

Dollar Bay-Tamarack City Area Schools

Age of Majority

Legal Standards

The Age of Majority Act became effective on January 1, 1972. Persons who have attained age 18 are recognized as adults as a matter of law. MCL 722.51. The purpose of the AGE of Majority Act is to establish 18 as the age at which a minor loses the “disabilities and protections” of minority and gains the “legal status” of an adult. *Smilnak v City of Warren*, 136 Mich App 103 (1984).

Under the Family Educational Rights and Privacy Act (“FERPA”), a student who has reached age 18 is defined as an “eligible student” and is accorded certain rights and responsibilities by operation of law. 34 CFR 99.3 FERPA states:

Whenever a student has attained eighteen years of age... the permission or consent required of and the rights accorded to the parents of the student shall thereafter only be required of and accorded to the student. 20 USC 1232g(d); 34 CFR 99.5(a).

Accordingly, the right to consent to disclosure of education records to third parties automatically becomes the right of the 18-year-old student, and not the parent. All other FERPA rights similarly insure to the “eligible student.”

Despite FERPA’s transfer of “rights” to the “eligible student,” a significant “exception” to the prior written consent requirement for “*parents of a dependent students as defined in § 152 of the Internal Revenue Code.*” 34 CFR 99.31(a)(8). In other words, **even though the 18-year-old student demands that his/her education records not be sent to the parent/guardian, school officials may disregard this demand if the records will be sent to the person who claims the student as a “dependent” for federal income tax purposes.**

Age of Majority Students have the following rights:

- 18-year-old students are legally recognized as adults.
- Except as noted below, policies and procedures set forth in the student handbook will apply to all students, regardless of their attainment of the age of majority.
 1. Students 18 years and older may have the same privilege as their parents/guardians as it relates to access to their student records.
 2. Students 18 years and older may represent themselves during disciplinary conferences and be the addressee for their grade reports.
 3. Students 18 years and older may sign themselves in and out of school and may verify their own absences NOTE: All school attendance standards continue to apply to students regardless of their age.
- ***Eligible students who wish to assert these rights should register their intent on the appropriate form in the high school office. Until such time as the eligible student registers this intent, school officials will not apply the above exceptions to school policies and procedures.***

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Age of Majority Form

I, _____, hereby certify that I qualify under the Age of Majority Act to officially be recognized as an adult as a matter of law. MCL 722.51. The purpose of the Age of Majority Act is to establish 18 as the age at which a minor loses the “disabilities and protections” of minority and gains the “legal status” of an adult. *Smilnak v City of Warren*, 136 Mich App 103 (1984).

By signing this form, I recognize that the following will apply:

- *The above named 18-year-old student will be legally recognized as an adult.*
- *Except as noted below, policies and procedures set forth in the student handbook will apply regardless of attainment of the age of majority.*
 - 1 *Students 18 years and older may have the same privilege as their parents/guardians as it relates to access to their student records.*
 - 2 *Students 18 years and older may represent themselves during disciplinary conferences and be the addressee for their grade reports.*
 - 3 *Students 18 years and older may sign themselves in and out of school and may verify their own absences. NOTE: All school attendance standards continue to apply to students regardless of their age.*
- *The above named 18-year old student wishes to assert these rights by registering this form in the high school office. Until such time as the eligible student registers this intent, school officials will not apply the above exceptions to school policies and procedures.*

I will abide by the expectations and procedures outlined on this form and any misuse of these privileges will mean forfeiture of this right.

Student Signature: _____ Date: _____

Parent/Guardian Signature: _____ Date: _____

Principal's Signature: _____ Date: _____