



BOARD OF EDUCATION
SD NO. 40 (NEW WESTMINSTER)
Education Policy and Planning Committee
AGENDA

Chairperson: Trustee Mark Gifford
Tuesday February 7, 2017, 7:30 p.m.
Location: School Board Office

Item	Action	Info	Presenter	Attachment
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The New Westminster School District recognizes and acknowledges the Gayqayt First Nations, as well as all Coast Salish peoples, on whose traditional and unceded territories we live, we learn, we play and we do our work.

1. Approval of the Agenda	X		M. Gifford	
2. Presentations				
a) QMS Presentation – <i>Mindfulness and Mindset</i>				
3. General Announcements				
4. Old Business				
a) Sanctuary Schools (M. Gifford)	X			<i>Encl Pg 1</i>
5. Adjournment				



Supplement to: EDUCATION POLICY & PLANNING COMMITTEE

Date: February 7, 2017

Submitted by: Trustee Gifford, on behalf of the Sanctuary Schools Task Force

Item: **Requiring Action**

For Information

SUBJECT: NEW WESTMINSTER SAFE & WELCOMING SCHOOLS FOR ALL POLICY

Preamble:

Considering that, since time immemorial, the lands and waters home to New Westminister have been known as Qayqayt or "resting place" by Coast Salish peoples; and that,

Since founding, New Westminister public schools have continuously offered education to newcomer and settler students and families who live, work and play on the traditional and unceded territories of Qayqayt First Nation and Coast Salish peoples; and that,

Though the arc of our history has included periods where we have not fully demonstrated respect for human rights and dignity of all people, we strive to continually expand our capacity to recognize and understand the values and the value of creating the conditions for all children to learn in safe, welcoming and inclusive environments; and recognizing that,

We are called to help fulfill the moral and legal promises enshrined in the United Nations Convention on the Rights of the Child, particularly Articles 28 and 29, to which Canada is a signatory; in the Canadian Charter of Rights and Freedoms, particularly Article 15; in the Canadian Immigration & Refugee Protection Act; in the British Columbia School Act; and in all other common and natural law which help enable public schools to advance the social, emotional, intellectual and cultural development of children in our District;

The New Westminister Board of Education proudly declares its commitment to providing a safe and welcoming environment for all children and families who are ordinarily resident in New Westminister, regardless of immigration status, through the New Westminister Safe & Welcoming Schools for All Policy.

Background:

In February 2016, the Education Committee of the New Westminister Board of Education first received information and a presentation from members of Sanctuary Health, a voluntary organization working to support ability of people with precarious immigration status to access public services without fear. Their



representatives, along with members of the public, shared information on barriers to school enrollment faced by several families living in New Westminister.

The Board of Education responded by striking a task force comprised of representatives from a range of stakeholder groups, including: district administration, teachers (NWTU), support staff (CUPE 409), Principals/Vice Principals, District Parent Advisory Council, Sanctuary Health and the Board of Education. The task force would review and recommend policies and procedures consistent with relevant recommendations. In May 2016, the Board of Education received an initial Report on their findings, and requested staff draft policy framework for review in September 2016. Staff produced a draft Report, which was shared with, and received from, the task force. The New Westminister Safe & Welcoming Schools for All Policy represents the research, debate and findings of the task force.

The New Westminister Board of Education wishes to ensure all children can access public education in our schools without fear, regardless of their immigration status. In our community, and across British Columbia, residents with precarious immigration status face many challenges. While relatively rare, some children and families with precarious immigration status live in our community and fear enrolling in our school puts their safety and security at risk.

The New Westminister Safe & Welcoming Schools for All Policy would protect the right to education and safety for **all children** resident in New Westminister. This policy is consistent with the BC School Act, which defines eligibility for access to education, and for eligibility for operating grant funding.

Under the School Act, districts are required to establish that a child is “ordinarily resident”. Ordinarily resident is not to be confused as a category or definition of immigration status. To establish residency in a district does not require an examination of immigration status.

Adoption of a New Westminister Safe & Welcoming Schools for All Policy would ensure the Board of Education enshrines two primary principles:

1. Access for All: to ensure equitable access to school for all local resident children and youth regardless of immigrant status;
2. Access Without Fear: to ensure schools are “safe zones” for all children and families, by requiring that school administrators, teachers, principals and school staff work to create safe and welcoming school environments, receive appropriate training and support, and do not voluntarily share or disclose information about their students with Canadian Border Services Agency or other law enforcement agencies.

