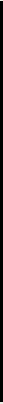




INCLUSIVE EDUCATION



Advocacy and
Rights in BC
BCEdAccess
Society
2020





WWW.NATIVE-LAND.CA



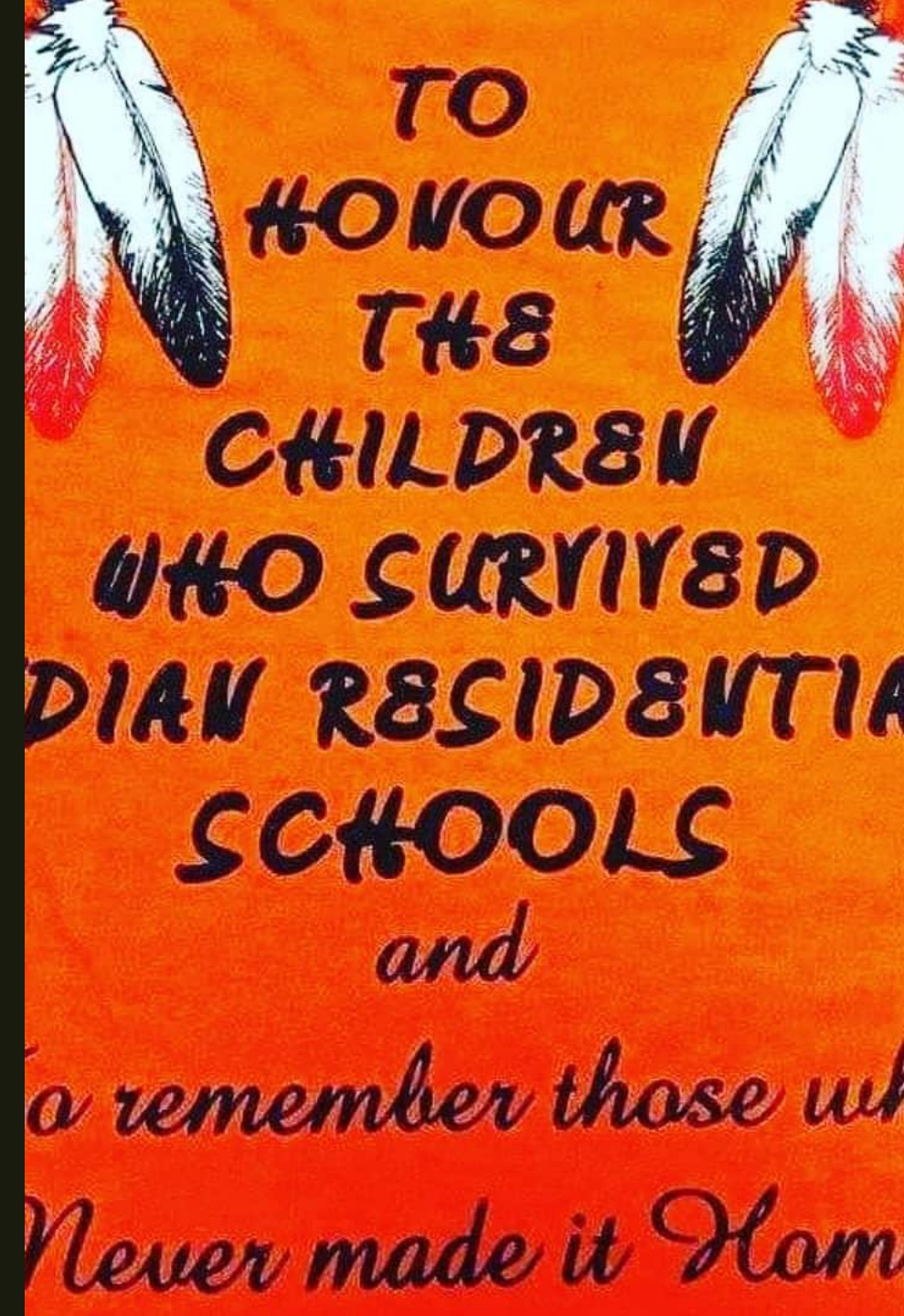
Orange Shirt Day

www.orangeshirtday.org

- Phyllis Webstad's story
- An opportunity to create meaningful discussion about the effects of Residential Schools and the legacy they have left behind.
- A day for survivors to be reaffirmed that they matter, and so do those that have been affected. Every Child Matters, even if they are an adult, from now on.

