

# EXECUTIVE LIMITATIONS

---

## Policy 3.1 – Admissions

Section 23 of the *Canadian Charter of Rights and Freedoms* gives rights-holder parents or their representatives the right to administer, manage and control French first-language instruction programs. Accordingly, the Minister of Education has delegated to the Commission scolaire francophone du Yukon (CSFY) the authority to develop and administer this admissions policy in accordance with the *Education Act*, the *French as a First Language Instruction Regulation* and the *Admission to French First Language Schools Policy*.

### Definitions

#### Age of admission:

Pre-kindergarten (4 years of age): Admission is granted to a child who is at least 3 years and 8 months of age on September 1.

Kindergarten (5 years of age): Admission is granted to a child who is at least 4 years and 8 months of age on September 1.

Grade 1 to Grade 12: Admission is granted to a child who is at least 5 years and 8 months of age and under 21 years of age on September 1.

**Exogamous family**: A family with more than one language and culture, including the French language and culture.

**French-language instruction program**: School or program of studies, including a home-schooling program or distance education program or course for which the primary language of instruction is French, with the exception of a French immersion program or a French second language program.

**Parent**: A biological parent, an adoptive parent in accordance with a customary rule, a person who has legal custody of the child or who is usually responsible for the care and control of the child.

**Parent with admission permission**: A parent who comes under the French-speaking Immigrant category, Francophone Ancestry category, Anglophone category or Non-French nor English-speaking Immigrant category.

**Parent with the right to admission (rights holder)**: A parent who comes under one of the three categories specified in section 23 (First Language category, Primary School Instruction category or Family Continuity category).

**Primary instruction**: The CSFY defines primary instruction as full-time pre-kindergarten (4 years of age) to Grade 7.

**Student**: A biological child, adoptive child, child from a blended family or the child of a *de facto* or legal guardian who is enrolled in a French-language instruction program offered by the CSFY.

Revised: May 20, 2021

\* This document is a translation of the original in French for information purposes only.  
In case of a discrepancy, the French original will prevail. \*

## Principles underlying the Policy

This admissions policy is in keeping with

1. the actual purpose of section 23 of the Charter, which is to promote linguistic duality in Canada by guaranteeing official-language minorities in Canada the right to have their children receive instruction in the minority language at the primary and secondary school levels. In that regard, section 23 confers not only an individual right, but also a collective community right; and
2. the recognition that section 23 seeks to redress the wrongs of the past, when instruction in French was prohibited or inaccessible, leading to assimilation and weakening the vitality of the official-language minority community.

## Two types of admission

The CSFY recognizes two types of admission: the right to admission and admission permissions.

**Right to admission: A parent who comes under one of the three categories specified in section 23 and whose child has the right to be admitted to a French-language instruction program:**

1. **Category 1 “First language”:** A Canadian parent whose first language learned and still understood is French.

The first language learned can include a parent who learned French at the same time as English or another language. This is often the case in exogamous families and among new Canadians. In addition, children from exogamous families have often learned English and French simultaneously as first languages. The definition of first language learned must therefore be broad enough to include all of these persons.

One parent still has to understand French. There are several levels of comprehension of a language, ranging from basic to advanced. It can include oral and written French. The parent does not have to be able to speak French. Since section 23 has a remedial aspect, there is no need to require a high level of proficiency in French as the first language learned, or a high level of oral and written comprehension.

2. **Category 2 “Primary School Instruction”:** A Canadian parent who received part of his or her primary school instruction in Canada in French as a first language (FFL).

It will suffice that one parent has received part of his or her primary school instruction in FFL in Canada, either at a public or private school, or at home. The parent need not have received all of his or her primary school instruction in FFL in Canada. In view of the remedial aspect of section 23, all of the reasons why a parent may not have received all of his or her primary school instruction in FFL must be considered. Did the family move to a place where no FFL program was offered? Was there no FFL primary school for each year of the parent’s schooling? Was the parent transferred to an immersion school or to an English school for valid reasons?

