

Speaking Up!



A parent guide
to advocating for students
in public schools



BC Confederation of Parent Advisory Councils

When we talk about parents in this guide, we mean parent as defined in the School Act:

“parent’ means, in respect of a student or
of a child registered under section 13,

- a) the guardian of the person of the student
or child registered under section 13,
- b) the person legally entitled to custody
of the student or child, or
- c) the person who usually has the care
and control of the student or child.”

Speaking Up! A parent guide to advocating for students in public schools

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A guide to the symbols used in this booklet



Something to think about.



Tips.



Where to go for more information.

Why is this handbook needed?

Something is bothering you about your child's education and you can't quite put your finger on it.

Or you know what is bothering you, but you don't know what to do.

You are not alone. Many parents worry about how, when, or even if, they should act. Sometimes parents don't have the time or confidence to deal with their concerns. Others fear that raising a concern will make the situation worse for their children.

Often parents are unsure about where they "fit" in the public school system when it comes to speaking up for their children. Some don't feel welcome, for example, when they have concerns about bullying, their children's progress or how their children are treated by staff.

Our children and youth spend much of their lives in school. Naturally, parents feel the need and the responsibility to make sure their children are treated well and receive a good education. As a parent, you love your children – you know them best and you are committed to their well-being for the long term. You are responsible for ensuring your children's best interests are first and foremost. The people who work in the public school system are responsible for hearing your concern and working with you to solve the problem.

This guide is designed to give you a basic understanding of how to deal more successfully with problems your child is facing in school. It provides you with:

- **An outline of parents' and students' rights and responsibilities.**
- **A guide to working through a problem.**
- **An approach for dealing with parents' fears.**
- **Information about bullying/harassment.**
- **Tools to help parents stay on track.**
- **Information about the public school system.**
- **Places to look for more help.**

Advocating for your child takes time, courage and persistence. Sometimes the problem can be very complicated. In those cases, you should look for more information and help. When you solve the problem, congratulate yourself. Sometimes more information is all you need to turn things around.

"Public schools are the ideal place for our children to learn about democracy. We adults have the opportunity to demonstrate to children by example that dignity and respect are the cornerstone of any fair and equitable system."

Dulcie McCallum

Open Letter from the Ombudsman

Fair Schools, Report No. 35. May 1995

What is “advocacy”?

Advocacy is described as speaking up in support of yourself or others.

As a parent:

- You are your child's natural advocate.
- You can make sure your child's rights, needs and opinions are respected.
- You can help make sure that decisions affecting your child are made fairly.

Why is advocacy needed?

Advocacy is necessary:

- To advance young people's rights.
- To make sure their opinions are understood, respected and considered.

Students and parents who learn to advocate for themselves gain an understanding of their rights and responsibilities. They develop the courage to stand up for themselves and know how to approach problem-solving in an appropriate way.

Advocacy in public schools upholds the principles found in the Fair Schools Report:

- 1 All children and youth have the right to be valued and to be treated with respect and dignity.
- 2 All children and youth have the right to a fair and equitable education.
- 3 All children and youth have the right to receive appropriate advocacy supports.
- 4 All children and youth have the right to participate in decisions that affect them, to express their views and to have them carefully considered.
- 5 All children and youth have the right to the benefit of the fundamental human rights provided in the United Nations Convention on the Rights of the Child.
- 6 All children and youth have the right to a safe physical and emotional environment.
- 7 All children and youth have the right to receive appropriate programs from appropriately trained and properly motivated staff.
- 8 All children and youth should have the opportunity to access publicly funded services in their home communities or as close to their home as possible.

Fair Schools, Public Report 35. May 1995, Office of the Ombudsman

What are a parent's rights and responsibilities?

Knowing your rights and your child's rights is a positive first step toward solving the problem.

Rights and responsibilities are found in the *School Act* and other law.

The following are just some of the rights and responsibilities you have. The people who work in public schools also have rights and responsibilities that affect the decisions they make. It is also important to understand those.

- You have a right and a responsibility to ensure your child is treated well at school and is receiving the best possible education.
- You are entitled to information about your school and school district. Information helps you to take advantage of what is available for your child.
- You have a right to consult with the teacher, principal, vice-principal or director of instruction about your child's educational program. You must meet with them when they request a meeting with you about your child's educational program.
- You have a right to receive three formal and two informal progress reports regarding your child each school year.
- You can ask to view your student's records. The principal or someone the principal chooses must be there to explain the records. You can get a copy of your child's records, but you may have to pay a fee.
- You can appeal a decision of an employee of the board of education if it significantly affects the education, health or safety of your child. An employee's failure to make a decision can also be appealed.
- In certain cases, you may appeal the board's decision to a Superintendent of Achievement (see page 30).
- If your child is receiving special services, you have a right to be involved in preparing your child's Individual Education Plan (IEP) and to receive a copy. Depending on your child's needs, there may be other rights. It is important to ask what law, policy and process will apply to your child's circumstances.
- You may belong to the parent advisory council (PAC) in your child's school. The PAC is not the place to discuss your individual problem. However, when a problem affects many children, the PAC can work with the school to solve it.



Where can I learn more?

The School Act, Regulations, Orders in Council and

Ministerial Orders are part of the Manual of School Law. They are available in your school district or on the Ministry of Education website at www.bced.gov.bc.ca/legislation/schoollaw

The ministry website also has a lot of helpful information for parents.

www.bced.gov.bc.ca

“Parents have the right and responsibility to participate in the process of determining the education goals, policies and services provided for their children. They have a primary responsibility to ensure that children are provided with the healthy and supportive environment necessary for learning. They have a responsibility to shape and support the goals of the school system and to share in the tasks of educating their young.”

Statement of Education Policy Order
BC Ministry of Education

- You have the right to volunteer at or for the school subject to certain rules.
- When dealing with the school system, you can take someone to support you. For example, you can take your spouse, partner, a trusted friend or someone from your PAC or district parent advisory council (DPAC).
- You, along with your child, are liable if your child intentionally or negligently loses, damages, destroys or converts property owned by the board.

Parents’ and students’ rights and responsibilities exist within the context of the rights and responsibilities of others involved in the public school system. These are found in the different pieces of legislation that govern the BC public education system and affirm our rights and responsibilities as citizens.

Helping students help themselves

Our young people have many skills, including the ability to tell us what they need and want.

Most young people will tell us what is happening in their lives – if we are willing to listen! We can support our children as they learn to speak up respectfully on their own.

- Self-advocacy, being able to speak on your own behalf, is an important life skill.
- For students to be effective as self-advocates, parents and all other adults need to accept a child's right to be treated with respect and dignity.
- Adults also need to accept that children have the right to have their views carefully considered when decisions are made about them.
- Children need to be safe emotionally and physically. When something goes wrong at school, they need to know who they can trust and who they can turn to for support both inside and outside the school.

What are a student's rights and responsibilities?

Children also have rights and responsibilities that can be found in law and policy.

- They have the right and the responsibility to participate in an educational program.
- They have the right to receive an educational program in English.
- They have the right to receive instruction in a language other than English if their parents have the right under Section 23 of the Canadian Charter of Rights and Freedoms.
- They may enroll in an educational program in any school if space and facilities are available at the school where the program is provided.
- They have the right, in most instances, to receive free of charge instruction and resources necessary to participate in an educational program. Where fees may be charged, the board of education must have a policy that supports participation for students in financial need.
- They must comply with school rules and with the code of conduct and other rules and policies of the school board.
- They can consult with a teacher, principal, vice principal or director of instruction about their educational program.