Access for All recognizes that education is a human right. Canada is a signatory to the UN Convention Rights of the Child; Articles 28 and 29 of the Convention declare that every child has the right to



education. The School Act does not require families to provide information relating to the immigration status of a child or their guardian for the purpose of determining eligibility for enrollment in an educational program in BC, or for a district to receive operational funding. Rather, the legislature chose to frame the School Act in a broad way to extend the right to public education to all children who, with their guardians, are “ordinarily residents” in the province. The New Westminster Board of Education has expressed “inclusion” as one of its core principles. Though current procedures vary, by law, families are not required to disclose information about their own immigration status or that of their children in order to enroll a child in school.

Access without Fear recognizes that schools should be safe places for learning for all students. All students are impacted when those with precarious status feel unsafe. Children’s learning suffers in environments where they are concerned about their security. Accordingly, all students should feel welcome and free to learn without fear of being denied entry into school or of being detained due to their attendance at school. It requires a commitment to ensure that schools are “safe zones”. Consistent with current policy, New Westminster School District (school administrators, teachers, principals and school staff) will protect the privacy of our students and will not share or volunteer personal identification information about our students with any person or authority, including the Canada Border Services Agency, except when legally compelled by a court order.

Please see the next two attachments.

Recommendation

That the Education Committee of the New Westminster Board of Education recommends the New Westminster Board of Education adoption of the New Westminster Safe & Welcoming Schools for All Policy.

NEW WESTMINSTER SAFE & WELCOMING SCHOOLS FOR ALL

The New Westminster Board of Education takes pride in its commitment to providing a safe and welcoming environment for all children and families who are ordinarily resident in New Westminster, regardless of immigration status.

1.OBJECTIVE

To uphold the Board's commitment to providing a safe and welcoming environment for all students who are ordinarily resident in New Westminster, regardless of immigration status.

2.POLICY

2.1. All school age children who are residents of the school district, including those who are without immigration status in Canada, are entitled to admission in school.

2.2. The personal information of enrolled students or their families shall not be shared with federal immigration authorities unless required by law.

2.3. The Board shall not permit Canada Border Services Agency (CBSA) officials or immigration authorities to enter schools or Board facilities unless required by law.

2.4. All public school employees and volunteers shall be informed of this policy, and it will be communicated to requisite stakeholders including immigrant communities.

3.SPECIFIC DIRECTIVES

The Board will implement communication protocols and admission procedures in accordance with these requirements.

3.1. This policy and relevant provisions of the School Act will be communicated annually to all school administrators, school office staff, and school teachers. Such materials will also be prominently displayed in school offices, admissions offices and on the Board's website.

3.2. The Board will provide orientation and training for all staff regarding the policy in order to promote expertise and sensitivity regarding the needs of students without immigration status in Canada.

3.3. A thorough communications plan will be developed to share this information in immigrant communities.

3.4. The appropriate instructions for staff and public information materials concerning admission procedures will be revised to reflect the above policy. Such revisions will also be included in all training and orientation programs for staff and community agencies who have responsibilities in this area.

3.5. All student registration forms, including electronic databases, which refer to immigration status in Canada will be deemed strictly confidential.

3.6. All student registration forms, including electronic databases, will provide clearly stated options for any family which does not wish to share proof of immigration status as a means of establishing that they are ordinarily resident in New Westminster.

3.7. Where there is a need to verify a student's name, home address, or date of arrival in Canada, and where the usual supporting documentation is not available, the Board and schools will accept combination of tenancy agreements, utility bills and/or letters from lawyers, medical doctors, religious and community leaders and others confirming their personal knowledge that the student is ordinarily resident in the school district.

3.8. Schools will continue to comply with current Ministry of Education requirements in the case of students for whom ELL funding claims are made, but will not disseminate students' personal information.

3.9. An independent or third-party based complaints mechanism will be set up to hear from families who have been denied admission based on immigration status and appropriate accountability measures developed to ensure that no child is turned away.

3.10. There will be an annual review of the implementation of these policies by Board of Education, which includes input from community organizations and stakeholder groups represented in the development of this policy.

