

ADMINISTRATIVE PROCEDURE 398	
SECTION: STUDENTS	
Adopted/Original Date of Issue	2019
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Next Review Date	2023
Contact	Executive Council

STUDENTS 16 OR 17 YEARS OF AGE

BACKGROUND

The *Education Act* is the main piece of legislation, or statute that governs public education in Ontario. The legislation provides authority for the creation of all of the main features of the education system. The *Education Act* sets in law the powers and responsibilities of the Minister of Education and school boards, the authority of Principals and teachers, and the rights and responsibilities of parents/guardians and students.

Additionally, the education system has to recognize and adhere to Ontario laws. In Ontario, a person who is 16 or 17 years old has the legal right to withdraw from parental control, which usually means the young person is not living at home with their parents/guardians. No court process is involved; therefore, no court or official documents are required. However, it is recommended that the 16 or 17 year old provide a letter (see Form F398 Withdrawal from Parental Control) that outlines the factors, as identified by the Ministry of Education, surrounding the student's withdrawal from parental control. Once the young person has withdrawn from the home, the parent's/guardian's custody rights are immediately terminated.

As such, for the purposes of the *Education Act* students who are 18 years of age or older, and students who are 16 or 17 years of age but have withdrawn from parental control, are to be treated as adults.

The *Education Act* prescribes circumstances in which a right or obligation that normally rests with the parent/guardian of a pupil will now instead rest with 16 or 17 year olds who have withdrawn from parental control.

PROCEDURE

Students 16 or 17 years of age who have withdrawn from parental control:

1. are to be treated similar to students 18 years of age
2. are entitled to attend school in the jurisdiction of the board in which they are living, rather than in the board jurisdiction in which their parents/guardians are living (proof of new address will be required)
3. are responsible for their own attendance at school

4. are permitted to sign their own notes and consent forms
5. are entitled to privacy (no sharing) in their information including but not limited to:
 - personal information
 - attendance records
 - suspension and expulsion information and
 - the Ontario Student Record (OSR)
6. are entitled to be the sole point of contact for information and processes relating to disciplinary issues (a Principal shall not, without the student's consent, notify a parent/guardian)

Factors, as identified by the Ministry of Education, which school boards may wish to take into account when deciding if a student has withdrawn from parental control could include the student's living arrangements, whether the student is maintaining communication with the parents/guardians, and whether the student is supporting themselves financially.

Students 16 or 17 years of age and live at home

Records, including personal information within the custody and control of the District, are subject not only to the *Education Act* but also subject to the access and privacy provisions of the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA). As such, the District is not allowed to disclose a student's personal information unless one of the circumstances set out in the disclosure provision (section 32) of MFIPPA applies.

Prior to releasing personal information for any other purpose than outlined in MFIPPA (section 32), the school will seek written informed consent from:

- a person having lawful custody of the student under 16 years of age
- a person having lawful custody of the student **and** the student where the student is 16 or 17 (except in circumstances where the student is not capable of exercising his/her rights) and
- the student where the student is over 18 or the student is 16 or 17 years of age and has withdrawal from parent control.

LEGAL REFERENCES

Education Act, s. 21, s. 30, s. 36, s. 266, s. 300.3 (2), s. 308, s. 309, s. 311-311.7

Bill 52, The Education Amendment Act (Learning to Age 18), 2006 (Chapter 28 of the Statutes of Ontario, 2006)

Children's Law Reform Act, s. 65

Municipal Freedom of Information and Protection of Privacy Act

RCDSB REFERENCES

Form F181 Consent to Disclose Personal Information

Form F398 Withdrawal from Parental Control

Procedure History

Approved :	February 2019
Reviewed:	November 2018
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