

SECTION 4 EDUCATIONAL OPERATIONS

Part A: Education

4000 Admissions – Entrance Guidelines

Policy 4000 STATUS: ADOPTED

ADMISSIONS - ENTRANCE GUIDELINES

Board Approved: February 1971

Last Revised: June 19, 2013

Description:

The Board of Education recognizes its responsibility to provide all students who are a resident of British Columbia, and are of school age, with access to the schools of the district in accordance with the Board approved regulations.

ADMISSIONS - ENTRANCE GUIDELINES

Issued: February 24, 1986

Last Revised: June 19, 2013

Description:

PART I – ORDINARILY A RESIDENT:

Students are considered to be ordinarily a resident of British Columbia, and eligible for attendance in School District No. 59 if they meet the following criteria:

1. The Parent/Guardian can provide evidence of the family's residency in BC (e.g.: current utility bill with name and address for BC residence, B.C. Care Card); **or**
2. The Parent/Guardian can provide a Court order or a notarized document prescribing guardianship, that identifies the Parent/Guardian as holding sole or partial custody of the child, and the Parent/Guardian can provide evidence of their residency in B.C. (see above); **or**
3. The child has transferred schools from another school in School District No. 59 (e.g.; move from elementary to secondary school) with proof of residency in their files;

*See appendix A (attached) Regulation from the Ministry of Education for clarification.

PART II – ENROLMENT:

1. Students considered to be ordinarily resident may enroll in their catchment area school;
2. A school may enrol a student who does not reside in the province of B.C provided there is a tuition agreement in effect and, provided that facilities and teachers are available for instruction;
3. Where a student arrives from a privately funded system, the principal shall determine the appropriate class through a variety of assessment procedures;
4. Any child enrolling in a district school from outside British Columbia where he or she has been attending school in grade one, and fails to meet the B.C. age qualification for entering school, shall not have his/her education interrupted by a rigid interpretation of the B.C. law;
5. When establishing French Immersion programs the Superintendent of Schools will establish the minimum and maximum number of students that may be enrolled. Students will be enrolled on a first come first served basis except preference will be

given to those students who have a sibling in a French Immersion program and for those students who are Francophones.

PART III – CATCHMENT AREAS:

A. SCHOOL CATCHMENT AREAS

1. School catchment areas shall be designated by the Superintendent of Schools, with the approval of the Board, and made known to the schools and the parents of school age children. The Principal shall have and make available to the public, the information in the form of a map showing the school catchment areas.
2. A student living within a catchment area shall not be denied access to the neighbourhood school except where the total enrolment in the school cannot accommodate the student due to class sizes being beyond the limits established within legislation.
3. Parents or legal guardians may apply to transfer their student to another school providing:
 - i. reasons are compelling that there will be a significant benefit in meeting needs of the student;
 - ii. the receiving school has adequate space;
 - iii. transportation can be provided by the parent or within the existing school bus transportation rules and structure;
 - iv. the receiving school is first able to accommodate all the students living the school's catchment area.

B. PLACEMENT OF STUDENTS OUTSIDE REGULAR CATCHMENT AREAS:

1. The placement for a student is at the school located within the catchment area, as determined by the location of the student's normal place of residence. In some circumstances, the school located within the regular catchment area will not have space. An alternative placement will be arranged utilizing the following procedures:
 - i. When the principal has determined that there is insufficient space in the catchment area school, the student's name will be placed on a waiting list. This decision will be made after reviewing options for reconfiguring the classes of the school and ensuring that the requirements of the provincial and other agreements on class size and class configuration are not violated.
 - ii. Should the student require a placement in a school immediately (eg. for registrations during the course of the school year), the principal will contact the superintendent or designee for a placement in another school. The student's name will be kept on the school's waiting list for a possible placement (unless the parent wishes to remove the student's name from the list) and the student will be given the highest priority for placement in the school with the first available opening.

- iii. Should the student's application for registration occur during the summer months, and the principal is unable to accommodate the student, the student's name will be placed on the waiting list for consideration at the start of school in September. The principal of the school will review the waiting list at that time and determine the capacity of the school to admit students whose names are on the list. If the principal cannot accommodate the student(s) whose name(s) are on the list, he/she will contact the superintendent or designee. These students are to be placed in order of their date and time of registration as recorded by the school principal or office. The name of any student who cannot be placed at the school due to lack of space will be accommodated under part 2 above.

