

RE: SEEKING ADVICE: Request to Meet - Sanctuary Schools

From: Normand, Nicole AG:EX <Nicole.Normand@gov.bc.ca>
To: Waters, Leah EDUC:EX <Leah.Waters@gov.bc.ca>, Nanninga, Tanera AG:EX <Tanera.Nanninga@gov.bc.ca>, Hansen, Lucy HLTH:EX <Lucy.Hansen@gov.bc.ca>
Cc: Demelo, Paula AG:EX <Paula.Demelo@gov.bc.ca>, Cheema, Haiqa AG:EX <Haiqa.Cheema@gov.bc.ca>
Sent: April 19, 2021 1:31:40 PM PDT

Good afternoon Leah,
I will seek advice from our Ministry staff.
Thank you,
Nicole Normand
Administrative Coordinator to the Honourable David Eby, QC
Attorney General and Minister Responsible for Housing
Phone: 778-974-5921

From: Waters, Leah EDUC:EX <Leah.Waters@gov.bc.ca>
Sent: April 19, 2021 12:22 PM
To: Normand, Nicole AG:EX <Nicole.Normand@gov.bc.ca>; Nanninga, Tanera AG:EX <Tanera.Nanninga@gov.bc.ca>; Hansen, Lucy HLTH:EX <Lucy.Hansen@gov.bc.ca>
Subject: SEEKING ADVICE: Request to Meet - Sanctuary Schools
Hi All,
Minister Whiteside is keen to accept the below meeting request, however, has asked that I receive some direction from HLTH and PS Singh before doing so.
Wondering if we have an broad government position on the below issue and if HLTH specifically has a position on the matter?
If we could get some direction by end of this week it would be very much appreciated.

Thank you!

Leah

From: Sanctuary Health <sanctuaryhealthvancouver@gmail.com>
Sent: March 24, 2021 10:17 PM
To: Minister, EDUC EDUC:EX <EDUC.Minister@gov.bc.ca>
Subject: Request to Meet - Sanctuary Schools

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Dear Minister Whiteside,
Congratulations on your election to represent New Westminster and your appointment as Minister of Education. We were really excited to see that the BC NDP has adopted such a strong mandate in advancing equity and anti-racism - specifically the recognition that 'our government has a moral and ethical responsibility to tackle systemic discrimination in all its forms.'
We are writing you today to inform you about the issues that children who are undocumented or who have precarious immigration status face in registering / accessing public K-12 education in BC.
Sanctuary Health is a grassroots community group that organizes with people with precarious immigration status -- especially women of colour and children--to push for access to all services regardless of immigration status
We have organized and worked with the New Westminster School District to successfully implement the first Sanctuary School's policy in BC - ensuring children that are ordinarily residents in New Westminster who are undocumented or who have precarious immigration status are able to access basic education.
When the School Act was drafted the term "ordinarily resident" was specifically used to protect the rights of undocumented children and children with precarious immigration status - thanks to interventions from the BC Teachers' Federation, the BC Principals' & Vice-Principals Association, the BC School Trustees Association and New Westminster NDP MLA Anita Hagen. However, funding guidelines drafted under a BC Liberal government are perverting the intent of the School Act and incentivising School Districts to turn

children away. As a result, migrant families that are ordinarily residents often face discrimination and fear based on their immigration status when trying to register their children at BC schools.

We are writing to request a meeting with you to discuss how we can bring the practice in BC schools in alignment with the original intention of the School Act. We hope we can build on the success of New West Sanctuary School's policy and implement Sanctuary Schools across BC.

We are so grateful that you were appointed Minister of Education - because you have already demonstrated your commitment to equity and anti-racism through your work as Secretary-Business Manager of the HEU. HEU under your leadership endorsed the Sanctuary principles in recognition that access to services should not be based on immigration status.

We would love to meet with you at your earliest convenience - please let us know when you may be available.

In Solidarity,
Sanctuary Health

RE: STAFF ADVICE : Request to Meet - Sanctuary Schools

From : Armstrong, Joanne L EDUC:EX <Joanne.Armstrong@gov.bc.ca>
To: Foweraker, Jonathan EDUC:EX <Jonathan.Foweraker@gov.bc.ca>
Cc: Aaron, Ian EDUC:EX <Ian.Aaron@gov.bc.ca>, Lum, Sharon EDUC:EX <Sharon.Lum@gov.bc.ca>
Sent: April 19, 2021 2:56:44 PM PDT

Here you go...

The following segments were also provided on October 3, 2019 to help with clarification regarding the requirements for a funded educational program in CLIFF #215148 when citizen (only identified as P.22) wanted clarification about SD40's Sanctuary School policy – Karen Klein, Director of International Education at SD40, was also copied on the reply.

- For a public school board in British Columbia (BC) to be eligible to report a student for a funded educational program – the school age student along with parent/legal guardian must be ordinarily resident in BC.
- For reference, here is the K-12 Funding Policy <https://www2.gov.bc.ca/gov/content/education-training/k-12/administration/legislation-policy/public-schools/k-12-funding-general> , the Eligibility of Students for Operating Grant Funding <https://www2.gov.bc.ca/gov/content/education-training/k-12/administration/legislation-policy/public-schools/eligibility-of-students-for-operating-grant-funding> , and Section 82 of the School Act http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/96412_06#section82.
- The Ministry of Education's Eligibility of Students for Operating Grant Funding Policy <https://www2.gov.bc.ca/gov/content/education-training/k-12/administration/legislation-policy/public-schools/eligibility-of-students-for-operating-grant-funding> outlines the directives Boards of Education are to align their policy and/or procedures to determine whether students along with their parent/legal guardian are ordinarily resident in BC, and therefore eligible to be reported by the school board to the Ministry of Education for a provincially funded education. **It is the school board that has the responsibility and authority to apply the Eligibility Policy and determine whether the student would be eligible to be claimed for a publicly funded education.**
 - From this policy are the following excerpts:

“Ordinarily resident for funding purposes – Section 82(1) of the School Act states: “a board must provide free of charge to every student of school age resident in British Columbia and enrolled in an educational program in a school operated by the board, instruction in an educational program ...”
Section 82(2) states “for the purposes of subsection (1), a student is resident in British Columbia if the student and the guardian of the person of the student are ordinarily resident in British Columbia.”
“To meet these requirements the applicant must show, on the basis of objective evidence, that they have established a regular, habitual mode of life in the community with a sufficient degree of continuity which has persisted despite temporary absences. It is not enough to qualify for free public education that the applicant has taken up residence for the ‘settled purpose’ that the children of the family receive public education.
“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.”
- It is the school board that makes the final determination on whether the family is resident in BC in accordance with their policy and/or procedures which are to align with Ministry directives. Boards must determine education eligibility of those families in their catchment areas including identifying what evidence they require to consider families as ordinarily resident in BC.
- If Board has determined the family are not here for a settled purpose and do not meet the residency requirements, then Board could educate a student on a compassionate basis using their own funds without reporting the student for funding or charge fees as the Board determines.

The School Act (Sec82) identifies board requirements to provide an education free of charge to eligible residents (school age graduated and non graduated as well as non-graduated adults) resident in British Columbia enrolled in an educational program in a school operated by the board. How this wording came about in the School Act could be directed to Dave Duerksen for historical background but not likely as indicated in the Sanctuary Health letter to Minister Whiteside.

The Eligibility policy was created in 2011 replacing the previous International student policy. The goal for the re-write done in conjunction with Governance, Attorney General and Compliance was to emphasize broadening the considerations of eligibility to focus on BC residency and not primarily on immigration status which is a federal consideration.

If district has made the decision to challenge Immigration Canada's status determinates for families, that is a district decision, but to be funding eligible in the Province of BC, boards must still verify BC residency and the Eligibility policy provides guidance and directives in that regard.

Hope the above is of assistance. s.13

s.13

Thanks
Joanne

From: Foweraker, Jonathan EDUC:EX <Jonathan.Foweraker@gov.bc.ca>
Sent: April 19, 2021 1:48 PM
To: Armstrong, Joanne L EDUC:EX <Joanne.Armstrong@gov.bc.ca>
Cc: Aaron, Ian EDUC:EX <Ian.Aaron@gov.bc.ca>; Lum, Sharon EDUC:EX <Sharon.Lum@gov.bc.ca>
Subject: FW: STAFF ADVICE : Request to Meet - Sanctuary Schools

Joanne – can you draft some bullets and answers and send to me please?

From: Lum, Sharon EDUC:EX <Sharon.Lum@gov.bc.ca>
Sent: April 19, 2021 12:52 PM
To: Foweraker, Jonathan EDUC:EX <Jonathan.Foweraker@gov.bc.ca>
Cc: Bawa, Reg R EDUC:EX <Reg.Bawa@gov.bc.ca>
Subject: FW: STAFF ADVICE : Request to Meet - Sanctuary Schools

Hi Jonathan,

Could you please have staff review the request below and provide advice on the meeting request by answering the DMO's questions?

Thanks,
Sharon

From: Sampson, Laura EDUC:EX <Laura.Sampson@gov.bc.ca>
Sent: April 19, 2021 12:49 PM
To: Lum, Sharon EDUC:EX <Sharon.Lum@gov.bc.ca>
Cc: Merry, Kathleen EDUC:EX <Kathleen.Merry@gov.bc.ca>
Subject: STAFF ADVICE : Request to Meet - Sanctuary Schools

Hi Sharon,
MO is looking for staff advice on this meeting request ***and*** information on whether other SDs besides New West have sanctuary type policies. Could you please arrange for this advice to be returned to me by EOD tomorrow?
Thanks!

s.13

6. Other pertinent info (if applicable)

From: Waters, Leah EDUC:EX <Leah.Waters@gov.bc.ca>
Sent: April 19, 2021 12:24 PM
To: Sampson, Laura EDUC:EX <Laura.Sampson@gov.bc.ca>
Subject: REQUEST FOR INFO: Request to Meet - Sanctuary Schools

Hey Laura,

Could we please ask staff if any other SD's have a similar sanctuary policy in schools? I am also checking with HLTH and PS Singh's office if there is a more broad government policy on this and if there are any specific HLTH issues to aware of.

Thanks!

Leah

From: Sanctuary Health <sanctuaryhealthvancouver@gmail.com>
Sent: March 24, 2021 10:17 PM
To: Minister, EDUC EDUC:EX <EDUC.Minister@gov.bc.ca>
Subject: Request to Meet - Sanctuary Schools

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We would love to meet with you at your earliest convenience - please let us know when you may be available.

In Solidarity,
Sanctuary Health

RE: STAFF ADVICE : Request to Meet - Sanctuary Schools

From: Foweraker, Jonathan EDUC:EX <Jonathan.Foweraker@gov.bc.ca>
To: Lum, Sharon EDUC:EX <Sharon.Lum@gov.bc.ca>
Cc: Bawa, Reg R TRAN:EX <Reg.Bawa@gov.bc.ca>
Sent: April 19, 2021 5:00:53 PM PDT

For Review:

s.13

- **Other pertinent info (if applicable)**

- For a public school board in British Columbia (BC) to be eligible to report a student for a funded educational program – the school age student along with parent/legal guardian must be ordinarily resident in BC.
- If a student is determined by the Board to be **ordinarily resident** then they must be provided free instruction. The student is determined to be **ordinarily resident** if their parent / legal guardian is **ordinarily resident**
- To meet these requirements the parent / legal guardian must show, on the basis of objective evidence, that they have established a regular, habitual mode of life in the community with a sufficient degree of continuity which has persisted despite temporary absences. It is not enough to qualify for free public education that the applicant has taken up residence for the 'settled purpose' that the children of the family receive public education.
- **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.
- It is the school board that makes the final determination on whether the family is resident in BC in accordance with their policy and/or procedures which are to align with Ministry directives. Boards must determine education eligibility of those families in their catchment areas including identifying what evidence they require to consider families as ordinarily resident in BC.
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- The Eligibility policy was created in 2011 replacing the previous International student policy. The goal for the re-write (done in conjunction with Governance, Attorney General and Compliance) was to emphasize **broadening the considerations of eligibility** to focus on BC residency and not primarily on immigration status which is a federal consideration.
- If district has made the decision to challenge Immigration Canada's status determinates for families, that is a district decision, but to be funding eligible in the Province of BC, boards must still verify BC residency and the Eligibility policy provides guidance and directives in that regard.

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To: Foweraker, Jonathan EDUC:EX <Jonathan.Foweraker@gov.bc.ca>
Cc: Bawa, Reg R EDUC:EX <Reg.Bawa@gov.bc.ca>
Subject: FW: STAFF ADVICE : Request to Meet - Sanctuary Schools

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Sent: April 19, 2021 12:49 PM
To: Lum, Sharon EDUC:EX <Sharon.Lum@gov.bc.ca>
Cc: Merry, Kathleen EDUC:EX <Kathleen.Merry@gov.bc.ca>
Subject: STAFF ADVICE : Request to Meet - Sanctuary Schools

Hi Sharon,
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Thanks!

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Sent: April 19, 2021 12:24 PM
To: Sampson, Laura EDUC:EX <Laura.Sampson@gov.bc.ca>
Subject: REQUEST FOR INFO: Request to Meet - Sanctuary Schools

Hey Laura,

Could we please ask staff if any other SD's have a similar sanctuary policy in schools? I am also checking with HLTH and PS Singh's office if there is a more broad government policy on this and if there are any specific HLTH issues to aware of.

Thanks!

Leah

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We would love to meet with you at your earliest convenience - please let us know when you may be available.

In Solidarity,
Sanctuary Health

RE: STAFF ADVICE : Request to Meet - Sanctuary Schools

From: Waters, Leah EDUC:EX <Leah.Waters@gov.bc.ca>
To: Sampson, Laura EDUC:EX <Laura.Sampson@gov.bc.ca>
Cc: Baxter, Breanne EDUC:EX <Breanne.Baxter@gov.bc.ca>
Sent: April 30, 2021 2:06:59 PM PDT

Thanks Laura!

Breanne, this will be helpful for Monday's scheduling meeting 😊

Leah

From: Sampson, Laura EDUC:EX <Laura.Sampson@gov.bc.ca>

Sent: April 30, 2021 1:16 PM

To: Waters, Leah EDUC:EX <Leah.Waters@gov.bc.ca>

Cc: Baxter, Breanne EDUC:EX <Breanne.Baxter@gov.bc.ca>

Subject: RE: STAFF ADVICE : Request to Meet - Sanctuary Schools

I think I can help explain. s.13

the Ministry doesn't have the authority to resolve

the issue that the writer raises.

The federal government determines if someone is a landed immigrant, permanent resident, Canadian citizen, etc.

But, it's possible even for a student to be a full Canadian citizen and not be eligible for free education in BC.

A student ***and*** their parent/legal guardian must be **ordinarily resident** in BC. If the parent/legal guardian isn't an **ordinarily resident**, then the school district doesn't receive funding to educate that student and the SD would need charge tuition fees to cover the cost of the student's education. (So even students whose parents live in another province within Canada don't automatically qualify for free education in BC).

How do you know if a parent/legal guardian is considered an **ordinarily resident**? Well, that's up to the school board.

School boards set their own policies around what makes a parent/legal guardian a resident, what documents they need to demonstrate this, and also when exceptions can be made.