Why do we talk about this?

- Exclusion started with residential schools
- Education is a colonial project
- Truly inclusive education is decolonized education
- Indigenous students in BC are still being harmed by the same system



WITHOUT THE UNIVERSAL
PRACTICE OF INCLUSIVE
EDUCATION, WE SEND OUR
CHILDREN MIXED MESSAGES
ABOUT THE VALUE AND
POTENTIAL OF OTHERS.



What we'll cover today:

- The advocacy process in the BC Education System
- The rights of students and parents/guardians
- Specific and current guidance for school districts from the Ministry of Education during COVID-19

Advocacy And Conflict Resolution – BCEdAccess
Infographic Guide:

<https://bit.ly/3jju4UH>

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

“

The first rule about IEP
fight club is...

We don't talk about IEP
Fight Club.

No, really, we don't.

Get everything in writing.

ADayInOurShoes.com

”

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

Discuss concerns with **Teacher**;
follow up in writing. If no resolution,
go to step 2

#1

Send email with concerns to
Principal; if no resolution,
go to step 3

#2

Send email with concerns to
appropriate **District contact**;
if no resolution, go to step 4

#3

****Check your school district website
to learn more about who to
approach for step 3**



#4

Find and review your District's appeals process.
Follow next steps as outlined. If no resolution, go to step 5

#5

Appeal to **Board of Education**

Find and review your District's process for a Section 11 Appeal. If no resolution, go to step 6.

#6

Ministry of Education

Appeal to **Superintendent of Achievement**

Appeals at this level are limited. Please consult:
<https://www2.gov.bc.ca/gov/content/education-training/k-12/support/student-disputes-and-appeals>

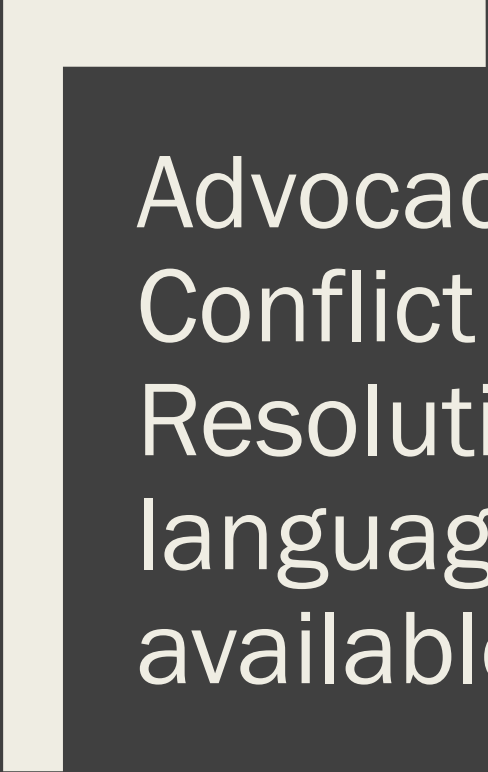


At each level, Districts have policies and procedures to resolve concerns at school. If you skip a step in the communication ladder, you will be sent back down to complete it. Following protocols will show your willingness to engage in the process, and that you've made the necessary effort to resolve the issue.

What can I do if language is a barrier?

Ask your school or district for an interpreter, or to be referred to a cultural/settlement worker. For more information, see pages 22/23 of the Special Education Policy Manual.

- English
- French
- Punjabi
- Chinese (simplified) – in final edits, should be available in October
- Currently working on Tagalog



Advocacy and
Conflict
Resolution
languages
available

Options for Filing Complaints

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://fncaresociety.com/jordans-principle>

Legal Precedents

Moore v. British Columbia (Education)

The Moore Decision states that:

"Adequate special education (or an accommodation) is not a dispensable 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."