“Students have the opportunity to avail themselves of a quality education consistent with their abilities, the opportunity to share in the shaping of their educational programs, and the opportunity to determine their career and occupational goals. They have a responsibility to make the most of their opportunities, to respect the rights of others, and to cooperate with fellow students in the achievement of their goals.”

Statement of Education Policy Order
BC Ministry of Education



Sometimes when students face problems they don't know how to solve, they become frustrated. It is important for schools to work with all students to develop processes for student problem-solving. Students need to be made aware of those processes, and staff need to support them. For students to successfully speak up for themselves, adults need to help them raise their concerns and commit to hearing them out when they do.

- They can examine their own student records while accompanied by the principal or someone designated by the principal who can help them understand what the records mean. Students can request a copy of their own records, but they may have to pay a fee.
- They have the right to receive an educational program when suspended.
- They are liable, along with their parents, if they intentionally or negligently lose, destroy, damage or convert property owned by the school board.
- They can appeal a decision of an employee of the board of education if it significantly affects their education, health or safety. An employee's failure to make a decision can also be appealed.
- They can, in some circumstances, appeal the board's decision to a Superintendent of Achievement.
- They have the right, if they are a student with special needs, to receive an educational program in a classroom with other students who do not have special needs, unless the educational needs of that student, or other students, indicate that the student's educational program should be provided otherwise.
- If they are in Grades 10-12 and receiving instruction through distributed learning, they can enroll in one or more educational programs.

When we advocate for our children,
we model problem-solving skills.

Fairness in decision-making

Educators in schools and school districts make decisions every day.

They make decisions within a legal framework set out by the provincial legislature, the local board of education and, where appropriate, the school. Some decisions directly affect your child. Other decisions may affect a large number of children and may or may not directly affect your child.

Educators have the responsibility to make decisions. They also have the responsibility to involve you when they make decisions, or are about to make decisions, that directly affect your child. Decision-makers in public services like schools and school districts have to be fair to the people they serve. Therefore, the people in schools and districts who make decisions that affect children must follow the principles of administrative fairness.

The Ombudsman describes what administrative fairness means in the 1995 Public Report *Fair Schools*:

1. The right to be treated with respect and dignity.
2. The right to speak on your own behalf or to have an advocate speak for or with you.
3. The right to be heard.
4. The right to participate in decisions that affect you.
5. The right to receive clear, complete and appropriate reasons for a decision.
6. The right to obtain all information that led to the initial decision or is being considered in an appeal.
7. The right to an impartial review of a decision that affects you, a review that is accessible, flexible, timely and easy to use.
8. The right to an appeal procedure that has a built-in mechanism to protect against retribution.

Whether you are trying to solve a problem formally or informally, you can use the principles of administrative fairness to let people know what you are looking for in their response.

“Our desire for fairness is found in situations great and small. Indeed it is in seemingly little injustices, if there truly are little injustices, that we often see the need for fair process and fair treatment most clearly.”

Greg Levine
Fairness, Administrative Justice and
Human Rights
Presentation to the *Keeping the Lights on
Human Rights* conference
University of Western Ontario Amnesty
International Meeting, February 9, 2006.

Professional judgment in decision-making



For more about the structure of public education in BC, see **An overview of the public school system** on page 35.



The BCCPAC Advocacy Project uses the term “administrative fairness” from the Office of the Ombudsman’s report *Fair Schools*. You may also hear the requirement for fair treatment by public services called “procedural fairness,” “administrative justice” or “natural justice.”

Educators rarely make decisions based solely on law or a parent’s or child’s rights.

They also use their professional judgment to help make decisions. When educators use their professional judgment, they:

- Draw on their education, knowledge and experience.
- Consider the rights and responsibilities of others that may be affected by the decision.
- Consider the needs of the child.
- Consider other information necessary to make a good decision.
- Can describe to parents (and others when necessary) how and why the information was used to make the decision.

When educators do not explain their professional judgment, problems can arise. Parents are more likely to support an educator’s decision when they can see the principles of administrative fairness in the decision-making process.

- They understand the decision to be made.
- Their views are considered and reflected in the decision.
- They can see how their child’s needs are supported.
- Their views are sought and considered in any follow-up or change in the decision.

You can give information that helps educators understand your child’s needs. Use your knowledge of what works for your child to help educators make a decision that supports your child’s best interests.

What you can do to help your child

Decide when to get involved

When something is happening at school that is affecting your child, you may need to get involved. For example, when:

- Your child is complaining of being poorly treated, or not wanting to go to school.
- You are concerned about your child's progress in an educational program.
- You see signs of changed behaviour.

It is also best to get involved before a decision is made that affects your child. For example, when you believe a decision is going to be made about your child on such things as:

- Placement or participation in a special education program.
- Counselling.
- Adjudication procedures for provincial exams.

Use the Self-Help Guides “Problem-Solving” and “Meeting Survival” on pages 21-24 to help you.

Listen to your child

To be able to help, you need to listen carefully and consider your child's views.

- Make it safe for your child to share thoughts and opinions.
- Remember that children aren't always ready to talk when we are, so try to be available when they are.
- Ask questions in a way that draws more from your child than a “yes” or “no.”
- Are you able to listen even when you don't like what you hear?
- Are you respectful?

As children mature, a parent's role changes from representing them to helping them build the skills they need to represent themselves. The age and needs of your child will determine how you are involved. Being there to support your child is appropriate at any age. Make sure you talk with your child and agree on what needs to be done.



Take notes using your child's words to describe what is happening for your child.

Use the notes to help you put your concerns in writing.



Children have the right to be and feel safe.

Parents have the primary responsibility for the emotional and physical safety of their children. School staff share that responsibility when children are involved in school activities.

Mistreatment of children is not okay. While some mistreatment is not considered “abuse,” any mistreatment of children is serious and needs to be dealt with. Parents are encouraged to find more information to help them stop mistreatment from continuing.

For more information on bullying/harassment and intimidation, please see **Call it safe** on page 20.



Many school districts have their policies and procedures online, including the process for dealing with complaints.

You will need to make sure you have the latest version.

It may be available in your school handbook or from the PAC/DPAC executive. The principal and your school district office can also give you a copy.

Identify the problem

It is very difficult to solve a problem if you don't know what it is! Think about what is bothering you.

- Is your child being bullied? By whom? When and where?
- Are you concerned about your child's progress in school? What is it that concerns you and why?
- Do you think your child is being mistreated by a staff member? What has happened?

If you have identified more than one problem, decide which problems are most important to pursue.

Learn how your school district deals with problems

Each school district has written policies and procedures on how to deal with problems and challenge decisions. Some schools and school districts have brochures or handbooks that tell you the steps to take when you have a problem.

In most cases:

- You first speak to the person with whom you have the problem. (e.g.: teacher, teacher's assistant).

If you are unable to solve your problem there,

- You then speak to the person's supervisor; most often that is the principal.

If you still can't solve the problem,

- You move up to the next level of authority in the school district.

Similar policies can have different names in different school districts. Some school districts can have several different policies that deal with problem-solving. There are many policies that directly affect students. Some of the most common policies are: field trips, harassment, bullying, discipline, suspension, appeal (may be a bylaw) and transportation. School or school district staff can help you find the policy or policies you need.

Prepare

You will be more successful in solving the problem if you plan. Once you have identified the problem, planning helps you:

- Focus on your child's needs.
- Stay on track.
- Avoid surprises and maintain your cool!

The following tips and the Self-Help Guides “Problem-Solving” and “Meeting Survival” on pages 21-24 will help you.