The Ministry is not involved in these decisions.

So, basically it's up to individual school boards on this one.

I've attached some MLA bullets we've done in the past on this issues – just as FYI (and note they each related to a situation in a specific SD).

Hope this helps clarify...if not I can certainly go back to the program area again.

Cheers,

Laura

From: Waters, Leah EDUC:EX <Leah.Waters@gov.bc.ca>

Sent: April 29, 2021 3:56 PM

To: Sampson, Laura EDUC:EX <Laura.Sampson@gov.bc.ca>

Cc: Baxter, Breanne EDUC:EX <Breanne.Baxter@gov.bc.ca>

Subject: RE: STAFF ADVICE : Request to Meet - Sanctuary Schools

Hi Laura,

After referring these folks to MUNI they have come back with some specific concerns related to EDUC. s.13

s.13

s.13

Hoping we can get this info

ahead of a scheduling meeting with the minister on Monday morning.

Thank you!

Leah

From: Sampson, Laura EDUC:EX <Laura.Sampson@gov.bc.ca>

Sent: April 20, 2021 11:22 AM

To: Waters, Leah EDUC:EX <Leah.Waters@gov.bc.ca>

Cc: Baxter, Breanne EDUC:EX <Breanne.Baxter@gov.bc.ca>

Subject: RE: STAFF ADVICE : Request to Meet - Sanctuary Schools

Hi Leah – please see advice below:

s.13

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Sent: March 24, 2021 10:17 PM

To: Minister, EDUC EDUC:EX <EDUC.Minister@gov.bc.ca>

Subject: Request to Meet - Sanctuary Schools

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We would love to meet with you at your earliest convenience - please let us know when you may be available.

In Solidarity,

Sanctuary Health

FW: Request to Meet - Sanctuary Schools

From: Minister, EDUC EDUC:EX <EDUC.Minister@gov.bc.ca>
To: Sanderson, Melanie EDUC:EX <Melanie.Sanderson@gov.bc.ca>
Sent: May 3, 2021 10:34:24 AM PDT

From: Sanctuary Health <sanctuaryhealthvancouver@gmail.com>

Sent: March 24, 2021 10:17 PM

To: Minister, EDUC EDUC:EX <EDUC.Minister@gov.bc.ca>

Subject: Request to Meet - Sanctuary Schools

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245753

Dear Minister Whiteside,

Congratulations on your election to represent New Westminster and your appointment as Minister of Education. We were really excited to see that the BC NDP has adopted such a strong mandate in advancing equity and anti-racism - specifically the recognition that 'our government has a moral and ethical responsibility to tackle systemic discrimination in all its forms.'

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RE: Confirmed: Sanctuary Health 245753

From: Waters, Leah EDUC:EX <Leah.Waters@gov.bc.ca>
To: Sampson, Laura EDUC:EX <Laura.Sampson@gov.bc.ca>, Carling, Emma EDUC:EX <Emma.Carling@gov.bc.ca>
Cc: Baxter, Breanne EDUC:EX <Breanne.Baxter@gov.bc.ca>
Sent: May 21, 2021 11:46:34 AM PDT
Attachments: image001.png

Done! Using MJW's con call for pre-brief.

From: Sampson, Laura EDUC:EX <Laura.Sampson@gov.bc.ca>
Sent: May 21, 2021 10:53 AM
To: Waters, Leah EDUC:EX <Leah.Waters@gov.bc.ca>; Carling, Emma EDUC:EX <Emma.Carling@gov.bc.ca>
Cc: Baxter, Breanne EDUC:EX <Breanne.Baxter@gov.bc.ca>
Subject: RE: Confirmed: Sanctuary Health 245753
No problem Leah. And yes I think a pre-brief is a good idea – could fit in right before the meeting.

From: Waters, Leah EDUC:EX <Leah.Waters@gov.bc.ca>
Sent: May 21, 2021 9:57 AM
To: Sampson, Laura EDUC:EX <Laura.Sampson@gov.bc.ca>; Carling, Emma EDUC:EX <Emma.Carling@gov.bc.ca>
Cc: Baxter, Breanne EDUC:EX <Breanne.Baxter@gov.bc.ca>
Subject: Confirmed: Sanctuary Health 245753
Hello,

Please note we have confirmed a meeting with Sanctuary Health (245753) on June 22nd at 10AM. Can we please have staff and materials?

Let me know your thoughts on a pre-brief for this one. Based on the staff advice I think it might be a good idea?

s.15; s.17

Thanks,



Leah Waters (she/they)
Administrative Coordinator
Minister of Education, Honourable Jennifer Whiteside
Direct: 778 974 6109
Email: Leah.Waters@gov.bc.ca

**I acknowledge and respect that I live, learn, and work on the traditional territories of the Lkwungen Peoples on whose traditional territories the Lkwungen (Songhees), Wyomilth (Esquimalt), and W̱SÁNEĆ (Saanich) peoples have a continuous relationship with.*

***Please note: This email message, including attachments, is intended for the addressee(s) only and may contain legally privileged information. Any unauthorized use, distribution, disclosure or reproduction is strictly prohibited. If you have received this email in error, please notify sender by return email and delete all copies.*

RE: ALERT - eApprovals Item ID: 9334 - Item Forwarded - - Due 6/16/2021

From: Foweraker, Jonathan EDUC:EX <Jonathan.Foweraker@gov.bc.ca>
To: Armstrong, Joanne L EDUC:EX <Joanne.Armstrong@gov.bc.ca>
Cc: Lum, Sharon EDUC:EX <Sharon.Lum@gov.bc.ca>, Aaron, Ian EDUC:EX <Ian.Aaron@gov.bc.ca>
Sent: May 27, 2021 9:53:19 AM PDT

Yes —s.13
s.13

Thanks,

Jonathan

From: Armstrong, Joanne L EDUC:EX <Joanne.Armstrong@gov.bc.ca>
Sent: May 27, 2021 9:52 AM
To: Foweraker, Jonathan EDUC:EX <Jonathan.Foweraker@gov.bc.ca>
Cc: Lum, Sharon EDUC:EX <Sharon.Lum@gov.bc.ca>; Aaron, Ian EDUC:EX <Ian.Aaron@gov.bc.ca>
Subject: FW: ALERT - eApprovals Item ID: 9334 - Item Forwarded - - Due 6/16/2021

Hi Jonathan

I replied to your email about this back on April 19, 2021 but looks like background was never put into eApps nor was a briefing note generated. I will attempt to craft something up, then redirect back to you. In the meantime here is the April email reply to you, Ian and Sharon.

Thanks
Joanne

From: EDUC eApprovals <donotreply@sp.gov.bc.ca>
Sent: May 26, 2021 1:51 PM
To: Armstrong, Joanne L EDUC:EX <Joanne.Armstrong@gov.bc.ca>
Subject: ALERT - eApprovals Item ID: 9334 - Item Forwarded - - Due 6/16/2021

Foweraker, Jonathan EDUC:EX [Assignee] forwarded an eApprovals item to Armstrong, Joanne L EDUC:EX for action

Comment: One for you please.

#: 247648

Title: MJW Meeting w/ Health Sanctuary

Full Name:

Due Date: 6/16/2021

Category: Briefing Note - Meeting Material

[Go to item...](#)

MJW Material | Sanctuary Health

From: Carling, Emma EDUC:EX <Emma.Carling@gov.bc.ca>
To: EDUC DL Minister's Office <EDUCMINO@Victoria1.gov.bc.ca>
Cc: Charlton, Julie EDUC:EX <Julie.Charlton@gov.bc.ca>, Wams, Rachel
EDUC:EX <Rachel.Wams@gov.bc.ca>
Sent: June 9, 2021 9:05:50 AM PDT
Attachments: 247648 MN-MJW Sanctuary Health - June 22 2021.pdf

Good morning

Attached is the material for Minister's meeting with Sanctuary Health on June 22 at 10:00am.

The material has also been saved to the [LAN](#).

Thank you

Emma Carling | Documents Coordinator

Deputy Minister's Office | Ministry of Education

Ph: 236-478-3347 E: emma.carling@gov.bc.ca

MINISTRY OF EDUCATION
MEETING NOTE

CLIFF: 247648
PREPARED FOR: Honourable Jennifer Whiteside, Minister

MEETING DATE: June 22, 2021

MEETING WITH: Sanctuary Health

ATTENDEES: [Identify known attendees]

MEETING PURPOSE: Discussing Sanctuary Health's goal that provincial services (including a provincially funded education) should not be based on immigration status

BACKGROUND:

- Eligibility for a funded educational program is specific to students (along with parent/guardian if school aged) being verified as ordinarily resident in B.C.
- The *School Act* requires a public board of education to provide an educational program free of charge to every student of school age who is resident in BC.
- The term "ordinarily resident" is not defined in the *School Act* but is defined in the Eligibility of Operating Grant Funding Policy using court interpretation which established criteria for determining residency for the purpose of receiving free public education.
- The Eligibility policy was created in 2011 replacing the previous International student policy. The goal for the re-write, done in conjunction with Ministry of Attorney General and input from Education's Governance and Compliance staff, was to emphasize broadening the considerations of eligibility to focus on BC residency and not primarily on immigration status which is a federal consideration.

- ***Ordinarily resident for funding purposes:***

Section 82(1) of the *School Act* states:

"a board must provide free of charge to every student of school age resident in British Columbia and enrolled in an educational program in a school operated by the board, instruction in an educational program ..."

Section 82(2) states:

"for the purposes of subsection (1), a student is resident in British Columbia if the student and the guardian of the person of the student are ordinarily resident in British Columbia."

The Eligibility Policy states:

- *"To meet these requirements the applicant must show, on the basis of objective evidence, that they have established a regular, habitual mode of life in the community with a sufficient degree of continuity which has persisted despite temporary absences. It is not enough to qualify for free public education that the applicant has taken up residence for the 'settled purpose' that the children of the family receive public education."*

- ***"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."***
- ***"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 B.C. if there are other indicators of continuity with the community and residence for a settled purpose other than receiving free public education"***
- Boards are responsible for determining whether a prospective student is ordinarily resident for the purposes of receiving a funded public education. Boards set local policies and procedures to determine ordinary residence, guided by high-level Ministry policy.
- The *Independent School Act* also provides funding to eligible resident students in Group 1 and Group 2 independent schools.
- Eligible students are defined in the *Independent School Regulations* as being resident in BC if the student is ordinarily resident and if the parent is a citizen or permanent resident of Canada and ordinarily resident in BC. Independent schools are responsible for documenting funding eligibility.

DISCUSSION:

- Section 82 of the *School Act* identifies board requirements to provide an education free of charge to eligible residents (school age graduated and non-graduated as well as non-graduated adults) resident in BC enrolled in an educational program in a school operated by the board. This wording has been in place since at least 1989.
- Boards of education are to align their policy and/or procedures to determine whether students along with their parent/legal guardian are ordinarily resident in BC, It is the school board that has the responsibility and authority to apply the Eligibility Policy.
- It is the school board that makes the final determination including identifying what evidence they require to consider families as ordinarily resident in BC.
- In some cases boards have determined the family are not here for a settled purpose and do not meet the residency requirements but decide to deliver education on a compassionate basis without claiming the student for funding.

s.13

RE: Request to Meet - Sanctuary Schools

From: Waters, Leah EDUC:EX <Leah.Waters@gov.bc.ca>
To: Sanctuary Health <sanctuaryhealthvancouver@gmail.com>
Sent: June 22, 2021 8:15:42 AM PDT
Attachments: image001.png

Great, thank you for the update!

From: Sanctuary Health <sanctuaryhealthvancouver@gmail.com>

Sent: June 22, 2021 12:32 AM

To: Waters, Leah EDUC:EX <Leah.Waters@gov.bc.ca>

Subject: Re: Request to Meet - Sanctuary Schools

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Thanks Leah,

We've had a quick update on who will be attending: Byron Cruz and Mark Gifford aren't coming and we will be joined by Humberto Arellano.

Omar

On Mon, 21 Jun 2021 at 08:53, Waters, Leah EDUC:EX <Leah.Waters@gov.bc.ca> wrote:

Thanks so much!

From: Sanctuary Health <sanctuaryhealthvancouver@gmail.com>

Sent: June 21, 2021 1:57 AM

To: Waters, Leah EDUC:EX <Leah.Waters@gov.bc.ca>

Subject: Re: Request to Meet - Sanctuary Schools

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Thank you Leah for your patience. It looks like we have from confirmed for our meeting:

Omar Chu, Alejandro Lopez Bravo, Ingrid Mendez and Byron Cruz from Sanctuary Health as well as our guests Amal Echikr and Mark Gifford.

Sanctuary Health

On Fri, 21 May 2021 at 09:52, Waters, Leah EDUC:EX <Leah.Waters@gov.bc.ca> wrote:

Thanks so much for confirming. I have sent a meeting link along.

Can you please confirm who will attend from Sanctuary Health?

Thank you,

Leah

From: Sanctuary Health <sanctuaryhealthvancouver@gmail.com>

Sent: May 20, 2021 7:42 PM

To: Waters, Leah EDUC:EX <Leah.Waters@gov.bc.ca>

Subject: Re: Request to Meet - Sanctuary Schools

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Thank you Leah! 10 AM on June 22nd would be great!

Much appreciated,

Sanctuary Health

On Thu, 20 May 2021 at 10:11, Waters, Leah EDUC:EX <Leah.Waters@gov.bc.ca> wrote:

Hello,

Thanks again for your patience while we review your request. Minister Whiteside would be pleased to meet with representatives from Sanctuary Health to discuss your concerns.

Can I suggest a meeting date/time of: **Tuesday, June 22nd – 10AM?**

I would be pleased to provide meeting details upon confirmation.

Thank you,

Leah

From: Sanctuary Health <sanctuaryhealthvancouver@gmail.com>

Sent: April 27, 2021 8:46 AM

To: Waters, Leah EDUC:EX <Leah.Waters@gov.bc.ca>

Subject: Re: Request to Meet - Sanctuary Schools

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Thank you Leah,

We are happy to meet with Minister Osborne; however, we wish to specifically discuss how the Ministry of Education's funding guidelines undermine the School Act. Both the guidelines and the School Act are the responsibility of Minister Whiteside, so we would like to request a meeting with her as well.

Thank you again,

Sanctuary Health

On Mon, 26 Apr 2021 at 11:47, Waters, Leah EDUC:EX <Leah.Waters@gov.bc.ca> wrote:

Good Morning,

Thank you for your email requesting a meeting with the Honourable Jennifer Whiteside, Minister of Education to discuss sanctuary schools in BC.

Please note, this request has been referred to the Honourable Josie Osborne, Minister of Municipal Affairs, as they are in a better position to provide advice on issues related to permanent and temporary resident status and directly coordinate with the federal government on these issues.

Someone from Minister Osborne's office should be in touch shortly to discuss this request.

Please let me know if I can offer any further assistance in the mean time.

Thank you,



Leah Waters (she/they)

Administrative Coordinator

Minister of Education, Honourable Jennifer Whiteside

Direct: 778 974 6109

Email: Leah.Waters@gov.bc.ca

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From: Sanctuary Health <sanctuaryhealthvancouver@gmail.com>

Sent: March 24, 2021 10:17 PM

To: Minister, EDUC EDUC:EX <EDUC.Minister@gov.bc.ca>

Subject: Request to Meet - Sanctuary Schools

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Dear Minister Whiteside,

Congratulations on your election to represent New Westminster and your appointment as Minister of Education. We were really excited to see that the BC NDP has adopted such a strong mandate in advancing equity and anti-racism - specifically the recognition that 'our government has a moral and ethical responsibility to tackle systemic discrimination in all its forms.'