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.

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

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.

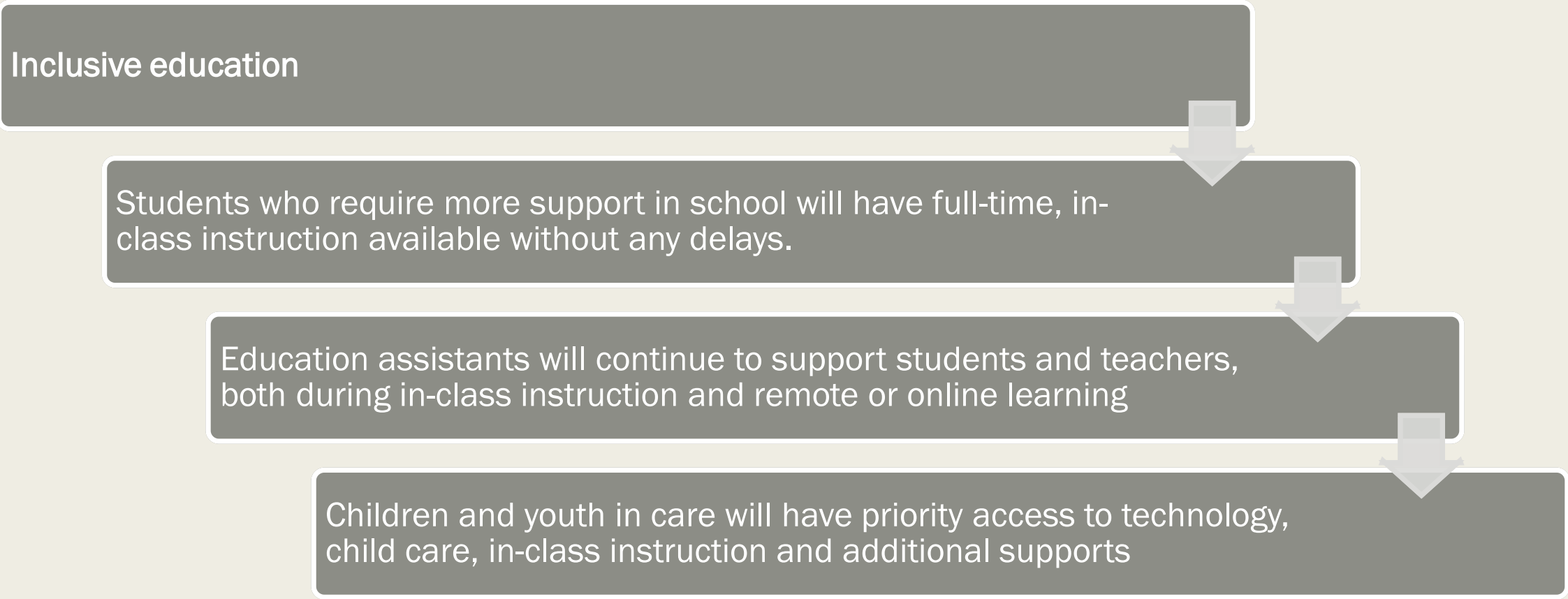
<https://www2.gov.bc.ca/gov/content/education-training/k-12/covid-19-return-to-school>

Students with Disabilities, Diverse Abilities

Students with disabilities, diverse abilities or those who require additional supports will have access to and receive the same supports and services they had prior to the pandemic.

