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Subject: POLICIES GOVERNING ADMISSION TO
FRENCH-LANGUAGE SCHOOLS IN ONTARIO

Application: Directors of Education
Supervisory Officers of School Authorities
Superintendents of Education
Supervisory Officer of Centre Jules-Léger
Principals of Elementary and Secondary Schools

References: Section 23 of the Canadian Charter of Rights and Freedoms.
Section 293 of the Education Act.
French Language Services Act.
Ontario's Aménagement Linguistique Policy for French-Language Education, 2005.

INTRODUCTION

This memorandum outlines for French-language school boards¹ a process for reviewing their policies, guidelines, and administrative directives relating to admission of students to their schools against a suggested model policy. The purposes of this review include ensuring that admission to French-language schools is inclusive and that the admission process is transparent. Boards are asked to have any revised admission policies resulting from this review in place by January 15, 2010.

The purposes of asking school boards to review their admission policies are as follows:

- to ensure that boards include in their policies effective methods for recruiting eligible students
- to make the admission process at French-language schools as streamlined as possible for newcomers who are French-speaking
- to make provisions for possible admission of newcomers who speak neither French nor English to French-language schools
- to standardize the rules governing the operation of admission committees to ensure fairness across the province
- to increase accountability and transparency in the French-language education system to improve public confidence

1. In this memorandum, *school board(s)* and *board(s)* refer to district school boards and school authorities.

Legislative and Policy Framework Governing Admission to French-Language Schools

Minority-language educational rights in Canada are embedded in the constitutional framework of section 23 of the Canadian Charter of Rights and Freedoms, which sets out the minimum requirements.

In the Education Act, the Legislative Assembly of Ontario has recognized rights and duties that are set out in section 23 of the Canadian Charter of Rights and Freedoms, as well as the right to a Catholic education that is set out in section 93 of the Constitution Act, 1867. In the French Language Services Act, the Legislative Assembly also declares that the French language is an official language in education, recognizes the contribution of the cultural heritage of the French-speaking population, and states that it wishes to preserve this cultural heritage for future generations.

As well, by enacting section 293 of the Education Act, the Ontario Legislature recognized the importance of extending the right to be admitted to a French-language school to children of parents² who do not meet the basic criteria set out in section 23 of the charter. Under section 293, a mechanism was established – namely, the admission committee – by which it is possible to admit these children.

In addition to the provisions in the Education Act, the Ministry of Education established the *aménagement linguistique* policy to provide a framework for the development of the French-speaking community in Ontario. This framework is outlined in the ministry document entitled *Ontario's Aménagement Linguistique Policy for French-Language Education, 2005*. The continued flourishing of French-language schools in Ontario depends to a large extent on growth in enrolment. This memorandum also provides boards with direction for implementing the *aménagement linguistique* policy.

See the Appendix to this memorandum for relevant excerpts from the legislation referred to above.

Context

Over the past thirty years, the ethnolinguistic profile of the French-speaking community in Ontario has undergone a major transformation. Demographic trends such as the declining birthrate, the increase in immigration, exogamy, and the increased predominance of English in the global context make it imperative that French-language schools adapt to the needs of today's changing society. French-speaking newcomers, therefore, are a target group for admission to French-language schools, and should have better access to a French-language education.

At present, however, there is little uniformity in the operation of admission committees among school boards and even among schools within the jurisdiction of the same school board. It is therefore important that all school boards establish accountability measures to ensure that the admission process is fair and transparent.

2. In this memorandum, *parent(s)* refers to parent(s) and guardian(s).

ADMISSION POLICY REVIEW PROCESS

Responsibilities of Boards

French-language school boards are asked to:

- review their policies and administrative directives governing admission criteria and the admission process, including those governing admission committee operations, in accordance with the provisions in this memorandum;
- inform school principals of any changes to the admission criteria and process needed to standardize admission committee practices;
- inform staff, parents, students, and the school community of any changes to the admission criteria and process;
- submit their policies, as revised as a result of this review, to the ministry.