We are writing you today to inform you about the issues that children who are undocumented or who have precarious immigration status face in registering / accessing public K-12 education in BC.

Sanctuary Health is a grassroots community group that organizes with people with precarious immigration status -- especially women of colour and children--to push for access to all services regardless of immigration status

We have organized and worked with the New Westminster School District to successfully implement the first Sanctuary School's policy in BC - ensuring children that are ordinarily

residents in New Westminster who are undocumented or who have precarious immigration status are able to access basic education.

When the School Act was drafted the term “ordinarily resident” was specifically used to protect the rights of undocumented children and children with precarious immigration status - thanks to interventions from the BC Teachers’ Federation, the BC Principals’ & Vice-Principals Association, the BC School Trustees Association and New Westminster NDP MLA Anita Hagen. However, funding guidelines drafted under a BC Liberal government are perverting the intent of the School Act and incentivising School Districts to turn children away. As a result, migrant families that are ordinarily residents often face discrimination and fear based on their immigration status when trying to register their children at BC schools.

We are writing to request a meeting with you to discuss how we can bring the practice in BC schools in alignment with the original intention of the School Act. We hope we can build on the success of New West Sanctuary School’s policy and implement Sanctuary Schools across BC.

We are so grateful that you were appointed Minister of Education - because you have already demonstrated your commitment to equity and anti-racism through your work as Secretary-Business Manager of the HEU. HEU under your leadership endorsed the Sanctuary principles in recognition that access to services should not be based on immigration status.

We would love to meet with you at your earliest convenience - please let us know when you may be available.

In Solidarity,
Sanctuary Health

RE: Request to Meet - Sanctuary Schools

From: Leslie, Sean GCPE:EX <Sean.Leslie@gov.bc.ca>
To: Lindsay-Baugh, Anna EDUC:EX <Anna.LindsayBaugh@gov.bc.ca>, Lindsay-Baugh, Anna MCF:EX <Anna.LindsayBaugh@gov.bc.ca>
Sent: June 22, 2021 11:08:59 AM PDT
Thanks Anna.

From: Lindsay-Baugh, Anna EDUC:EX <Anna.LindsayBaugh@gov.bc.ca>
Sent: June 22, 2021 10:45 AM
To: Leslie, Sean GCPE:EX <Sean.Leslie@gov.bc.ca>
Subject: Fwd: Request to Meet - Sanctuary Schools

Anna

Begin forwarded message:

From: "Bawa, Reg R EDUC:EX" <Reg.Bawa@gov.bc.ca>
Date: June 22, 2021 at 9:44:12 AM PDT
To: "Lindsay-Baugh, Anna EDUC:EX" <Anna.LindsayBaugh@gov.bc.ca>
Subject: FW: Request to Meet - Sanctuary Schools

Here you go

From: Sanctuary Health <sanctuaryhealthvancouver@gmail.com>
Sent: March 24, 2021 10:17 PM
To: Minister, EDUC EDUC:EX <EDUC.Minister@gov.bc.ca>
Subject: Request to Meet - Sanctuary Schools

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We would love to meet with you at your earliest convenience - please let us know when you may be available.

In Solidarity,
Sanctuary Health

FW: Reg/Jonathan/Joanne/Ian - Sanctuary Health

From: Foweraker, Jonathan EDUC:EX^{s.15}
To: Grahn, Sofie EDUC:EX <Sofie.Grahn@gov.bc.ca>
Sent: June 24, 2021 4:43:24 PM PDT
Received: June 24, 2021 4:43:00 PM PDT
Attachments: 247648 MN-MJW Sanctuary Health - June 22 2021.pdf

Priority: Normal (5)
Calendar Item Type: REQUEST

If you are around I think it would be good for you to attend; could possibly be some policy work from this.

-----Original Appointment-----

From: Bawa, Reg R EDUC:EX <Reg.Bawa@gov.bc.ca>

Sent: June 23, 2021 1:31 PM

To: Bawa, Reg R EDUC:EX; Armstrong, Joanne L EDUC:EX; Foweraker, Jonathan EDUC:EX; Aaron, Ian EDUC:EX

Subject: Reg/Jonathan/Joanne/Ian - Sanctuary Health

When: June 30, 2021 11:00 AM-12:00 PM (UTC-08:00) Pacific Time (US & Canada).

Where: Zoom

Resource Management is inviting you to a scheduled Zoom meeting.

Topic: Sanctuary Health

Time: Jun 30, 2021 11:00 AM Pacific Time (US and Canada)

s.15; s.17

Accepted: FW: Reg/Jonathan/Joanne/Ian - Sanctuary Health

From: Grahn, Sofie EDUC:EX s.15
s.15

To: Bawa, Reg R TRAN:EX <Reg.Bawa@gov.bc.ca>

Sent: June 28, 2021 8:54:51 AM PDT

Received: June 28, 2021 8:54:00 AM PDT

Priority: Normal (5)

Calendar Item Type: REPLY

RE: Meeting

From: Armstrong, Joanne L EDUC:EX <Joanne.Armstrong@gov.bc.ca>
To: Aaron, Ian EDUC:EX <Ian.Aaron@gov.bc.ca>
Sent: July 2, 2021 7:39:22 AM PDT

Hi Ian

s.22 not clear by two previous emails, who is to be leading this s.22

s.22 and I believe it is necessary for me to be a primary participant.

Thanks

Joanne

From: Foweraker, Jonathan EDUC:EX <Jonathan.Foweraker@gov.bc.ca>

Sent: July 1, 2021 7:12 PM

To: s.22 Bawa, Reg R EDUC:EX <Reg.Bawa@gov.bc.ca>

Cc: Grahn, Sofie EDUC:EX <Sofie.Grahn@gov.bc.ca>; Aaron, Ian EDUC:EX <Ian.Aaron@gov.bc.ca>; Armstrong, Joanne L EDUC:EX <Joanne.Armstrong@gov.bc.ca>

Subject: RE: Meeting

Hi Omar,

My colleagues will be in touch next week to set up a call. Hope you are staying safe and cool.

Jonathan

From: s.22

Sent: June 30, 2021 9:25 PM

To: Bawa, Reg R EDUC:EX <Reg.Bawa@gov.bc.ca>

Cc: Grahn, Sofie EDUC:EX <Sofie.Grahn@gov.bc.ca>; Aaron, Ian EDUC:EX <Ian.Aaron@gov.bc.ca>; Foweraker, Jonathan EDUC:EX <Jonathan.Foweraker@gov.bc.ca>; Armstrong, Joanne L EDUC:EX

<Joanne.Armstrong@gov.bc.ca>

Subject: RE: Meeting

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Thank you Reg, Sofie, Ian, Jonathan and Joanne,

We're looking forward to it.

Omar

From: Bawa, Reg R EDUC:EX <Reg.Bawa@gov.bc.ca>

Sent: June 30, 2021 3:06 PM

To: s.22

Cc: Grahn, Sofie EDUC:EX <Sofie.Grahn@gov.bc.ca>; Aaron, Ian EDUC:EX <Ian.Aaron@gov.bc.ca>; Foweraker, Jonathan EDUC:EX <Jonathan.Foweraker@gov.bc.ca>; Armstrong, Joanne L EDUC:EX

<Joanne.Armstrong@gov.bc.ca>

Subject: RE: Meeting

Hi Omar – yes nice meeting you and your colleagues last week. I have copied some of my team who would like to get in touch to understand a bit more about the challenges that were described to the minister and then work on a few strategies to bring better clarity and understanding of the “ordinary resident” policy to the key contacts in the school districts. We expect this to bring more consistency across the sector to ensure the intent of the policy is being followed.

Expect to have someone reach out to you shortly to arrange a call.

Thanks

Reg

From: s.22

Sent: June 22, 2021 10:59 AM

To: Bawa, Reg R EDUC:EX <Reg.Bawa@gov.bc.ca>

Subject: Meeting

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Hello Reg,

It was very nice to meet you today. I am writing to share my email address with you. I can play point person with scheduling future meetings and helping to figure out who from Sanctuary Health is best to discuss different aspects of policy.

Thank you,
Omar Chu

RE: Meeting

From: Aaron, Ian EDUC:EX <Ian.Aaron@gov.bc.ca>
To: Grahn, Sofie EDUC:EX <Sofie.Grahn@gov.bc.ca>
Sent: July 5, 2021 9:13:51 AM PDT

Thanks very much Sof.

s.22

From: Grahn, Sofie EDUC:EX <Sofie.Grahn@gov.bc.ca>
Sent: July 5, 2021 9:04 AM
To: Aaron, Ian EDUC:EX <Ian.Aaron@gov.bc.ca>; Foweraker, Jonathan EDUC:EX <Jonathan.Foweraker@gov.bc.ca>; Armstrong, Joanne L EDUC:EX <Joanne.Armstrong@gov.bc.ca>
Subject: RE: Meeting

Hi Ian,

s.22 I am happy to make contact. Joanne already told me s.22

s.22

Cheers,
Sof

From: Aaron, Ian EDUC:EX <Ian.Aaron@gov.bc.ca>
Sent: July 2, 2021 8:18 AM
To: Foweraker, Jonathan EDUC:EX <Jonathan.Foweraker@gov.bc.ca>; Armstrong, Joanne L EDUC:EX <Joanne.Armstrong@gov.bc.ca>; Grahn, Sofie EDUC:EX <Sofie.Grahn@gov.bc.ca>
Subject: Fwd: Meeting

FYI,

I am guessing it is Sofie who will be making arrangements for this meeting??

Whomever is doing so, please note that Joanne is a must to have in the meeting s.22
s.22

Thanks, Ian.

Begin forwarded message:

From: "Foweraker, Jonathan EDUC:EX" <Jonathan.Foweraker@gov.bc.ca>
Date: July 1, 2021 at 7:12:23 PM PDT
To: s.22 "Bawa, Reg R EDUC:EX" <Reg.Bawa@gov.bc.ca>
Cc: "Grahn, Sofie EDUC:EX" <Sofie.Grahn@gov.bc.ca>, "Aaron, Ian EDUC:EX" <Ian.Aaron@gov.bc.ca>, "Armstrong, Joanne L EDUC:EX" <Joanne.Armstrong@gov.bc.ca>
Subject: RE: Meeting

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Jonathan

From: s.22

Sent: June 30, 2021 9:25 PM

To: Bawa, Reg R EDUC:EX <Reg.Bawa@gov.bc.ca>

Cc: Grah, Sofie EDUC:EX <Sofie.Grah@gov.bc.ca>; Aaron, Ian EDUC:EX <Ian.Aaron@gov.bc.ca>; Foweraker, Jonathan EDUC:EX <Jonathan.Foweraker@gov.bc.ca>; Armstrong, Joanne L EDUC:EX <Joanne.Armstrong@gov.bc.ca>

Subject: RE: Meeting

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From: Bawa, Reg R EDUC:EX <Reg.Bawa@gov.bc.ca>

Sent: June 30, 2021 3:06 PM

To: s.22

Cc: Grah, Sofie EDUC:EX <Sofie.Grah@gov.bc.ca>; Aaron, Ian EDUC:EX <Ian.Aaron@gov.bc.ca>; Foweraker, Jonathan EDUC:EX <Jonathan.Foweraker@gov.bc.ca>; Armstrong, Joanne L EDUC:EX <Joanne.Armstrong@gov.bc.ca>

Subject: RE: Meeting

Hi Omar – yes nice meeting you and your colleagues last week. I have copied some of my team who would like to get in touch to understand a bit more about the challenges that were described to the minister and then work on a few strategies to bring better clarity and understanding of the “ordinary resident” policy to the key contacts in the school districts. We expect this to bring more consistency across the sector to ensure the intent of the policy is being followed.

Expect to have someone reach out to you shortly to arrange a call.

Thanks

Reg

From: s.22

Sent: June 22, 2021 10:59 AM

To: Bawa, Reg R EDUC:EX <Reg.Bawa@gov.bc.ca>

Subject: Meeting

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Hello Reg,

It was very nice to meet you today. I am writing to share my email address with you. I can play point person with scheduling future meetings and helping to figure out who from Sanctuary Health is best to discuss different aspects of policy.

Thank you,

Omar Chu

RE: Meeting-Sanctuary Health

From: Grahn, Sofie EDUC:EX <Sofie.Grahn@gov.bc.ca>
To: Armstrong, Joanne L EDUC:EX <Joanne.Armstrong@gov.bc.ca>
Cc: Aaron, Ian EDUC:EX <Ian.Aaron@gov.bc.ca>, Ponsford, Caroline EDUC:EX <Caroline.Ponsford@gov.bc.ca>
Sent: July 8, 2021 9:12:13 AM PDT

Hi Joanne;

Since neither of us are necessarily experts on Sanctuary Health or how they approach their concerns, I asked them for materials so we can be more effective in the meeting. They indicated they will send us materials they want us to be familiar with by the 12th. I don't plan on sending them anything until s.22. I assumed you would want to send them a copy of the current policy and I am quite happy for you to send whatever materials you would ordinarily on your return and take the lead on the meeting. I just wanted to show that we were following up on Reg's contact rather than letting it sit until you return.

Alejandra and Ingrid are both members of Sanctuary Health. I won't say anything about google... but I believe Alejandra also works at the Human Rights Commissioners office so we may need to do intros and remind everyone about that separation of duties.

I am well aware that we don't make commitments. That is what management and executive are for. 😊 However, Reg did provide all of us some potential action steps in our meeting. I have confirmed those with JF. I am happy to discuss those with you when you get back so we can both be on the same page. Feel free to shoot me a message s.22 and we can chat.

s.22

Cheers,
Sofie

From: Armstrong, Joanne L EDUC:EX <Joanne.Armstrong@gov.bc.ca>
Sent: July 8, 2021 8:44 AM
To: Grahn, Sofie EDUC:EX <Sofie.Grahn@gov.bc.ca>
Cc: Aaron, Ian EDUC:EX <Ian.Aaron@gov.bc.ca>
Subject: FW: Meeting-Sanctuary Health

Hi Sophie

Who are Alejandra Bravo and Ingrid? I see they are to be part of the meeting with Omar. Also might be helpful to have a confab before the meeting. I have had a number of these conversations in the past and we are not to be making any commitments, only to reiterate what the current directives are - also unclear what materials did you have in mind to send on the 12th?

Districts make the final determination of BC residency in accordance with their policy and/or procedures aligned with Ministry directives. I believe our role is to listen to what information Omar has to share. If on the backend it is necessary to connect with a certain district(s), then that is done directly between the Ministry and the District.

Thanks for the organization and happy to chat further on Monday.
Bye for now
Joanne

From: s.22
Sent: July 5, 2021 11:19 PM
To: Grahn, Sofie EDUC:EX <Sofie.Grahn@gov.bc.ca>; Armstrong, Joanne L EDUC:EX <Joanne.Armstrong@gov.bc.ca>

Cc: 'Alejandra Lopez Bravo' s.22

; 'ingrid' <ingrid@watari.ca>

Subject: RE: Meeting

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Thank you Sofie,

July 15th works best for us. I am copying Ingrid and Alejandra who are also members of Sanctuary Health and we would like to have at the meeting.

