

At BCEdAccess we believe that providing accurate, rights-based advocacy information is one of the important ways that we can support one another as parents and guardians of students with disabilities and complex learners on our journey to seeking equitable access to education for children and youth.

That's why we are proud to share this valuable resource for parents and guardians in the K-12 education system.



Advocacy and Conflict Resolution for Students with Disabilities in BC Education


The BCEdAccess Society is an entirely volunteer, parent run organization. We provide peer to peer support for parents of children and youth with disabilities and complex learners, advocacy training and education, and we do systemic level advocacy for equitable access to education.


What does the BC School Act Say?


Parents have the right to:

- ➔ be consulted about the placement of their children
- ➔ be involved in the planning, development & implementation of their children's educational program
- ➔ be informed of their children's attendance, behaviour & progress in school
- ➔ receive annual reports about the effectiveness of educational programs in the school district
- ➔ examine all records kept by school board pertaining to their children
- ➔ register their children in an educational program through a school district, independent school, home school, or regional correspondence program
- ➔ appeal the decision of an employee of a board if it significantly affects the education, health or safety of a student

Advocacy: Where do I start?

Partner  Engage in honest & clear communication
Be an active partner in planning and decision making
Avoid labelling and/or blaming
Show your awareness of unique strengths & needs

Document  Start a binder and organize your documents- notes, emails, IEPs, assessments
Follow up face to face meetings and conversations with an email stating your understanding

Connect  **You are not alone! We encourage you to reach out for support & assistance at any time.**

BCEdAccess Society - Information and a peer support group for families of students with disabilities and complex learners, systems advocacy, referrals. www.bcedaccess.com

Inclusion BC - Inclusion BC provides support, education and advocacy where and when it's needed. We advocate at a systems level for policy change and promote inclusion through public awareness initiatives and campaigns. <https://inclusionbc.org/our-services/advocacy/> www.inclusionbc.org

Family Support Institute - Available to families of children, youth and adults with disabilities - FSI provides provincial family support, advocacy coaching and mentorship, connection to BC's largest peer to peer network of mentor families, offers navigational guidance and supports, and provides workshops and training. www.familysupportbc.com <https://familysupportbc.com/family-support/>

BC Confederation of Parent Advisory Councils - The provincially mandated voice of parents in public schools. Through DPAC & PAC members, they support parents for the success of all learners. www.bccpac.bc.ca

District Parent Advisory Council - DPACs support and encourage PACs and parents in understanding and accessing the school system within the district. Check your School District website for information.

How does funding work?

The government provides supplementary funding to some categories of students with disabilities and complex learners. Others do not receive supplementary funding but are still funded through the base per student amount.

Funds are not attached to individual students, rather school districts pool the funds received and decide how to allocate those funds at the district and school level.

Regardless of funding or category, all students with a disability have the right to the accommodations and supports they need to equitably access their education.

What is an IEP?

An Individual Education Plan (IEP) is a document that features a student's strengths and areas of challenge. Goals and objectives are developed in consultation with parents/guardians to support student learning.

An IEP is not a legal contract and does not require any signatures. The Principal of the school is responsible for ensuring the IEP is implemented.

Who might be supporting my child at school?

Depending on your child's needs, he/she may be supported by: a Teacher; an Educational Assistant; a Youth Care Worker; a Learning Support Services teacher; School Counsellor; District Staff; Occupational, Speech Language, Physical Therapist; or others.



UN Convention on the Rights of Persons with Disabilities

Article 24 - Inclusive Education

Prohibits discrimination against children with disabilities and mandates the right to an inclusive education

Focused on removing barriers to participation in typical classrooms in public schools

Countries are specifically charged with obligation to ensure access to inclusive general education with non-disabled peers

The Parliament of Canada and each Canadian province have ratified the Convention and the optional protocols

Canadian Charter of Rights and Freedoms

15. (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability

Ministerial Orders

(1) A board must ensure that a principal, vice principal or director of instruction offers to consult with a parent of a student with special needs regarding the placement of that student in an educational program.

(2) A board must provide a student with special needs with an educational program in a classroom where that student is integrated with other students who do not have special needs, unless the educational needs of the student with special needs or other students indicate that the educational programs for the student with special needs should be provided otherwise.

[en. M397/95; am. M32/04; am. 235/07]

Ministry of Education Special Education Policy Manual

"All students should have equitable access to learning, opportunities for achievement, and the pursuit of excellence in all aspects of their educational programs."

In the Policy Manual, Must, Should and May are words used to qualify the directions that are given.

Must - requires compliance - no option

Example: All school boards **must** have appeal procedures to help resolve disputes.

Should- encourages or provides incentives but is optional

Example: For children in care, boards **should** ensure that the guardian is receiving relevant information from the school.

May - enabling statements but still optional

Example: The IEP **may** be brief, or it may be more detailed and complex, depending on the complexity of the student's needs.

Legal Precedents

Moore v. British Columbia (Education)

The Moore Decision states that:

"Adequate special education (or an accommodation) is not a dispensible luxury, but a "ramp" to access the statutory commitment to education made to all children..."

When denying accommodation "...the service provider must show that it could not have done anything else reasonable or practical to avoid the negative impact on the individual."