- What information do you need to solve the problem?
- Do you understand how to use your district’s complaints process?
- Who do you need to talk with to help solve this problem?
- Do you need a meeting? Think about who you need to meet with.
- Write down the concerns you want to talk about.
- Write down the information you need to give them, for example, information about your child’s learning, health or emotional needs.
- Write down your ideas for solving the problem.
- Practice how you will introduce each issue and possible solutions.

If you need support to prepare, talk to someone you trust. Respect your child’s and others’ rights to privacy by avoiding unnecessary or public discussion.

Take Notes

It is easy to forget or get confused. The Self-Help Guides on pages 21-24 will help you track your progress as well as document your actions. You may find it helpful to keep your information organized in a binder or expanding file folder.

- Jot down notes in your meetings or in conversations.
- If you have a support person with you in a meeting who is able, ask the person to take notes.
- Record the dates of meetings, phone calls, who you speak to, etc.
- Keep copies of everything you send, everything you receive.
- Keep track of agreements that are made.
- Confirm who will be responsible for each action.
- Help set deadlines for each goal.



Where can I learn more?

There are many people in your school and district who can give you information: PACs/DPACs, teachers, school counsellors, principals, district staff, child and youth care workers and school trustees. There may be a community or provincial association that offers support for your problem. Ask your DPAC what help is available. Help may also be available through the BCCPAC Advocacy Project toll free message line: 1-888-351-9834.



Employees have the right, as everyone has, to be physically and emotionally safe in schools. Everyone must approach problem-solving respectfully. The less defensive people are, the easier it is for them to listen to concerns.



E-mail makes it easier and faster to communicate with school and district staff; however it can cause more problems if you don't think carefully about the tone and intent of your message before you click "send."

If you are feeling emotional or angry about your concern, it's best to wait before you put it in writing using e-mail.

If you receive an e-mail that upsets you, look for more information to help you understand the sender's intent.



The public school system has a "language" that is sometimes confusing.

Don't be afraid to ask for an explanation if there is something you don't understand.

How you communicate makes a difference

When you advocate on behalf of your child, the way you express your concerns and work with the professionals in the system matters.

■ Do your best to control your emotions, be reasonable and respectful.

Developing a respectful relationship helps both sides to focus on the issue and the discussion that needs to take place to find agreement.

When you are able to hear and understand the views of others, they are more open to considering your views. Everyone may not agree, but by listening and working to understand each other, everyone is more likely to be able to work together to find a solution.

■ Learn how to "negotiate."

You have information and experience about what works for your child. The people who are involved with your child's education use their professional judgment to make decisions. They have knowledge, experience and training in working with many children. Be open to exploring how your solutions can work alongside theirs.

■ Take a trusted person with you.

If, for any reason, you find it difficult to communicate, you may want to ask for help. Choose someone you trust. They can help you set up your meeting, prepare for the meeting and support you in the meeting. For example, that person can take notes for you. Be sure the person you choose can maintain confidentiality and respect the privacy of everybody involved.

"Put it in writing"

Sometimes parents decide to "put it in writing" to:

- Request a meeting.
- Let someone know what you've done or plan to do.
- Confirm your understanding of what's happening.
- Let someone know about a concern.

Before you write to someone, you need to think carefully. If you are requesting a meeting, you need to say what you want the meeting for. Are you:

- Asking for a parent-teacher interview?
- Trying to solve a problem?
- Making a complaint?

continued on next page

Some other things to think about before you decide to put it in writing are:

- Who you are sending it to.
- Why you are sending it.
- What response you are hoping for.
- Whether your letter is fair, respectful and reasonable.
- Whether you are working within your district's process.

Commit to solving the problem

Work to solve the problem using the steps outlined in your school district policy.

- Assume the best of others.
- Face difficult situations with courage.
- If things get difficult, look for more information and support rather than give up.
- Learn who is willing and able to make the changes necessary and share your ideas with them.

How will the problem be solved?

Be flexible and open-minded about possible solutions.

- Focus on what will solve the problem for your child; the solution might be very different from what you expected.
- Explore how possible solutions will work for your child.



Always keep focused on your child and how the problem can be solved in a way that meets your child's needs. When everyone focuses on solving the problem for the student, fewer adult conflicts arise.



There are different ways to get in touch with the people you want to meet with. The school secretary may be able to tell you the best way to leave a message for the person you want to reach.

Decide whether you need a meeting

Often one good meeting with the people who have the ability to help solve the problem replaces the need for many phone calls or emails. Many people find it easier to talk “face-to-face,” but struggle when they talk on the phone or try to write an e-mail. A meeting that includes the right people can be helpful in finding solutions and developing a plan. Whether you ask for the meeting or are called to one, the Self-Help Guide “Meeting Survival” on page 23 has more information to help you plan for a successful meeting.

Should your child be there?

Parents often wonder if they should include their child in a meeting with school staff. While it is important to include your child wherever possible, here are a few things to think about:

- Will this be a positive place for your child?
- Will it be best for the adults to meet first?
- Will your child be able to understand what is happening and take part in the meeting?
- Will your child feel okay about going to the meeting?

Set up a meeting

Once you know who to talk with, call them to set up a meeting.

- Let them know what you want to discuss.
- Let them know if someone is coming to the meeting with you.
- Let them know if your child is coming.
- Ask if anyone else should attend and why.

If you are asked to attend a meeting by the school or district, don't be afraid to ask questions.

- What will be discussed?
- Who else will be there and what is their role?
- Is there any information you need to provide to them?
- What information do you need before the meeting to help you prepare?

continued on next page

- Who can provide you with the information?
- Will any decisions be made in this meeting?
- How will your views be reflected in any decisions made?

If you are given new information at the meeting, let them know you need time to read and/or think about it. Ask how the new information will be used.

In the meeting

It can be helpful to start with something positive.

- Recognize what is already working well.
- Focus discussion on your issues and what will work for your child.
- Speak only for yourself (and your child). Do not raise issues you have heard from others.

Sometimes the person you are meeting with has concerns, too. It is easy to become sidetracked when other problems are raised. If you find this happening, respectfully get the meeting back on your track by saying something like, “I am willing to talk about your concerns later. I’ve asked for this meeting to talk about the problems my child is having, and I’d like to cover those first.”

Keep your child informed

Review the outcome of the meeting with your child. Make sure your child is involved in decision-making in a way that suits your child’s needs and age.

Stay involved

At the end of the meeting, it is a good idea to quickly go over where you have reached agreement and confirm the action plan. You will have your notes, but it is still important to track the progress of your agreement. Arrange for follow-up before you leave the meeting. Make sure you and your child are part of any on-going plans. If one solution does not work out, request another – plans must be workable to be able to meet your child’s needs.

The School Staff Representative

Sometimes a teacher will take the school staff representative (staff rep) to the meeting. The BCTF Members’ Guide outlines three main roles for the staff rep.

Communicator: The staff rep is the liaison between the school staff and the local union office. The rep holds meetings with teachers in the school about union issues and provides their ideas to the local union’s elected officers. The rep also provides teachers with news and messages from the local and provincial union offices.

Advocate: The staff rep is the advocate for teachers in their school in matters regarding the collective agreement. Section 12 of the Labour Relations Code says the union has a duty of fair representation.

Teacher leader and union

organizer: The staff rep ensures that democratic processes are followed, that teacher concerns are communicated to the principal and that teachers have a process to voice their opinions and recommendations on professional and union matters.

p.22, Supporting Student Success
Working Together in BC Public Schools.
BC Confederation of Parent Advisory
Councils, 2006

Will an apology help?