In some cases, a board's revised policies might have to be approved by the trustees.

The Ministry of Education will provide the following resources to school boards to support the review process:

- a policy statement and guidelines on admission to help welcome students to Ontario's French-language schools, as well as resources approved by the Permanent French-Language Education Task Force
- the socio-demographic profile of each school community
- training sessions to facilitate the review of the process

Guiding Principles

The principles of justice, fairness, and transparency should guide the admission policy review. It is also important that school boards do the following:

- honour and reflect the spirit of the laws regarding the mandate of French-language schools in Ontario; that is, the Canadian Charter of Rights and Freedoms, the French Language Services Act, and the Education Act
- maintain the special nature of French-language schools
- demonstrate inclusiveness
- ensure that applications for admission are handled fairly
- demonstrate transparency
- take a future-oriented approach

School boards and school principals should also ensure that parents understand the changes to the admission criteria and process, as set out in the ministry document entitled *L'admission, l'accueil et l'accompagnement des élèves dans les écoles de langue française de l'Ontario – Énoncé de politique et directives, 2009*.

Consultation

The process by which school boards review admission policies should include provisions for consulting the parties concerned, or their representatives, and/or for ratifying the policies by the parties concerned, or their representatives. These parties include the following:

- parents
- school councils
- school principals or members of the school board's academic and administrative services, as well as leaders in matters of board priorities
- teaching staff
- students
- community partners and organizations, including ethnocultural organizations
- labour organizations

INFORMATION IN ADMISSION POLICIES

School board admission policies should provide the information outlined below. (See the Appendix to this memorandum for relevant excerpts from the legislation.)

Admission of Students of School Age

Admission policies should state that the school board is required to accommodate students aged six to twenty-one, that a student is required to attend school until the age of eighteen, and that the parents have a duty to ensure that their child attends school, unless the child is lawfully excused.

School boards may include information on the age at which children are admitted to Junior and Senior Kindergarten in order to promote the early childhood education programs and services offered at French-language schools.

Admission of “French-Language Rights Holders”

Admission policies should set out the minority-language education rights conferred by section 23 of the Canadian Charter of Rights and Freedoms, as well as the definition of a “French-language rights holder” under the Education Act. In general terms, “French-language rights holders” in Ontario are any individuals who meet *one* of the following criteria:

- any Canadian citizens whose first language learned and still understood is French
- any Canadian citizens who have received their primary school instruction in Canada in French
- any Canadian citizens of whom any child has received or is receiving primary or secondary school instruction in French in Canada

For the full legal text, see the excerpts from the Canadian Charter of Rights and Freedoms and the Education Act in the Appendix to this memorandum.

Admission policies should also state that the school board is required to admit and accommodate in its schools the child of a person who is entitled to receive instruction in French, or an adult student who is entitled to such instruction, and who lives within the board's jurisdiction.

School boards may add any other desirable and necessary information to their admission policies, taking into consideration the context and realities of their communities.

Admission by an Admission Committee

Board admission policies should state that the child(ren) of parents who cannot be considered holders of French-language education rights under section 23 of the Canadian Charter of Rights and Freedoms may be admitted by an admission committee composed of the school principal, a teacher, and a supervisory officer, as stipulated in section 293 of the Education Act. The committee's decision to admit the student(s) is made by a majority vote.

The decision to grant or deny admission to a French-language school through an admission committee is of immense importance to a student's development, since this decision will determine whether an individual and his or her siblings and descendants will have right-holder status. It is therefore crucial that the admission policy provide a detailed description of the procedures for submitting applications for admission, for considering the applications, and for communicating the committee's decisions.