SD No. 40 (New Westminster)

Adopted:

Modification to this document is not permitted without prior written consent from SD No. 40 (New Westminster)

RESPONSE to SANCTUARY SCHOOLS POLICY REQUEST

INTRODUCTION

The following report by district staff is in response to the directive to create a sanctuary school policy. It is intended to provide a broader context related to student records, registration and privacy while referencing current district procedures and practices, provincial funding criteria and federal regulations to which the School District is required to adhere.

BACKGROUND

At the March 29, 2016 Education Committee meeting, the New Westminster Board of Education approved a recommendation to form a committee to examine regulatory frameworks of sanctuary schools and report back findings at the May meeting.

At the Board of Education meeting held May 31, 2016, a motion was passed, "That the New Westminster Board of Education direct staff to draft a Sanctuary Schools policy and procedures for its review and consideration at the October 4, 2016 Education Policy and Planning Committee."

Staff assigned approached several organizations to research and review current work in the area of sanctuary schools, and the findings of these inquiries are detailed in this report. Specifically, district staff:

- consulted directly with senior staff in other districts in the Greater Vancouver area
- reviewed the Vancouver Board of Education response document regarding the sanctuary schools proposal
- presented the sanctuary school recommendations to the BC International Public School Education Association (IPSEA) at its AGM to elicit comments, feedback and any concerns associated with registration of vulnerable children in the province
- followed up at the British Columbia Teachers' Federation regarding progress of their policy statement
- consulted with the Funding and Compliance Branch of the BC Ministry of Education regarding funding eligibility language and terminology
- reviewed audit report requirements from the Ministry of Education on evidence necessary to support district funding requests
- sought clarity on information needed for registration in the provincial system, MyEdBC
- consulted Immigration, Refugees and Citizenship Canada (IRCC) websites as to what documentation, if any, was required for a child to enter school



- reviewed relevant excerpts from the *Immigration and Refugee Protection Act (IRPA)*
- reviewed New Westminster district practices and policies

This report is provided for information.

GUIDING PRINCIPLES FOR CONSIDERATION

1.0 Sanctuary Schools Proposal

The intent of the larger sanctuary movement is for non-status immigrants to access government services without risking deportation. On March 29, members of Sanctuary Health (Vancouver) presented to the New Westminster Board of Education asking for the adoption of a Sanctuary Schools policy in New Westminster that would ensure the Board enshrines two primary principles:

1. **Access for All:** to ensure equitable access to school for all local resident children and youth regardless of immigrant status or lack of documentation; and
2. **Access without Fear:** to ensure schools as “safe zones” from Canadian Border Service Agents. Schools administrators, teacher, principals and school staff should not collaborate or share information about their students with CBSA.

In March 2014, the Executive Committee of the British Columbia Teachers’ Federation approved a motion calling for the BCTF to encourage locals to work with their boards to adopt sanctuary school policies. The BCTF policy statement is targeted province wide. The draft statement has yet to be adopted as policy by any BC school district.

2.0 A Child’s Right to Access Education

With respect to education, the federal *Immigration and Refugee Protection Act (IRPA)* confirms children’s rights to access education. Subsection A30(2) provides that a minor already in Canada is authorized to study without a study permit at the pre-school, primary or

secondary level, with the exception of a minor whose parent(s) are temporary residents not authorized to work or study.

Canada is also a signatory of the *United Nations Convention on the Rights of the Child*, which means that Canada has agreed to make primary and secondary education available to all children in Canada.

3.0 BC Ministry of Education Entitlement and Eligibility for Publicly Funded Education

Minor children who are authorized to study will have, under 2.0 above, access to education in British Columbia. For a student to be eligible for a provincially funded education in B.C., the student and his or her parent/guardian must meet specified criteria. Categories under which students may be eligible for provincial funding in order to attend a public school in BC are outlined in provincial policy *Eligibility of Students for Operating Grant Funding*; and include:

- **Ordinarily Resident:** Children who, along with their guardian(s), are ordinarily resident in British Columbia; and
- **Refugee Status:** a child who has been granted Conventional Refugee status abroad prior to their arrival in Canada OR a child who had made a claim for refugee status in Canada and whose claim has not yet been determined.

As such, a non-status immigrant family normally residing in BC or a refugee claimant are eligible for a publicly funded education in British Columbia.