“If the Ombudsman believes a public agency has treated a person unfairly, the Ombudsman may recommend that the agency apologize to the person. Complaints have been settled as a result of a sincere apology for a mistake or wrongdoing from a public service employee.”

**The Power of an Apology:
Removing the Legal Barriers.
A Special Report by the Ombudsman of
the Province of British Columbia
February, 2006**

Many parents ask for an apology.

An apology says that a mistake was made. It can help restore dignity and trust, mend damaged relationships and let everyone move forward.

You may remember a time when you received an apology, but you felt something was missing – you still felt concerned. Perhaps the person didn't seem truly sorry, or you felt you needed to hear something more. Before you ask for an apology on behalf of yourself or your child, think about what you need from the apology.

Depending on your situation, you may find that you need the person or people to do one or more of the following:

- Recognize that what they did was unacceptable or hurtful in some way – no excuses, no disclaimers, no blaming.
- Recognize that what they did created harm and to show that they are truly sorry.
- Be willing to heal the harm – sometimes there are specific actions that can make things better.
- Make a commitment that they won't repeat the mistake.

How to ask for an apology

Before you meet, organize your thoughts and feelings about the situation. Plan what you will say to prompt the person to respond to the parts of the apology necessary to meet your needs. The person is less likely to dismiss your request with a quick “sorry” if you are prepared.

The following is an example of how to say what you need to encourage the person to apologize:

Seek recognition from the person something happened that was wrong.

Describe the person's actions.

“I need you to recognize that it was inappropriate when you yelled at my son and told him his work was garbage. It was even worse that you yelled at him in front of the class.”

Seek understanding of the harm created by the wrongful act.

Describe what happened as a result of the person's action. Sometimes people try to excuse themselves by saying they didn't mean to hurt anyone, or that that they were “only joking.”

continued on next page

"I need you to understand that what you did has harmed him. He used to respect you and enjoy your class. Now his classmates are teasing him, and he feels you are encouraging them. He no longer feels safe in your class and does not want to attend. He was embarrassed and humiliated in front of his peers."

Seek willingness, where possible, to heal the harm.

Explain what you need from the person to make things better.

"You could help fix this problem by letting my son know your actions were unacceptable. He needs to know that you care, and you did not intend to hurt him."

Seek commitment to not repeat the act.

"It is important to me and my son to know that you will not humiliate and embarrass him again. You need to let my son know that if you have a problem with his work or behaviour, you will deal with it respectfully."

Next steps

Sometimes a person is truly remorseful, assures you that it won't happen again, and it doesn't. Other times a person may show a pattern of poor behaviour. If an apology does not solve the problem, you may want to speak to the person again or take the next step in your school district's complaints process.

When a parent acts poorly

If you have acted poorly in a situation involving your child, the steps above can help you recognize when and how to make an apology. An apology helps everyone refocus attention on supporting the best interests of your child.



BC's Apology Act

The Province of BC also recognizes the importance of apologies. In the *Apology Act*, an apology means "an expression of sympathy or regret, a statement that one is sorry or any other words or actions indicating contrition or commiseration, whether or not the words or actions admit or imply an admission of fault in connection with the matter to which the words or actions relate." The act covers apologies in civil disputes and says that the evidence of an apology is not admissible in any court as evidence of the fault or liability of the person in connection with the matter.

What if you think you'll make things worse?



Is your child concerned about what might happen when you try to solve the problem?
What is your child worried about?

- Not being chosen for a team sport?
- Being seated at the front of the class?
- Being singled out?

Parents often fear that if they try to deal with a problem, the person they are complaining about will “take it out” on their children.

For the same reason, students often don't want their parents to raise concerns. Unfortunately, the fear of “retribution” can stop people from dealing with problems.

Talking with someone about whether they are going to act differently toward your child because of something you've said or done is difficult.

If you or your child are concerned your actions will make things worse, the following approach will help:

- Raise your concern at a meeting.
- Try to reach agreement on your main problem first.
- Whether or not your main concern has been solved, open the discussion in a positive way: “Thanks for meeting with me and hearing my concerns...”
- Move into your concern by saying something like: “There is one other thing that bothers me. I found it really difficult to come here because I was worried I might make matters worse for my child. I'd like to discuss this before I leave.”
- Normally, staff members quickly say that they would never treat a student differently. Tell them you are pleased to hear that; however, sometimes the things adults do to be helpful can make children and youth uncomfortable.
- Before you accept that everything will be fine, explain your concern by giving some examples.
- The discussion of retribution might leave the staff member feeling powerless to deal with a student's behaviour – any discipline might be seen as retribution. As parents, we need to help our children accept responsibility for their actions. Let the staff member know that you expect your child to behave, and that you are not preventing the use of fair discipline.
- Show your commitment to making this work. “I need to make sure my child doesn't feel singled out. If my child talks about being treated differently, what would be best? Would you like me to phone you?” and “If you have disciplined my child, please let me know so I can support both you and my child.”

Call it safe

Children have the right to be physically and emotionally safe at school.

Parents are often worried about the effectiveness of a school response when their children are affected by, or involved in, bullying or harassment. In secondary school, bullying is often referred to as harassment and intimidation.

Children can at times be targets for bullies, and at other times, they can take part in bullying others.

Bullying can happen both inside and outside the school community. Many educators, parents and other community members are concerned how students' access to technology can rapidly fuel a bullying incident. Cyber-bullying happens almost effortlessly with text-messaging, social networking sites, e-mail, and other methods. Its effect spills over into the school causing serious harm to the targeted students and the school culture. Parents and educators need to work together to respond quickly and effectively.

Signs of bullying

Some children will tell you if they are being bullied. Others will not talk about bullying because they may believe there is no one to help them. Children may also think that if they report, the adults will make the situation worse. They worry that adults cannot protect them. Some children who are bullied feel that it is their fault, or that if they tell, they will be labelled and sent for counselling. While children may not tell you, they often show signs that something is not right in their lives.

Is your child:

- Avoiding going to school?
- Taking a different route to school?
- Avoiding taking the bus?
- Complaining of stomach-aches or headaches?
- Upset by phone calls, text messages, or after being on the computer?
- Avoiding others?
- Missing personal possessions?
- Missing money?

continued on page 25



If your child is being bullied, harassed or intimidated, it is important to act immediately. Seemingly small incidents can build quickly, and many more children can become involved in the behaviour.



Some examples of bullying/ harassment and intimidation:

- Name-calling
- Unwelcome teasing
- Racist or homophobic slurs or taunts
- Unwelcome touching
- Threatening, teasing or insulting notes, letters, e-mails, social networking posts, text messages
- Excluding from a group
- Spreading rumours
- Circulating embarrassing photos, videos, etc.
- Stalking
- Extortion



SELF-HELP GUIDE

Problem-Solving

*To really have a voice,
I need the opportunity
to say it “my way”
to someone who really
listens and can do
something about it.*

Joyce Preston,
former Child, Youth and
Family Advocate

Note details such as:

- What happened?
- When did it happen?
- What difficulties has this situation caused for me or my child?
- What policies, laws, etc. apply to my situation?
- What are my rights and responsibilities?
- What are the system’s rights and responsibilities?