3. **Category 3 “Family Continuity”:** A parent whose child is receiving or has received his or her primary or secondary school instruction in French as a first language (FFL) in Canada.

The purpose of this third category in section 23 is to ensure linguistic and cultural continuity for the child and his or her family, and to recognize mobility rights across Canada. In view of the remedial aspect of section 23, the child need not have received all of his or her primary or secondary school instruction in FFL. In addition, the majority of the child’s instruction need not have been received in a French-language instruction program. A sibling of a child who has received or is receiving his or her primary or secondary school instruction in FFL can be a biological or adoptive sibling, a stepsibling or a child whose parent is responsible for raising him or her.

**Admission permission: Refers to a parent who comes under one of the following four categories and whose child may be admitted in accordance with this policy and in accordance with section 23 of the Charter and the authority delegated by the Minister of Education to the CSFY.**

- 4. Category 4 “French-speaking Immigrant”:** A parent who is not a Canadian citizen but, if he or she were a Canadian citizen, would be a rights holder.

This includes students whose parents or siblings would have the right under section 23 if they were citizens of Canada or if the instruction in section 23 were not limited to Canada.

- 5. Category 5 “Francophone Ancestry”:** A Canadian parent of French-Canadian ancestry.

A Canadian parent must be able to show that he or she is of French-Canadian ancestry. This is limited to the child’s grandparents. This means that the grandparents in question would have qualified as rights holders under section 23. The purpose is to reclaim the generations of Francophones lost to assimilation. This recognizes the remedial aspect of section 23.

- 6. Category 6 “Anglophone”:** A Canadian parent who speaks French fluently but does not qualify under any other category and who has chosen to integrate into, and establish authentic ties with, the French-speaking community.

The goal is to accept non-Francophone—but French-speaking—parents who want to integrate into the French-speaking community. It can be the case if one parent speaks French even though it is not the first language learned or if the parent has not received his or her primary or secondary school French First Language instruction in Canada, but chose for a valid reason to join the French-speaking community. Sometimes, such requests arise because one parent learned French through other means, for example by attending a post-secondary institution or working in a French-speaking country. The child must be able to function in French before being admitted. The parent and the child must commit to integrating into the French-speaking community and meeting the other conditions set out in the policy.

- 7. Category 7 “Non-French- nor English-speaking Immigrant”:** A parent who is not a Canadian citizen and speaks neither French nor English.

This category recognizes that an immigrant parent who speaks neither English nor French should have the choice to educate their children in either official language. The goal is to integrate non-Canadian citizens into the French-speaking community. This will ensure the vitality and multicultural diversity of the community in a context of linguistic duality.

### **Exceptional admission permission**

Where the CSFY receives an application for admission from a parent that does not come under any of the above categories but that, in the opinion of the school board, deserves to be approved, the CSFY will submit a written request asking the Minister of Education to approve an exceptional application.

### **Limitations on admission permissions**

In accordance with the Department of Education’s *Admission to French First Language Schools Policy*, the number of students the CSFY may admit under categories 6 and 7—“Anglophone” and “Non-French-nor English-speaking Immigrant”—will not exceed 5% of the total school population unless otherwise agreed to by the Minister of Education on a case-by-case basis at the request of the CSFY.

In the event that the 5% limit is exceeded, barring a special admission permission by the Minister of Education, there will be a freeze on new admissions for categories 6 and 7 until the percentage is once

again below the limit. Students being admitted under categories 4, 5, 6 or 7 in the pre-kindergarten program (K4) must complete the kindergarten program (K5) before being granted permanent admission.

