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No Longer Children: What to Consider When Students Reach the Age of Majority

Virtually all independent high schools will have at least a few students reach the age of majority prior to graduation. The "age of majority" is the legal age established under state law at which an individual is no longer considered a minor in the eyes of the law, but rather a young adult. When students reach the age of majority, defined in most states as 18, they gain access to a new world of legal choices, rights, and responsibilities. Schools should consider their own practices and policies and determine whether and how to educate students and parents about these issues.

This article examines some of the privileges and obligations students will face upon reaching the age of majority. This list is by no means exhaustive, and the laws often vary from state to state. Every school must examine its own culture, environment, and applicable law to determine how to plan for and address issues that might arise.

Voting: Students who turn 18 and are U.S. citizens vote in federal, state, and local elections. Schools should consider providing information to students on how and where to register to vote, and should review their attendance policies to ensure that students are given adequate time to exercise their right to vote.

Jury Duty: Students who turn 18 and are U.S. citizens may be selected for jury duty. Schools should consider educating students about the court system and their obligations as prospective jurors. Additionally, schools should review their policies on student attendance to ensure that students are not punished for completing mandatory jury duty service.

Legal Liability: A student who is accused of committing a crime after reaching the age of majority will be considered an adult and prosecuted in adult court. In virtually every state, however, circumstances exist where a younger student may nonetheless receive adult treatment in criminal court. In civil court, a student who has turned 18 may be sued in his or her own name. Schools should be sure that all students understand the potentially far-reaching consequences of their actions.

Ability to Enter into Contracts: Upon reaching the age of majority, students may enter into contracts and be held responsible for those contracts. They may buy and sell property, inherit property, and be sued in their own names. In some states, students are no longer required to attend school after turning 18. Schools should review relevant state law and their enrollment contracts to ensure that parents' tuition obligation is not dependent on a student's attendance.

Taxes: Schools should consider notifying students that they must file income tax returns once they turn 18 if they have earned or unearned income exceeding certain amounts set by the Internal Revenue Service. Students under 18 may also have to pay income tax if their income exceeds certain thresholds.

Military Service: Generally, all male U.S. citizens and immigrant male students must register for military service with the Selective Service System within 30 days of their 18th birthday. Students may enlist at the age of 17 with parental consent, and at 18 without parental consent. Schools should consider educating male students about their responsibilities under these laws and the relationship between registration and eligibility for financial aid for higher education.

Employment: Students who have reached the age of 18 are no longer considered "minor" employees under child labor laws. Students should understand how their rights as adult employees differ under the law from their rights as minors. If your school employs students under the age of 18 as camp counselors or for other purposes, you should evaluate your policies to ensure that you are in compliance with child labor laws.

Drugs and Alcohol: Students should be reminded of the laws regarding drug and alcohol use and the dangers associated with these activities.

Smoking: Students who have reached the age of majority may legally purchase tobacco products. Schools should consider evaluating whether or not they will permit tobacco use on school grounds and notify students accordingly.

Right to Child Support: Depending on state law, students who turn 18 may still be entitled to receive child support. It is important to determine the governing law in your state as well as any other states in which your students might reside to understand how such laws may relate to your enrollment contracts and financial aid practices.

Health Care Decisions: Generally, non-minor students may make their own health care decisions. Before reaching the age of majority, however, a student's parent or guardian is responsible for such decisions. One exception to this rule is that in many states, minor students may make certain decisions about contraception and abortion without parental consent. Schools should make sure that their medical care and counseling personnel are aware of all relevant laws in this area.

Student Relationships: State laws vary as to the age at which two individuals may legally engage in consensual sex. Because it is not uncommon for students to have relationships across grade levels, it is imperative that students realize that sexual behavior can carry criminal consequences.

Driving: Students who have reached the age of majority are legally responsible for their own actions, including traffic violations or accidents. Schools should consider their policies on allowing the use of student drivers for school-organized carpools and ridesharing, as such arrangements could potentially open a school up to liability.

Internet Use: It is critical for students to understand the risks associated with using the Internet. Students who have reached the age of majority may be found liable for illegally downloading information, pictures, or music from the Internet, as well as other computer-assisted crimes including fraud, hate crimes, and libel. Schools must be proactive in creating a policy to regulate students' online conduct and educating students about this policy and the potential consequences of its violation.

Student Records: At the age of 18, students may access their own records and authorized the release of those records. Schools should review their records authorization procedures to ensure that they obtain the proper authorization to release any records. Access to records may also be affected by the Family Education Rights and Privacy Act ("FERPA"), which applies to all education providers who receive any federal funds. As a general rule, FERPA prohibits third parties from accessing the records of a student who has turned 18 without written authorization. Exceptions apply for students receiving services under the Individuals with Disabilities Education Act who, because of their disability, are unable to provide informed consent.

Although many of these issues apply to student conduct outside of school time, schools must nonetheless stay abreast of the laws that affect their students. Reaching the age of majority is an exciting time for students, but it can also be confusing. Schools should be aware of the rights and responsibilities that arise at the age of majority to help young adults stay healthy and safe while they are enrolled in school and beyond.

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