

Right to Attend School

Administrative Procedure 1.A.130

**Board Governance Policy Cross Reference: Policy 1, 2, 3, 16, and
Administrative Procedure 1.A.40 Compulsory Attendance**

Legal Reference: Public Schools Act, 1, 41(1) (a), 58.9(1), 259 (1), Administrative Handbook for Schools topic R3

Date Adopted: January, 1972

**Date Amended: January, 1983; June, 1985; April, 1996; May, 2005; June, 2012;
September, 2014; February, 2020**

Date Reviewed: October, 2022

GENERAL RESPONSIBILITIES:

School boards must provide or make provision for education in Grades 1 to 12 inclusive and provide adequate school accommodation for all resident persons who have the right to attend school. All documentation necessary for proper placement and programming must be provided by parents or guardians prior to acceptance of a student to a school of the School District of Mystery Lake. Out of province, students or students from a foreign country may not have the same right unless they meet certain criteria.

Out of Province Pupils

Out of province pupils residing in Manitoba for a temporary period of time are permitted to register at a public school free of charge if they meet the definition of Resident Pupil under the Act. Namely, they must either live with their parents or legal guardian(s) in the division in which they wish to attend school; they must be 18 years of age or older; they become a resident in a division because of how they are dealt with under *The Child and Family Services Act* or the *Youth Criminal Justice Act*; or, finally the Minister may designate them as a resident pupil. If they do not meet any of these criteria, they will not qualify for provincial funding to attend school in Manitoba and they may be charged tuition fees by the school they wish to attend. Tuition fees are set by the school division.

Foreign Country Students

Under the *Funding and Temporary Residents Policy*, only some temporary foreign resident pupils may qualify for provincial funding to attend school. All others may be charged tuition fees by the division in which they wish to attend school. Schools should verify a pupil's immigration status by reviewing the immigration documents of both the student and his/her parents, if applicable.

The following minor pupils qualify for provincial funding as long as their parents or legal guardian(s) reside with them;

- Those whose parents are in Canada on a Work or Study Permit
- Those whose parents are in Canada possessing Temporary Resident Permit with an accompanying Work or Study Permit
- Those whose parents are in Canada under authority of the *Visiting Forces Act* (Canada).
- Those whose parents are in the Canada and undergoing the Refugee Determination process under the *Immigration and Refugee Protection Act* (Canada).

The following minor pupils qualify for provincial funding even if they are not residing with their parent(s) or legal guardian(s) in the school division in which they wish to attend:

- Child refugee claimants under *Immigration and Refugee Protection Act* (Canada), even if they are unaccompanied by parents.

Age of majority dependents whose parents are:

- in Canada on a Work or Study Permit
- in Canada possessing Temporary Resident Permit with an accompanying Work or Study Permit
- in Canada under authority of the *Visiting Forces Act*

and who have been attending school in Manitoba and have been eligible for provincial funding before becoming 18 years of age, qualify for provincial funding.

The following pupils do not qualify for provincial funding to attend school and may be charged tuition fees by schools:

- Children of parents in Canada as visitors or parents who have Temporary Resident Permits as visitors
- Children unaccompanied by parents and without a legal guardian (except for children refugee claimants)
- Pupils aged 18 years of age or older, if they are attending in Manitoba school for the first time, or had previously attended school in Manitoba, but were not eligible for provincial funding
- Pupils attending school in Manitoba under a foreign exchange arrangement.

An application for permanent resident status does not confer residency status and does not have any bearing on determining whether a pupil qualifies for funding. Schools must determine a pupil's and/or their parents' immigration status category, by examining their immigration documents (passport, visa and/or other immigration documents).

Resident Pupil

Under *The Public Schools Act* (PSA) a resident pupil is defined as a pupil

- a) whose parent or legal guardian, with whom they reside, is a resident therein, or
- b) who has attained the age of 18 years and is a Canadian citizen or permanent resident as defined in the *Immigration Act* (Canada) resident therein, or
- c) who, by reason of being dealt with under any provision of *The Child and Family Services Act* or the *Young Offenders Act* (Canada), becomes a resident therein, or
- d) who is designated in writing by the minister as a resident therein.

