

Applicable Sections of the School Act for Policy 5119 Discussion

Sections of the BC School Act applicable to policy 5119 have been copied into this document, along with a summary of what the section says. This summary is provided to assist discussion, not as a legal opinion - given the likelihood of challenges to students being turned away from schools and programs, a legal opinion on these matters is recommended.

A person **is entitled** to enroll an education program provided by the school if they are of school age and resident in the district. They **may** attend any school in BC if the board determines that there is space and facilities at that school. The board **must** enroll all students who are entitled to enroll under section 2, but does not have any obligation to place them in a particular school.

2 (1) Subject to section 74.1, a person is entitled to enroll in an educational program provided by the board of a school district if the person

(a) is of school age, and

(b) is resident in that school district.

(2) Subject to section 74.1, a person may enroll in an educational program provided by a board of a school district and attend any school in British Columbia if

(a) the person is of school age,

(b) the person is resident in British Columbia, and

(c) the board providing the educational program determines that space and facilities are available for the person at the school in which the educational program is made available.

74.1 (2) A board must enroll all persons who exercise their entitlement to enroll in an educational program under section 2 (1).

A board **must** establish a date by which an application to enroll must be received, which **may** be different for different grades, programs, or schools.

A board **may** establish an alternative procedure to enroll a previously enrolled student. If a board does not establish an alternative procedure, then the previously enrolled student would need to apply to enroll to their school again, and be taken in the order of the priority listed below.

If there is space and facilities available in a school for student registration, then a person who has applied to the board by the date specified **is entitled** to enroll in that educational program **in the following order of priority**:

- a catchment area child who attended the school in the previous year
- a catchment area child;
- a non-catchment area child;
- a non-school district child.

74.1 (4) A board

(a) for each school year, must establish a date by which an application to enroll a person in an educational program must be received by the board for the purposes of this section,

(b) in respect of the date referred to in paragraph (a), may establish different dates for different grades, educational programs, schools or children defined in subsection (1), and

(c) may dispense with the application referred to in paragraph (a) and establish an alternative procedure to enroll a school district child who was enrolled in an educational program in the school district in the previous school year.

(5) If a board establishes an alternative application procedure under subsection (4) (c), the enrollment of a school district child remains subject to the priorities set out in this section.

(6) If a board determines that space and facilities are available at the school in which the educational program is made available, a person whose application was received by the board by the date established under subsection (4) is entitled to enroll in that educational program in the following descending order of priority:

(a) a catchment area child who, in the previous school year, attended the school at which the educational program is made available;

(b) a catchment area child;

(c) a non-catchment area child;

(d) a non-school district child.

A board **may** give priority to the following students, and prioritize them **as if** they were a catchment child who attended in the previous year:

- A catchment area child who attended a feeder school in the previous year
- A non-catchment area child who attended the school in the previous year
- A student who attended a school in the previous year (catchment or non-catchment)
- A student who attended a feeder school in the previous year (catchment or non-catchment)
- A sibling of a catchment area child who attended the school in the previous year
- A sibling of a non-catchment area child who attended the school in the previous year

(6.1) Despite subsection (6), a board may, subject to subsection (6.2), give priority to

(a) a catchment area child as if that child were a child described in subsection (6) (a) if, in the previous school year, the child attended a school from which the board reassigns students progressing through their educational program to the school at which the educational program is made available,

(b) a non-catchment area child or a non-school district child as if the child were a child described in subsection (6) (a) or (b) if the child, in the previous school year,

(i) attended the school at which the educational program is made available, or

(ii) attended a school from which the board reassigns students progressing through their educational program to the school at which the educational program is made available, and

(c) a sibling of a child described in subsection (6) (a) or paragraph (b) (i) of this subsection as if the sibling were a child described in subsection (6) (a) or (b) if the sibling does not attend school or attends a different school at the time the application under subsection (4) is made.

The board **must** establish rules as regards how it sets priorities for registration, and **must** make these rules public.

A board **must** establish rules for determining priority between 2 or more persons having the same priority under this section.

(6.2) The board must establish rules governing the exercise of its discretion under subsection (6.1) and must make those rules publicly available.

(7) If a board determines that space and facilities are available at the school in which the educational program is made available, a non-school district child referred to in subsection (6) is entitled to enroll in an educational program in priority to a school district child whose application was received by the board after the date established under subsection (4).

(8) A board must establish rules for determining priority between 2 or more persons having the same priority under this section.

A board **must** establish a catchment area for each school, consisting of all or part of a school district. There is no specific provision in legislation for giving a specific program in a school a separate catchment, unless one considers separate programs to be separate schools. A school is a body of students organized as a unit, under the supervision of a principal or director of instruction. More than one school may occupy the same school building. A provincial resource program provides "education programs for students congregated in day or residential programs who are not able to attend regular school programs in the community". (A separate school would have a separate school code, according to the Ministry of Education.)

75.1 (1) A board must establish for each school in its school district, except for a Provincial resource program, a catchment area consisting of a geographical area around the school that includes all or part of the school district.

(2) A board may amend the catchment area established for a school under subsection (1).

"school" means

(a) a body of students that is organized as a unit for educational purposes under the supervision of a principal, vice principal or director of instruction,

(b) the teachers and other staff members associated with the unit, and

(c) the facilities associated with the unit,

and includes a Provincial resource program and a distributed learning school operated by a board;

73 (2) The board may operate more than one school in a single building or location.

74 (2) A board must ensure that a principal, vice principal or director of instruction is responsible for each school in its school district.

Thank you for your attention to this document. If you have any questions, or would like any of these points further supported with research or data, please email sarah@sbkc.me.

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