

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 Form 363-1 Declaration of Independent Student Status (18+ years of age).

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 363-2 Declaration of Independent Student Status (16-17 years of age).

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 363-1

Declaration of Independent Student Status (18+ years of age) or Form 363-2 Declaration of Independent Student Status (16-17 years of age) and a new registration form with updated demographic information and emergency contact information. Both the new registration form and Form 363-1 Declaration of Independent Student Status (18+ years of age) or Form 363-2 Declaration of Independent Student Status (16-17 years of age) 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 363-3 Notice of Independent Student Status, 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 363-3 Notice of Independent Student Status
- 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 by completing Form 363-5 Release of Independent Student Status.
- 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 363-4 Release of Independent Student Information. 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 363-4 Release of Independent Student Information, 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 363-1), (Form 363-2), (Form 363-3), (Form 363-4), (Form 363-5)

Created: January 2024

Form 363-1: Declaration of Independent Student Status (18+ years of age)

Dear Principal:

Please consider this letter my notification to _____ School that I, _____, do declare myself as an Independent Student based on the Education Act definition. Please note the following address changes.

Address:

City:

Postal Code:

Phone Number:

Emergency Contact:

I will check YES or NO to the following statements:

- Yes No My parents/guards are aware that I am declaring as an Independent Student.
- Yes No I handle major decisions such as my medical treatment.
- Yes No I have made and maintain arrangements for my living accommodation.
- Yes No I make decisions with respect to my day-to-day living.
- Yes No I have identified new emergency contacts to my PowerSchool.

The other factors I would consider relevant are:

I understand that you will notify me once this change has been processed.

Student Printed Name

Student Signature

Date

REQUEST FOR INDEPENDENT STUDENT STATUS

As per the Education Act, Section 6(1), in determining whether a student is living independently for the purposes of this Act, a board may consider the following:

- (a) *Whether the student or the student's parents has made a statement in writing indicating that the student is living independently;*
- (b) *The student's living arrangements;*
- (c) *Whether the student is financially independent or contributes financially to his or her maintenance*
- (d) *Whether the student is responsible for the making of significant decisions regarding matters such as health*

- care;
(e) Any other factor the board considers relevant.

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.

CHANGE OF INDEPENDENT STUDENT STATUS

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. Once the letter is received, the parent will be required to change the information on the "Release of Independent Student Information" form before the status and information is changed in PowerSchool.

ACKNOWLEDGEMENT OF INDEPENDENT STUDENT STATUS

I, _____, Principal of _____
have reviewed the declaration of Independent Student status completed by:

_____ on _____
Student Name Date

The change of status for this student to Independent Student is

Approved Not Approved

Principal Signature Date

Form 363-2: Declaration of Independent Student Status (16-17 years of age)

Dear Principal:

Please consider this letter my notification to _____ School that I, _____, do declare myself as an Independent Student based on the Education Act definition. I confirm that I am sixteen years old or older and am living independently from my parents/guardians. Please note the following new contact information will replace my current address on file:

Address:

City:

Postal Code:

Phone Number:

Emergency Contact:

In order for you to determine independent student status I understand you will take the following criteria into consideration. I will check YES or NO to the following statements:

- | | | | | |
|--------------------------|-----|--------------------------|----|---|
| <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | I earn my own living or substantially contribute to my own maintenance or receive government financial support. |
| <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | I handle major decisions such as my medical treatment. |
| <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | I have made and maintain arrangements for my living accommodation. |
| <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | I make decisions with respect to my day-to-day living. |
| <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | My parents have submitted a written statement or statutory declaration that I am independent. |

The other factors I would consider relevant are:

I understand none of the above criteria alone is a sole indicator of independence but the responses will assist with determining whether you will change my status to Independent Student. I understand that you will notify me if this change has been approved.

Student Printed Name

Student Signature

Date

REQUEST FOR INDEPENDENT STUDENT STATUS

A student who is between 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. If approved, a signed and dated "Release of Independent Student Information" form will be required to be filled out and signed by the student before this status is changed in PowerSchool.

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.

Section 6 (2) of the Education Act says 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.

CHANGE OF INDEPENDENT STUDENT STATUS

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. Once the letter is received, the parent will be required to change the information on the "Release of Independent Student Information" form before the status and information is changed in PowerSchool.

APPROVAL OF INDEPENDENT STUDENT STATUS

I, _____, Principal of _____

have reviewed the declaration of Independent Student status completed by:

_____ on _____
Student Name Date

The change of status for this student to Independent Student is

Approved Not Approved

Principal Signature Date

Form 363-3: Notice of Independent Student Status

Date

RE: Approval of Independent Student Status

Parent Name
Student Name
Address

Dear (Parent / Guardian name):

With regard to (student's name)'s recent approval pertaining to "Independent Student" status, we have provided information for you to discuss with your child.

Education Act - Independent Students

"Independent student" means a student who is 18 years of age or older, or 16 years of age or older and living independently as determined by section 6 of the Education Act. When a student is independent, the only person who can obtain any information regarding the student (including report cards, attendance etc) is the student themselves. Parents/guardians are no longer entitled to receive any information pertaining to the student.

Should your child elect to your continued participation throughout their High School Education the attached Release of Independent Student Information ([Form 363-4](#)) must be completed. This form must returned to the school office. Please be advised we are required by law to have this completed form on file in order to release any information regarding an independent student.

Thank you for your attention to this matter.

Sincerely,

Principal
School



Form 363-4: Release of Independent Student Information

I, _____, hereby authorize the Red Deer Catholic Regional School Division, and any duly authorized employee or agent thereof, to release student information pertaining to my High School Records / Student Record Portfolio including, but not limited to:

- Daily, weekly, monthly attendance reports
- Progress reports
- Report cards
- School fees / invoices
- Student Services supports
- Representation on my behalf at/with:
 - Parent Teacher Interviews
 - Graduation Information Meetings

This information may be released to:

Name:	Relationship to student:
_____	_____
_____	_____

I, _____, acknowledge there have been no changes to the original school registration permissions completed by my parent/legal guardian in regards to Media Participant and Personal Information Disclosure Consent (FOIP), locker and computer consent forms signed for the remainder of this year.

This agreement is in effect on the date signed and remains in effect until such time that my Independent student status changes.

_____	_____
Name of Independent Student	Signature

Date



Form 363-5: Release of Independent Student Status

Dear Principal:

Please consider this letter my notification to _____ School that I, _____, do release myself as an Independent Student based on the Education Act. Please note the following new contact information will replace my current information:

Parent/Guardian First and Last Name:

Address:

City:

Postal Code:

Phone Number:

Emergency Contact:

I understand that you will notify me once this change has been processed.

Student Printed Name

Student Signature

Date

CHANGE OF INDEPENDENT STUDENT STATUS

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. Once the letter is received, the parent will be required to change the information on the "Release of Independent Student Information" form before the status and information is changed in PowerSchool.

ACKNOWLEDGEMENT OF RELEASE INDEPENDENT STUDENT STATUS

I, _____, Principal of _____
have reviewed the release of Independent Student status completed by:

_____ on _____
Student Name Date

The change of status for this student is updated.

Principal Signature Date