### **Criteria for granting admission permissions**

In deciding whether an admission permission will be granted to a child whose parent belongs to category 4, 5, 6 or 7, the Board of Trustees must ensure that

1. the admission is consistent with the CSFY's mission and its French-language instruction programs, taking into account, among other things, the educational, cultural and linguistic impact on the classroom and school, including available francization and cultural integration resources;
2. the admission supports the development and vitality of the French-speaking community and is in the family's and the child's best interest, taking into account
  - the child's and parents' abilities to communicate in French
  - the parents' commitment towards the learning of French and the French-speaking community
  - the ties between the family and the French-speaking community.
3. The admission does not endanger the survival of the territorial majority language.

### **Admissions committee**

An admissions committee will be established by the Executive Director. It will consist of the CSFY Executive Director, the school principal and another member of the teaching staff. The admissions committee will follow the procedures set out in the CSFY's administrative directive concerning admissions (ÉÉT-01).

### **Managing admission permissions**

The Board of Trustees, taking into account the admissions committee's recommendation, will approve or dismiss admission permission applications.

Students admitted under category 4, 5, 6 or 7 will first be granted a temporary admission permission. Students who are admitted to prekindergarten (K4) must complete kindergarten (K5) before being granted a permanent admission permission. All other students must complete one year at the school before being granted a permanent admission permission. The Board of Trustees, taking into account the school principal's recommendation, must either grant a permanent admission permission, extend the temporary admission permission, or revoke the temporary admission permission (see section 7.1 of the ÉÉT-01 Directive).

The relevant procedure is set out in the CSFY's administrative directive concerning admissions (ÉÉT-01).

## **Procedure for appealing a Board of Trustees' decision concerning an admission application**

1. Parents\* wishing to appeal a decision must contact the CSFY Executive Director in writing. The request must be submitted within 20 working days following receipt of the letter indicating that admission has been denied.
2. The Executive Director must inform the Board of Trustees of the appeal and place it on the agenda of the next CSFY public meeting.
3. The period between receipt of the request for an appeal and the CSFY meeting should not exceed 20 working days. A special meeting will be scheduled if necessary.
4. Parents must submit any new supporting documents to the CSFY offices for the Board of Trustees at least 24 hours before the meeting at which the appeal is scheduled to be heard.
5. The appeal will be heard in camera. The parents and a representative of the admissions committee shall have the right to participate in the appeal hearing.
6. The Board of Trustees will notify the participants of the time allocated to them to present their case at the beginning of the hearing.
7. The parents will present their case to the Board of Trustees first. They will have the opportunity to address the reasons stated in the refusal letter.
8. The admissions committee representative will then have the opportunity to address the Board of Trustees, if necessary.
9. Finally, the parents will then have the opportunity to make a brief closing statement to the Board of Trustees.
10. Subsequently, the Board of Trustees will review the appeal and make a final decision at that same meeting or as soon as possible, depending on the circumstances of the appeal.
11. An official letter setting out the decision will be sent to the parents.
12. If the appeal is dismissed, there will be no further right of appeal to the CSFY.
13. The Board of Trustees may modify this procedure according to the needs of any particular appeal by notifying the participants of this change in procedure.
14. The parents may use a representative at the appeal hearing, provided that they notify the Board of Trustees.

\* "Parents" is used here in the plural, but also includes the singular and vice versa.

## Reporting obligations

As part of its annual reporting requirements, the CSFY will prepare a report on admissions. This report will be submitted to the Deputy Minister of Education and will include statistics to enable the Minister to determine whether

- a. the limitations on admission permissions laid out in this policy concerning categories 6 and 7 are being respected; and
- b. the CSFY is fulfilling its mandate to promote the linguistic and cultural integrity of the French first-language program and to ensure that its schools do not become immersion schools.

According to the *Education Act*, an external review of all Yukon schools by the Department of Education is conducted every five years. In the case of schools administered by the CSFY, such reviews are conducted by an external team that is jointly selected by the Yukon government and the CSFY and has expertise in French first-language schools and their cultural and linguistic nature. Such a review would include evidence of student linguistic and cultural achievement.