

Ministry of Education

Ministère de l'Éducation



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MEMORANDUM TO : Directors of Education
Secretary-Treasurers of School Authorities
Program Superintendants
Secondary School Principals
Elementary School Principals
Principals of Provincial & Demonstration Schools
Principals of Private Schools
Principal of the Independent Learning Centre

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DATE : April 5, 2007

SUBJECT : Implementation of Bill 52, Learning to Age 18

The purpose of this memorandum is to provide you with information about Bill 52, *The Education Amendment Act, Learning to Age 18, 2006*, which received Third Reading on December 12, 2006 and Royal Assent on December 20, 2006. This legislation raises the school leaving age to 18 or graduation, in order to encourage more students to graduate and fewer to leave school without being adequately prepared for work or further learning. It also provides for an expanded range of opportunities tailored to student needs and interests. With Royal Assent, several parts of the legislation came into effect immediately, while other sections will be proclaimed in force at a later date.

The main legislative changes which are now in effect include:

- the requirement for students to continue to attend school until age 18 or graduation
- the right for 16 and 17 year olds who have withdrawn from parental control to attend school in the area in which they are living rather than where their parents live.

The legislative changes below are not yet in force:

- court sanctions for 16-17 year olds, including the possibility that the courts could suspend the driver's licence of a student convicted of truancy. This penalty would be one of several available to the courts, and will only come into force when a broader range of new learning opportunities are available throughout the province.
- sanctions for parents convicted of neglecting or refusing to send 16-17 year olds to school and employers convicted of hiring 16-17 year olds during school hours where those students are not legally excused from attending school. Increases to maximum fines for parents and employers of truant students (i.e. including those under 16 years of age) will also be raised when proclaimed at a later date.
- the requirement that school boards develop and offer equivalent learning opportunities to their pupils.

These sections will be further developed in consultation with key stakeholders.

Implications for students and schools

As of December 20, 2006, all students under 18 years of age, are required to be in attendance at school unless they have already graduated or are otherwise excused from attendance at school. Legal reasons for being absent from school (e.g. receiving satisfactory instruction at home or elsewhere) continue to apply.

As a transition provision, 16 or 17 year olds who have not graduated and who stopped attending school before December 20, 2006 are not required to return to school. However, if these students subsequently do return to school, the requirement to stay in school until age 18 will apply to them. Students whose birthdays are between September and December are required to stay in school until the last school day in June of the year that they turn 18. Students whose birthdays are during the rest of the year must stay in school until their 18th birthday. Please note that this exactly parallels the previous rules around the school leaving age for 16 year olds.

Note that in response to questions that have been raised, there have been no changes to the age at which compulsory attendance starts, and nothing in the legislation that would require children to attend kindergarten, or affect children's ability to attend kindergarten.

Responsibility for Absent Students

Questions have arisen concerning schools' responsibilities with respect to students who are absent without reason for extended periods of time and when they must be removed from the enrolment register. The first responsibility of the school is to investigate why a student is absent, and make every effort to have the student return to school. Boards and principals should refer to the Absenteeism Section of the "Instructions for the Use of Computerized Enrolment Registers for Elementary and Secondary Schools" (www.edu.gov.on.ca/eng/policyfunding/forms.html). Although the instructions require that a student who has been absent for 15 consecutive school days without appropriate

supporting documentation be removed from the register, they also state that a pupil of compulsory school age may remain on the register for 16 to 30 consecutive days of absence, if the principal has referred the case in writing to the attendance counsellor. This may be extended for subsequent fifteen-day periods, if the principal receives reports from the attendance counsellor every 15 days that the file is still active. If there is documentation that appropriate efforts are being undertaken to contact the student and get him/her to return to school, schools will not be financially penalized for retaining the student on the register. It is important to maintain contact with absent students. If a student is known to have left the school board jurisdiction or if after a reasonable period of time the school attendance counsellor is unable to locate the student, then his/her name should be removed from the register.

Removing a student's name from the register for absenteeism does not mean the student need not attend school. Attendance for students of compulsory school age is required under the Education Act. The principal must inform the attendance counsellor when pupils are removed from the register. Although sanctions are not yet in place for truant 16 and 17 year olds, even after removing them from the register, boards should continue to attempt to reach out to them as they may eventually respond to these efforts and return to school.

Right to attend

The *Education Act*, as amended by Bill 52, now also gives 16 or 17 year olds who have for a variety of reasons withdrawn from parental control the right to attend school in the jurisdiction of the board in which they are living rather than in the board jurisdiction in which their parents are living. Factors that school boards may wish to take into account when deciding if a young person has withdrawn from parental control could include the young person's living arrangements; whether the young person is maintaining communication with the parents; and whether the young person is supporting him/herself financially.

SALEP

The Supervised Alternative Learning for Excused Pupils (SALEP) program continues to be available for 14 and 15 year olds where appropriate. SALEP can now also be extended to 16-17 year olds. The Ministry will be reviewing the use of the SALEP regulation for 16-17 year olds, and considering the development of regulations regarding legal excuses for non-attendance (e.g. participating in non-credit based learning outside of school). While SALEP can apply to 16-17 year olds, the programs and student supports under Student Success offer new opportunities to address the learning needs and interests of 16-17 year olds.

Student Success

Raising the school leaving age to 18 highlights the importance of efforts underway in all school boards to provide programs that support student success. Schools and boards are making excellent progress in implementing Student Success initiatives. Supports such as

Student Success Teachers and Teams in all secondary schools, expanded co-operative education (e.g. 2 co-operative credits can now be included as compulsory credits), and credit recovery programs can help students achieve success. Through the Lighthouse Projects, Specialist High Skills Majors and other innovative efforts being piloted throughout Ontario, there is growing expertise in schools and boards across the Province in the use of effective strategies to help all students succeed.

The changes to the *Education Act* that are now in effect provide an opportunity for school boards to reinforce with students and parents the importance of staying in school until age 18 or graduation. It is recommended that school boards use passage of the legislation as an occasion to inform all students and parents about the new expectations that students stay in school until age 18 or graduation, and about the programs and opportunities available to meet student needs and interests. As well as highlighting board programs, boards may wish to refer to www.ontario.ca/6ways for a summary of the “Six Ways to Help Students Graduate”. Schools may also wish to add information to student agendas and other key communication vehicles regarding changes.



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c: School Board Student Success Leaders
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