I think an hour will be good for this meeting. Let us know what timeslot works for you.

We will work on getting you and Joanne materials in advance. I am hoping to send them to you on the 12th.

Omar

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Sent: July 5, 2021 9:19 AM

To: s.22 Armstrong, Joanne L EDUC:EX <Joanne.Armstrong@gov.bc.ca>

Cc: Aaron, Ian EDUC:EX <Ian.Aaron@gov.bc.ca>; Bawa, Reg R EDUC:EX <Reg.Bawa@gov.bc.ca>; Foweraker, Jonathan EDUC:EX <Jonathan.Foweraker@gov.bc.ca>

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Hi Omar;

Joanne and I look forward to meeting with you. s.22 Here are some dates and times when we are both available to meet s.13 Please let me know if you think you think the meeting will be over an hour so I can book an appropriate amount of time. Also, please feel free to send Joanne and myself any materials that you would like us to be aware of.

Times currently available:

July 13 11-12, 1-3

July 14 2-4

July 15 1-4

We look forward to the conversation and learning more.

Kind Regards,

Sofie

Sofie Grah | she/her/hers

Senior Policy Analyst | Strategic Policy and Planning
Funding and Financial Accountability Branch | Ministry of Education
Phone: 250-888-3359 email: sofie.grah@gov.bc.ca

From: Foweraker, Jonathan EDUC:EX <Jonathan.Foweraker@gov.bc.ca>

Sent: July 1, 2021 7:12 PM

To: s.22 Bawa, Reg R EDUC:EX <Reg.Bawa@gov.bc.ca>

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Subject: RE: Meeting

Hi Omar,

My colleagues will be in touch next week to set up a call. Hope you are staying safe and cool.

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Thank you Reg, Sofie, Ian, Jonathan and Joanne,

We're looking forward to it.

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From: Bawa, Reg R EDUC:EX <Reg.Bawa@gov.bc.ca>

Sent: June 30, 2021 3:06 PM

To: s.22

Cc: Grahn, Sofie EDUC:EX <Sofie.Grahn@gov.bc.ca>; Aaron, Ian EDUC:EX <Ian.Aaron@gov.bc.ca>; Foweraker, Jonathan EDUC:EX <Jonathan.Foweraker@gov.bc.ca>; Armstrong, Joanne L EDUC:EX <Joanne.Armstrong@gov.bc.ca>

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Subject: Meeting

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Thank you,
Omar Chu

RE: Meeting

From: Grahn, Sofie EDUC:EX <Sofie.Grahn@gov.bc.ca>
To: s.22 Armstrong, Joanne L EDUC:EX
<Joanne.Armstrong@gov.bc.ca>
Cc: Alejandra Lopez Bravo s.22 ingrid <ingrid@watari.ca>
Sent: July 14, 2021 2:38:36 PM PDT
Hi Omar,

Thank you for sending the information. I look forward to reading the materials and hearing more from you all tomorrow.

Many thanks,
Sofie

From: s.22
Sent: July 14, 2021 1:41 PM
To: Grahn, Sofie EDUC:EX <Sofie.Grahn@gov.bc.ca>; Armstrong, Joanne L EDUC:EX <Joanne.Armstrong@gov.bc.ca>
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Omar Chu

Touch base

From: Grahn, Sofie EDUC:EX s.15
s.15

To: Armstrong, Joanne L EDUC:EX <Joanne.Armstrong@gov.bc.ca>

Sent: July 14, 2021 2:47:46 PM PDT

Received: July 14, 2021 2:47:00 PM PDT

Priority: Normal (5)

Calendar Item Type: REQUEST

Hi Joanne,

I am hoping to touch base with you tomorrow morning about the Sanctuary Health meeting. I want to make sure I have a chance to read their materials first. But please be reassured, I am quite happy for you to take the lead on the meeting. We can talk about what works best for you tomorrow.

Much appreciated,

Sofie

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

[Learn More](#) | [Meeting options](#)

RE: Meeting-July 15

From: Foweraker, Jonathan EDUC:EX <Jonathan.Foweraker@gov.bc.ca>
To: Armstrong, Joanne L EDUC:EX <Joanne.Armstrong@gov.bc.ca>, Aaron, Ian EDUC:EX <Ian.Aaron@gov.bc.ca>
Sent: July 14, 2021 3:38:20 PM PDT

Thanks – I would be interested to hear your assessment of the anonymized examples.

From: Armstrong, Joanne L EDUC:EX <Joanne.Armstrong@gov.bc.ca>
Sent: July 14, 2021 1:50 PM
To: Aaron, Ian EDUC:EX <Ian.Aaron@gov.bc.ca>; Foweraker, Jonathan EDUC:EX <Jonathan.Foweraker@gov.bc.ca>
Subject: FW: Meeting-July 15

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Thank you,
Omar Chu



The main challenge that we face with school districts' interpretation and application of the Eligibility of Students for Operating Grant Funding policy is that school districts (aside from three schools districts that we have been working with over the last 6 years to ensure they implement the Sanctuary Schools principles that align with the BC School's Act) use proof of immigration status as a requirement to enroll kids in schools. They also have a narrow focus on documents demonstrating immigration status and/or documents that can only be obtained with immigration status. School registration forms are designed in every school district using their own interpretation of what ordinarily resident means and not reflecting the intent of the School Act where ordinarily resident is not tied to immigration status.

Families with precarious immigration status and undocumented families get rejected at schools and registration offices. They leave fearful that all the questions about proof of immigration status will lead to the school district staff collaboration with Canada Border Services Agency and to detention and deportation due to sharing personal and confidential information about families' immigration status with CBSA.

Families should be able to register without an advocate in a welcoming, safe, anti racist environment. In Sanctuary Health's experience, this has not been possible. In accompanying families to register their kids, we have witnessed a lack of awareness about the realities of migrant families with precarious or no immigration status. Staff ask inappropriate and disrespectful questions like the reasons of why families are here "illegally" or why haven't they JUST applied for status or how come they crossed the border illegally. It seems that, for many administrators, the default orientation towards undocumented families and families with precarious immigration status is suspicion and distrust. We frequently have to comfort and reassure families who are told they are trying to "abuse the system," simply for trying to register their children in the city where they live. Attached are a small selection of anonymized scenarios that we have encountered trying to register families across the Lower Mainland.

In our experience, families need our accompaniment and advocacy to feel safe, to be heard and to be successful in the registration of their kids to basic education a human right of ALL children living in British Columbia and Canada. There are other families that are afraid to reach out to us or simply are not aware of us. Once we make it clear that the School Act aligns with a Sanctuary Schools policy and that ordinarily residence is not tied to immigration status, then we have to provide a series of documentation to prove that families live in that district.

The term "ordinarily resident" was clearly written to protect the rights of undocumented children and families, and children and families with precarious immigration status. When the School Act was drafted, early drafts limited education funding to citizens and permanent residents; however, the BC Teachers' Federation, the BC Principals' & Vice-Principals Association and the BC School Trustees Association mobilised to keep the language "ordinarily resident" in the Act, noting that "school boards should not be asked to police the Immigration Act." Attached are the



documents sharing these notes. We can't bring the borders to our schools as the main mandate of school districts is to provide education not to enforce immigration laws.

School districts tell us that the way they are operating is required by the "Eligibility of Students for Operating Grant Funding." While we do not believe this to be true, we do believe that the policy should be clearer and encourage consistent accessible school registration that recognize the realities of the current immigration system. We have attached comments about particular sections of the policy that we find factually inaccurate, or which could be better clarified.

We have worked with a few school districts and continue to do so and these are good examples of the implementation of access for all and access without fear and how the funding eligibility hasn't been a barrier for them to enroll children with precarious or no status. We would need the Ministry of Education to be clear and consistent to ensure all districts that the funding eligibility is not a barrier for them to enroll students with precarious or no immigration status.

We are asking the provincial government to clearly remind school districts that immigration status does not determine ordinary residence and provide broader examples of what documents can be provided to prove ordinary residence.

B.C. SCHOOL TRUSTEES ASSOCIATION
REPRESENTATION
ON
THE DRAFT SCHOOL ACT
MAJOR POLICY QUESTIONS

FOR CONSIDERATION OF EPAC 1989-04-20/21

Following are comments and concerns of the B.C. School Trustees Association (BCSTA) regarding the new School Act (the Act). Additional comments and concerns of a technical nature are set out in a separate document.

1. Section 2(1)(b)--Fundamental Right and Duty--Citizenship

All children resident in a district should be eligible to attend public school. School boards should not be asked to police the Immigration Act. Moreover, the attached legal opinion outlines the implications of the citizenship and permanent residence requirements for those people who are presently considered to be entitled under the laws of Canada to attend school in Canada.

2. Sections 2, 13, 14--Right to Educate at Home

The Act does not address the problem of ensuring that some standard of education is being met through home schooling. The requirements of the Act are limited to registration. It is essential to ensure that home-schooled children have an education that meets some minimum quality or standard.

Compare to the provisions of the Alberta School Act, which also recognizes home schooling but defines it as "a structured learning environment through which an education program is offered to a student by a parent giving a home education program." The Alberta Act also contains provisions for enforcing requirements that students attend school through an Attendance Board.

3. Section 11--Examination of School Records

In addition to records kept on behalf of the school, or the school board, there are also notes prepared by and kept for the use of the teacher, principal or counsellor, usually collected during teacher-student, counsellor-student, or principal-teacher contacts. Should these notes be kept as part of a student's permanent record and be open to inspection or should they be considered the property of the author?

../2

be interpreted to impose a requirement that any right or benefit can only be limited (e.g. by procedures governing appeals) by limitations that "are reasonable in each circumstance."

The generality of this section lessens the likelihood that it would be applied by a court in any given situation. It would be preferable to insert a "reasonable limitations" clause in specific sections where it is deemed necessary.

PART 1--STUDENTS AND PARENTS

6. Section 2(1)(b)--Citizenship Requirements

These sections would have the effect of excluding numerous people who are lawfully within Canada from sending their children to public school. See the attached legal opinion from McCrea & Associates. This section, if proceeded with, should be given further consideration in consultation with immigration authorities.

7. Sections 9(d) and 10(5)--Composition of Parent Advisory Council

These sections appear contradictory in referring both to election to membership and a right to membership.

8. Section 11--Examination of Records

To avoid any confusion over the status of notes made and kept by teachers, counsellors, etc. for their own use, a definition of "school record" should be provided.

9. Section 15--Duty to Report

Section 15 is meaningless and unlikely to be of any educational value and should, therefore, be deleted from the draft Act.

PART 2--PUBLIC SCHOOL PERSONNEL

10. Section 18(2)--Certificate or Letter of Permission Required

"Night school" should be replaced by "continuing education program" since such courses are no longer taught exclusively at night.

../3

that the children attend school. For example, a foreign diplomat or consular officer stationed in Vancouver would be required to send his children to school. The child would have the status of a visitor in Canada and would be entitled to a Student Authorization. To withdraw the right of free schooling for those children would probably cause great concern for Canadian diplomats living abroad as they might be subjected to retaliatory measures. Likewise, there are numerous other reasons why persons might have the status of visitor in Canada for very extended periods of time. Under the new Free Trade Agreement with the United States, U.S. citizens will be entitled to come to Canada and remain therein on visitors' visas while they live and work in Canada and it is expected that their children would attend school here. Is it really contemplated that these persons would not be entitled to free access to the public school system?

There are probably other situations in which visitors in Canada attend school without Student Authorizations. While this may be a violation of the Immigration Act, school officials may in certain circumstances wish to turn a blind eye to such violations and allow children to attend. Certainly that is the case in many outlying areas where private schooling is just not available.

2. MINISTER'S PERMITS

The Immigration Act contemplates that persons can be in Canada for short or very long periods of time who are neither permanent residents nor visitors. They are placed on a document called the Minister's Permit and may be issued Student Authorizations. An example of such persons might be a person who would otherwise be admitted as an immigrant but because they have a health problem or a criminal conviction that might make them otherwise inadmissible to Canada, the Minister has found sufficient compassionate or humanitarian reasons to allow them to remain in Canada with the intention that they would be able to work and carry on a normal life. The intended wording of the School Act would not allow free access to the public school system to those persons even though they may be property holders, workers and taxpayers.

3. CONVENTION REFUGEES

A person who has come into Canada and made a claim to be a convention refugee and who has been determined to be a refugee is not issued an immigrant visa immediately. It often takes up to two years or more

for that person to be issued their permanent resident visa. They may have children and they would normally be placed on Minister's Permits and should have access to the school system while they await for their permanent resident visas.

4. CONVENTION REFUGEE CLAIMANTS

These are persons who have come into Canada and are making a claim to be a convention refugee that has not yet been determined. They are not visitors, they have not been granted permanent resident visas and yet they cannot leave Canada for extended periods of time.

5. ILLEGALS

These are people that have not been admitted to Canada either as permanent residents or visitors nor have they been issued Minister's Permits. There are probably thousands of these people in Canada who have spent many years here, may be married and have children and yet they would be afraid to attend at an immigration office to legitimize their status. For the most part, they get by by saying that they are Canadian citizens or permanent residents when in fact they are not.

6. PERSONS UNDER DEPORTATION ORDER

There may be situations in which a person has been admitted to Canada for permanent resident status and has lost that status due to a criminal conviction or persons who have entered Canada illegally and been given a deportation order. In some cases, persons under deportation orders cannot be effectively removed from Canada because there is no other country which would be willing to take them. Some of these people have been in Canada for over twenty years. A proposed alteration of the School Act would eliminate these persons.

7. NATIVE INDIANS

Section 4 (3) of the Immigration Act states 'a person who is registered as a Indian pursuant to the Indian Act has, whether or not he is a Canadian citizen, the same rights and obligations under this Act as a Canadian citizen'. These persons who are not Canadian citizens but registered as Indians are not admitted as visitors. However, they have the right to come and go as they please and indeed live in Canada. If they are living here, they should not be excluded from attending schools.

In addition to those persons that might be excluded, you might wish to consider section 2(b)(ii). The phrase 'lawfully admitted to Canada for permanent residence' is not taken directly from the Immigration Act. The Immigration Act refers to a 'permanent resident'. That means a person who has been granted landing but has not yet become a Canadian citizen or ceased to be a permanent resident.

A question you might raise is whether the definition of a child as used in section 2 of the proposed School Act contemplates an adopted child as this is an issue which comes up repeatedly with respect to immigration matters.

A statutory change such as has been suggested would have serious impact upon access to education. Do we really want to prevent parents being able to send their children to friends in France and attend school there for a year and the next year have their friends in France and their children come to a school in Canada without additional cost? Such might be the effect of the proposed amendment. One wonders why the Province would be even be interested in adding a section to the School Act when the absence of such a section has not caused, to my knowledge, significant problems. However, that is a matter that you are perhaps better able to address. You might look for some guidance with respect to access to the medical services plan. A court case about three years ago held that persons who are 'residents' in British Columbia were entitled to register under the Medical Services Plan despite the fact that they were not legally admitted to Canada for permanent residence.