Procedures governing the operation of admission committees are described in the next section (see pages 6–7). However, it is recommended that school boards establish procedures for dealing with the following exceptional cases, so that such applications may be processed more quickly:

- *French-speaking parents and adult students who are immigrants and who do not qualify as holders of French-language education rights under the Canadian Charter of Rights and Freedoms*
There are more and more French-speakers from around the world in French-language schools, and they are contributing to the vitality of those schools. In some cases, these students do not speak English, but are denied access to French-language schools.
- *A child whose grandparents were holders of French-language education rights*
One of the objectives of section 23 of the Canadian Charter of Rights and Freedoms was to correct past wrongs. Several generations of French-speakers in Ontario or elsewhere in Canada were unable to access French-language education. In some cases, this lack of access resulted in the assimilation of French-speaking families and the loss of constitutional rights. In this context, school boards could take into consideration the right-holder status of the grandparent(s) of a child for whom an application for admission has been submitted.
- *An immigrant child whose parents' mother tongue is neither French nor English (allophone)*
Given that French and English have equal status in education in Ontario, school boards could admit the child of a new Canadian whose first language is neither English nor French, and who is required by law to ensure that his or her child attends school, unless the child is lawfully excused.

In order to accelerate the admission process in such cases, the admission committee could, for example, examine the application and supporting documents and decide not to hold an interview with the student and his or her family, or to do so by audioconference or videoconference instead of in person.

Operating Procedures for Admission Committees

Given the decisive role of the admission committee and the discretionary nature of its decisions, it is important for school boards to establish operating procedures for these committees in order to ensure consistent practices in all of their schools. These procedures will govern the admission of all students who are not right-holders, unless a procedure for exceptional cases is established, as described above.

In their admission policies, school boards should set out the parameters governing submission of applications, processing of applications, and communication of the committee's decision to the applicants, as outlined below.

Submission of Applications for Admission

Admission policies should set out the procedure for submitting an application and the required documentation. Applications should be submitted in writing to the principal of the school to which admission is being sought, and should be submitted by the student's parent(s) or by the student if he or she is an adult. Documentation required in support of the application may include:

- proof of the student's age;
- proof of the place of residence of the student or parent(s);
- the student's academic record;
- the student's immunization record;
- any other document that may be useful in processing the application, such as a questionnaire to collect information on the use of French at home and on languages spoken and written by the parent(s).

The policies should also set out a substitution procedure in the event that the required documentation cannot be provided. In such cases, the school board could require the parent(s) or adult student to provide a sworn or affirmed statement giving the requested information and explaining why the required documents are not available.

Processing of Applications for Admission

Admission policies should clearly explain how applications for admission are processed, and should include the following information:

- the criteria, including the weighting applied, used to determine whether the student may be admitted, for example:
 - the student's level of competence in French
 - the student's interest in learning French
 - the extent of the use of French and/or the presence of aspects of French culture in the family home

- the importance that the student’s parent(s) attach to the language and culture of the French-speaking community
- the commitment of the parent(s) to support the student’s academic development in French within a board and school where the language of operation and administration is French
- the purpose, content, and organization of the interview
- the timeframe within which the admission committee must process an application and issue a decision (for example, five working days between the interview and the decision might be a reasonable period)
- the admission committee’s exclusive jurisdiction (that is, its discretionary decision-making authority) over whether or not to admit a student

Communication of Decisions on Applications for Admission

Admission policies should state the following:

- For the sake of transparency, the admission committee must document its decision and ensure that the related documentation is available.
- The committee may give its decision orally to the parent(s) who submitted the application for admission, but written confirmation is to follow. The notice of confirmation should set out any grounds for rejection.

Some school boards may wish to establish a process for reviewing decisions. If so, it is important that the process be clearly explained in their policies should parent(s) request such a review.

IMPLEMENTATION OF ADMISSION POLICIES

School boards are encouraged to establish a procedure for ensuring that their admission policies are understood and implemented in every school community they serve.