4.0 Canada Border Services Agency (CBSA) Processes Regarding Students

CBSA Officers are guided by policies, procedures and legislation when it comes to the arrest and/or detention of a minor. Section 60 of the IRPA stipulates “that a minor child shall be detained only as a measure of last resort, taking into account the other applicable grounds and criteria including the best interests of the child.” As such, any arrest/detention of a minor is expected to be conducted within strict parameters and in conjunction with the B.C. Ministry of Children and Family Development (MCFD). It is not the practice of CBSA officers to apprehend children from schools as a means of finding the parents.



Further, NWSD Policy 1004: Safe & Appropriate Access to Students, Staff & School District Policy states that “in the interest of safety for students and employees, and the security of District facilities, individuals other than staff or students need to report to the school administration office, or other specified area, on arrival at a District facility.” Regulations are in place that outline procedures that must be taken in order to grant an outside agency access to students. CBSA would need to follow the District External Agency Protocol (Regulation 1004.0).

5.0 New Westminster Schools Registration Practice

In alignment with the School Act, residency, not citizenship status, determines access to British Columbia schools. If both the child and parent normally reside in BC, they are entitled to a publicly funded educational program, regardless of immigration status. However, at time of registration, proof of long term residency must be provided to ensure international student status and fees do not apply.

The determination of a person’s residency is not based solely on immigration status, but status is relevant in determining the eligibility for operating grant funding. A person who comes to Canada on a temporary basis who has not taken measures to secure permanent residency will likely not be considered as a resident because the person has no expectation of remaining in Canada.

The International Education office is responsible for reviewing the residency documentation for newly arrived students to BC whose parent does not have Canadian citizenship or permanent residence in Canada. As part of the registration process, school and/or district staff check birth certificates and/or citizenship papers, immigration documents, health records, report cards, and proof of residence as part of the registration procedure.

At time of registration, proof of status in Canada is requested for each child and at least one parent because it is used to establish short term or long term commitment to reside in BC. For parents, immigration documents, Canadian Citizenship, Permanent Resident card or possession of long-term study or work permits are examples of indicators that the holders will maintain long-term residence in BC. It is the experience of staff that parents holding temporary permits including visitor visas or short term study or short term work permits are



presenting indicators that they do not intend to establish long term residence in BC and consequently do not meet eligibility criteria for their child(ren) to receive a publicly funded education.

As eligibility to a publicly funded education requires that both the child and at least one parent (or legal guardian) must be maintaining ordinarily residence in BC, during Ministry 1701 enrolment audits the district must be in the position to substantiate funding eligibility for each claimed student.

It is not the practice of the International office to turn families away from enrolling in the district. Persons who do not hold such documents are supported on a case by case basis and the district will endeavour to place students into schools if and when it can.

6.0 Citizenship Status Information

In attempting to ensure equitable access for all children, the sanctuary schools proposal suggests that students be registered without disclosing citizenship status to district staff. While residency is the primary determiner of funding eligibility in the province, citizenship or immigration status is part of the Ministry of Education's student information record. For all students, citizenship status is a required field in the Ministry of Education's Student Information System. Without defining citizenship status, the Student Information System (SIS) will not generate a Personal Education Number (PEN). A student in BC cannot graduate without citizenship status identified in SIS. Hence, without citizenship status identified in SIS the district will not receive funding from the Ministry of Education.

In MyEdBC, citizenship is required to place students in the correct funding category: Canadian Citizen, International Funding Eligible, International Funding Not Eligible, Out of Province Canada Not Eligible, Permanent Resident/Landed Immigrant, and Refugee. The student's designation is then transferred to the 1701 extract which is submitted for funding.



7.0 Additional Supports Provided for Families

The district supports all families through various services within the district and the community.

- **Settlement Workers in Schools (SWIS)**
The SWIS program is a school-based settlement service that provides professional assistance to immigrant, refugee and eligible temporary resident students and their families after their arrival in New Westminster and registration in the public schools. Settlement workers facilitate the adjustment, adaptation, and integration of newcomer families during their initial years in Canada
- **Immigrant Services Society of BC (ISSofBC)** is a community settlement organization that works to support refugees, women and children throughout the Vancouver area.
- **SUCCESS** is a multilingual social services agency in BC and can be accessed directly by contacting their Vancouver or Coquitlam offices.

