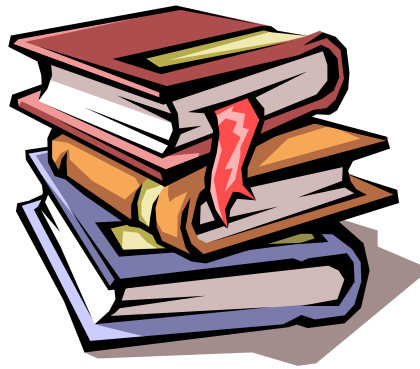


**“Do I have the
right to attend
school”**



A legal guide for students and parents in
Ontario on the right to attend school

**JUSTICE
FOR CHILDREN
AND YOUTH**

Attendance Rights

Do I have the right to attend school? Where do I have the right to attend school?

Schools in Ontario are located in specific school board districts. In most cases, you have to attend a school in the school district where you live.

Any child who is a “resident pupil” has a right to attend school without paying a fee. A resident pupil is someone who is:

- 1) living in Ontario (not just visiting);
- 2) between 6 – 21yrs old, or 4 – 5 years old if there is a junior or senior kindergarten offered in the school board district; and
- 3) attending a school in the school board district where the student and parent or guardian live. A “guardian” is anyone who has lawful custody of the child and includes Children Aid Societies.

You have a right to attend a school in your school board district, but not any specific school.

If I'm over 16, do I still have the right to go to school?

YES! You are required to attend school until you are 18 (if your 17th birthday is between the first day of school and Dec 31st, you can quit school at the end of that school year). However, the school board may say that you must be enrolled in continuing education and not your regular school if you have been in high school for 7 years or more or if you are 20 or over and have not been in school for the last 4 consecutive years. If this is the case, you may have to pay a fee to attend school.

I am a parent of a 4 or 5 year old. Does my child have the right to attend kindergarten?

Yes, provided that your school board offers kindergarten.

Location and Transportation

What if I want to go to a school that is outside of my district?

You may attend a school that is in a different school district if the superintendent of the school agrees there is space for you, if the school you want is the same type (i.e. English, French, public, separate) and the school you want to attend is closer than the nearest school in your school board district; or you are 18 years old and have been promoted or transferred to high school.

What if I don't have transportation to get to school?

School boards may provide transportation, but don't have to. If the board does provide transportation, then it cannot discriminate against students with disabilities and must provide transportation for them, even if the school has to arrange for a different form of transportation or have the driver change its bus routes.

Immigrants and Newcomers

What if I am not a Canadian citizen or permanent resident?

If you are less than 18 years old, you are entitled to go to school regardless of your status in Canada. However, you will have to pay a fee to attend if you are a visitor or a person with a study permit from Citizenship and Immigration Canada.

You will not be charged the fee if:

- you are part of an educational exchange program;
- you are a dependent within the meaning of the *Visiting Forces Act* (i.e. if your parent is in the military);
- you or your parents are, or are claiming to be, a protected person (i.e. refugee) under the *Immigration and Refugee Protection Act*;
- your parents are lawfully in Canada with employment authorization or ministerial permit issued by the Department of Employment and Immigration;
- your parents are under a diplomatic, consular or official acceptance issued by the Department of External Affairs; or
- you and/or your parents have no status but plan to stay in Ontario.

I am an immigrant and would like to attend school. What kind of documents do I need to show in order to enroll in school?

You do not need to take any immigration documents with you, and the school cannot demand to see any. Take all your education documents and record to the school that you will be attending. For example, take any transcripts or report cards from any previous schooling. Also, take some identification and your birth certificate.

If you wish to go to a separate elementary school, also take your baptism certificate from a Roman Catholic Church.

Note: the principal of the school may want to test you in order to determine your grade level.

I am a recent immigrant who arrived in Canada after September. When may I start school?

Contact your school board, and it must get you into a school as soon as possible. The length of time that this will take may vary, but you are entitled to start school right away. If the delay is unreasonable, contact a lawyer.

Blind and Deaf Students

What if I am blind or deaf?

If you are deaf, you may be able to attend a class for the hearing impaired at a school in your district or you may be eligible to attend an Ontario School for the Deaf outside of your district. If there is a class in a school in your district that would be appropriate for you, the Superintendent will not admit you to an Ontario School for the Deaf unless the Minister decides that it would be in your best interests.

In order to qualify to attend an Ontario School for the Deaf or Ontario School for the Blind, you must be:

- under 21 years of age;
- in need of a special educational program because of an auditory or visual handicap, and;
- a resident of Ontario (if you are under 18, it is your parent who must be a resident of Ontario).

There are special elementary and secondary schools for the deaf in Milton, Toronto, London, Belleville and Brantford and an elementary and secondary school for the blind in Brantford.

You will only be admitted to an Ontario School for the Deaf or Ontario School for the Blind if you will be able to benefit from instruction in that school. If there is doubt as to whether you will be able to profit from such instruction or are in need of a special educational program, you may be admitted to the School for a trial period.

