



## Right to Attend School Administrative Procedure 1.A.130

1.0 School Administration  
1.A. Foundations

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**Board Governance Policy Cross Reference:** 1, 2, 3, 16, 18, Administrative Procedures 1.B.40 Presence and Engagement and 1.B.70 Custody and Access

**Legal Reference:** *Public Schools Act, Sections 1, 1.1, 41(1)(a), 58.9(1), 259(1)*

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**Date Adopted:** September 1998

**Date Amended:** September 2006, April 2008, November 2010, May 2015, March 2016, November 2022, October 2024

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### 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 Evergreen School Division.

#### 1. Resident Pupil

- 1.1 Under *The Public Schools Act* (PSA or “the Act”) 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 and Refugee Protection 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.
- 1.2 To register a student in Evergreen School Division as resident pupil, parents or legal guardians must provide the proof of residency documentation. Consistent with 2022 direction from Manitoba Education and Early Childhood Learning, the following documents may be used by parents or legal guardians as proof of residency within Evergreen Boundaries.
- a) Any **one** of the following:
    - i. signed mortgage agreement
    - ii. signed long term rental or lease agreement (6 months or more)
    - iii. employment confirmation (dated letter from employer on company letterhead)
    - iv. notarized letter from the homeowner or lease holder confirming the parents or legal guardians are living with them. Notarized letter must include names of those living with them, time of arrival and expected length of stay.
    - v. Letter from Resettlement Assistance program provider regarding the applicant’s residence in Canada.
  - b) Or, any **two** of the following, subject to being acceptable to Evergreen School Division:
    - i. Utility bill (telephone, cable/satellite TV, gas, water/sewer (not older than 2 months))
    - ii. Home insurance policy
    - iii. Current year property tax bill

- iv. Government issued mail (e.g. Child Tax Benefit statement or Revenue Canada Income Tax assessment (current or previous year) showing current address in Evergreen School Division

1.3 School-Age Resident Pupil (ages 5-20)

- a) School-age resident pupil means a resident student aged five to 20 years, inclusive: further defined as a resident who:
  - i. Will be at least five years of age (e.g. having reached their 5<sup>th</sup> birthday by December 31, of the school year in question)
  - ii. Will not have reached their 21<sup>st</sup> birthday by the opening date of the school year or semester in question
- b) All students registering in the Evergreen School Division must present a birth certificate and complete the required registration forms.

1.4 Pupils under 21 who have completed a high school diploma

- a) If a resident of the school division, pupils under 21 years of age who have completed a high school diploma may register for up to a maximum of four approved courses beyond the number of courses taken by the end of the year in which graduation occurs.
- b) If a resident of the school division, a tuition fee can be charged for additional courses beyond the first four.
- c) Non-residents will be charged for all courses taken. Acceptance and registration will be at the discretion of the principal.

1.5 Programs Not Offered Locally

- a) 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.
- b) Evergreen School Division 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.

1.6 Right to Enrol Under Schools of Choice – Residence in Evergreen

- a) Students who reside within Evergreen School Division generally attend the catchment area school.
- b) Applications from within the school division to attend a non-catchment area school will also be considered as per the School of Choice Administrative Procedure 1.A.140.

1.7 Right to Enrol Under Schools of Choice – Non-Resident (Provincial)

- a) Within the provisions of the Schools of Choice legislation, resident pupils have the right to seek admission to any public school in the province.
- b) Evergreen will consider non-resident students for enrolment in Evergreen provided:
  - i. Pupils live with their parent / legal guardian or
  - ii. Legal guardianship has been transferred to a resident of Evergreen School Division
    - By a child taken into custody by Child and Family Services (Voluntary or through apprehension)
    - By the Court of Kings bench process presided by a judge
    - Legal guardianship cannot be transferred by the written intent of the parent, even if a notary public signs the letter

- iii. Are eligible for enrolment Kindergarten to Grade 12
- iv. Other conditions in the School of Choice Administrative Procedure 1.A.140 are met.
- c) In exceptional circumstances where a child is determined to be at risk, the Superintendent may recommend to the Board that a student be permitted to attend as a non-resident student. This would require:
  - i. Detailed explanation of the parent/child circumstances warranting placement in Evergreen, including permission to contact the students' former school and other agencies as deemed necessary.
  - ii. Parent or legal guardian must provide contact information and confirmation in writing that they will remain involved with the education of their child.
  - iii. In the event the parents cannot be reached, and for routine communications with the school (e.g. sign permission forms) parents or legal guardian will provide the school with permission to contact the person with whom the student resides.

## 2. Non-Supportable Students

2.1 Definition: A non-supportable student is any non-resident student who does not qualify for provincial education support.

### 2.2 Enrolment of out of province pupils

- a) Out of province pupils residing in Manitoba for a temporary period of time are permitted to register at public schools free of charge if they meet the definition of resident pupil under the Act. Namely, they must live with their parent(s) or legal guardians in the division; they must be 18 years of age or older, they become a resident of the Division under the Child and Family Services Act of Youth Criminal Justice Act; or if the Minister designates them as a resident pupil.
- b) If they do not meet any of these criteria, they will not qualify for provincial funding in Manitoba and may be charged tuition fees, which will be set by Board decision.

### 2.2 International Students

An international student is an individual who is seeking enrolment in a divisional school, who has neither Canadian citizenship with permanent residency in Canada, or landed immigrant status. Admission to Division schools and fees payable are governed by board decision.

### 2.3 Temporary Residents

Some temporary foreign resident pupils may qualify for provincial funding to attend school. All others may be charged tuition fees, set by the Board.

## 3. Withdrawal of Acceptance

3.1 Failure to disclose correct residence information will result in the Division withdrawing acceptance of the student.