SUMMARY

The sanctuary request made to the New Westminster School District is complex. The district is committed to providing quality education to its residents while ensuring student and guardian information complies with statutory regulations.

The Sanctuary Schools Committee made a number of recommendations for the Board to consider. In addition to the above guiding principles, district staff can offer the following.

- Our current procedure already supports the request to enroll students without status. In alignment with the School Act, residency, not citizenship status, determines access to schools in the New Westminster School District. If both the child and parent ordinarily reside in BC, they are entitled to a publicly funded educational program, regardless of immigration status.
- Our current district procedure already supports the request for a welcoming school environment. The district currently has a cultural support structure for families through services, including SWIS, that can be accessed as appropriate. Staff members are cognizant of their role in assisting families in navigating the school system in a culturally sensitive manner.
- Our current district procedure already supports the request for restricted and appropriate access to students and to schools. The district currently has an External Agency Protocol in effect. Staff members are cognizant of their responsibilities in providing information and access where children are concerned.
- In response to the request that the district revise public registration forms and not request immigration status documentation in order to enroll a child in school, the district must continue with current registration practices. Citizenship and immigration documents are relied upon as indicators that the holders can maintain long-term residence in BC and therefore qualify for a publicly funded education in BC. The district must be in the position to substantiate funding eligibility for each claimed student. To this end, the district should continue with current best practice by working with families with documentation issues, with sensitivity and on a case by case basis.
- In response to the request that the district ensure schools are “safe zones” and do not share immigration status information with external agencies such as CBSA, the district recognizes the federal government’s legal jurisdiction over immigration matters. While the district does not



initiate contact with the CBSA, the district must provide information when required by law to do so.

- In response to the concerns raised about the potential for international students to be treated as resident students and avoid fees, the district applies the same criteria for funding to all students. If both the child and parent ordinarily reside in BC, they are entitled to a publicly funded educational program, regardless of immigration status. If they do not meet funding criteria but are lawfully permitted to study in Canada, they may be enrolled as a fee paying student.
- In response to the sanctuary proposal, and in alignment with the concept of access without fear, the district will centralize any and all requests from CBSA through the Superintendent or delegate. Centralizing requests from CBSA will ensure that CBSA is adhering to their own protocols and will support the sensitivity of information collected. To this end, the district remains in compliance with the *Canada Border Services Agency Act* and the *Immigration and Refugee Protection Act*.

Sources:

Canada Border Services Agency Act

Immigration and Refugee Protection Act

Provincial School Act

Ministry of Education Policy: *Eligibility of Students for Operating Grant Funding (2013)*

Vancouver Board of Education *Memorandum* dated May 6, 2016

Vancouver Board of Education, Registration Checklist

New Westminster School District, Registration Documentation Checklist

New Westminster Board of Education, Agenda and Minutes of the Meeting, May 31, 2016

New Westminster School District, Policy 501.5, 607.0, 1004

Immigration, Refugees and Citizenship Canada, Operational Bulletins



Student Admissions – Frequently Asked Questions

1. How do students who are new to New Westminster register for school?

Information is published in the local newspaper and is available on our website at www.sd40.bc.ca. A registration form and checklist of required documents are also available on our website.

2. Why do parents have to provide documentation if it is the child that is registering for school?

For a child to receive a provincially funded education in B.C., at least one parent must be ordinarily resident in the province, even if both parents are Canadian citizens. If the child is living with someone other than his or her parent, that person must be a court-ordered legal guardian and the Court Order or will must be provided.

3. How will my documents be stored? Are they safe?

Student records that contain information collected solely to meet Ministry requirements are locked and stored in a secure area of the school. Parents not wanting their information kept on file in the school can arrange to have the documents viewed by the school principal or designate each year. Confidentiality is important and parents need not be afraid that staff will share personal information with external agencies, unless required by law to do so.

4. Why are passports not acceptable as documentation under “Status in Canada” for my child?

A Canadian birth certificate is the primary form of identification for children born in Canada. A passport is a secondary form of identification since a birth certificate would likely have been provided to apply for a passport.

The District is able to use the passport for students as a placeholder in the registration process so that the registration can continue in all other areas. Follow-up to obtain the birth certificate will be required.