APPENDIX: EXCERPTS FROM THE LEGISLATION

Relevant excerpts from the Canadian Charter of Rights and Freedoms, the French Language Services Act, and the Education Act are provided below for ease of reference.

Canadian Charter of Rights and Freedoms**23. (1) Citizens of Canada**

- a) whose first language learned and still understood is that of the English or French linguistic minority population of the province in which they reside, or
- b) who have received their primary school instruction in Canada in English or French and reside in a province where the language in which they received that instruction is the language of the English or French linguistic minority population of the province,

have the right to have their children receive primary and secondary school instruction in that language in that province.

(2) Citizens of Canada of whom any child has received or is receiving primary or secondary school instruction in English or French in Canada, have the right to have all their children receive primary and secondary school instruction in the same language.

(3) The right of citizens of Canada under subsections (1) and (2) to have their children receive primary and secondary school instruction in the language of the English or French linguistic minority population of a province

- a) applies wherever in the province the number of children of citizens who have such a right is sufficient to warrant the provision to them out of public funds of minority language instruction; and
- b) includes, where the number of those children so warrants, the right to have them receive that instruction in minority language educational facilities provided out of public funds.

French Language Services Act, R.S.O. 1990, Chapter F.32**Preamble**

Whereas the French language is an historic and honoured language in Ontario and recognized by the Constitution as an official language in Canada; and whereas in Ontario the French language is recognized as an official language in the courts and in education; and whereas the Legislative Assembly recognizes the contribution of the cultural heritage of the French speaking population and wishes to preserve it for future generations; and whereas it is desirable to guarantee the use of the French language in institutions of the Legislature and the Government of Ontario, as provided in this Act; ...

Education Act, R.S.O. 1990, Chapter E.2**Interpretation, other general matters****1. (1)**

“French-speaking person” means a child of a person who has the right under subsection 23 (1) or (2), without regard to subsection 23 (3), of the Canadian Charter of Rights and Freedoms to have his or her children receive their primary and secondary school instruction in the French language in Ontario; (“francophone”)

“French-language rights holder” means a person who has the right under subsection 23 (1) or (2), without regard to subsection 23 (3), of the Canadian Charter of Rights and Freedoms to have his or her children receive their primary and secondary school instruction in the French language in Ontario; (“titulaire des droits liés au français”)

“guardian” means a person who has lawful custody of a child, other than the parent of the child; (“tuteur”)

Powers of Minister**8. (1)** The Minister may,**guidelines: role and responsibilities of board members, officials**

3.4 establish policies and guidelines respecting the roles and responsibilities of board members, directors of education, supervisory officers, principals, superintendents and other officials;

Regulations

11. (1) Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations in respect of schools or classes established under this Act, or any predecessor of this Act, and with respect to all other schools supported in whole or in part by public money,

admit pupils**2. governing the admission of pupils;****Compulsory attendance****21. (1)** Unless excused under this section,

- (a) every person who attains the age of six years on or before the first school day in September in any year shall attend an elementary or secondary school on every school day from the first school day in September in that year until the person attains the age of 18 years; and
- (b) every person who attains the age of six years after the first school day in September in any year shall attend an elementary or secondary school on every school day from the first school day in September in the next succeeding year until the last school day in June in the year in which the person attains the age of 18 years.

Resident pupil right to attend school

32. (1) A person has the right, without payment of a fee, to attend a school in a school section, separate school zone or secondary school district, as the case may be, in which the person is qualified to be a resident pupil.

Admission without fee

(2) Despite the other provisions of this Part, but subject to subsection 49 (6), where it appears to a board that a person who resides in the area of jurisdiction of the board is denied the right to attend school without the payment of a fee, the board, at its discretion, may admit the person from year to year without the payment of a fee.