I hope the above comments are of some use to you and your deliberation with respect to this matter. I have taken the liberty of enclosing my account for services rendered and trust that you will find it in order.

Yours truly



DENNIS G. McCREA

DGM/mn

Enc.



B.C. PRINCIPALS' & VICE-PRINCIPALS' ASSOCIATION

COMMENTS ON DRAFT SCHOOL ACT

Section 1(1)

Page 6

"secondary student"

Will these terms "grade 8 to grade 12" survive the curriculum changes coming about as a result of work on the 7 year sequential and the two year differential programs? After all, grade 8 will really be the ninth year of school now, and grade 12 will be the 13th year.

Section 1(3)

Page 6

What does this limitation mean? How can it be applied?

Section 2(1)

Page 7

Where does this leave the children of those who may or may not be in the country illegally - that is, those whose status is being questioned? While in the country, I believe these children deserve and should have the right to go to school in the district in which they reside.

Section 2(2)(c)

Page 7

This adds one year of mandatory schooling by increasing the school leaving minimum age from "under the age of 15 years" to "younger than 16 years." This may well be a good thing but deserves discussion, I believe. What are the implications of this change?

A. SECTION-BY-SECTION COMMENTS

DRAFT ACT TEXT

BCTF COMMENTS

1.

Interpretation
Section 1.(1)

"association" means an incorporated or unincorporated association of teachers that is authorized by a majority of the teachers employed by a board of a school district to negotiate and execute an agreement on behalf of all of the teachers in that school district respecting the terms and conditions of employment of those teachers, but does not include a teachers' union;

This appears to be an obsolete reference. The uncertified association option was decisively rejected in all 75 school districts, and the substantive provisions regarding how such an association would attempt to operate are, wisely, not carried forward in the draft Act.

"college" means the College of Teachers established under the Teaching Profession Act;

The 1986 BCTF Annual General Meeting adopted a policy favouring a straightforward teacher certification board, including a majority of federation representatives, which would be assigned the authority to issue and cancel for cause professional teachers' certificates. The expensive and cumbersome structure of the present College, as set out in Teaching Profession Act, is not necessary.

(3) The exercise of any right or the receipt of any benefit under this Act is subject to those limitations that are reasonable in each circumstance under which the right is being exercised or the benefit is being received.

This section modifies, in an elastic manner, all substantive rights and responsibilities contained elsewhere in the Act. It holds the potential for operational uncertainty and disruptive litigation.

1.1

Section 1.1 The purpose of the British Columbia school system is to enable learners to develop their individual potential and to acquire the knowledge, skills and attitudes needed to contribute to a healthy society and a prosperous and sustainable economy.

The 1989 BCTF AGM concurred with our earlier response:

The major purpose of the British Columbia public school system is to enable learners to develop as self-reliant, socially responsible citizens and to acquire the knowledge, skills and attitudes necessary to participate in a healthy, prosperous and democratic society.

2.

2.(1) An individual

(a) who is of school age, and
(b) who is

- (i) a Canadian citizen
 - (ii) lawfully admitted to Canada for permanent residence,
 - (iii) a child of a Canadian citizen, or
 - (iv) a child of an individual who is lawfully admitted to Canada for permanent residence
- is entitled to an education program consistent with the individual's

This section, excluding children lawfully admitted for temporary residence, is even narrower than the drafting instructions.

We see no compelling reason to change the present provisions that provide for all resident students to receive an education.

We support the right of all students to a quality educational program. Students should be offered equal access to programs consistent with their needs and regardless of the school district in which they live.

abilities and the programs available in the school district within which the individual resides.

This proposal sanction appears to both interdistrict inequalities and district "streaming."

Present section 155(1)(a) is in our view a preferable, positive framing of these issues, and we support retention of the substance of this existing commitment to universal quality education.

3.

Entry to education program

3.(1) A child entering the first year of an ungraded primary program in a public school shall

(a) in the case of a child whose fifth birthday occurs in the period from November 1 to April 30, the child shall enter the program in the public school on the first school day of January that occurs in that period, and

(b) in the case of a child whose fifth birthday occurs in the period from May 1 to October 31, the child shall enter the program in the public school on the first school day of September that occurs in that period.

(2) A parent of a child referred to in subsection (1) may defer the entry of his or her child for not more than 2 entry dates.

The 1989 BCTF AGM resolved:

That the BCTF support the establishment of a primary program that is organized to permit each student to make continuous progress.

The proposed changes will significantly affect the organization of elementary schools and have a major impact on the lives of students and teachers. These changes were proposed by the government without prior consultation with the personnel responsible for implementing the changes. Further the proposal on dual-entry was not raised by the Royal Commission, nor was it suggested by EPAC.

At a special provincial meeting of primary teachers held on February in the following recommendation was carried: "The B.C. Primary Teachers Special Chapter Assembly recommends to the BCTF that we do not endorse the concept of dual entry at this time, until further study has proven it to be an educationally sound and beneficial concept." This position was endorsed by the 1989 Annual General Meeting of the federation.

The implementation of dual-entry and ungraded primary by September 1989 is unrealistic. This provincially mandated implementation schedule creates unrealistic expectations and anxiety among parents and teachers. Further involvement and co-operation of all stakeholders at the school, district, and provincial level is required in order to bring about this education policy change.

Dual entry in first year primary is further complicated by anticipated changes to curriculum at all levels of the primary program. Instead of full implementation, school districts should be encouraged to plan pilot projects where teachers, administrators, and district staff are committed and prepared to implement such changes.

We are also concerned that these specifics of entry and the form of primary curriculum, which are clearly experimental at this point, are proposed to be fixed in legislation.

4.

First year entitlement - 1/2 day
4.A student who is placed in the first year of an ungraded primary program is entitled to receive 1/2 day of school instruction during each school day.

5.

First Year Entitlement - Full Day
5. Notwithstanding section 4, a student in the first year of an ungraded primary program who the minister designates as a student to whom this section applies is entitled to receive a full day of school instruction during each school day.

Implementation of this proposal will create problems related to staffing and facilities. It will be very difficult to plan for first year primary programs with the uncertainty about the number of students that will attend for full or half days. The proposal also requires the designation by the Minister. This requirement will cause time delays and will necessitate the development of criteria for admission to full day programs. First year primary students may not be attentive for a full day of school. Further, we

MS. A. HAGEN: I would just remind the minister that home education does show up in the act. It's a whole division, 4, of the act, and it seems to me that it's reasonable that there should be some definition of what we are dealing with here, especially since school districts are going to be registering these students. It helps to confound the definition by not having made at least some attempt to give it some technical or interpretive framework.

Section 2--Access to Educational Program

MS. A. HAGEN: Section 2 is the clause that deals with access to educational programs, and I understand this clause to be a very significant one, because it states that every person who is resident in a school district is entitled to enrol in a school. I understand that it is the intent of this bill that this means that every person of school age within a school system, within a school district, is eligible for an educational program. Are there any limits on that eligibility?

HON. MR. BRUMMET: There are no limits that I can think of as far as eligibility is concerned. I suppose the limits might be the realm of possibility of... I could not stand up and say that every student who is eligible for an educational program will get exactly the same educational program. There will have to be adjustments to accommodate the needs and abilities of students, but they are all eligible.

MS. A. HAGEN: Would there be any occasion, in fact, when the school board would be able to deny someone access or deny someone an educational program?

HON. MR. BRUMMET: No, Mr. Chairman, because in a later section it requires a board to provide an educational program to any of the students that are eligible. I don't know what the connotation of "deny" means; I don't know whether it would be called a denial if a student was having great difficulty in arithmetic and the board didn't see as part of their educational program an advanced course in calculus. I don't know whether you would consider that as a denial; I would consider it common sense.

MS. A. HAGEN: What if the educational program required by a student is not provided by the board? What onus is there on the board to provide that program?

HON. MR. BRUMMET: The board is required to provide an educational program. They don't necessarily have to provide it themselves, and there are provisions later on for options by which they can offer that course or educational program.

MS. A. HAGEN: We will perhaps have an opportunity to look at this issue later, but I just want to raise the question at this stage of the game. When we're

talking about the provision of educational programs, we're also talking about the dollar resources to provide those programs and the staffing resources as well. What role does the ministry have in providing dollar resources as a result of this access-to-education-program clause?

HON. MR. BRUMMET: I guess that in a sense it's the same role we've always had: to provide to the best of our ability the resources required for the education system. I'm not quite sure what you mean by the role we have. We have the fiscal framework; we have all that, so it's not a change — other than I'm pleased that we have more resources available for more options and for the implementation of the directions given to us from the Sullivan report. We have an obligation to provide that, but not a completely unlimited obligation according to any demand. If someone lives alone in a rural area, the board would not have to provide a teacher for that person in a remote location. We still have an obligation to give that student an educational program through correspondence and other means, but it depends on what your connotation is.

MS. A. HAGEN: Is this clause an increased mandate for the school system, in the minister's view?

HON. MR. BRUMMET: I'm sorry. This clause? Are you talking about section 2? I don't know that it's an increase in practice, but it has certainly increased and specified some of the things that have come into practice. Every student of school age is entitled to be enrolled in an educational program, and later on it's required that the board provide an educational program in some form to any student eligible to be enrolled in an educational program. If you look at it as expanded from the old legislation, it's not so much expanded from the practice that we have had, but it's certainly an expanded opportunity for some students who in the past may have been denied enrolment in an educational program.

MR. MILLER: Perhaps the minister could advise me. I'll lay my question out; there may be another section dealing with it. It deals with the rural area in my constituency. I assume there are similarities in other areas where you have a fluctuating population. There are a certain number of students required before some assistance kicks in, in terms of a teacher.

In the small community of Oona River — which I'm talking about — that population does tend to fluctuate, and it has over the years. Occasionally you'll get some people moving in. It's an older community that was established prior to the war — essentially a fishing community. There were a number of them along the coast years ago. They have tended to shut down over the years, but there are still some of these small communities.

There was a real anomaly in the kind of funding that was available. When the numbers fell below the minimum requirement, the kids were on correspondence. The local community kicked in their personal money to hire a teacher to oversee the correspondence courses. So the kids went every day to a little

schoolhouse built in the community, and there was always a problem in trying to get sufficient contribution from the ministry to offset some of the wages for not essentially a teacher but more of an overseer in terms of the correspondence courses the kids were taking.

I didn't bring all the details with me. But is this the clause in which to discuss this kind of situation and the kind of support that comes from the ministry or from the school board in that particular district in relation to these small, isolated communities? Or is there another section of the bill under which it would be more appropriate to bring up the matter?

HON. MR. BRUMMET: First of all, the act does not specify the number of dollars, so the more appropriate place would be in the budget discussion on those items. But the problem that the member mentions is, of course, with us, and I guess it will always be. However, every effort is made to provide students with an opportunity to further their education.

We have now moved the correspondence branch into the regions, so we have regional correspondence schools which have provided much more contact by teachers from the branch to go out to talk to the students. It seems to have had good results. That can be provided in many ways. For instance, students who have to take correspondence don't have to pay a correspondence school fee; that's provided for them. I don't think we'll ever be able to say...

It might be a lot easier at the elementary level, but suppose you have a grade 11 student out there. I'm using the extreme to make the point that we have the means now with satellite communication. We hope to increase technology in order to have more direct contact with these people, but the regionalization of the correspondence schools has provided much better contact and much quicker response; with technology I think we can improve on that considerably. There's a lot being done. I don't think we'll ever solve the problem of being able to place a school anywhere with the full complement of teachers regardless of whether there's only one or two students. Right now the requirement remains that it takes ten students to start a school. Once it drops below eight, then, with approval of the minister, they may request a shut-down of the school. That is so we can take a look at it and make sure it isn't a closure one month and an opening the next month — that sort of thing. So that's why we like to make sure it goes through the proper process.

MR. MILLER: I thank the minister for that response. I agree it's not possible to have absolute equality. In fact, I'm not sure it's all that desirable in some ways. I went to a one-room schoolhouse when I was a kid up on the northern end of Vancouver Island in a few logging camps, and I don't think it really hurt me. I wouldn't have liked to have had all of my education in that kind of atmosphere, but I don't think it hurt me at all in the beginning grades. The minister might disagree with that, but we'll leave that for another time.

HON. MR. BRUMMET: No, you done good.

MR. MILLER: Yes, right.

But there are some anomalies, and without getting into specific dollar amounts, you have a situation — again referring to Oona River — where the money available from the ministry for transportation or for bringing those children from that isolated community... By the way, I should point out that technology is fine, but this is a community that didn't even have power. Hopefully they'll be getting it this year or, at the latest, early next year, thanks to their hard-working MLA. But they didn't even have power. So I don't know if technology was all that applicable in this particular instance.

The funding arrangements were such that there were actually more dollars available to take those kids from that rural community, which is fairly close to Prince Rupert, bring them into town and provide some boarding arrangement than there were to provide some tutorial assistance to remain in the community. I'm really talking about the primary grades. Those people are not going to try to teach their children through correspondence or any other method once they get into the junior high levels. So I just think there were some real anomalies in the funding arrangements for these remote communities, which could have been straightened out, I think, relatively simply, and it would have contributed to...

I guess it does fall under this clause in terms of that kind of equality of access — as much as can be achieved. I did ask the question of whether or not there was another section of the bill under which it would be more appropriate to debate this particular instance that I'm talking about. Perhaps the minister could indicate. If not, I guess this is it, and I'll have to make my pitch now that there be some look given at that. If equality is a goal, I think we can do much better in terms of trying to achieve it.

HON. MR. BRUMMET: Mr. Chairman, there is not a more appropriate section of this bill to discuss budget matters. Since the member is completely out of order on this section, I will join him, slightly out of order, to say that there are funding arrangements for remote schools, for travel and for boarding within the fiscal framework. Many of those are provided. Again, I will say that I don't know whether everything the people would like... Sometimes money is not the answer to it, because transportation is a matter of time. Even if you could pay their way, it wouldn't make sense. But I think there are many opportunities, and I hope there will be more opportunities for the people who are teaching or for the resources of the board to reach out to the students, and more opportunities for the students, through contacts, to reach in, if you like, to where the fountain of wisdom resides — at the local level, of course.

[7:30]

Eligibility of Students for Operating Grant Funding

Date came into force or revised

Issued and in effect May 25, 2011. Revised March 18, 2013.

Status

Current

Policy statement

This policy outlines the circumstances in which the Ministry of Education will provide operating grant funding to boards of education for students enrolling in their district.

Rationale or purpose of policy

The policy ensures that the Ministry of Education provides operating grant funding to boards of education in a fair and equitable way. This policy is not intended to enable a person whose primary purpose for coming to British Columbia is to attend a public school and who would normally be charged tuition fees to avoid paying those fees.

Authority

- Section 82 of the [School Act \(PDF\)](#) and section 16 of the [School Regulation](#)
- The [Family Law Act](#), the [Infants Act](#), the [Child, Family and Community Service Act](#), and the [Adoption Act](#) are also relevant

Policy in full

The Ministry of Education provides operating grant funding to boards of education that enrol

- Children who, along with their guardian(s), are ordinarily resident in British Columbia
- Children who are deemed ordinarily resident in B.C. under the School Regulation
- Other children who meet criteria set out in this policy

Boards are encouraged to seek their own legal advice should circumstances warrant.

