
HORIZON SCHOOL DIVISION**POLICY HANDBOOK**

Policy Code:	IED
Policy Title:	Independent Student
Cross Reference:	IFC, IE
Legal Reference:	<i>Education Act</i> , S. 1, 3, 6, 38.1
Adoption Date:	April 23, 1997
Amendment or Re-affirmation Date:	June 12, 2008 January 16, 2018

POLICY

THE BOARD OF TRUSTEES OF HORIZON SCHOOL DIVISION RECOGNIZES THAT A STUDENT MAY BE LEGALLY DEFINED AS “INDEPENDENT” AND 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 PARENT IS ENTITLED TO EXERCISE OR RECEIVE OR IS SUBJECT TO, AND THE STUDENT’S PARENT SHALL NOT EXERCISE THOSE RIGHTS, RECEIVE THOSE BENEFITS OR BE SUBJECT TO THOSE OBLIGATIONS.

DEFINITION:

“*Independent Student*” means a student who is

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

REGULATIONS:

1. In determining the independence of a student, the following will be considered:
 - 1.1. Student’s residence; and
 - 1.2. Means of support.
2. It is the responsibility of a student to inform the principal and initiate the process in order to be declared an independent student.
 - 2.1. In order to determine independent student status, the principal may as per S. 6 of the Education Act consider the following criteria.
 - 2.1.1. Have the student’s parents or the student provided a statement in writing or a statutory declaration that the student is independent.
 - 2.1.2. Does the student demonstrate to the satisfaction of the principal that they make decisions with respect to day-to-day living?
 - 2.1.3. Does the student earn their own living or substantially contribute to their own maintenance or receive government financial support?

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- 2.1.4. Does the student handle major decisions such as medical treatment?
 - 2.1.5. Does the student make and maintain arrangements for living accommodation?
 - 2.1.6. Is the student married or co-habiting?
 - 2.1.7. Is the student 18 years of age or older and therefore independent
 - 2.1.8. Are any other factors that the principal considers relevant?
3. Schools may share with parents of students who declare themselves to be independent that they may continue to access student records by submitting an independent student status letter of consent. (see Appendix A).
4. The independent status of a student may be revoked by the school principal if the student returns to live with his/her parents/guardians.

Appendix A – Sample Letter and Letter of Consent

To the Parents/Guardians of _____

With regard to _____'s upcoming 18th birthday, the following information pertaining to "Independent Student" status is provided for your consideration and discussion with _____.

EDUCATION ACT - Independent Students in High School

"Independent Student" means a student who is

- (iii) 18 years of age or older, or
- (iv) 16 years of age or older and
- (A) living independently as determined by a board in accordance with section 6, or
- (B) a party to an agreement under section 57.2 or the *Child, Youth & Family Enhancement Act*.

As per Section 1.(3) of the Education Act, 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 this Act that the student's parent is entitled to exercise or receive or is subject to, and the student's parent shall not exercise those rights, receive those benefits or be subject to those obligations.

When a student is independent the only person who can obtain any information on the student (including student records, report cards, attendance etc.) is the student themselves. Their parents/guardians can no longer receive any information pertaining to the student without the student's consent.

EDUCATION ACT - Section 38.1 - Student Records

38.1(1) Subject to the regulations, a board, an operator of a private school and an early childhood services program private operator shall establish and maintain a student record for each student enrolled in its schools.

(2) Subject to subsection (4), the following persons may review the student record maintained in respect of a student:

- (b) the student's parent, except where the student is an independent student;

Should your child elect to your continued participation throughout their High School Education, a letter of Consent is enclosed that will require their signature on or after their 18th birthday and returned to the school office. Please be advised we are required by law to have this letter of Consent on file with regard to "Independent Student Status".

Thank you for your attention to this matter.

Sincerely,

**INDEPENDENT STUDENT STATUS
LETTER OF CONSENT**

Student Name: _____

Date of Birth: _____

As an Independent Student at _____ School, I _____

_____ (student name)

hereby consent that _____ & _____

_____ (parent/guardian name) (parent/guardian name)

are able to request and receive from the Administration and Staff of _____ School and the Horizon School Division, the following information pertaining to my student record/cumulative file including, but not limited to:

- attendance Records
- student achievement and course and program progress
- report Cards
- diagnostic test results
- formal intellectual, behavioural or emotional assessments or evaluations administered to the student by the board or by an independent party at the request of parents
- health information
- suspensions
- individualized program plan
- representation on my behalf at/with:
 - Parent/teacher interviews
 - Graduation information meetings
 - School fee invoices
 - Absences

Student Signature

Date