**Make sure your concerns
are based on what you
know to be true from
your experience or
your child’s experience.**

Issue/problem/concern:

Note the events/incidents that have led to this concern:

Possible information sources:

- School or board of education office
- Your local Parent Advisory Council or District Parent Advisory Council
- BCCPAC Advocacy Project
- BCCPAC office
- BC College of Teachers
- Ministry of Education
- Office of the Ombudsman
- Local child and youth serving agencies
- Community and school-based counselling services
- Mental health agencies
- “Supporting Student Success – Working Together in BC Public Schools”



BCCPAC
Advocacy Project

Actions taken:

It is important to keep all of your information together for easy reference, including records of whom you have spoken to, what correspondence you have sent and received, etc.

Note details such as:

- Who you contacted.
- When you contacted them.
- How? letter, telephone, fax, email, etc.
- What was said?
- What they said they would do for your child.
- When and how they will let you know what action has been taken.
- What you said you would do.
- Do you need to contact them again?

Person you contacted: _____ Date: _____

Action: _____

Outcome: _____

Person you contacted: _____ Date: _____

Action: _____

Outcome _____

Person you contacted: _____ Date: _____

Action: _____

Outcome _____

Person you contacted: _____ Date: _____

Action: _____

Outcome _____

Solving the problem

- What will best meet my child's needs?
- How will I know agreements are upheld?
- Who will be responsible?
- When will the action plan start?
- Who should I talk to if I have further concerns?

List some of your ideas for solving the problem(s).

1. _____

2. _____

3. _____

Other concerns/ideas:



BCCPAC Advocacy Project

BC Confederation of Parent Advisory Councils

350-5172 Kingsway, Burnaby, BC, Canada V5H 2E8

Tel: 604-687-4433 • Fax: 604-687-4488 • Toll free: 1-866-529-4397 • www.bccpac.bc.ca



SELF-HELP GUIDE

Meeting Survival

Be wiser than other people, if you can, but do not tell them so.

Lord Chesterfield

Note details such as:

- Who is setting the agenda?
- How do I add topics?
- What is the meeting to accomplish?
- How much time do we have?
- Who is attending?
 - What is their role in the meeting?
 - How are they involved with my child?
 - What are their rights and responsibilities?
- Will a decision be made at this meeting?
 - Who are the decision-makers?
 - Will I have a say in the decision?
- What is my role in the meeting?
- Do I need more information on my child's:
 - Education goals?
 - Education activities?
 - Specific behaviours?
- What information do I have to support a good decision?
 - What questions do I want to ask?
 - What works well for my child?
 - What doesn't work well for my child?
 - What other concerns do I have to share?
- Are others looking to me for specific information on my child's:
 - Learning needs?
 - Emotional needs?
 - Health?
 - Safety?



BCCPAC
Advocacy Project

The topic of the meeting is:

Note who will be attending the meeting:

I want to accomplish:

The information I need to participate effectively:

What resources might help me prepare for the meeting?

- “BCCPAC Speaking Up! A parent guide to advocating for students in public schools”
- BC College of Teachers Standards
- “Supporting Student Success: Working Together in BC Public Schools”
- School District policies
- School policies
- Fair Schools Report, Office of the Ombudsman
- Parent’s Guide to Individual Education Planning

Should I take a support person?

- Would it help me to have someone taking notes?
- Will I feel outnumbered or overwhelmed?
- Will I be able to stay on track?

It is important to include your child whenever possible.

Should my child attend?

- Is this a positive place for my child?
- Would it be best for the adults to meet first?
- Is my child able to understand and participate?
- Is my child OK with coming?

What does my child want taken into account?

During the meeting:

Have confidence in yourself!

You know your child and have important things to share!

Try to control your emotions. If you start to go off track:

- Review the purpose of the meeting.
- Focus on what will work for your child.
- Openly share information that will lead to better decisions.
- If you do not understand – ask!

If you need more time, ask for it.

- You may want to consider options, reflect on the needs of your child, or gather more information. It may be better to delay the final decision rather than make a decision while under pressure.
- If you agree to something during a meeting and later realize that it won’t work for you or your child, ask that the decision be reviewed.
- As the meeting draws to a close, summarize the meeting from your perspective to ensure a common understanding.

Put a plan in place in case things don’t work. Discuss:

- What you would do – contact the school?
- What the school would do – contact you – speak with your child?
- What your child would do – phone home – speak with someone at school?

Speak when you are angry and you will make the best speech you will ever regret.

Ambrose Bierce



BCCPAC Advocacy Project

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It is important to act swiftly if you think your child is unsafe. If your child is the bully or the bystander, you also have a responsibility to act.

It may not be bullying, but...

It could be a “teachable” moment! Children don’t always recognize that their actions may hurt another child, or that the child feels their actions were deliberate. It is important for school staff to understand the perspective of the child who was hurt even if an investigation into the incident shows the actions of another child or children were unintentional. These kinds of incidents are excellent opportunities for teachers or principals to help children understand the feelings and perspectives of others – lessons in social responsibility.

When bullying happens

Start close to home

Recognize the signs that your child may be bullied. Listen to what your child has to say about the situation. See the section *What you can do to help your child* (see page 10) and use the Self-help Guides on pages 21-24 to help you identify the problem and work it through.

Gather information about bullying

Before you go to the school, there are lots of resources that will help you find the words to describe what is happening. Information will help you to understand what you and others can do to support and/or protect your child without making the situation worse. Many people find those resources on the internet, for example, on the Ministry of Education website. There may be resources in your school, district or public library.

Learn how your school and school district deals with bullying.

The *Provincial Standards for Codes of Conduct Order* says each board of education must have one or more codes of conduct for schools in their school districts.

continued on next page

The school must consult with representatives of employees, parents and students to develop the code for the school and review them every year to see whether they are working. Schools must also provide the code of conduct to students, parents and employees and display the code in the school. Many schools publish their code of conduct in student planners, parent handbooks and on the school website.

The order says the codes must include statements about:

- The prohibited grounds of discrimination set out in the BC Human Rights Code.
- The code's purpose that includes the focus on safe, caring and orderly school environments.
- Acceptable behaviour.
- Unacceptable behaviour, including aggressive behaviours such as bullying, while at school, at a school-related activity or in other activities that will have impact on the school environment.
- The steps the board will take to prevent retaliation by a person against someone who has complained.
- Consequences for unacceptable behaviours that whenever possible and appropriate are restorative rather than punitive.

The codes must include an explanation that special considerations may apply to students with special needs if these students are unable to comply with a code of conduct because they have a disability of an intellectual, physical, sensory, emotional or behavioural nature.

Boards of education also have policies that describe how the school district and school support and maintain a child's right to a safe learning environment. Policies also describe how they will deal with incidents when they occur. For example, there may be policies dealing with behaviour, bullying and harassment, human rights, safe schools, student suspensions, weapons and critical incidents and police contact with students.

Report the incident

A good place to start is with the person who was supervising your child at the time of the incident. If you do not know who that is, talk to the school principal. The school principal is responsible for student conduct at school and out of school during activities organized or sponsored by the school.



Adults in the public school system have negotiated a harassment free workplace. For example, the teachers' provincial collective agreement protects teachers from harassment that is defined as:

- sexual harassment
- any improper behaviour that is directed at or offensive to any person, is unwelcome, and which the person knows or ought reasonably to know would be unwelcome; or
- objectionable conduct, comment, materials or display made on either a one-time or continuous basis that demeans, belittles, intimidates, or humiliates another person; or
- the exercise of power or authority in a manner which serves no legitimate work purpose and which a person ought reasonably to know is inappropriate; or
- such misuses of power or authority as intimidation, threats, coercion and blackmail.



Where can I go to find out more?