- The way supports are provided may look different, but all students will have access to a learning environment and the opportunity to have their learning needs assessed. Students who require additional supports will be identified through a needs assessment. School districts and independent school authorities will then develop continuity of learning plans for those students to ensure equity of access to learning.
- Continuity of learning plans will align with the goals identified in a student's Individual Education Plan (IEP)
- They will be developed in consultation with parents/caregivers and the specialists who typically support the student, like education assistants (EAs), non-enrolling teachers, speech language pathologists and occupational therapists

Inclusive education



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graph TD; A[Inclusive education] --> B[Students who require more support in school will have full-time, in-class instruction available without any delays.]; B --> C[Education assistants will continue to support students and teachers, both during in-class instruction and remote or online learning]; C --> D[Children and youth in care will have priority access to technology, child care, in-class instruction and additional supports];
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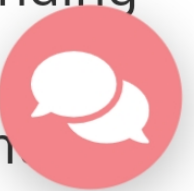
Education assistants will continue to support students and teachers, both during in-class instruction and remote or online learning

Children and youth in care will have priority access to technology, child care, in-class instruction and additional supports

<https://www.openschool.bc.ca/covidguidelines/>

Expectations for all Stages

- School districts/authorities must:
 - Provide 100% instruction split between in-class and self-directed/remote learning as required for each specific stage
 - Ensure schools monitor student contact and/or attendance (as appropriate per stage) and follow up to ensure there are supports in place for families
 - Apply the principles of equity and inclusion in their decision-making regarding services and supports for students, families and staff
 - Regularly consult with First Nations to discuss the provision of educational services and transportation for First Nations students, with an understanding of the historical impact of pandemics on First Nations communities and ways in which that may impact the decisions of First Nations governments, parents and students

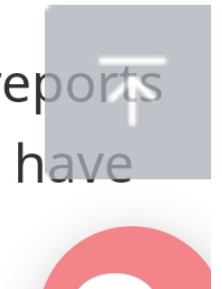


- Parents/caregivers have the choice to enrol their child in an educational program offered by a public or independent school (including “bricks and mortar” and distributed learning schools) or to register their child for homeschooling prior to the start of the school year
 - Parents/caregivers can choose a different option during the school year, based on program availability and in accordance with applicable school district or independent school authority policies and procedures



Curriculum, Report Cards & Assessment

- Full breadth of provincial curriculum for all students at all grade levels
- Educators plan for and deliver learning through a variety of methods appropriate to the stage and the needs of their students
- Student Reporting Policy remains in effect for K-12
- Provincial student assessments (Foundational Skills, Numeracy & Literacy) remain in effect for K-12
- Individual Education Plans (IEPs) must be updated annually and progress reports provided for each reporting period for all students including students who have an IEP



Students Requiring Additional Support

Offer full-time in-school support and instruction to students with disabilities/diverse abilities and students requiring additional support.

- If required due to public health learning group limits, prioritize in-person supports based on needs assessment
- Teachers and support staff assist students and families with remote learning as required to balance any in-person supports provided
- Consideration should be given to monitoring and responding to the needs of children and youth in care and Indigenous students as appropriate



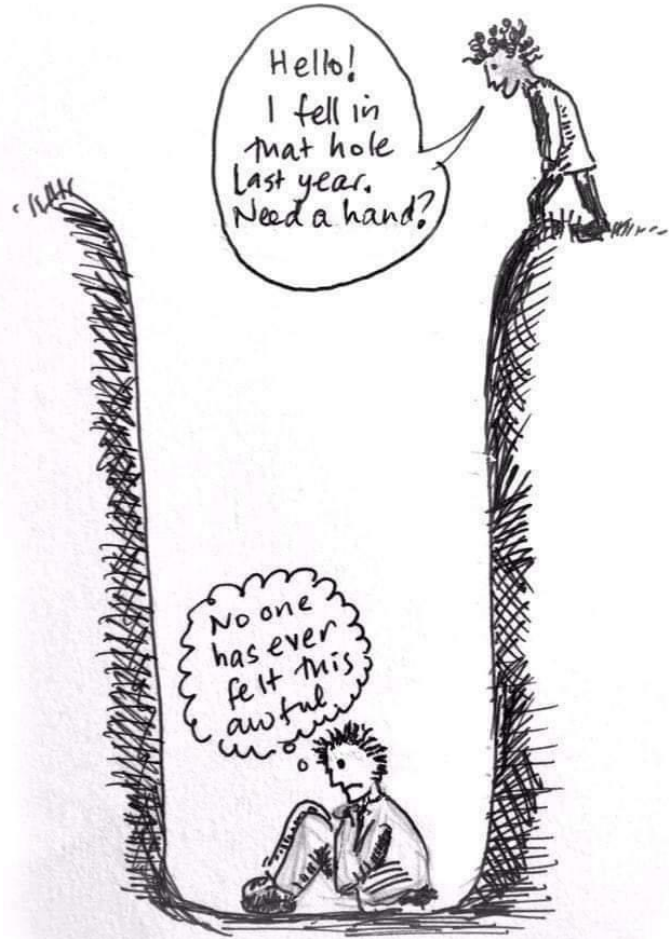
Supports for Students with Disabilities/Diverse Abilities and Students Requiring Additional Support