Hewko v. British Columbia (Education)

The Hewko decision established:








The right to be a part of the IEP collaborative process

Meaningful Consultation

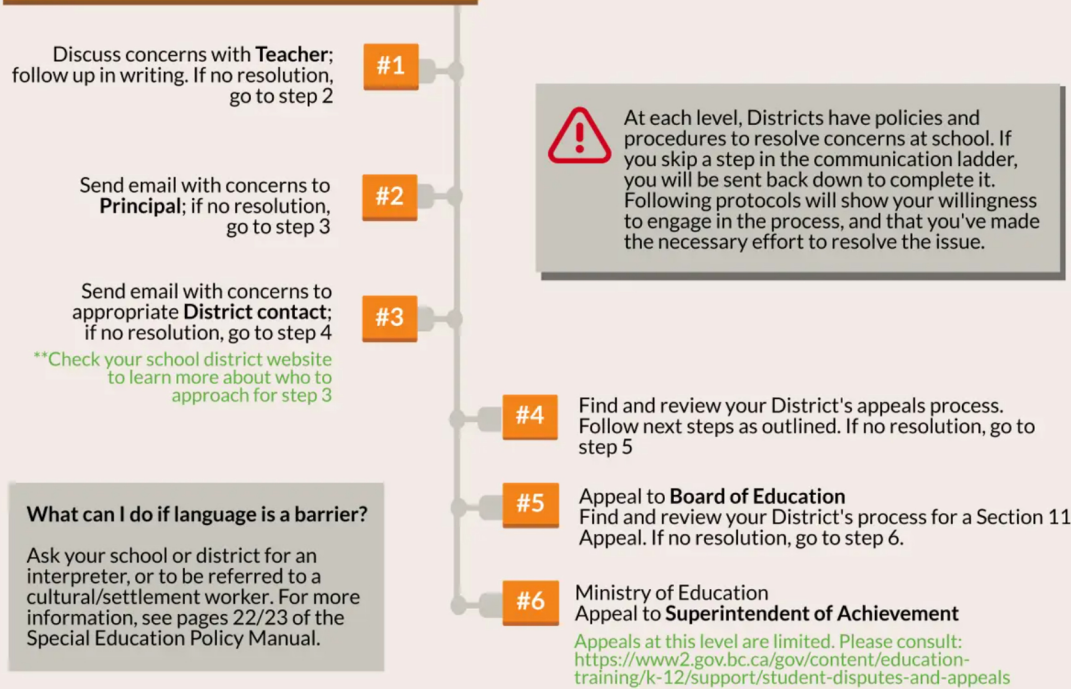
Instructional Control

Hewko v. British Columbia, (2006 BCSC1638): "Reasonable accommodation is an integral part of the duty to consult. Reasonable accommodation in this case involves providing the best available teaching staff for Darren Hewko in the school. In Darren's case, as in that of all children, special needs or not, the best teaching staff are persons who can demonstrate instructional control of him."

When things aren't working ...

-  Read Provincial and District Policies & the School Act, for guidance on what you can expect, and reference these items in meetings and communication
-  Document everything
-  Bring someone with you to meetings - to act as a witness, take notes and provide emotional support
-  Follow up meetings/hallway/classroom doorway chats with an email - summarize, seek clarification, make new requests
-  Address concerns by email and make clear requests
-  Give deadlines for response - 1 week if relatively routine, 2 business days if important
-  Is it urgent? Send an email, then follow up with a call or even an in person visit to the principal

Steps for Resolving Concerns



"NEVER STOP FIGHTING. Your child is entitled to what they need in order to be successful in school. NEVER LET THEM TELL YOU OTHERWISE! Keep going up the ladder until your child gets what they need!"
Successful parent advocate

Options for Filing Complaints

4

There are times when you may determine that the best course of action is to file a formal complaint. You do not need to wait until you have completed the whole appeals process in your District to take these actions. Here are some the avenues to explore.

BC Human Rights Tribunal

The role of the BC Human Rights Tribunal is to address discrimination.

Complete the easy, online form: <http://www.bchrt.bc.ca/complaint-process/complain/index.htm>

The Office of the Ombudsperson

The role of the Office of the Ombudsperson is to address administrative unfairness.

BCCPAC recommends you contact the Ombudsperson when you decide to file a Section 11 Appeal with your District

www.BCOmbudsperson.ca

BC Teacher Regulation Branch

The role of the BC Teacher Regulation Branch is to review the conduct and competence of educators.

Parents may submit a complaint regarding either teacher conduct or incompetence

<https://www2.gov.bc.ca/gov/content/governments/organizational-structure/ministries-organizations/boards-commissions-tribunals/commissioner-for-teacher-regulation/complaint>

First Nations Caring Society / Jordan's Principle

First Nations children are to receive the public services they need (including education) when they need them.

<https://fncaringsociety.com/jordans-principle>

Helpful Resources



British Columbia School Act

http://www.bclaws.ca/civix/document/id/complete/statreg/96412_00



Special Education Services: A Manual of Policies, Procedures and Guidelines; Ministry of Education

https://www2.gov.bc.ca/assets/gov/education/administration/kindergarten-to-grade-12/inclusive/special_ed_policy_manual.pdf



Supporting Meaningful Consultation: BC CASE, 2008

<http://www.sd41.bc.ca/wp-content/uploads/2014/09/meaningfulConsultation.pdf>



Everyone Belongs in Our Schools: Inclusion BC 2014

https://inclusionbc.org/wp-content/uploads/2018/09/ParentManualInclusiveEducation_2014.pdf