“The Safe, Caring and Orderly Schools Strategy is designed to help make schools places where students are free from harm, where clear expectations of acceptable behaviour are held and met and where all members of the school community feel they belong.”

Safe, Caring Orderly Schools. p. 4.
BC Ministry of Education.
www.bced.gov.bc.ca/sco

“Safe, Caring Orderly Schools” describes the features of a safe, caring orderly school and outlines provincial standards for codes of conduct. Parents can use the guide to understand the expectations of members of the school community in creating and maintaining a respectful, welcoming and nurturing environment.

Ask what the school can do to keep your child safe

Children need to be able to trust that the adults they turn to inside the system will respond in a positive way. If the school says it will develop a plan to keep your child safe, ask:

- To be involved in developing the plan.
- Whether you will be called every time bullying happens.

If the plan includes naming a person your child can turn to when needed, ask the person to assure your child that:

- Reporting was the right thing to do.
- Your child’s concern will be shared with only the relevant people.
- Your child will be kept safe.

Sometimes, as part of the plan, staff suggest that a meeting between your child and the other child is appropriate. Many children do not feel safe meeting with a child who most likely has harmed them more than once. They do not believe that what may be settled in the meeting in front of adults will necessarily remain settled once the adults are out of sight. Your child should be able to decide whether to meet with the other child.

- If your child meets with the other child, ask staff for their follow-up plan to ensure your child’s safety after the meeting.
- Ask staff what their next steps are if the bullying continues.

Whether your child is the target, the bully or the bystander, counselling may be suggested. Ask:

- What is the intent of the counselling?
- Who will counsel your child and how are they qualified?
- How often will the counselling take place?
- What will be in place to support your child’s missed learning?
- Will your child be counselled individually or as part of a group?
- What information will be shared with you following counselling?

When your child bullies another

If you receive a call from the school that your child is bullying another, stay calm. Listen to the information that the school is providing about the incident. If this is the first call you have received, ask whether this is the first time your child has been involved in a bullying incident. All students must comply with

continued on next page

the school code of conduct. The school may consider a range of consequences based on your child's age, needs and the seriousness of the behaviour.

- Be there to support your child.
- Think about why your child may be bullying others.
- Remember that it is your child's behaviour that is unacceptable, not your child.
- Ask what policies apply in your child's case.
- Ask what restorative measures the school is considering.

The *School Act* requires student discipline to be “similar to that of a kind, firm and judicious parent, but shall not include corporal punishment.” You can help make sure your child is treated fairly while supporting the school in its responsibility to maintain a safe learning environment for all students.

Outside the school and district

The school has the responsibility to act on concerns about safety within the school setting. When and how the school involves outside agencies depends on the incident. Your school district may have protocols with outside agencies, including the police. Many districts have policies that guide employees in their decisions to contact outside resources.

If you are not successful in dealing with a problem concerning the safety of your child, or if you believe your child was treated unfairly in discipline, you may be able to appeal the decision of the employee involved to the board of education (see page 29). If you are not successful in dealing with a problem concerning the safety of your child, or if you believe your child was unreasonably disciplined, you may be able to appeal the staff member's decision to the board of education. If you disagree with the board's decision and your appeal is a matter within the scope of the provincial Appeals Regulation, you may submit an appeal to a Superintendent of Achievement at the Ministry of Education (see page 30).



Focus on Suspension

is a resource that helps schools look at different ways of dealing with student behaviour and discipline. It provides prevention and intervention strategies as alternatives to suspension.

www.bced.gov.bc.ca/specialed/sped_res_docs.htm#discipline

Whatever the problem, if it remains unsolved...



Where can I get a copy of my school district appeal information? Your school and school district office have copies. Most districts post the information on the district website. Some PACs or DPACs may have copies. Always make sure you have the most recent version.

A child's problem is best solved when the people closest to the problem work together to find a solution.

But what can you do, if in spite of your best efforts, your child's problem is not solved at the school? You can continue to the next level in your school district's process for problem-solving (see page 11). It will tell you the next person to talk to.

Appeal to the board of education

If you have completed your school district's problem-solving process, and you have not received a decision or you disagree with a decision, you may be able to appeal to the board of education.

Section 11 of the *School Act* gives parents and/or students the right to ask the board of education to review decisions that school employees make, or fail to make, that "significantly affects the education, health or safety of a student." Every district must have appeal procedures. The procedures describe the steps in an appeal.

Boards often include the kinds of problems that are considered to "significantly affect the education, health or safety" of a student. Student suspensions and placement in an educational program are examples of the kinds of decisions included in board appeal bylaws.

Appeal procedures do not look the same in every school district. There will be certain steps and timelines to follow. Make sure you have a copy of your district's most recent appeal procedure and any forms that go with it. If you have used the Self-Help Guides on pages 21-24 and documented your actions and responses as well as those of the employees you have dealt with, you should have the information you need for an appeal to the board.

The board must be fair in its appeal procedures (See page 8). When you appeal, ask that your appeal be heard as soon as possible. Request time to fully state your case, and ask to be present to hear the information the staff member gives. Ask questions about how the appeal hearing will be conducted, such as:

- Who will be there?
- Will there be a chance to ask questions of others?
- How much time do you have to present your information?

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A board appeal is the last step within your school district process. The board must give you a decision within 45 days of the appeal. The board must give you a written decision which includes reasons why your appeal was either denied or upheld. The decision of the board of education may, in certain cases, be appealed to a Superintendent of Achievement at the Ministry of Education.

Appeal to a Superintendent of Achievement

Superintendents of Achievement (SOAs) are appointed by the Minister of Education. They work with boards of education to review student achievement, early learning programs and district literacy plans in school districts in BC. SOAs also decide whether to hear an appeal of a decision made by a board of education under Section 11 of the *School Act*.

An appealable decision at this level is limited to a decision or a reconsideration made by a board about an employee's decision that significantly affects the education, health or safety of a student in the following matters:

- Expulsions and suspensions from an educational program.
- Suspensions where students are not provided with an educational program.
- Discipline that requires a student to complete all or part of an educational program by distributed learning (DL) if the student can be accommodated in a non-DL school in the district.
- Decision not to provide a student with an Individual Education Plan (IEP) for specific reasons.
- The offer to consult with a parent of a student with special needs regarding the student's placement in an educational program.
- The offer to consult with a parent or student in the preparation of the student's IEP.
- A complaint by a student or parent about another student's intimidation, bullying, harassment, or other form of violence, including the use of, or threat to use, a weapon.
- Exclusion from school of a student with a medical condition that poses a risk to the health or welfare of other students.
- Allocation of resources to a student's educational program relating only to the board's financial hardship policy (school fees and deposits).

If you believe you have grounds for appeal to the SOA, you must submit your appeal of the board's decision within 10 days to the Office of the Registrar in the Student Appeals Branch (SAB). Your appeal must include the board's written reasons for the decision. It is very important that you include all relevant information to support your appeal. The SOA will be making decisions based on what you provide.



Where can I find more information?

The Student Appeals Branch website has information about appeals to the Superintendents of Achievement, including the forms to make an appeal.

www.studentappeals.gov.bc.ca



The three principles of natural justice are:

- The right to be heard and present evidence. A person should not be adversely affected by a decision-maker without being able to put a case that is relevant to his or her own concerns.
- The right to know the facts upon which the decision-maker based the decision.
- A decision-maker should not be biased. A person should therefore have a right to have a matter determined by an unbiased adjudicator.