Ordinarily resident for funding purposes – Section 82(1) of the School Act states: "a board must provide free of charge to every student of school age resident in British Columbia and

enrolled in an educational program in a school operated by the board, instruction in an educational program ...” Section 82(2) states “for the purposes of subsection (1), a student is resident in British Columbia if the student and the guardian of the person of the student are ordinarily resident in British Columbia.”

Guardianship – The term “guardian” is defined in section 1 of the School Act to mean a guardian within the meaning of the Family Law Act or a personal guardian within the meaning of the Infants Act. For the purposes of applying Section 82 of the School Act, the following is an overview of how “guardian” is identified in the [Family Law Act](#) and “personal guardian” is identified in the [Infants Act](#). Boards may wish to seek legal advice if in doubt about guardianship in a particular case.

Family Law Act:

- When the parents of a child are living together with the child, each parent is the child’s guardian. [Section 39(1) of the Family Law Act].
- After a child’s parents separate, each parent of the child is the child’s guardian, unless the parents make an agreement, or the court orders that a parent is not the child’s guardian. [Section 39(1) and (2) of the Family Law Act]
- A parent who has never resided with his/her child is not that child’s guardian unless one of the following applies:
 - The person is a parent pursuant to an agreement made before the child was conceived through assisted reproduction.
 - The parent and all of the child’s guardians make an agreement providing that the parent is also a guardian.
 - The parent regularly cares for the child. [Sections 30 and 39(3) of the Family Law Act]
- If a child’s guardian and a person who is not the child’s guardian marry or enter into a marriage-like relationship, the person does not become a guardian of that child by reason only of the marriage or marriage-like relationship. [Section 39(4) of the Family Law Act]
- A person cannot become a child’s guardian by agreement except if the person is the child’s parent, or if guardianship is transferred by agreement under the Adoption Act, or the Child, Family and Community Service Act [Section 50 of the Family Law Act]
- A person may be appointed as a child’s guardian:
 - by court order,
 - in a will made in accordance with the Wills Act (alternatively, a guardian may be appointed by prescribed form – see section 27 of the [Family Law Act Regulation](#)),
 - by a guardian who is facing terminal illness or permanent mental incapacity, provided the appointment is made in the prescribed form (see section 27 of the [Family Law Act Regulation](#)). [Sections 51, 52, 53 and 55 of the Family Law Act]

Infants Act:

- If a child has no guardian, or if the appointed guardian is dead or refuses to or is incompetent to act, then a director under the Child, Family and Community Service Act is the personal guardian of the child. [Section 51 of the Infants Act]

Ordinarily Resident– Boards of education must determine, in a fair and even-handed manner, whether an applicant falls within the definition of “ordinarily resident” for the purposes of Section 82 of the School Act. The term “ordinarily resident” is not defined in the Act. However, it has been interpreted by the courts to establish criteria for determining whether a person is ordinarily resident for the purpose of receiving free public education.

The courts have interpreted the term ‘ordinarily resident’ in this context by assessing whether the applicant has:

- A ‘settled purpose’ for taking up residence in the community
- Sufficient continuity of residence, despite temporary absences

To meet these requirements the applicant must show, on the basis of objective evidence, that they have established a regular, habitual mode of life in the community with a sufficient degree of continuity which has persisted despite temporary absences. It is not enough to qualify for free public education that the applicant has taken up residence for the ‘settled purpose’ that the children of the family receive public education.

Boards of education are entitled to scrutinize the purpose for which the person or family has established its residence in the community to prevent an abuse of the system under which higher fees may lawfully be charged for out of province/international students.

Consideration of the following indicia of ‘ordinary residence’ may assist boards in making the determination of whether a person is ordinarily resident in B.C. While each of these indicators alone is not enough to establish residency for the purposes of Section 82 of the School Act, the larger the number of positive indicators as set out in the first list below, the more likely it is that the person qualifies as a resident of the province for the purpose of receiving free public education:

- Ownership of dwelling or long-term lease or rental of dwelling
- Residence of spouse, children and other dependent family members in the dwelling
- Legal documents indicating British Columbia residence
- Provincial driver’s licence
- Employment within the community
- Parent or guardian filing income tax returns as a B.C. resident
- Provincial registration of automobile
- Canadian bank accounts or credit cards
- Links to community through religious organizations, recreational and social clubs, unions and professional organizations
- Subscriptions for life or health insurance, such as MSP coverage

Commented [OC1]: It would be helpful to add social service organizations to this list

- Business relationships within the community.

Again, while none of the factors alone are sufficient, the larger the number of negative indicators as set out below, the more likely it is that a person will not qualify for free public education:

- For the school-aged child, residence of the parents and/or family home in another jurisdiction, even if the student has a B.C. guardian
- Existence of another dwelling outside of B.C. where the person and/or their family regularly resides
- Foreign bank accounts or credit cards
- Parent or guardian's employment in another jurisdiction
- Parent or guardian filing income tax return in another jurisdiction
- Identification documents from another jurisdiction
- Substantial ties with former country or place of residence

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 B.C. 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 B.C. 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.

Similarly, persons who have relocated from another Canadian province or territory are ordinarily resident if they show sufficient other indicators of continuity and settled purpose.

Deemed Resident – Students are also entitled to free public education and are eligible for provincial operating grant funding if they belong to one of the categories of persons who have been deemed resident under Section 16 of the School Regulation (PDF). These include:

- A youth who has entered into an agreement with the director under section 12.2 of the Child Family and Community Service Act (the guardian of the student is also deemed resident), and
- An inmate of a correctional centre under the Correction Act or a penitentiary under the Corrections and Conditional Release Act (Canada).

Other classes of persons for whom the ministry will provide operating grant funding– In addition to those who have a clear entitlement to public education under Section 82 of the School Act, the minister will provide operating grant funding for school age students in the categories listed below if the board of education requests funding via Form 1701. Boards are encouraged to seek their own legal advice should circumstances warrant.

Commented [OC2]: This sentence simply isn't true. As demonstrated by the parents who met with Minister Whiteside on June 22nd, families can live in British Columbia for years without permanent residence. Furthermore, over the past twenty years, the federal government has overhauled our immigration system cutting off pathways to permanent residence and entrenching temporary programs. Canada has admitted more temporary migrant workers than permanent residents since 2006.

Commented [OC3]: This section which lists specific requirements for funding for particular classes of people is treated by school districts as a definitive exclusive list. Staff miss the forest for the trees as they look for very specific documents missing the evidence that families are ordinarily resident. You can see some examples of this in the anonymized scenarios.

- A student who resides in British Columbia and
 - Who has made a claim for refugee status in Canada and whose claim has not yet been determined or
 - Who is detained in custody in a youth custody centre.
- A student who is in British Columbia with his or her guardian if the guardian meets one of the criteria set out below. Guardians must be able to provide documentation to substantiate that they meet these criteria:
 - Has been lawfully admitted to Canada for temporary residence and is authorised to work for a period of one year or more, and is or will be employed for at least 20 hours per week;
 - Has been lawfully admitted to Canada and is authorised to study for a period of one year or more, and is enrolled in a degree or diploma programme at a public post-secondary institution in British Columbia or in a degree programme at a private post-secondary institution in British Columbia
 - Has been lawfully admitted to Canada and is authorised to study for a period of one year or more and all of the following conditions apply:
 - The parent or guardian is enrolled in an English as a Second Language (ESL) program of up to a year in duration at an institution that has an Education Quality Assurance Designation (EQA). The ESL adult student will be deemed resident for up to one year only. Beyond one year, children of an ESL student will be considered international students and districts may charge international student fees.
 - The parent or guardian has been accepted to a degree or diploma programme at a public post-secondary institution in British Columbia, or a degree program at a private post-secondary institution.
 - The acceptance to the degree or diploma program is contingent upon the completion of an ESL program.
 - Has been lawfully admitted to and is authorized to study in Canada, and has been awarded a multi-year scholarship that covers the cost of both tuition and living expenses for a post-secondary program that includes both an ESL component and a degree program component. The ESL component must be completed at an institution that has an Education Quality Assurance (EQA) designation.
 - Has been lawfully admitted to Canada and is participating in an educator exchange program with a public school in British Columbia.
 - Is carrying out official duties under the authority of the Visiting Forces Act or as an accredited diplomatic agent, preclearance officer, consular officer or official representative in Canada of a foreign government with a consular post in British Columbia.

Procedures

1. Students who are ordinarily resident or deemed resident in British Columbia are entitled to provincial funding under section 82 of the School Act; boards may not charge fees for these students except in accordance with Section 82 of the School Act. The ministry will also provide funding for other students who meet criteria set out in this policy; boards should not charge tuition fees for these students.

2. Students who are not eligible for provincial operating grant funding must be identified as “out of province/international students” on the Form 1701. Provincial education funding will not be provided for these students.
3. For exchange students – Boards receive funding only for the ordinarily resident non-graduated school age student. During a one in/one out reciprocal and equal exchange, the non-resident non-graduated school age student acts as a placeholder for the funded resident student during that student’s absence.
4. Student files should contain reference to the documentation used to support eligibility for funding. Boards of education must maintain accounts and audits in accordance with Part 8 of the School Act, and under section 165, the file must be available to Ministry auditors upon their request.
5. Boards of Education must ensure that the criteria for provincial education funding are met. Boards will be required to reimburse the Ministry if students who are not eligible for funding are claimed for funding purposes.

1. A family of four fled their home country because they were afraid of the violence. The mother found a dead woman at the side of their house and one of their neighbours was abducted. One day, a man held a gun to the father's head because he said that the father had "looked at him." They heard stories of children being kidnapped for ransom. They decided to come to Canada seeking safety. They first arrived on visitor visas, which then expired. If they made a refugee claim, it would be difficult to win because they would have to prove they face personalized risk not faced generally by other individuals in their home country. The father finds work in construction, and his employer promises that he will sponsor him for a work permit. The first step would be for the employer to apply for a Labour Market Impact Assessment, which gives permission for the employer to sponsor somebody. The family has no evidence that he has done so. **This is one of the most common fact patterns that we see and many families in this situation are denied access to schools.**
2. A single mother faces continued harassment, violence, and death threats from her daughter's father in her home country. She meets a Canadian man online and quickly falls in love. He encourages her to come to Canada to seek safety and promises that he will sponsor her. Several times after she arrives in Canada with her daughter, she tries to register her daughter in school. She is denied and told that she cannot register her daughter until she, at least, receives her Open Work Permit and starts working. Over the next two and a half years, the Canadian man continues to promise to sponsor her and at some points, he even lies and tells her that he has sponsored her. One day, the mother returns home from the park with her daughter to find \$80 and a letter from the Canadian man saying that he is leaving. She consults with a lawyer who discusses with her two options to apply to remain permanently in Canada and that she needs to carefully weigh the benefits and risks of each application before deciding what to apply for. The School District insists that she make this decision before her daughter can register in school.
3. A family of three arrives in Canada in 2014 attached to the husband's employer-specific work permit. In 2015, his employer's company collapses and cancels his contract. For the family to stay in the country, the mother applies for and receives a study permit. Later in 2016, she becomes pregnant and during a prenatal exam, she discovers medical issues that force her to drop out of school. Because she has dropped out, the School District tells her that they would have to pay fees if her daughter is to continue to study. Over the next four years, two different immigration consultants promise to work with the husband's new employer to apply for work permits; however, the applications were both rejected, and they are now at Federal Court with a lawyer challenging the latest negative decision. It is important to note that immigration consultants have very little regulation and can charge exorbitant fees and make promises they cannot keep. The son, a Canadian citizen, born more than four years ago, who has lived his whole life in the same house in the same city, is being denied registration in this School District until his parents' immigration issues are addressed, while the daughter has been denied schooling for the past three years.
4. A single mother flees gendered persecution and sexual violence in her home country. She is denied a refugee hearing due to the Safe Third Country Agreement. She therefore applies for a Pre-Removal Risk Assessment. She tries to register her children in school with letters from her lawyer and a community organization explaining her situation. The school district replies requesting the affidavit she submitted in support of the PRRA application (affidavits are not

necessary to apply for a PRRA and in this mother's case contained extremely personal information).

5. A family comes to Canada together: a stepfather, mother, and son. The stepfather has an employer-specific work permit, while the mother has an open work permit. When the family tries to register the children in school, the District asks for proof of employment for the mother as she is the legal guardian (they do not accept the paystubs of the stepfather who is not the legal guardian). The mother provides letters from people who employ her as a household cleaner totalling more than 20 hours per week. The administrator tells her that these letters are not enough because they need paystubs to "prove that she's paying her taxes."
6. A Canadian permanent resident was sponsoring a mother and her three children with an in-Canada spousal sponsorship. Starting in November 2018, the children are accepted into school having provided proof that they had applied for permanent residence. However, in early 2019, they received emails requesting the mothers work permit and pay stubs proving that she was working 30 hours per week (10 more hours than is stated in the Eligibility of Students for Operating Grant Funding). The mother had not received her work permit yet, so the school district told her that the children could complete the school year but would not be able to continue in September 2019. The mother did not receive her work permit until December 2019. She showed the district proof of the work permit and a job offer. The district still demanded three pay stubs showing that she is working 30 hours a week before they register the children in school. This was impossible for the family because if the kids were not in school, the mother had to stay home to care for them and could not start her job.

FW: Notes from Last Week

From: Grahn, Sofie EDUC:EX <Sofie.Grahn@gov.bc.ca>
To: Armstrong, Joanne L EDUC:EX <Joanne.Armstrong@gov.bc.ca>
Sent: July 22, 2021 12:24:19 PM PDT

Hi Joanne,

I don't know about you but I feel like some of these bullets should be rephrased even though I get how they hear these based on where they are coming from... s.13

s.13

My comments are not meant to be super rigorous. They are just meant to help if you don't have something prepped already.

s.13

Again, these were just quickly revised and I appreciate that you may already have set language that you prefer that have been vetted by Executive. If not, then the above is a quick way to get the conversation going between us to respond if you want.

Regards,

Sofie

From: s.22

Sent: July 22, 2021 12:12 AM

To: Grahn, Sofie EDUC:EX <Sofie.Grahn@gov.bc.ca>; Armstrong, Joanne L EDUC:EX <Joanne.Armstrong@gov.bc.ca>

Cc: 'Alejandra Lopez Bravo' s.22 'ingrid' <ingrid@watari.ca>; Waters, Leah EDUC:EX <Leah.Waters@gov.bc.ca>; Minister, EDUC EDUC:EX <EDUC.Minister@gov.bc.ca>

Subject: Notes from Last Week

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Hello Sofie and Joanne,

It was a pleasure meeting with both of you last week. Below are our notes with what we think were common understandings at the meeting. Please confirm if these notes accurately represent your understanding of our conversation.

- Education is a human right. Undocumented children and children with precarious immigration status have the right to education.
- Through workshops, emails and other trainings, the provincial government has consistently communicated to school districts that immigration status does not determine ordinary residence.
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- A narrow focus on immigration law results in non-compliance with the School Act (for example, registering Canadian citizens and permanent residents who live in Alberta but register their children in BC schools, while excluding undocumented families who are ordinarily resident in BC).