Right to Attend

A person who is five years of age or older on December 31 in a calendar year has the right to attend school from the beginning of the fall term of that calendar year until the last day of June in the calendar year in which the person becomes 21 years of age; or the day the person receives a graduation diploma, whichever comes first. It is recommended all students registering in the School District of Mystery Lake present a birth certificate, however, other pieces of government issued identification will be considered.

By way of example, a person who turns 21 years of age in February 2023 and has not yet received a graduation diploma has the right to access a fully subsidized public school education until June 30, 2023. A person who turns 21 years of age in August 2012 and has not yet received a graduation diploma would, as of July 1, 2012, no longer have a right to attend school.

School boards may choose to admit students who do not have the right to attend and may charge such students tuition. In certain limited circumstances, provincial funding may be provided.

Program Not Offered Locally

School boards are also required to make provision for resident pupils (having the right to attend) to go to school in another school division/district for the purpose of attending a recognized school program (English, Français, French Immersion, Senior Years Technology) not offered by the school division/district that the student is a resident of. The school board has the authority to designate the out-of division/district school to be attended and is responsible for paying the residual costs. Where transportation eligibility exists for the student, the school board is required to provide transportation or support in lieu of transportation.

Right to Enroll under Schools of Choice

Within the provisions of the Schools of Choice initiative, provincially funded students have the right to seek admission to any public school in the province. School boards are required to consider applications from non-resident persons who have the right to attend school. Generally, there is no cost to pupils/parents for exercising choice if application deadlines have been met. *(See Administrative Procedure 1.A.140 Schools of Choice for School District of Mystery Lake requirements.)*

Entrance Age in the School District of Mystery Lake

A child who will attain the age of five before midnight of the 31st day of December may be accepted in for enrollment in Kindergarten in that year.

A child who will attain the age of six years of age before midnight of the 31st day of December may be accepted for enrollment in grade one in that year.

International Students

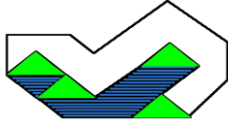
International students may be accepted to the School District of Mystery Lake under Administrative Procedure 1.B.120 International Students.

Non-Resident Students

Students who are not residing with their parent or legal guardian within the School District of Mystery Lake may be allowed to attend a school by the principal if the following conditions are met:

1. Parents or legal guardian must submit a Schools of Choice application, provide all documentation necessary for proper placement and programming and grant permission to contact the student's last school.
2. Parents or legal guardian must provide contact information to contact them in the event of an emergency.
3. Parent or legal guardian must indicate in writing that they are legal guardian for the student and that they have given permission for the student to reside with someone other than themselves.
4. Parent or legal guardian must indicate in writing that they will remain involved with the education of their child and that they are the primary contact for that child and that they will allow another to deal with routine communications with the school e.g. sign permission forms for field trips etc.
5. Any student approved for attendance must be at no additional cost to the school district, after consultation with the Secretary-Treasurer.
6. All requirements of Schools of Choice will apply, including transportation.

7. Applicants must complete the attached “Parent/Guardian Declaration for Non-Resident Students” and submit with the Schools of Choice application.
8. In exceptional circumstances where a child is determined to be at risk, the Superintendent may allow a student to attend if Schools of Choice admission guidelines are not met.



Parent/Guardian Declaration for Non-Resident Students

We/I, _____

of the City/Town of _____, in the Province of _____,

HEREBY CERTIFY THAT:

1. We/I am/are the mother/father/legal guardian of
_____, who was born on the _____ (d/m/y),
_____, who was born on the _____ (d/m/y),
_____, who was born on the _____ (d/m/y).
2. We/I grant permission for _____, _____,
_____, to reside with _____, of _____ (address).
3. We/I will remain involved with the education of _____ and will
maintain current contact information at the school. We/I do grant permission for
_____ to deal with routine communications with the school such as signing
permission forms for field trips, attending Student Conferences, etc.

Note: This form must be accompanied by a Schools of Choice application. Acceptance of non-resident students must be at no additional cost to the School District of Mystery Lake and the transportation procedures for Schools of Choice will apply.

(Signature of parent/guardian) Date: _____

(Signature of Notary Public) Date: _____