Guidelines for Investigators of Pacific Ombudsman, September, 1993

Staff in the SAB can explain the appeal process and will check your paperwork for completeness. They must remain impartial, so they cannot help you to write your appeal. If you have trouble filling out forms, communicating in writing or orally, you will be responsible for finding someone to help you. The SAB may be able to give you information about resources available in your community.

The board of education will receive a copy of your Notice of Appeal and has the chance to respond using the Board of Education Response form. You will receive a copy of the board's response. The Office of the Registrar will ensure that both parties receive all of each other's information throughout the appeal process. This is a requirement in administrative law.

The SOA does not decide whether the board's decision was correct. The SOA considers your information and the board's response and decides whether to:

- Dismiss all, or part, of your appeal, or
- Refer your appeal to mediation, or
- Refer your appeal to adjudication.

The original decision of the board of education remains until your appeal is completed. Under certain conditions, the SOA may consider your request to suspend the decision until your appeal is heard. You must give reasons for your request in writing at the time you submit your appeal to the Office of Registrar.

Dismissal

The SOA may dismiss an appeal that is clearly outside the scope of appealable matters. Before making a decision to dismiss, the SOA uses the criteria in the *Administrative Tribunals Act*.

- Is the application within the jurisdiction of the tribunal?
- Was the application filed within the time limit?
- Is the application frivolous, vexatious or trivial or an abuse of process?
- Was the application made in bad faith or filed for an improper purpose or motive?
- Has the applicant failed to diligently pursue the application or fail to comply with the order of the tribunal?
- Is there no reasonable prospect that the application will succeed?
- Was the substance of the application appropriately dealt with in another proceeding?

If the SOA decides to dismiss all or part of your appeal, you will receive the reasons for the decision in writing.

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Mediation

The SOA makes the final decision to refer your appeal to mediation. If you think mediation will not be appropriate, you will need to explain why when you submit your Notice of Appeal.

If your appeal goes to mediation, staff in the SAB work with you and the board of education to choose a mediator from the branch's list of mediators. The list includes mediators from around the province. The mediator is not a decision-maker. The mediator helps all parties work together to solve the matter. All parties must agree to the solution. If the parties do not agree to solution, the SOA will refer the matter to adjudication. If the parties agree to settle parts of the matter, the SOA will refer the parts that aren't settled to adjudication.

Adjudication

If your appeal goes to adjudication, it is considered a new hearing and therefore evidence is heard from both parties. The SAB chooses the adjudicator and arranges the adjudication process. Adjudication does not mean you will be guaranteed a chance to speak about your problem in person. The adjudicator may decide your appeal based on written submissions. If an oral hearing is required, the SAB staff will arrange the date, time and place of the hearing. The adjudicator has the power to dismiss all or part of the appeal. The adjudicator can also:

- Confirm or revoke the decision of the board of education.
- Change the decision.
- Refer the matter back to the board of education, with or without directions, to reconsider.

You and the board of education may continue to work together to try to settle your problem until the SOA or adjudicator has made a decision. Decisions of the SOAs and adjudicators are final and binding on both parties. If there has been an error in fact or law, one or both parties may seek a judicial review of the decision, but this happens rarely.

Costs

While the Ministry of Education will cover the costs of mediation or adjudication, you will be responsible for the cost of travel and accommodation. If you decide you need legal representation, you will also be responsible for that cost. The board of education is responsible for its costs in the same areas. Mediation and adjudication proceedings will take place as close as possible to the parties.



Some boards of education offer mediation as a district problem-solving option.

The Ministry of Attorney General's Dispute Resolution Office website has information about mediation.

www.ag.gov.bc.ca/dro/mediation-in-bc/index.htm

While the guide does not specifically talk about mediation in public education, it has information about choosing mediation and key questions to ask mediators.

Appeal to a Superintendent of Achievement adapted from materials produced by the Student Appeals Branch, Ministry of Education



Where can I go to find out more?

The Standards for the Education, Competence and Professional Conduct of Educators are available on the college website at www.bcct.ca.

“Government grants to professions the right to self-regulation in the public interest. Professionals are individuals who have agreed to accept a designation and its resulting privileges in exchange for responsibilities and duties that uphold the core value of protecting the interests of those whom they serve.

In essence, upon admission to a profession, a professional such as an educator, lawyer, doctor or accountant promises to abide by certain rules of ethical conduct, the standards of which are far higher than those applied to the general public.”

BC College of Teachers

Office of the Ombudsman

If you believe, after your appeal at the local board of education, that you have been treated unfairly, you may complain to the Office of the Ombudsman.

The Ombudsman can investigate whether a public body is being fair to the people it serves. The Office of the Ombudsman has a complaint form that you can get by calling the office or from the website at www.ombudsman.bc.ca.

If you used the Self-Help Guide “Problem-Solving,” and continued to document throughout your appeal to the board, you will have the information necessary to complete the complaint form. The Office of the Ombudsman will decide whether it will investigate your complaint.

To contact the Office of the Ombudsman:

Outside of Victoria, call toll free 1-800-567-3247 (all of BC)
or TTY: 1-800-667-1303

Greater Victoria, call (250) 387-5855 or TTY (250) 387-5446

Fax: Victoria (250) 387-0198 Vancouver: (604) 660-1691

Mail: 756 Fort Street, Victoria, BC V8W 9A5

BC College of Teachers (BCCT)

The college is the professional body that sets the standards for the majority of educators in BC. Teachers, vice-principals, principals, assistant superintendents and superintendents are members of the college. To check whether someone is a member, you may call the college or check their website at www.bcct.ca.

If your problem is about the action or behaviour (conduct) of a member of the BC College of Teachers, you can make a complaint to the college.

Before you decide to complain to the college about the action or behaviour of someone in the teaching profession, you need to think about:

- How the action or behaviour of the member breaches the standards for professional conduct.
- Whether you have worked through your school district’s complaints process, where possible, and noted your actions and the responses you have received. The college will ask about that.
- The suggestions from your school district, if any, that were offered to solve the problem and why they did not satisfy you.

If you decide to make a complaint to the college without first trying to use your district complaints process, be prepared to explain the reasons why you feel it is not in your, or your child’s, best interests to deal with your complaint locally.

continued on next page

The college has its own process to review complaints from the public.

For more information:

Contact the Intake Officer at 604-731-8170

Toll free: 1-800-555-3684

E-mail: intake@bcct.ca

Freedom of Information and Protection of Privacy

You should be able to see information that is kept about you and your child except in specific instances as determined by the *Freedom of Information and Protection of Privacy Act* (FIPPA). This information is called a “record.” The principal, or someone chosen by the principal, must be there when you are reading the records, so they can explain what they mean. There is a law that directs how school districts and other public bodies collect, use and store information about the people they serve. If you think that information about you or your child is being withheld, you can request the information from the school district under the Act. Each school district appoints someone to deal with these requests. That person is called the Information and Privacy Coordinator. If you think information is being wrongfully withheld, you can ask the Information and Privacy Commissioner to review your request.

To contact the Office of the Information and Privacy Commissioner:

Call Enquiry BC and ask for (250) 387-5629 or visit the website at **www.oipc.bc.ca** for information about making complaints.

Office of the Information and Privacy Commissioner for British Columbia
PO Box 9038, Stn. Prov. Govt.
Victoria, BC V8W 9A4

An overview of the public school system

BC public school system at a glance

Ministry of Education

- Minister
- Deputy Minister
- Ministry Staff

School District

- Elected Board of Education
- Superintendent
- District Administration
 - Assistant Superintendent(s)
 - Director of Instruction
 - Secretary-Treasurer
 - Facilities and Transportation Staff

Schools

- Principals
- Vice-Principals
- Teachers
- Support Staff

It is helpful to have some information about the public school system as you start to work on your problem.