- The provincial government does NOT request specific immigration documents as a part of its compliance audits. The process is that:
 - The auditor asks a district if they have a process for ensuring that students and parents/guardians are ordinarily resident in BC.
 - The auditor verifies if the district has followed this policy.
- The sentence in the Eligibility of Students for Operating Grant Funding about “a person who comes to Canada on a time-limited basis” was drafted with a focus on wealthy families who come to Canada for the school year while returning to their home country in the summer. It was not intended to exclude undocumented families or other families with precarious immigration status.
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- Refugee claimants who have provided school districts with their “Acknowledgment of Claim” document should not be asked for further documentation regarding their refugee claim.

Next steps:

Joanne and the Ministry of Education will continue to communicate to school districts that immigration status does not determine ordinary residence and that undocumented families and families with precarious immigration status are welcome in our schools.

Sanctuary Health is willing to be a resource to support this communication with school districts by sharing our experience of the realities of the Canadian immigration system and the many different journeys of migration that families may take.

Thank you again and we look forward to hearing from you.

Omar, Alejandra, and Ingrid
on behalf of Sanctuary Health

RE: Notes from Last Week

From: Grahn, Sofie EDUC:EX <Sofie.Grahn@gov.bc.ca>
To: Sall, Sabba EDUC:EX <Sabba.Sall@gov.bc.ca>
Sent: July 27, 2021 10:00:26 AM PDT

They don't get that you have to engage with groups from their frame of reference so they feel heard, while sticking with what is factually correct and the correct policy interpretation.

I honestly can see why we have the problem in the first place if we don't actually ever make it crystal clear to school districts what their obligations are. We answer funding works like this, but this is well beyond a pure funding question. Joanne and Ian don't get that unfortunately. So they can maybe evade it this time, but longterm this group is not going away.

Oh well, I think my one liner shuts down further conversation. I hope so at least... I have more important work to do!

From: Sall, Sabba EDUC:EX <Sabba.Sall@gov.bc.ca>
Sent: July 27, 2021 9:56 AM
To: Grahn, Sofie EDUC:EX <Sofie.Grahn@gov.bc.ca>
Subject: RE: Notes from Last Week

LOL..even my head is going towards the wall just listening

Sabba Sall
Senior Policy Analyst
Funding and Financial Accountability Branch
Ministry of Education

From: Grahn, Sofie EDUC:EX <Sofie.Grahn@gov.bc.ca>
Sent: July 27, 2021 9:55 AM
To: Sall, Sabba EDUC:EX <Sabba.Sall@gov.bc.ca>
Subject: FW: Notes from Last Week

Hear my head banging on the wall...

From: Grahn, Sofie EDUC:EX
Sent: July 27, 2021 9:39 AM
To: Aaron, Ian EDUC:EX <Ian.Aaron@gov.bc.ca>
Cc: Bawa, Reg R EDUC:EX <Reg.Bawa@gov.bc.ca>; Foweraker, Jonathan EDUC:EX <Jonathan.Foweraker@gov.bc.ca>; Ponsford, Caroline EDUC:EX <Caroline.Ponsford@gov.bc.ca>; Armstrong, Joanne L EDUC:EX <Joanne.Armstrong@gov.bc.ca>
Subject: RE: Notes from Last Week

Agreed Ian, I wouldn't either. If we respond, we would want to address their offer though and say no politely.

From: Aaron, Ian EDUC:EX <Ian.Aaron@gov.bc.ca>
Sent: July 27, 2021 9:33 AM
To: Grahn, Sofie EDUC:EX <Sofie.Grahn@gov.bc.ca>

Cc: Bawa, Reg R EDUC:EX <Reg.Bawa@gov.bc.ca>; Foweraker, Jonathan EDUC:EX <Jonathan.Foweraker@gov.bc.ca>; Ponsford, Caroline EDUC:EX <Caroline.Ponsford@gov.bc.ca>; Armstrong, Joanne L EDUC:EX <Joanne.Armstrong@gov.bc.ca>
Subject: RE: Notes from Last Week

Good morning Sofie.

I believe we need to take one or two steps back please.

We will listen to what the Sanctuary Health representatives (in and only in their capacity as Sanctuary Health representatives, not whatever other hats the individuals may wear).

That's it. We are not wading into Human Rights or legal interpretations, or whatever other topics are outside of our remit. We are not opening the door for them to co-write any presentations to the field.

Thanks, Ian.

From: Grahn, Sofie EDUC:EX <Sofie.Grahn@gov.bc.ca>
Sent: July 26, 2021 5:12 PM
To: Armstrong, Joanne L EDUC:EX <Joanne.Armstrong@gov.bc.ca>
Cc: Bawa, Reg R EDUC:EX <Reg.Bawa@gov.bc.ca>; Foweraker, Jonathan EDUC:EX <Jonathan.Foweraker@gov.bc.ca>; Aaron, Ian EDUC:EX <Ian.Aaron@gov.bc.ca>; Ponsford, Caroline EDUC:EX <Caroline.Ponsford@gov.bc.ca>
Subject: RE: Notes from Last Week

Hi Joanne,

My initial quick bullet updates were to get the conversation rolling between the two of us. I have no problem with moving things along quickly and cc'ing everyone if that helps get us to a final set of bullets quicker. To keep things short and productive, I will limit myself to a couple things. Barring a few of the specific edits, I have no issue with most of the ones you provided. We can pursue specifics later if necessary between us.

Most importantly, I think we need actually decisions on a couple things.

s.13

In response to some of your other comments below. More broadly speaking, BC has acknowledged that children have rights and has consistently extended children's rights views across a wide range of legislation. FYI only, many BC government documents reference the UN Convention as part of the impetus for the expansion. I am happy to not refer to the Convention in the bullets below. We can just stick with focusing more specifically on the issue at hand and BC legislation. In which case, the School Act sections 2, 3 and 82 would be part of the broader rights-leaning language at play here. Section 2,3, and 8 of the BC Human Rights Code would also apply in the conversation as this includes denying or discriminating "to a person or class of persons any accommodation, service or facility customarily available to the public" (and the protected grounds in question here would be based on place of origin and family status at minimum). BC public schools would definitely fall under the BC rights code requirements. None of this conversation is totally about our funding policy though. It is really about access to education and whether the

ability to enrol and accessing education is being discriminated against as a result of misunderstanding and misapplying the funding policy and potentially other policies (e.g. do they even know we have Refugee policies?). So, I think when engaging with school districts there are in fact two things that need to be covered. (1) What our policy says in respect to funding policy (ordinarily resident and deemed resident). (2) What general obligations School Districts have in regards to enrolment and this absolutely would require GAD involvement.

Happy to chat more once we get direction...

Cheers,

Sofie

From: Armstrong, Joanne L EDUC:EX <Joanne.Armstrong@gov.bc.ca>

Sent: July 26, 2021 11:06 AM

To: Grahn, Sofie EDUC:EX <Sofie.Grahn@gov.bc.ca>

Cc: Bawa, Reg R EDUC:EX <Reg.Bawa@gov.bc.ca>; Foweraker, Jonathan EDUC:EX <Jonathan.Foweraker@gov.bc.ca>; Aaron, Ian EDUC:EX <Ian.Aaron@gov.bc.ca>

Subject: RE: Notes from Last Week

Thanks Sofie...there is a lot here that needs to be revamped. Agreed what was said was not what was heard by these folks and the majority of their original bullets reflects their expectations and not what was repeatedly stated specific to the Eligibility policy, the Refugee policies, and the School Act.

I have concerns about bringing in the Human Rights Code. Our current requirements are directed at what school boards and independent school authorities have as their policy and/or procedures which are to align with the BC Provincial Ministry of Education's directives.

With Reg s.22 (I filled him in on our conversation with the July 15th Sanctuary Meeting on July 19th), I have copied Jonathan and Ian with some recommended edits and comments aligned with our current directives. We need to keep in mind that the Eligibility Policy and the School Act are in place for all families in BC which as we know covers a multitude of scenarios for eligibility. Also I see the two Refugee policies have not been referenced either.

The Sanctuary volunteers understandably have a specific agenda and were unable to provide details for the four scenarios presented – but my take away from the background and directive before meeting the Sanctuary folks was that we would hear what they had to say, recognise the issues, and move forward to engage the field to focus on verification of BC residency for those that are not here on a time limited basis.

Also, as has been repeated over the years – yes, there is a right to education but not necessarily a provincially funded education if school age student along with parent/guardian are not verified by the board/authority as resident in BC. Which is why I believe we should not reference anything other than the policies the boards are required to adhere to when making funding claims (BC residency verification).

Here are additional standard messaging bullets that might be included below:

- To help clarify the relationship between the Ministry of Education and the boards of education responsibilities regarding various operational aspects of the school system which are set out in the School Act <https://www2.gov.bc.ca/assets/gov/education/administration/legislation-policy/legislation/schoollaw/revisedstatutescontents.pdf> is the following:
 - The Act requires the Ministry to set education standards, allocate funds to school districts and monitor student achievement.
 - The School Act also requires that boards of education make an education program available to all persons of school age who are BC residents enrolled in a school in their district. It is the local boards and district administrators who are responsible for the planning and delivery of those educational options.
- For a public school board in British Columbia (BC) to be eligible to report a student for a funded educational program – the student must be ordinarily resident in British Columbia (BC) and if individual is a school age student, they along with their parent/legal guardian must be ordinarily resident in BC. The provision of a

funded educational program for a student whose parent/guardian resides in another jurisdiction does not align with the current requirements.

- It is the school board that has the responsibility and authority to apply the Eligibility Policy and determine whether the student would be eligible to be claimed for a publicly funded education.

Specific to copying the Minister, that will likely float down through eApps to FFAB or GAD for a response.

Over to Jonathan and Ian for further edits/comments (Sofie's in red, Joanne's in **blue**) and next steps.

Thanks

Joanne

From: Grahn, Sofie EDUC:EX <Sofie.Grahn@gov.bc.ca>

Sent: July 22, 2021 12:24 PM

To: Armstrong, Joanne L EDUC:EX <Joanne.Armstrong@gov.bc.ca>

Subject: FW: Notes from Last Week

Hi Joanne,

I don't know about you but I feel like some of these bullets should be rephrased even though I get how they hear these based on where they are coming from... I wish they didn't cc the Minister until we all agreed on the bullets first. You may already have standard messaging that you prefer, in which case what I say below may not be relevant. My comments are not meant to be super rigorous. They are just meant to help if you don't have something prepped already.

s.13

Page 70 of 89

Withheld pursuant to/removed as

s.13

Again, these were just quickly revised and I appreciate that you may already have set language that you prefer that have been vetted by Executive. If not, then the above is a quick way to get the conversation going between us to respond if you want.

Regards,

Sofie

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Sent: July 22, 2021 12:12 AM

To: Grah, Sofie EDUC:EX <Sofie.Grah@gov.bc.ca>; Armstrong, Joanne L EDUC:EX <Joanne.Armstrong@gov.bc.ca>

Cc: 'Alejandra Lopez Bravo' s.22 ; 'ingrid' <ingrid@watari.ca>; Waters, Leah EDUC:EX <Leah.Waters@gov.bc.ca>; Minister, EDUC EDUC:EX <EDUC.Minister@gov.bc.ca>

Subject: Notes from Last Week

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Next steps:

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Sanctuary Health is willing to be a resource to support this communication with school districts by sharing our experience of the realities of the Canadian immigration system and the many different journeys of migration that families may take.

Thank you again and we look forward to hearing from you.

Omar, Alejandra, and Ingrid
on behalf of Sanctuary Health

RE: Notes from Last Week-Sanctuary Health

From: s.22
To: EDUC Compliance EDUC:EX <EDUC.Compliance@gov.bc.ca>
Cc: Alejandra Lopez Bravo s.22 ; ingrid <ingrid@watari.ca>, Waters, Leah EDUC:EX <Leah.Waters@gov.bc.ca>, Grahn, Sofie EDUC:EX <Sofie.Grahn@gov.bc.ca>
Sent: August 4, 2021 11:28:37 PM PDT

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Thank you! Much appreciated.

Omar

From: EDUC Compliance EDUC:EX <EDUC.Compliance@gov.bc.ca>
Sent: August 4, 2021 8:15 AM
To: s.22
Cc: 'Alejandra Lopez Bravo' s.22 ; 'ingrid' <ingrid@watari.ca>; Waters, Leah EDUC:EX <Leah.Waters@gov.bc.ca>; Grahn, Sofie EDUC:EX <Sofie.Grahn@gov.bc.ca>
Subject: RE: Notes from Last Week-Sanctuary Health

Good Morning Omar

We should have a reply to you before the week's end. Thank you in advance for your patience.

Best wishes

Joanne Armstrong

Compliance Program Manager

Ministry of Education

Resource Management Division

Tel: 250 356 2789/Fax: 250 953 4985

Email: joanne.armstrong@gov.bc.ca

From: s.22
Sent: August 3, 2021 8:38 PM
To: Grahn, Sofie EDUC:EX <Sofie.Grahn@gov.bc.ca>; Armstrong, Joanne L EDUC:EX <Joanne.Armstrong@gov.bc.ca>
Cc: 'Alejandra Lopez Bravo' s.22 ; 'ingrid' <ingrid@watari.ca>; Waters, Leah EDUC:EX <Leah.Waters@gov.bc.ca>; Minister, EDUC EDUC:EX <EDUC.Minister@gov.bc.ca>
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Hello Sofie and Joanne,

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Thank you,

Omar

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Sent: July 22, 2021 12:12 AM

To: 'Grah, Sofie EDUC:EX' <Sofie.Grah@gov.bc.ca>; 'Armstrong, Joanne L EDUC:EX' <Joanne.Armstrong@gov.bc.ca>

Cc: 'Alejandra Lopez Bravo' s.22 'ingrid' <ingrid@watari.ca>; 'Leah.Waters@gov.bc.ca' <Leah.Waters@gov.bc.ca>; 'EDUC.Minister@gov.bc.ca' <EDUC.Minister@gov.bc.ca>

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Thank you again and we look forward to hearing from you.

RE: Notes from Last Week-Sanctuary Health

From: Grahn, Sofie EDUC:EX <Sofie.Grahn@gov.bc.ca>
To: Ponsford, Caroline EDUC:EX <Caroline.Ponsford@gov.bc.ca>
Sent: August 4, 2021 10:59:17 AM PDT

I assume the ones I sent you to loop you in. We can discuss during our bilateral...

From: Ponsford, Caroline EDUC:EX <Caroline.Ponsford@gov.bc.ca>
Sent: August 4, 2021 10:57 AM
To: Grahn, Sofie EDUC:EX <Sofie.Grahn@gov.bc.ca>
Subject: RE: Notes from Last Week-Sanctuary Health

Thanks Sof. I read over another email yesterday.

Caroline Ponsford | she/her/hers

Director | Funding and Financial Accountability Branch | Ministry of Education

Phone: 250-216-6347 | email: Caroline.Ponsford@gov.bc.ca

I gratefully acknowledge that I am on the territory of the Coast Salish Peoples, including the territories of the Songhees and Esquimalt Nations.

From: Grahn, Sofie EDUC:EX <Sofie.Grahn@gov.bc.ca>
Sent: August 4, 2021 10:51 AM
To: Ponsford, Caroline EDUC:EX <Caroline.Ponsford@gov.bc.ca>
Subject: FW: Notes from Last Week-Sanctuary Health

To keep you in the loop and for my own self preservation...

