.

#### Information:

Students who are 18 at the time of registration and students who turn 18 years old during the school year will become independent students under the definition of the Education Act once they have filled out the ([Form XXX-1](#)).

Students who are 16 years of age and older who intend to claim status as an Independent Student are required to complete the Declaration of Independent Student Status ([Form XXX-2](#)).

Independent Students maintain all the responsibilities of an adult and cannot transfer these responsibilities to their parent/guardian(s). Schools must take instructions from the Independent Student for all matters, including but not limited to: consents and waivers, attendance, academic progress, field trips, suspensions, damage to property and emergency contacts.

#### Procedure:

1. When a student requests independent status, the student must complete ([Form XXX-1](#)) or ([Form XXX-2](#)) and a new registration form with updated demographic information and

emergency contact information. Both the new registration form and ([Form XXX-1](#)) or ([Form XXX-2](#)) will be placed in the student's digital student record and the information will be updated in the Provincial Approach to Student Information (PASI) system.

A notification of Independent Student status letter ([Form XXX-3](#)) will be sent to parents prior to becoming an Independent Student.

- a. In order to determine independent student status for students between 16 and 18 years of age, the principal **must** consider the following criteria;
  - i. Have the student's parents provided a statement in writing or a statutory declaration that the student is independent?
  - ii. Does the student demonstrate to the satisfaction of the principal that they make decisions with respect to day-to-day living?
  - iii. Does the student earn their own living or substantially contribute to their own maintenance or receive government financial support?
  - iv. Does the student handle major decisions such as medical treatment?
  - v. Does the student make and maintain arrangements for living accommodation? (f) Is the student married or cohabitating?
  - vi. Are there any other factors that the principal considers relevant?
  - vii. None of these criteria alone is a sole indicator of independence, but the response to all of them will assist the principal in determining whether or not a student is appropriately considered an independent student.
- b. For students 16 and 17 years of age, the principal will contact parents to advise them of the independent student request and discuss the circumstances. If the student is part of an agreement under the Child, Youth and Family Enhancement Act and as such is classified as independent, the principal will not contact parents until after consulting with Child & Family Services.
- c. If the principal determines that the criteria is or is not met, the principal must advise the parents and student in writing of the principal's decision. ([Form XXX-3](#))
- d. In the instance where a parent/guardian of a student aged 16 or 17 disagrees with the decision made by the principal regarding independent status, the matter will be referred to the Superintendent or designate for resolution.

## **2. PASI and Change in Status**

- a. If the principal determines that the Independent Student criteria are met, then the student is recognized as an independent student and the principal must ensure that this information is entered into the digital student record (PASI).
- b. On the government tab in student demographics, an enrollment entry of Independent Student - 121, must be added.

- c. 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 ([Form XXX-5](#)).
- d. When the principal receives the notice that the student no longer has independent student status the principal must ensure that this information is entered into the digital student record.

### **3. Residency of Independent Student**

- a. An independent student is a resident student of the school board in which the student lives.

### **4. Independent Students may elect to provide written consent to share the right to access information with their parent/guardian(s).**

- a. This is done by having the Independent Student complete the Release of Independent Student Information ([Form XXX-4](#)). This form allows the school to continue to share student information with the parent/guardian on matters such as report cards, attendance records, field trip details, suspension matters, course selections, etc. ([Form XXX-4](#)) shall be kept at the school, but not as part of the student record portfolio.
- b. The only exception to the above is if a guardian or trustee has been appointed for the student under the Adult Guardianship and Trusteeship Act. In this situation, the adult student does not need to give written consent as the guardian or trustee would have the rights, powers and duties.

Reference: Education Act, ([Form XXX-1](#)), ([Form XXX-2](#)), ([Form XXX-3](#)), ([Form XXX-4](#)), ([Form XXX-5](#))

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