With the exception of Stage 5 (suspension of in-class instruction in all schools), school districts and independent school authorities are expected to make full-time, in-class instruction available for students with disabilities or diverse abilities and students who require additional supports.

For all Stages, learning plans for these students should be based on needs, goals, and strategies articulated in existing or the previous school year's Student Learning Plans (SLP), Individual Education Plans (IEP), Annual Instruction Plans (AIP) and/or additional data as well as referrals and information from other community agencies (e.g. MCFD indication that the family would benefit from respite care). Family composition should be included in school district/authority considerations regarding students who may require additional support — e.g. single parent/caregivers who are the sole income providers for their families.

Supports and services should be provided without delay. While goals from the student's learning plan will be consistent, the strategies to achieve the goals may need to be adjusted according to current public health guidelines.

Students who are immunocompromised or have underlying medical conditions, and who have been identified as high risk to attend school by a medical health care provider, should be provided with an at-home learning plan.



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

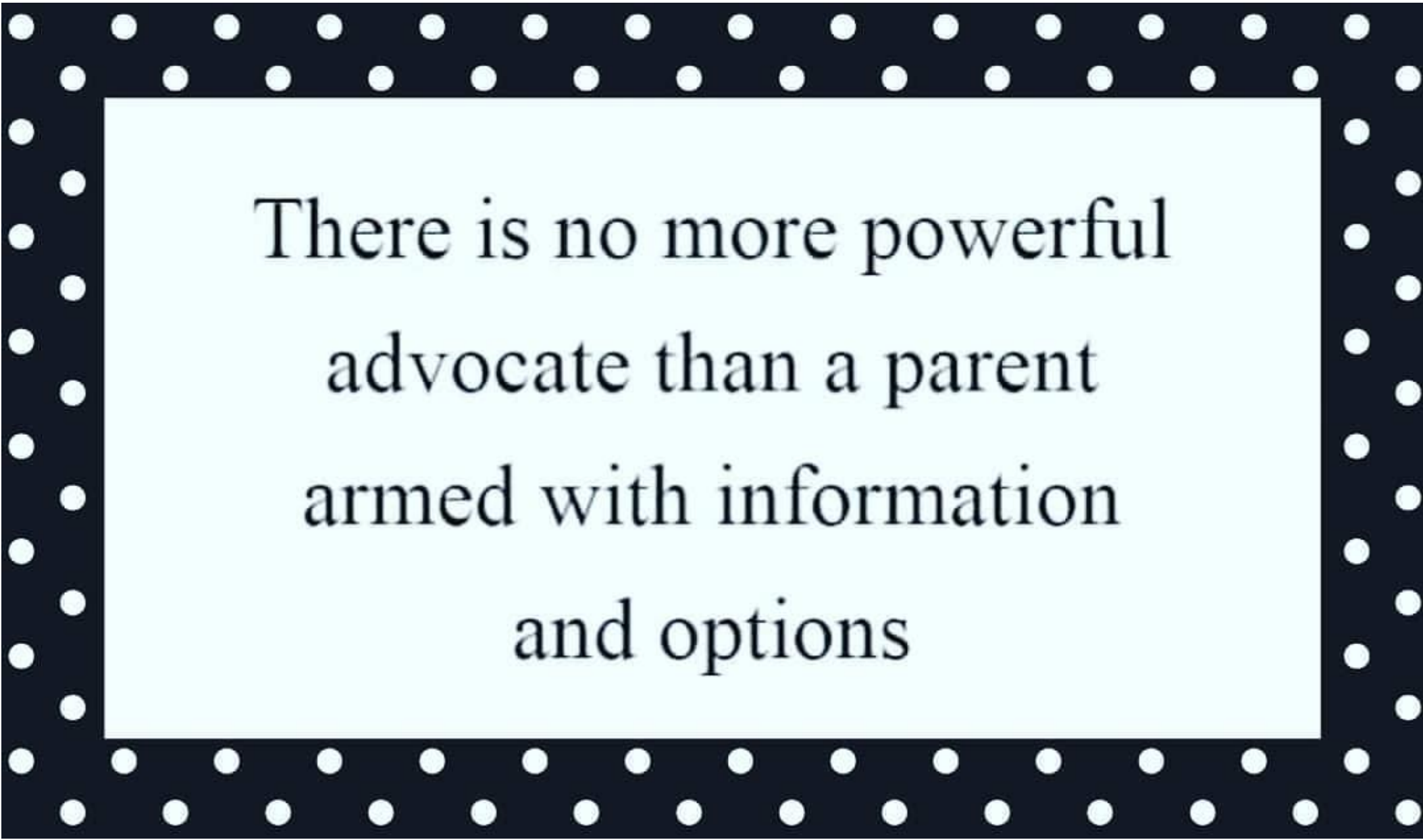
BCEdAccess Society - Information and a peer support group for families of students with disabilities and complex learners, systems advocacy, referrals. www.bcedaccess.com