From: EDUC Compliance EDUC:EX <EDUC.Compliance@gov.bc.ca>
Sent: August 4, 2021 8:15 AM
To: s.22
Cc: 'Alejandra Lopez Bravo's.22'; 'ingrid' <ingrid@watari.ca>; Waters, Leah EDUC:EX <Leah.Waters@gov.bc.ca>; Grahn, Sofie EDUC:EX <Sofie.Grahn@gov.bc.ca>
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Joanne Armstrong

Compliance Program Manager

Ministry of Education

Resource Management Division

Tel: 250 356 2789/Fax: 250 953 4985

Email: joanne.armstrong@gov.bc.ca

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<Leah.Waters@gov.bc.ca>; Minister, EDUC EDUC:EX <EDUC.Minister@gov.bc.ca>

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Cc: 'Alejandra Lopez Bravo' s.22 ; 'Ingrid' <ingrid@watari.ca>; 'Leah.Waters@gov.bc.ca' <Leah.Waters@gov.bc.ca>; 'EDUC.Minister@gov.bc.ca' <EDUC.Minister@gov.bc.ca>

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- Through workshops, emails and other trainings, the provincial government has consistently communicated to school districts that immigration status does not determine ordinary residence.
- Districts are responsible for complying with provincial law and regulations NOT enforcing federal immigration law.
- A narrow focus on immigration law results in non-compliance with the School Act (for example, registering Canadian citizens and permanent residents who live in Alberta but register their children in BC schools, while excluding undocumented families who are ordinarily resident in BC).
- The provincial government does NOT request specific immigration documents as a part of its compliance audits. The process is that:
 - The auditor asks a district if they have a process for ensuring that students and parents/guardians are ordinarily resident in BC.
 - The auditor verifies if the district has followed this policy.
- The sentence in the Eligibility of Students for Operating Grant Funding about “a person who comes to Canada on a time-limited basis” was drafted with a focus on wealthy families who come to Canada for the school year while returning to their home country in the summer. It was not intended to exclude undocumented families or other families with precarious immigration status.
- The section of the Eligibility of Students for Operating Grant Funding policy titled “other classes of persons for whom the ministry will provide operating grant funding” is not an exclusive list of situations where students will be funded. The provincial government will continue to remind school districts to read the entire policy and not to focus solely on the last section.
- Similarly, the lists of indicia of “ordinary residence” in this policy are not an exclusive list of evidence that can be provided. They are examples of indicators that a school district may examine.

- When school districts have document checklists, if a family does not have a document on the checklist, it should not result in exclusion from education. Instead, school districts need to continue to consider if the family is ordinarily resident in BC.
- Refugee claimants who have provided school districts with their “Acknowledgment of Claim” document should not be asked for further documentation regarding their refugee claim.

Next steps:

Joanne and the Ministry of Education will continue to communicate to school districts that immigration status does not determine ordinary residence and that undocumented families and families with precarious immigration status are welcome in our schools.

Sanctuary Health is willing to be a resource to support this communication with school districts by sharing our experience of the realities of the Canadian immigration system and the many different journeys of migration that families may take.

Thank you again and we look forward to hearing from you.

Omar, Alejandra, and Ingrid
on behalf of Sanctuary Health

#248982 Sanctuary Health - Response

From: Armstrong, Joanne L EDUC:EX <Joanne.Armstrong@gov.bc.ca>
To: King, Aimee EDUC:EX <Aimee.King@gov.bc.ca>
Cc: Aaron, Ian EDUC:EX <Ian.Aaron@gov.bc.ca>
Sent: August 4, 2021 12:14:51 PM PDT

Terrific – thank you Aimee...I will be putting the letter into eApps now for Ian's review and then over to Jonathan for final approval and signature. Once approved and sent (guessing via email from Jonathan), if you could please ensure I am either copied, bcc'd or receive what was sent to the Sanctuary Health folks.

Thanks again
Joanne

From: King, Aimee EDUC:EX <Aimee.King@gov.bc.ca>
Sent: August 4, 2021 12:10 PM
To: Armstrong, Joanne L EDUC:EX <Joanne.Armstrong@gov.bc.ca>; Foweraker, Jonathan EDUC:EX <Jonathan.Foweraker@gov.bc.ca>; Aaron, Ian EDUC:EX <Ian.Aaron@gov.bc.ca>
Subject: RE: Sanctuary Health - For your approval-Update

Hi Joanne,

CLIFF# 248982 please let me know if there is anything else you need.

Thanks,

Aimee

From: Armstrong, Joanne L EDUC:EX <Joanne.Armstrong@gov.bc.ca>
Sent: August 4, 2021 11:24 AM
To: Foweraker, Jonathan EDUC:EX <Jonathan.Foweraker@gov.bc.ca>; Aaron, Ian EDUC:EX <Ian.Aaron@gov.bc.ca>
Cc: King, Aimee EDUC:EX <Aimee.King@gov.bc.ca>
Subject: RE: Sanctuary Health - For your approval-Update

Ok will do...Aimee: can you please provide me with a CLIFF number and I will put in eApps.

Thank you
Joanne

From: Foweraker, Jonathan EDUC:EX <Jonathan.Foweraker@gov.bc.ca>
Sent: August 4, 2021 11:21 AM
To: Armstrong, Joanne L EDUC:EX <Joanne.Armstrong@gov.bc.ca>; Aaron, Ian EDUC:EX <Ian.Aaron@gov.bc.ca>
Cc: King, Aimee EDUC:EX <Aimee.King@gov.bc.ca>
Subject: RE: Sanctuary Health - For your approval-Update

Let's put this into a letter from me as a/ADM – with a note to follow-up with Joanne with any questions at the end.

Jonathan

From: Armstrong, Joanne L EDUC:EX <Joanne.Armstrong@gov.bc.ca>
Sent: August 4, 2021 11:07 AM
To: Foweraker, Jonathan EDUC:EX <Jonathan.Foweraker@gov.bc.ca>; Aaron, Ian EDUC:EX <Ian.Aaron@gov.bc.ca>
Subject: RE: Sanctuary Health - For your approval-Update

s.13

From: Armstrong, Joanne L EDUC:EX
Sent: August 4, 2021 10:36 AM
To: Foweraker, Jonathan EDUC:EX <Jonathan.Foweraker@gov.bc.ca>; Aaron, Ian EDUC:EX <Ian.Aaron@gov.bc.ca>
Subject: Sanctuary Health - For your approval

Hello Jonathan and Ian

My edits to the Sanctuary Health bullets and statements in red...For your comments and further edits please before I send back to Omar. Thanks...Joanne

s.13

Respectfully yours,
 Joanne Armstrong
 Compliance Program Manager
 Ministry of Education
 Resource Management Division

From: s.22
Sent: August 3, 2021 8:38 PM
To: Grah, Sofie EDUC:EX <Sofie.Grah@gov.bc.ca>; Armstrong, Joanne L EDUC:EX <Joanne.Armstrong@gov.bc.ca>
Cc: 'Alejandra Lopez Bravo' s.22; 'ingrid' <ingrid@watari.ca>; Waters, Leah EDUC:EX <Leah.Waters@gov.bc.ca>; Minister, EDUC EDUC:EX <EDUC.Minister@gov.bc.ca>
Subject: RE: Notes from Last Week

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Hello Sofie and Joanne,

We would really appreciate if you could please let us know if you agree that our notes are accurate and if there is anything you would like to change or add to make sure that we are on the same page when we speak to school districts.

Thank you,

Omar

From: s.22
Sent: July 22, 2021 12:12 AM
To: 'Grah, Sofie EDUC:EX' <Sofie.Grah@gov.bc.ca>; 'Armstrong, Joanne L EDUC:EX' <Joanne.Armstrong@gov.bc.ca>
Cc: 'Alejandra Lopez Bravo' s.22; 'ingrid' <ingrid@watari.ca>; 'Leah.Waters@gov.bc.ca' <Leah.Waters@gov.bc.ca>; 'EDUC.Minister@gov.bc.ca' <EDUC.Minister@gov.bc.ca>
Subject: Notes from Last Week

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Thank you again and we look forward to hearing from you.

Omar, Alejandra, and Ingrid
on behalf of Sanctuary Health

RE: Letter from Ministry of Education

From: s.22
To: EDUC Funding and Financial Accountability Branch EDUC:EX
<EDUC.SRSD@gov.bc.ca>
Sent: August 5, 2021 11:09:57 PM PDT
Attachments: image001.jpg

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Thank you,

We've received it.

From: EDUC Funding and Financial Accountability Branch EDUC:EX <EDUC.SRSD@gov.bc.ca>
Sent: August 5, 2021 3:41 PM
To: s.22
Subject: Letter from Ministry of Education

Good Afternoon,

Please see attached letter from Jonathan Foweraker, Executive Director of Funding and Financial Accountability Branch.

Thank you,



Jonathan Foweraker

He / Him / His

Executive Director, Funding and Financial Accountability Branch | Ministry of Education

250-896-2673 | Jonathan.Foweraker@gov.bc.ca

Conversation with King, Aimee EDUC:EX

From : King, Aimee EDUC:EX <Aimee.King@gov.bc.ca>
To: King, Aimee EDUC:EX <Aimee.King@gov.bc.ca>, Foweraker, Jonathan EDUC:EX <Jonathan.Foweraker@gov.bc.ca>
Sent: August 5, 2021 1:00:02 PM PDT

s.13

Foweraker, Jonathan EDUC:EX 12:19 PM:

Can you go into the Estimates e-Binder and pull out the info in Section 50 into a separate PDF?

King, Aimee EDUC:EX 12:19 PM:

Thanks and yes, for sure.

King, Aimee EDUC:EX 12:37 PM:

For the eAPP in regards to Sanctuary Health, Kathleen wanted me to confirm if you will sign as ED. She doesn't think it needs to come from Reg (ADM)

Foweraker, Jonathan EDUC:EX 12:38 PM:

That's fine - it can be sent as ED

King, Aimee EDUC:EX 12:48 PM:

Okay thanks. I'll update accordingly

Letter from Ministry of Education

From: EDUC Funding and Financial Accountability Branch EDUC:EX
<EDUC.SRSD@gov.bc.ca>

To: s.22

Sent: August 5, 2021 3:41:07 PM PDT

Attachments: image001.jpg, 248982 Sanctuary Health Reply.pdf

Good Afternoon,

Please see attached letter from Jonathan Foweraker, Executive Director of Funding and Financial Accountability Branch.

Thank you,





August 5, 2021

CLIFF #248982
VIA EMAIL

Mr. Omar Chu
c/o Sanctuary Health
s.22

Dear Omar:

RE: Meeting with Sanctuary Health Representatives, July 15, 2021

Thank you to you and your team for taking the time to meet with Resource Management Division representatives on July 15, 2021. Through that meeting we appreciate the challenges that were described to the Minister and we will work on strategies to bring consistency across the sector to ensure the intent of the related eligibility policies are being followed.

The discussion points below from the meeting are summarized to accurately represent the conversation and are aligned with the *School Act* and the Ministry of Education's (the Ministry) current eligibility directives to school boards outlining the circumstances in which the Ministry will provide operating grant funding to boards of education for students enrolling in their district. The policies ensure that the Ministry provides operating grant funding to boards of education in a fair and equitable way for all stakeholders.

- The Ministry encourages boards of education to ensure their local policies are aligned with the appropriate legislation including freedom from harassment and discrimination. It is the school board that has the responsibility and authority to apply the *School Act* and all related eligibility policies in accordance with Ministry directions and to determine whether the student (and in the case of the school age student along with their parent/guardian) would be eligible to be claimed for a publicly funded education.
- The Ministry does periodically provide workshops and messaging, when necessary, to communicate to school boards the directives of the *School Act*, and related eligibility policies. This includes the focus on verifying BC residency as indicated in the Eligibility of Students for Operating Grant Funding policy which says "*Immigration status is relevant but does not determine ordinary residence*".
- School boards are responsible for complying with provincial law and regulations. The Ministry and boards of education do not have the authority to enforce federal immigration law.
- While immigration status alone does not determine BC residency, the Eligibility policy does include segments where immigration documentation may be required (i.e. in

**Ministry of
Education**

Funding & Financial Accountability
Branch
Resource Management Division

Mailing Address:
PO Box 9151 Stn Prov Govt
Victoria BC V8W 9H1

Location:
3rd Floor, 620 Superior St
Victoria BC V8V 1V2

instances where families are in BC on a time-limited basis). Boards of education are required to verify BC residency status for all families new to the province of BC enrolling in BC public schools including those from other jurisdictions across Canada.

- The Ministry does not request specific immigration documents as a part of its compliance audit process. The compliance reviews follow the Eligibility policy which says: “*Student files should contain reference to the documentation used to support eligibility for funding*”.
- The compliance review process queries school board staff as to whether they have a policy and/or procedures for ensuring that school age students along with their parent/guardian are ordinarily resident in BC and therefore eligible for school boards to report students for a provincially funded education.
- The compliance review process verifies if the board of education’s schools have followed this policy/procedures.
- The “*Other classes of persons for whom the ministry will provide operating grant funding*” segment in the Eligibility of Students for Operating Grant Funding policy was created with a focus on a number of family circumstances that may be reported for funding by school boards in addition to those who have a clear entitlement to public education under Section 82 of the *School Act* “*if the board of education requests funding via Form 1701*”. It was not intended to exclude families who are BC residents and may have unresolved federal immigration status (see Students Who Are Refugees policy and the K-12 Newcomer Refugee policy). The Ministry will continue to remind school districts to familiarize their staff with the entire Eligibility policy and not to focus solely on the “*Other classes of persons*” segment.
- Similarly, the lists of positive and negative indicia of “ordinary residence” in this policy were created to “*assist boards in making determinations of whether a person is ordinarily resident in BC*”. These indicators are not an exhaustive list for BC residency evidence.
- Checklists used by public school staff to verify BC residency is a school board decision. While utilizing such documentation boards should continue to focus on the verification of BC residency.
- For Refugee claimants, school boards are required to follow the directive of the K-12 Funding Newcomer Refugees policy which says “*Include students who are refugee claimants. As they do not yet have official refugee status, include a copy of their refugee protection claimant document in the student file.*” and the Students who are Refugees policy.

The Ministry’s Compliance Program will continue to communicate to school boards the directives and intent of the Eligibility policy and the Refugee policies. The Ministry’s Eligibility of Students for Operating Grant Funding Policy outlines the directives boards of education are to align their policies and/or procedures to determine whether students along with their parent/guardian are ordinarily resident in BC and therefore eligible to be reported by the school board to the Ministry for a provincially funded education. It is the school board that has the responsibility and authority to apply the Eligibility Policy and determine whether the student would be eligible to be claimed for a publicly funded education.

While recognizing the advocacy and supports the Sanctuary Health volunteer staff provide to families, the Ministry will uphold the messaging of BC residency verification in accordance with the *School Act*, and related Ministry policies including refugee school age students.

Thank you again for your time and your work on behalf of these students. Should there be further questions, please contact Joanne Armstrong, Compliance Program Manager at 250-356-2789 or via email: joanne.armstrong@gov.bc.ca.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jonathan', with a stylized flourish at the end.

Jonathan Foweraker
Executive Director