Resident pupil qualification: elementary French-language public district school boards

33. (2) Subject to sections 44 and 46, a person who attains the age of six years in any year is, after September 1 in that year, qualified to be a resident pupil in respect of a school section of a French-language public district school board until the last school day in June in the year in which he or she attains the age of 21 years if,

- (a) the person is a French-speaking person;
- (b) the person resides in the school section; and
- (c) the person's parent or guardian resides in the school section and,
 - (i) is a supporter of the French-language public district school board, or
 - (ii) is not in respect of that residence a supporter of any board.

Resident pupil qualification: elementary French-language separate district school boards

(4) Subject to sections 44 and 46, a person who attains the age of six years in any year is, after September 1 in that year, qualified to be a resident pupil in respect of a separate school zone of a French-language separate district school board for elementary school purposes until the last school day in June in the year in which he or she attains the age of 21 years if,

- (a) the person is a French-speaking person;
- (b) the person resides in the separate school zone; and
- (c) the person's parent or guardian who is a French-language separate district school board supporter resides in the separate school zone.

Evidence as to right to attend

(5) It is the responsibility of the parent or guardian to submit evidence that the child has a right to attend an elementary school, including proof of age.

Resident pupil qualification: secondary French-language public district school boards

36. (2) A person is qualified to be a resident pupil in respect of a secondary school district of a French-language public district school board if,

- (a) the person is a French-speaking person, the person and the person's parent or guardian reside in the secondary school district and,
 - (i) the person's parent or guardian is a supporter of the French-language public district school board, or
 - (ii) the person's parent or guardian is not in respect of that residence a supporter of any board;
- (a.1) subject to any regulations made under section 43.3, the person is 16 or 17 years of age, has withdrawn from parental control, is a French-speaking person and resides in the secondary school district;
- (b) the person is a French-language public district school board supporter and resides in the secondary school district and is an owner or tenant of residential property in the secondary school district that is separately assessed; or
- (c) the person is a French-speaking person, is not a supporter of any board, is at least 18 years of age and resides in the secondary school district.

Resident pupil qualification: secondary French-language separate district school boards

(4) A person is qualified to be a resident pupil in respect of a separate school zone of a French-language separate district school board for secondary school purposes if,

- (a) the person and the person's parent or guardian who is a French-language separate district school board supporter reside in the separate school zone;
 - (a.1) subject to any regulations made under section 43.3, the person is 16 or 17 years of age, has withdrawn from parental control, is a French-speaking person and a Roman Catholic and resides in the separate school zone;
- (b) the person is a French-language separate district school board supporter and resides in the separate school zone and is an owner or tenant of residential property in the zone that is separately assessed; or
- (c) the person is a French-speaking person and a Roman Catholic, is not a supporter of any board, is at least 18 years of age and resides in the secondary school district.

Admission of pupils other than French-speaking persons where French is language of instruction

293. (1) A French-language district school board, on the request of the parent of a pupil who is not a French-speaking person, or of a person who has lawful custody of a pupil who is not a French-speaking person, or of a pupil who is an adult and is not a French-speaking person, may admit the pupil to a

school of the board if the admission is approved by majority vote of an admissions committee appointed by the board and composed of,

- (a) the principal of the school to which admission is requested;
- (b) a teacher of the board; and
- (c) a supervisory officer employed by the board.

Same

(2) A school authority that operates a French-language instructional unit, on the request of the parent of a pupil who is not a French-speaking person, or of a person who has lawful custody of a pupil who is not a French-speaking person, or of a pupil who is an adult and is not a French-speaking person, may admit the pupil to the French-language instructional unit if the admission is approved by majority vote of an admissions committee appointed by the school authority and composed of,

- (a) the principal of the school to which admission is requested;
- (b) a teacher who uses the French language in instruction in the school; and
- (c) a French-speaking supervisory officer employed by the school authority or arranged for in accordance with subsection (3).

Where school authority has no French-speaking supervisory officer

(3) Where a school authority does not employ a French-speaking supervisory officer, it shall arrange for a French-speaking supervisory officer employed by another board or by the Minister to serve as a member of the admissions committee.