

Ordinarily Resident

Policy No. 301.2R

REGULATIONS

FORM: QUICK REFERENCE GUIDE FOR REQUIRED DOCUMENTS FOR REGISTRATION

1. Ordinarily Residence Status

In accordance with the *School Act* and the Ministry of Education policy document, “*Funding Policy – Eligibility of Students for Operating Grant Funding*,” the Board of Education defines students as ‘ordinarily resident’ if a student is resident in the province of British Columbia and the parents/guardians of the student are ordinarily resident in British Columbia.

1.1. Temporarily Absent

Notwithstanding the definition offered above, students may be temporarily absent from British Columbia, yet still retain status as ordinarily resident as follows:

1.1.1. Student Only is Temporarily Absent

The parents/guardians remain resident in British Columbia while the student is temporarily absent. Some exchange students, athletes competing at elite levels, and students involved in extended travel or self-funded studies overseas could be considered ordinarily resident in British Columbia.

1.1.2. Student and Parents/Guardians are Temporarily Absent

If the student is temporarily absent from the province with the parents/guardians, they may be considered ordinarily resident in British Columbia if there is evidence that the family will be returning to British Columbia.

1.2. Immigration Status

Immigration status is relevant but does not determine ordinary residence. The determination of whether a person is ordinarily resident should never be based solely on the person’s immigration status. A person need not be a Canadian citizen or permanent resident to be ‘ordinarily resident’ in BC for the purposes of *Section 82 of the School Act*. For example, persons who have applied for convention refugee status but not yet received a determination, and persons who have applied for permanent resident status from within Canada, are ordinarily resident in BC if there are other indicators of continuity with the community and residence for a settled purpose other than receiving free public education. On the other hand, a person who comes to Canada on a time-limited basis and has not taken steps to obtain permanent residence in Canada usually will not be ordinarily resident because he or she has no legitimate expectation of remaining in Canada.

Determination of immigration status as Ordinarily Resident should be done in conjunction with the Board Office.

1.3. Court Orders

If a student's guardianship is directed by a court order.

1.4. Cross-enrolled Students

If a student is cross-enrolled in our distributed learning program from another BC public school district where their permanent school record resides, he/she will be deemed 'ordinarily resident' as per Ministry guidelines for all BC school districts.

1.5. International Students

If a student is an 'International Student' who is regarded as 'ordinarily resident' for provincial funding in another BC public school, he/she will be considered 'ordinarily resident' for the purposes of receiving distributed learning services.

1.6. Non-Resident Fee Paying Students within Canada – Distributed Learning

With Ministry of Education approval, our distributed learning school may deliver a course or program to students who reside outside British Columbia but within Canada.

2. Requirements for Proof of Residency and Proof of Guardianship

2.1. Proof of Residency

In accordance with the *School Act Section 82*, Ministry of Education policy, and *School District No. 91 Policy 301.2 – Ordinarily Resident*, a student is eligible for a provincially funded education if parents/guardians meet ordinarily resident requirements. Students who are ordinarily resident in BC, and whose custodial parents/guardians are ordinarily resident in BC, and who are enrolled in a program in School District No. 91 (Nechako Lakes) are eligible for Ministry funding.

Please review and copy original documents into the student file.

Any of the documents below can be copied to demonstrate residency:

- BC CareCard / BC Services Card / BC Identification Card
- BC Driver's License or Enhanced BC Driver's License
- Long-term tenancy agreement - showing name and address
- Property purchase agreement - showing name and address
- A current income tax return filed as a BC resident

If the primary identification above is unavailable, schools should request any 2 of the following:

- Property tax statement - showing name and address
- Proof of employment for a minimum of 20 hours per week (e.g. pay stub, letter from the employer)

- Utility bill – showing name and address
- BC vehicle registration
- Canadian bank account statement - showing name and address

2.2. Proof of Guardianship

Any of the documents below can be copied to demonstrate guardianship:

- Student's Birth Certificate (long form preferred)
- Student Passport
- Income Tax Statement where students are declared
- Parent's Confirmation of Permanent Residency or Record of Landing or valid Immigration Canada documents where students are named
- If parents live separately, court order or written agreement granting care to accompanying parent
- If not the parent, guardianship must be done by will in accordance with the *Infants Act* or court order in accordance with the *Family Relations Act*

3. Requirements for Ordinarily Resident

In order to meet the 'ordinarily resident' requirements, the parents/guardians of the student must produce sufficient evidence to meet the criteria of 'ordinarily resident.' If the parents/guardians of the student are unable to produce sufficient evidence to satisfy the school principal/vice principal that the parents/guardians and student are ordinarily resident, or if the principal/vice principal is unsure if the evidence provided is sufficient, the student should not be registered in the school and the principal/vice principal should contact the board office for clarification.

Parents/guardians or student must be ordinarily resident in British Columbia with a sufficient degree of continuity to ensure that there is a settled purpose other than to obtain free public education.

3.1. Temporarily Absent

3.1.1. Student Only is Temporarily Absent

- Documentation that the student will be returning to the parental home at the end of this temporary absence

3.1.2. Student and Parents/Guardians are Temporarily Absent

Any one of the documents can be copied to show that the family is returning to British Columbia:

- Letter from an employer indicating the commencement and/or termination of a contract for work
- Other documentation deemed sufficient by the Superintendent of Schools, or designate.

3.2. Immigration Status

****When registering students with unclear immigration status, principals/vice principals need contact the district staff responsible for their school prior to approval*

Any of the documents below can be copied into the file:

Parents/guardians to provide one of the following:

- Current Passport
- Canadian Citizenship Card
- Confirmation of Immigration Status
- Permanent Resident Card (front and back)

Parent/Guardian - Work Permits / Study Permit / BC Provincial Nominee Program / Diplomatic Status

Parents/guardians to provide the following:

- Work Permit (valid for one year or more);
- Proof of Employment (minimum 20 hours per week); and,
- Current Passport.

OR:

- Study Permit (valid for one year or more);
- Letter of Acceptance or transcript showing enrollment 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 ESL unless it is a requirement of acceptance into the aforementioned programs, for one year only, and the institution is BC EQA-Education Quality Assurance);*
- Statement of tuition paid and program schedule; and,
- Current Passport.

OR:

- BC Provincial Nominee Program (BCPNP) signed performance agreement;
- Confirmation of Eligibility Issued by the Province;
- Work Permit valid for a year or more; and,
- Current Passport

OR:

- Diplomatic Status

Student to provide one of the following:

- Birth Certificate
- Current Passport
- Canadian Citizenship Card
- Confirmation of Immigration Status
- Permanent Resident Card (front and back)
- Refugee Claimant Documentation
- Parent/Guardian Work or Study Permit that indicates student accompanying

3.3. Court Orders

Provide a court order.

3.4. Cross-enrolled Students

In unique circumstances, our distributed learning school may request proof of 'ordinarily resident' for out-of-district cross-enrolled students.

3.5. Non-Resident Fee Paying Students within Canada – Distributed Learning

- 3.5.1.** Fees will be consistent with BC Ministry funded formulas unless circumstances dictate travel or enhanced services to the jurisdiction.
- 3.5.2.** A written agreement with the education authority in the other jurisdiction in which the student is resident.
- 3.5.3.** Our distributed learning school will provide performance information for all students served.

As per BC Ministry policy:

- 3.5.4.** Request approval from the BC Minister of Education to enter into an agreement with another Canadian jurisdiction or another Canadian jurisdiction's board of education.
- 3.5.5.** Upon request, submit to the Ministry a copy of the fully executed agreement between the board and the other jurisdiction or board.
- 3.5.6.** Report students on Student Level Data Collections ("Form 1701") using Funding Code 14 (Out-of-Province).
- 3.5.7.** The Ministry will monitor the board or authority's compliance with the distributed learning agreement. Information required in these procedures will be kept on file by the Ministry for purposes of monitoring compliance with this policy.