The Superintendent, your parents (if you are under 18) or you (if you are over 18) may request that the Minister appoint a committee to hold a hearing to determine any questions concerning your eligibility for admission to the School.

First Nation students registered as Indians under the *Indian Act*

What if I am a registered First Nations student?

Every Band Council has its own specific rules, therefore it is impossible to give general information that applies across Ontario. If you have any specific questions, contact your Band Council or Educational Authority.

If you are unsure about your rights or feel that the Band Council is not protecting your rights, contact the Legal Aid Clinic in your area or Justice for Children and Youth. If you are in Toronto, you may also contact Aboriginal Legal Services of Toronto at 416-408-3967.

Remote Communities

What if I live in a remote community, want an education and do not want to leave home?

There are some programs that offer correspondence, internet or FM radio courses for people living in remote communities.

Right NOT to attend

What if I don't want to go to school? Do I have to go?

Unless you have a legal excuse not to attend, once you start school, you stay in school until your 16th birthday. If you turn 16 between July and December, you can quit school early, at the end of June even though you are only 15.

If you skip school and you are 12, 13, 14 or 15, you can be charged with truancy and if you are found guilty you can be fined or given probation. One term of probation usually says you must go to school. If you skip school again, and break your probation, you could be sent to jail. If you are charged, you should speak to a lawyer.

Your parents have a legal duty to make sure you attend. If they don't, they could be charged and fined.

Legal Excuses Not to Attend

- You are receiving satisfactory instruction at home (ask your school board about its process for approving home schooling for you);
- You are sick or unable to attend because of another “unavoidable cause” (schools can insist on signed notes from your parent or maybe even a doctor);
- You live too far away from the nearest school and the school board does not provide transportation;
- You have already completed high school;
- You can miss up to half a day per week for musical instruction;
- It is a religious holiday (schools can insist on signed notes from your parents or your church, mosque, synagogue, etc.);
- You are suspended or excluded or have received a full expulsion.

I am a parent and I would like to educate my child(ren) at home. Is this possible?

Yes, provided that you set up a home-based course of study and your local school board is satisfied that the home-based course of study satisfies the requirements for an educational

program. Contact your school board in order to discuss options and to begin the process. If your child is already in school, the principal of the school may also be willing to assist you or to recommend resources.

Other Issues

Is my school allowed to close down?

The school boards are not under any obligation to keep a particular school open. You have a right to attend a school in your district, but not any specific school. If a board wants to close a school, it has to discuss its decision in public and follow a process that usually takes about a year.

Am I entitled to be taught in French?

You are entitled to be taught in French if one of your parents is a Canadian citizen and their first language learned and still understood is French; or your primary school instruction in Ontario was in French.

If you are entitled to be taught in French, the school board has an obligation to either provide you with a class, group of classes or school in which the French language or Quebec sign language is the language of instruction, or enter into an agreement with another school board through which you will be able to receive instruction in French.

If your school board enters into an agreement with another Board for you to receive instruction in French and your French school will be more than 24 kilometres away from your residence, your Board must provide you with transportation or meals and a place to stay.

Can the school refuse to let me attend just because I refuse to be immunized?

Students are expected to be immunized; but if your parents refuse immunization because of conscientious beliefs or religion, you can be admitted to school without immunization. There may also be health reasons for some students not to be immunized. If you have not been immunized you can be excluded from school when there is a risk of outbreak of a contagious disease.

Contact Numbers:

Kids Help Phone - 1-800-668-6868
Support and information for people under 18 years old.

Parent's Help Line - www.parenthelpline.ca

Toronto 211

A community resource for information about community, government, social and health issues in Toronto. Inside the 416 and 647 area codes, just dial 211

Outside those areas check the local Blue Book or www.211Ontario.ca

For Help Finding a Lawyer:

Justice for Children and Youth
1203 - 415 Yonge Street, Toronto, Ontario M5B 2E7
GTA: 416-920-1633
Elsewhere in Ontario: 1-866-999-JFCY (5329)
www.jfcy.org

Pro Bono Law Ontario – Child Advocacy Project
130 Queen St. W., Toronto, Ontario M5H 2NG
GTA: (416) 977-4448, ext. 226
Elsewhere in Ontario: 1-866-466-PBLO (7256)
www.probononet.on.ca

Legal Aid Ontario
Locations across Ontario
(416) 979-2352
1-800-668-8258
www.legalaid.on.ca

Lawyer Referral Service
1-900-565-4577 (\$6 charge added to your phone bill) or
1-800-268-8326 (for 17 and under only, no charge)
Referrals to lawyers in various areas of practice; 30 minutes of free legal advice.

This pamphlet gives information about the right to attend school in the publicly funded school system in the Province of Ontario. Its purpose is to give general information about the right to attend school. Speak to a lawyer or legal worker about specific questions. This information was accurate as of November 2005.



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