



Administrative Procedure 6010

Admission of Non-Resident Students

Board Governance Policy Cross Reference: [1](#), [12](#), [15](#)

Administrative Procedures Cross Reference:

[Admission of International Students](#)

[Assignment to Schools](#)

[Student Exchange](#)

Form Cross Reference:

[Application for Admission – Non-Resident](#)

[Authorization for Release of Information](#)

[Information on Provincially Funded Non-Resident Student Living with Non-Custodial Caregivers](#)

[Request for Provincially Funded Non-Resident Student Acceptance](#)

Legal/Regulatory Reference:

[Canadian Charter of Rights and Freedoms](#)

[The Child and Family Services Act](#)

[Immigration and Refugee Protection Act](#)

[The Public Schools Act](#)

[The Education Administration Act](#)

[United Nations Convention on the Rights of the Child](#)

[Youth Criminal Justice Act](#)

Date Adopted: May 2006

Amended: April 2019

The Brandon School Division recognizes that all children between the ages of 5 and 20 who are landed immigrants or Canadian citizens have the right of access to public education. These rights and responsibilities are enshrined in the *Canadian Charter of Rights and Freedoms*, the *United Nations Convention on the Rights of the Child*, *Manitoba Public Schools Act*, and *Manitoba Education Administration Act*. Notwithstanding these rights, students who are not deemed residents shall be subject to provincial regulations regarding Schools of Choice and the accompanying procedures as outlined in this administrative procedure.

Students are deemed residents as per *Public Schools Act* when:

- Their parent or legal guardian, with whom they resides, is a resident; or
- They have attained the age of 18 years and is a Canadian Citizen or permanent resident as defined in the *Immigration and Refugee Protection Act*; or
- They, by reason of being dealt with under any provision of *The Child and Family Services Act* or *Youth Criminal Justice Act* becomes a resident; or
- Who is designated in writing by the Minister as a resident.

All other students are deemed non-residents.

Non-resident students are identified as:

International Student – A student seeking enrollment in the Division who has neither Canadian citizenship nor Landed Immigrant status. Administrative Procedure *Admission of International Students* governs admission to the Division and fees payable.

Exchange Student – a foreign student of school age seeking admission to the Division under the auspices of a sponsoring organization. Administrative Procedure *Student Exchange*, governs admission to the Division and fees payable.

Non-Supportable Student – a non-supportable student is any non-resident student who does not qualify for provincial support. This category includes students funded by the federal government, including but not limited to students funded by federal agencies and/or an Educational Authority.

The Division will give priority for admission of students in the following manner as per Provincial regulations regarding School of Choice:

1. Resident students from within the school's catchment area;
2. Resident students from outside the school's catchment area;
3. Non-resident students.

Criteria for Acceptance

Non-resident students are admitted to Division schools as long as:

- Space is available in the school in question;
- Special equipment or physical facilities required by the student are available (Note: should any question arise with respect to determination of additional costs, the Superintendent of Schools/CEO or designate shall make a ruling);
- Enrolling the student would not be detrimental to the continuity of their education;

- The program chosen is suited to the age, ability or aptitude of the student;
- Enrolling the student would not be detrimental to order, discipline and well-being of the students in the school;
- Proper notification is provided by the parent or student (if over age 18) by May 15th.

Application Procedure for Non-Supportable Students

1. Applications must be made in writing using the Division's forms *Application for Admission – Non Resident; Request for Provincially Funded Non-Resident Student Acceptance, Information on Provincially Funded Non-Resident Student Living with Non-Custodial Caregivers, and Authorization for Release of Information* by May 15;
2. Applications must be submitted to Superintendent's Office for preliminary approval;
3. The School Leader of the receiving school will notify the parent or sending school authority no later than June 15 if the student has been accepted;
4. Applicants who miss the May 15 deadline will not be accepted unless their home division agrees to pay the fees;
5. The Board of Trustees has authorized the Senior Administration to enter into reciprocal arrangements with school divisions to allow the Division to honour and accept transfer fees up to and including September 30 in any year from participating school divisions.

School Leader's Discretion

The determination of whether or not there is space available to admit non-resident students shall be made by the School Leader, who will be guided in this decision by:

- The size and composition of the class(es);
- The assurance that there will be no adverse effects on the learning environment provided to students resulting from the admission of a particular student; where a given class contains students with exceptional needs, the maximum class size beyond which admissions will not be considered is at the discretion of the School Leader;
- The School Leader shall determine the number of seats available, by grade and program;
- The School Leader shall determine the numbers of seats to reserve for catchment students.

The School Leader's discretion in admitting or refusing to admit non-resident students shall be used in a fair and reasonable manner. The School Leader's discretion is subject to appeal.

Appeal Process

If the application for admission of a student is denied, the decision may be appealed in writing to the Superintendent/CEO or designate. Under special circumstances the Superintendent/CEO may place a student in a particular school.

Duration of Approval

- Once a non-resident application has been given final approval, it will remain in effect only at the school to which the student has been admitted until the student completes the highest grade level at the school into which he or she has been admitted;
- The Division retains the right to rescind the approval at any time should circumstances arise which restrict the Division's ability to provide appropriately for the education of its own resident and catchment area students or which result from unusual student population changes.

Completion of Year

All students who commence the school year in September as resident students within Brandon School Division shall be permitted to remain in attendance for the remainder of the school year, even though their parents re-establish residence in another school division.

Withdrawal of Acceptance

Notwithstanding any of the foregoing, the Division reserves the right to withdraw its acceptance of non-residents and to deregister such students. The following circumstances will cause such action:

- Failure in the opinion of school administrators to meet behavioural expectations;
- Failure to disclose information or falsification of information required in the Division's application.