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.



There is no more powerful
advocate than a parent
armed with information
and options

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



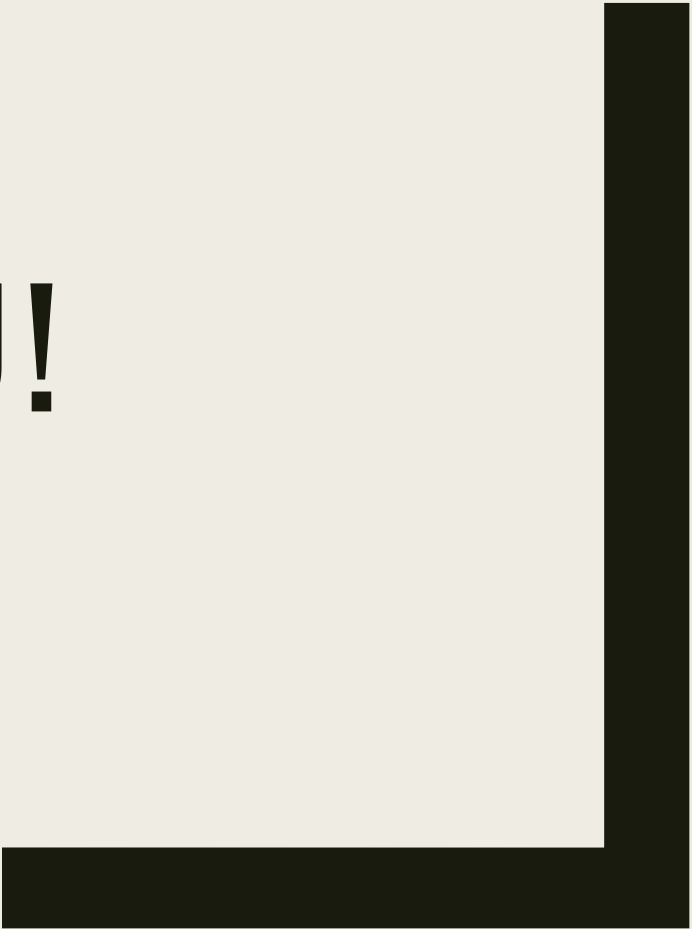
Supporting Meaningful Consultation: BC CASE, 2008

<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



THANK YOU!

Questions?