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Bill 198

**An Act to amend the Child, Youth and Family Services Act, 2017 and the
Education Act to protect students who are habitually
absent from or late arriving to school**

Ms A. Hoggarth

Private Member's Bill

1st Reading February 21, 2018

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill amends the *Child, Youth and Family Services Act, 2017* and the *Education Act* with respect to children who are habitually absent from or late arriving to school.

Habitual absenteeism or lateness is added to the *Child, Youth and Family Services Act, 2017* as a circumstance in which a child is considered to be in need of protection. This circumstance would also trigger the duty of any person to report suspicion that a child is in need of protection. The duty to report would also be triggered where a child has been withdrawn from school in order to avoid the scrutiny of a children's aid society.

The *Education Act* is amended to impose a duty on the principal of a school to report to a children's aid society regarding habitual absenteeism or lateness.

An Act to amend the Child, Youth and Family Services Act, 2017 and the Education Act to protect students who are habitually absent from or late arriving to school

Preamble

Habitual absenteeism, lateness or a combination of both may be an early indicator that a school age child is suffering from abuse or neglect and may be in need of protection. Students who are habitually absent from or late arriving to school often end up failing to complete school, reducing their chances of future success. In circumstances where the school is unable to resolve habitual absenteeism or lateness, it would be beneficial to the child for a children's aid society to investigate the situation. Improving communication between education workers and child protection workers would put the best interests of the child at the forefront and increase the likelihood of better outcomes for children and their families.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

CHILD, YOUTH AND FAMILY SERVICES ACT, 2017

1 (1) Subsection 74 (2) of the *Child, Youth and Family Services Act, 2017* is amended by striking out “or” at the end of clause (n) and by adding the following clause:

- (n.1) subject to subsection (2.1), the child is of compulsory school age and has been habitually absent from or late arriving to school for more than 40 days in a school year without being excused from attendance in accordance with the *Education Act*; or

(2) Section 74 of the Act is amended by adding the following subsection:

Absenteeism or lateness, child enrolled in school

(2.1) A child who meets the criteria described in clause (2) (n.1) is in need of protection only if one of the following circumstances applies:

1. The school principal, a school attendance counsellor or other person designated by the school principal has met with the child and the child's parent or the person having charge of the child to address the absenteeism or lateness, but the habitual absenteeism or lateness persists.
2. The school principal, a school attendance counsellor or other person designated by the principal has attempted to meet with the child and the child's parent or the person having charge of the child to address the absenteeism or lateness, but has been unable to meet.

2 Subsection 125 (1) of the Act is amended by adding the following paragraphs:

14. The child is of compulsory school age and has been habitually absent from or late arriving to school for more than 40 days in a school year without being excused from attendance in accordance with the *Education Act* and one of the circumstances described in paragraph 1 or 2 of subsection 74 (2.1) of this Act applies.
15. The child is of compulsory school age and has been withdrawn from a school for the purposes of avoiding scrutiny from a society.

EDUCATION ACT

3 Section 28 of the *Education Act* is amended by adding the following subsections:

Report to children's aid society

(3) Subject to subsection (4), the principal of every elementary or secondary school shall report to a children's aid society the name, age and residence of a pupil of compulsory school age who has been habitually absent from or late arriving to school for more than 40 days in a school year without being excused from attendance in accordance with this Act.

Same

(4) Subsection (3) applies if one of the following circumstances applies:

1. The principal, a school attendance counsellor or other person designated by the principal has met with the pupil and his or her parents or guardians to address the absenteeism or lateness, but the habitual absence or lateness persists.
2. The principal, a school attendance counsellor or other person designated by the principal has attempted to meet with the pupil and his or her parents or guardians to address the absenteeism or lateness, but has been unable to meet.

Regulations

(5) The Minister may make regulations requiring boards to notify a principal when a child of compulsory school age has been habitually absent from or late arriving to school for more than 40 days in a school year.

COMMENCEMENT AND SHORT TITLE

Commencement

4 (1) Subject to subsections (2) and (3), this Act comes into force on the day it receives Royal Assent.

(2) Section 1 comes into force on the day section 74 of Schedule 1 to the *Supporting Children, Youth and Families Act, 2017* comes into force.

(3) Section 2 comes into force on the day section 125 of Schedule 1 to the *Supporting Children, Youth and Families Act, 2017* comes into force.

Short title

5 The short title of this Act is the *Student Absenteeism and Protection Act, 2018*.