C. TRANSFER OF STUDENTS TO SCHOOLS OUTSIDE REGULAR CATCHMENT AREAS

The principal of a school may accept students transferring from another school within the District as follows:

1. The parent or legal guardian must complete and sign an "Out of Catchment Area Application" form stating the reason(s) for the request of transfer. This form is available at the school in the child's catchment area. Once completed the form must be submitted to the superintendent or designee.
2. The superintendent or designee will discuss the application with the parent and the principals. If it is determined:
 - i. that the transfer is in the best interest of the student;
 - ii. that there is space at the requested school;
 - iii. that there is no additional cost to the board and
 - iv. that all students living within the school's catchment area are accommodated,

The superintendent or designee will approve the request. (this decision may not be made until September 30th)

3. In elementary schools, principals will endeavour to honour requests that reunite siblings in the same school.
4. In respect to the transfer of students to schools outside their regular catchment areas, no provision will be made by the School District for student transportation between the home and the school.

APPENDIX A

Ordinarily Resident: Boards of education must make the determination of whether an applicant falls within the definition of “ordinarily resident” for the purposes of s. 82 in a fair and even-handed manner. The term “ordinarily resident” is not defined in the *School Act*. However, the term has been interpreted by the courts to establish criteria for determining whether a person is ordinarily resident for the purpose of receiving free public education.

The courts have interpreted the term “ordinarily resident” in this context by assessing whether the applicant has:

- A “settled purpose” for taking up residence in the community; and
- Sufficient continuity of residence, despite temporary absences.

To meet these requirements the applicant must show, on the basis of objective evidence, that they have established a regular, habitual mode of life in the community with a sufficient degree of continuity which has persisted despite temporary absences. It is not enough to qualify for free public education that the applicant has taken up residence for the “settled purpose” that the children of the family receive public education.

Boards of education are entitled to scrutinize the purpose for which the person or family has established its residence in the community to prevent an abuse of the system under which higher fees may lawfully be charged for out of province/international students.

Consideration of the following indicia of “ordinary residence” may assist boards in making the determination of whether a person is ordinarily resident in BC. While each of these indicators alone is not enough to establish residency for the purposes of s. 82, the larger the number of positive indicators as set out in the first list below, the more likely it is that the person will qualify as a resident of the province for the purpose of receiving free public education.

- Ownership of dwelling or long-term lease or rental of dwelling,
- Residence of spouse, children and other dependent family members in the dwelling,
- Legal documents indicating British Columbia residence,
- Provincial driver’s licence,
- Employment within the community,
- Parent or guardian filing income tax returns as a BC resident,
- Provincial registration of automobile,
- Canadian bank accounts or credit cards,
- Links to community through religious organizations, recreational and social clubs, unions and professional organizations,
- Subscriptions for life or health insurance, such as MSP coverage, and
- Business relationships within the community.

Again, while none of the factors alone are sufficient, the larger the number of negative indicators as set out below, the more likely it is that a person will not qualify for free public education:

- For the school-aged child, residence of the parents and/or family home in another jurisdiction, even if the student has a BC guardian,
- Existence of another dwelling outside of BC where the person and/or their family regularly resides,
- Foreign bank accounts or credit cards,
- Parent or guardian's employment in another jurisdiction,
- Parent or guardian filing income tax return in another jurisdiction,
- Identification documents from another jurisdiction, and
- Substantial ties with former country or place of residence.

Immigration status is relevant but not determinative of ordinary residence. The determination of whether a person is ordinarily resident should never be based solely on the person's immigration status. A person need not be a Canadian citizen or permanent resident to be "ordinarily resident" in BC for the purposes of s. 82. For example, persons who have applied for convention refugee status but not yet received a determination, and persons who have applied for permanent resident status from within Canada, are ordinarily resident in BC if there are other indicators of continuity with the community and residence for a settled purpose other than receiving free public education. On the other hand, a person who comes to Canada on a time-limited basis and has not taken steps to obtain permanent residence in Canada usually will not be ordinarily resident because he or she has no legitimate expectation of remaining in Canada.

Similarly, persons who have relocated from another Canadian province or territory are ordinarily resident if they show sufficient other indicators of continuity and settled purpose.

Deemed Resident: In addition to those who are ordinarily resident in British Columbia, students who belong to one of the categories of persons who have been deemed resident in section 16 of the School Regulation policy are entitled to free public education and eligible for provincial operating grant funding. These include:

- A youth who has entered into an agreement with the director under section 12.2 of the *Child Family and Community Services Act* (the guardian of the student is also deemed resident), and
- An inmate of a correctional centre under the *Correction Act* or a penitentiary under the *Corrections and Conditional Release Act (Canada)*.