5. Why are cellular phone bills not acceptable for proof of residency?

Our district has determined that a telephone bill alone is not sufficient as proof of address. It is simply a billing address, not proof of long-term residency. However, a bill may be used in conjunction with other evidence to substantiate that the applicant has maintained “ordinarily residence” in BC.



6. What if the parent is not the homeowner or tenant on the agreement?

If the parents are living privately with another family where there is no formal tenancy agreement, a letter from the homeowner/landlord and a tax notice in the homeowner's name would be required.

The responsibility lies with the parent to show that they have established a habitual mode of life in the community and will remain ordinarily resident.

7. What if a parent does not have the necessary documents on the District's checklist to register a child for school?

Parents who do not have the necessary documents to demonstrate ordinary residence are referred to the International Education office. A determination of eligibility for a publicly funded education will be done on a case-by-case basis and with care and sensitivity. Parents will be asked to provide other evidence to substantiate that they are ordinarily resident in BC.

8. How can parents prove they are the parent or legal guardian?

The document required at the time of registration is the child's birth certificate with the names of the natural parents listed. Parents may apply for a birth certificate for a child through the Department of Vital Statistics in the jurisdiction in which the child was born. In British Columbia, the Department of Vital Statistics can be accessed by calling toll-free 1-888-876-1633 in B.C. or through the following web address: <http://www.vs.gov.bc.ca/births>. While awaiting a long-form Birth certificate, or if one cannot be obtained, parents may use the following documents:

- *Child Tax Benefit Notice – with child's name and date of birth listed.*
- *Parent's confirmation of Permanent Residency – with children named.*
- *Any Federal or Provincial documents where parent and dependent child are both named.*

9. What about children whose parents are Temporary Foreign Workers or Refugee Claimants?

Temporary Foreign Workers (TFW) generally have permits that are longer than one year so their children are likely eligible during that time for a funded education. Refugee claimants are eligible while their claim is being processed. Refugee claimants who have been denied permission to stay in Canada and people on expired work permits would need to be dealt with on a case-by-case basis.

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10. What about children whose parents are studying in Canada?

The child of a parent who is authorized to study for a period of one year or more and is in full-time attendance in a qualifying program is likely eligible during that time for a funded education. Parents should check with the school district or the Ministry of Education as to which specific programs meet funding criteria. Students who do not qualify for a funded education will be referred to the fee-paying international Education office.

11. If a student is already enrolled in a school and his or her parents' immigration status changes, will the student have to leave school?

Children who are already enrolled in school will not be withdrawn from the school that year while their parent is dealing with immigration matters, provided they submit supporting documentation that they are in a transition period (e.g. changing from Work Permit holder to Permanent Resident, etc.)

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FEDERAL FUNDING OF THE SETTLEMENT WORKERS IN SCHOOLS AND LANGUAGE INSTRUCTION FOR NEW COMERS TO CANADA PROGRAMS

SUBMITTED BY: *SD41 (Burnaby)*

BE IT RESOLVED:

That the BCSTA urge the B.C. Ministry of Education and the Canadian School Board Association (CSBA) to request the federal government provide increased, predictable and stable funding to enable boards of education to provide essential support services for immigrant families settling in communities.

RATIONALE:

This motion is needed because budgets in the areas of Settlement Workers in Schools (SWIS) and Language Instruction for Newcomers to Canada (LINC) continue to decrease despite the rising number of immigrants and despite the record influx of Syrian Refugees.

We have a responsibility to properly settle immigrant families in our communities. This has a direct impact on student learning both in the K-12 sector and adult language learning.

Inadequate settlement services negatively impact parents and families who are dealing with multiple barriers in finding employment and housing, managing health issues including trauma, learning a new language and trying to adapt to a new country.

Multiple year reductions in budgets and uncertainty in funding timelines in the areas of SWIS and LINC programs force school districts to cut essential positions and programs that are vital to the successful settlement of students and families in schools and the community. SWIS workers are held in a unique position of trust by families and school personnel because they have both a cultural awareness of the challenges faced by newcomers, and knowledge of the Canadian school system. Language acquisition for adult newcomers, through LINC classes is equally important for successful integration of families in the community.

Without meeting the settlement needs of immigrant families, Canadians run the risk of alienating new families and, rather than including them in society, they become culturally isolated and disenfranchised and unable to realize their full potential.