

## AP 3100: Eligibility for Ministry Funded Enrolment

### Background:

In accordance with the *School Act* and the Ministry of Education and Child Care policy document "[Funding Policy - Eligibility of Students for Operating Grant Funding](#)" ("Ministry Policy") children who are school-age, who are resident in British Columbia (BC), and whose parent/legal guardian(s) are resident(s) in BC are entitled to enrolment in an educational program in the District free of charge providing there is space available and an appropriate program can be provided for the student at no extra cost to the District.

Enrolment is subject to Administrative Procedure 3101: School Choice, Student Transfer and Catchment.

Students who are not eligible for provincial operating grant funding must be identified as "out of province/international students". Enrolment of students within this category must be done through the International Education department and students will be subject to tuition fees paid to the district.

### Definitions:

**School-age:** the age between the date on which a person is permitted under School Act, [section 3 \(1\)](#) to enrol in an educational program provided by a board and the end of the school year in which the person reaches the age of 19 years; and from Section 3.1: on the first school day of a school year if, on or before December 31 of that school year, the person will have reached the age of 5 years.

**Ordinarily resident:** School Act, section 82(2) states "for the purposes of subsection (1), a student is resident in British Columbia if the student and the guardian of the person of the student are ordinarily resident in British Columbia."

**Guardianship:** The term "guardian" is defined in section 1 of the School Act to mean a guardian within the meaning of the Family Law Act or a personal guardian within the meaning of the Infants Act.

### Procedures:

1. A child must be enrolled by the parent(s)/legal guardian(s).
2. For a student to be entitled to enrolment in an educational program in the District free of charge, the parent/legal guardian(s) of the student must produce sufficient evidence to meet the criteria of ordinarily resident as defined by the School Act.
3. In determining whether a person is considered to be ordinarily resident in BC, the District will consider, based on objective evidence, the extent to which that person has, despite temporary absences, established a continuity of residence in the province or a settled purpose (other than to obtain publicly funded education) to establish and maintain residency in the province. Assessing whether a person is ordinarily resident may include consideration of whether a person has established a regular, habitual mode of life in the

community.

4. Upon making an application for enrolment in the district, the responsible school principal will collect and maintain documentation of citizenship status and supporting that the student and their parents are ordinarily resident. Such documentation and information will be maintained in MyEdBC.
5. Parent/legal guardian(s) are responsible for confirming that the information provided, and all documentation is valid, complete, and correct. If the parent/legal guardian(s) of the student are unable to produce sufficient evidence to satisfy the school principal or designate that the parent/guardian(s) and student are ordinarily residents, or if the principal or designate is unsure if the evidence provided is sufficient, the principal or designate must contact the Superintendent's office for written approval.
6. A person need not be a Canadian citizen or permanent resident to be considered ordinarily resident in BC. For example, a person who has applied for or not yet received permanent resident status or refugee status may still be considered ordinarily resident if there are other indicators of continuous residence within the community for a settled purpose (other than receiving publicly funded education). Immigration status is relevant to the question of whether a person is ordinarily resident but is not the sole determinant. The principal or designate should seek guidance from the district before making a determination based solely on immigration or citizenship status.
7. Proof of Residency documents that may be provided for enrolment include:
  - 7.1. Any combination of two (2) of the following documents below (with clear indication of physical address) can be used to support an individual's BC residency:
    - 7.1.1. Ownership of dwelling or long-term lease or rental of dwelling;
    - 7.1.2. Residence of spouse, children, and other dependent family members in the dwelling;
    - 7.1.3. Legal documents indicating BC residence;
    - 7.1.4. Provincial driver's license;
    - 7.1.5. Parent or legal guardian filing income tax returns as a BC resident;
    - 7.1.6. Provincial registration of automobile;
    - 7.1.7. Canadian bank accounts or credit cards;
  - 7.2. In collecting documentation in support of residency, the principal or designate should clearly record all information or documentation that has been inspected, but copies of such documentation need not be retained. For example, in establishing residency it is not necessary for the principal or designate to retain copies of property tax or lease documents, but the fact that such documents were inspected, and the residential address verified should be noted. The verification checklist must be completed and included in the student file.



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- 7.3. Incorrect information with regards to residency may result in the removal of a student from the school in which they are enrolled.
  8. Temporarily Absent: Students may be temporarily absent from British Columbia yet still retain eligibility for funding if their parent/legal guardian remains ordinarily resident. The length and frequency of absences from the Province may be considered in determining whether a person is ordinarily resident.
    - 8.1. If a student is only temporarily absent, documentation is required that states the student will be returning to the parent/legal guardian(s) home at the end of this temporary absence.
    - 8.2. If a student(s) and parent/legal guardian(s) are temporarily absent, a letter from an employer indicating the commencement and/or termination of a contract for work or other documentation is deemed sufficient by the Superintendent or designate.
  9. Proof of Legal Guardianship must be demonstrated for enrolment:
    - 9.1. The principal may request any one (1) or more of the following documentations as evidence of guardianship as defined by either the [Family Law Act](#) or the [Infants Act](#):
      - 9.1.1. Student's Birth Certificate (long form);
      - 9.1.2. Student Passport with parent(s)/legal guardian(s) listed;
      - 9.1.3. Income Tax Statement where children are declared;
      - 9.1.4. Parent's Confirmation of Permanent Residency or Record of Landing or valid Immigration Canada documents where children are named; or,
      - 9.1.5. If parents live separately, the court order or written agreement grants parental responsibilities or guardianship to the parent.
  10. Proof of Citizenship Status for Non-resident Families:
    - 10.1. The District accepts the following documentation as proof of citizenship status:
      - 10.1.1. Birth certificate (long form reflecting parent names);
      - 10.1.2. Current passport;
      - 10.1.3. Canadian citizenship card;
      - 10.1.4. Confirmation of immigration status;
      - 10.1.5. Status card, or;
      - 10.1.6. Permanent resident card.
    - 10.2. Parent/legal guardian(s) are required to provide one (1) of the following as evidence of citizenship status:



- 10.2.1. Valid Passport;
- 10.2.2. Canadian Citizenship Card;
- 10.2.3. Confirmation of Immigration Status; or,
- 10.2.4. Permanent Resident Card

10.3. Parent/legal guardian(s) with Work or Study Visas will also provide the following:

- 10.3.1. Current work permit (valid for one (1) year or more); and,
- 10.3.2. Proof of employment; and,
- 10.3.3. Current passport.

**OR:**

- 10.3.4. Study permit (valid for one (1) year or more); and,
- 10.3.5. Letter of Acceptance or transcript showing enrolment in degree or diploma granting program at a public post- secondary institution authorized by the BC Ministry of Advanced Education. Permit cannot be for high school upgrading or ELL (English Language Learning) unless it is a requirement of acceptance into the programs, for one (1) year only, and the institution is BC EQA- Education Quality Assurance; and,
- 10.3.6. Current passport.

**OR:**

- 10.3.7. Diplomatic Status.

**OR:**

- 10.3.8. Refugee Status.