The provincial legislature has authority over the education system through the *School Act*. The legislation gives governance responsibility to the Minister of Education at the provincial level and to boards of education at the local level. BC is organized into 60 school districts, including the Conseil scolaire francophone. Each school district is run by a board of education. The board consists of people elected by local voters every three years to oversee educational programs in your school district. A school district can include the residents of many communities. The board of education is a corporate board; therefore all the statutory powers and duties reside with the board, not with individual trustees. The chairperson is elected by the trustees on the board. Each board is accountable to the province and the public for the performance of its students. The board of education, representing all residents in the school district, is the public's voice in public education.

The board of education is responsible, through its annual budget, for distributing funds to operate schools. Your school, depending on its size and student needs, may include teachers, teacher-librarians, teacher assistants, child care workers, counsellors, multi-cultural and Aboriginal support staff, clerical and custodial staff, a principal, vice-principal(s) and others.

The following is only a snapshot of the responsibilities of the various partners. You are encouraged to find out more information in your district or from the Ministry of Education website.

Ministry of Education

- Sets education standards.
- Develops policy and legislation to support the school system.
- Distributes funds to school districts.
- Develops provincial curriculum.
- Conducts provincial assessments of students' learning.
- Conducts district reviews.
- Reports assessment and review results to the public.
- Is responsible for literacy, early childhood learning and libraries.

continued on next page

Board of Education

- Provides educational programs.
- Sets local policies for the effective and efficient operation of schools.
- Employs staff.
- Prepares and approves the school district's operating budget and capital plan.
- Distributes funds to schools.
- Approves locally-developed courses and resource materials.
- Makes policies about student conduct, discipline, suspension and attendance.
- Hears student and parent appeals.
- Approves annual school plans.
- Prepares the district achievement contract to improve student achievement.
- Prepares district literacy plans.
- Works with the community to support early learning and adult literacy.

School District Superintendent

- Reports to the board of education.
- Advises and assists board of education in exercising its duties under the *School Act*.
- Is responsible for general organization, administration, supervision and evaluation of all educational programs.
- Is the person to whom the principal reports.
- Supervises and directs education staff.
- May suspend students according to board policy.
- May suspend employees who, in the opinion of the superintendent, pose a threat to the students' welfare.
- May report at any time on the work of a teacher and the learning situation in a teacher's class, or the work of a principal, vice principal or director of instruction and must deliver a copy of the report to that person.
- Reports to BC College of Teachers on the work of members of the college.
- Assists the Minister of Education as the minister requires.

School Principal

- Is the person to whom teachers and other staff report.
- Is responsible for hiring staff.
- Administers and supervises the school.



Many school district websites provide a lot of helpful information. Sometimes it's hard to know where to look for what you need. For example, policies may be found in the part of the site called "Administration," "Parents" "Board of Education" or other. Some school districts may not provide all of their policies on-line. Other districts provide policies only on-line. Staff in your school district office or your local school trustees should be able to provide you with a printed copy if you need it. You can also search for policies on the BCSTA website www.bcsta.org. Always check with school district staff that the policy you find on-line is the most current version.



Unions

Teachers and support staff in public schools belong to unions. The British Columbia Teachers' Federation (BCTF) represents all teachers in public schools in the province. A number of unions represent support staff, although the majority of support staff belong to the Canadian Union of Public Employees (CUPE). Union contracts should not take away the rights of a parent or a child's rights as a student or human being. However, parts of these contracts can affect how the principal or district staff make decisions and act on them.

- Exercises paramount authority in disciplining students according to board policy.
- May suspend students according to board policy.
- Is responsible for general conduct of students in all school and school-sponsored activities.
- Evaluates and writes reports on teachers.
- Advises the superintendent and the board.
- May be assisted by a vice-principal.
- May teach in a classroom.

Teacher

- Provides teaching and other educational services, including advice and instructional assistance, to students as required or assigned by the minister or board.
- Evaluates each student's intellectual, human, social and career development, including administering and grading required graduation program exams.
- Evaluates educational programs for students as required by the board or minister
- Provides regular reports to parents on students' school progress as required by minister or the board.
- Provides information in respect to students as required by the minister, board, or subject to board approval, by a parent.
- Encourages the regular attendance of students.
- Ensures students understand and comply with the codes of conduct governing their behaviour and with the rules and policies governing the operation of schools.
- Provides assistance as the board or principal considers necessary for the supervision of students on school premises and at school functions.
- Maintains the records required by the minister, the board and the school principal.

Support Staff

- Fulfill a variety of roles to support students.
- Titles and job descriptions vary from district to district.

The collective parent voice

The Parent Advisory Council

The Parent Advisory Council (PAC) is the parent voice at your school. The *School Act* gives all parents of students in the school the right to belong to their PAC. Parents have the right, through the PAC executive, to give advice to the staff, school and board of education about those school issues that are not assigned by the act to the School Planning Council (SPC).

Every PAC must have bylaws governing its meetings and the conduct of its affairs. The PAC may elect one parent to represent the PAC on the District Parent Advisory Council (DPAC). PAC meetings are not the place to discuss the personal problems you and/or your child are having with specific staff or the school. However, if your problem is shared by many parents and students in the school and is not related to individual school employees, an effective PAC will work with staff to solve the problem in the best interests of all the students. PACs can offer information to parents about making complaints, or they may have parents who are able to give you personal support. PACs may decide to belong to the BC Confederation of Parent Advisory Councils (BCCPAC).

The School Planning Council

The *School Act* says every school must have an SPC which meets to develop an annual school plan. The board of education must consult with the SPC about the allocation of resources and staff, the board's achievement contract related to the school and educational programs and services in the school. Most boards of education have policies that guide the operation of SPCs.

The SPC is made up of the principal, a teacher elected by the teachers in the school and three parents elected by the PAC. One of the parents elected must be a member of the PAC executive. For schools that include grades 10-12, a student representative from one of those grades is appointed by the principal.

The SPC consults with the school community, including the PAC, to develop, monitor and review school plans for student achievement. The SPC meetings are also not the place to discuss the personal problems you and/or your child are having with specific staff at the school. Some of the topics an SPC talks about include how the school will support educational programs and meet the goals set out in the school plan.



There are many ways you can be involved in your child's education. Your child's teacher can tell you about different ways you can support your child's learning at home and at school. Members of the PAC or DPAC executive can tell you about different ways you can volunteer for the school.

The District Parent Advisory Council

Most school districts have a DPAC. The *School Act* allows PACs to form a DPAC to represent them to the board of education. Being part of a DPAC gives PACs the opportunity to meet and discuss what is happening throughout the district. DPACs also must have bylaws that govern their meetings and the business and conduct of their affairs.

The DPAC may advise the board of education on any matter relating to education in the district. DPAC members often sit on district committees where they represent parents' views. The DPAC may decide to belong to BCCPAC.

The BC Confederation of Parent Advisory Councils

Many PACs and DPACs join BCCPAC to ensure a parent voice at the provincial level. BCCPAC talks about parents' views to the leaders of the other provincial education partner groups including teachers, principals, superintendents, secretary-treasurers, support staff unions, trustees and the Ministry of Education. BCCPAC also helps PACs, SPCs and DPACs in their roles as advisors in their schools and districts. Member DPACs can participate in the BCCPAC Advocacy Project.

School legislation

The *School Act* is the legal framework for how the public school system operates.

Regulations, orders and policies must be consistent with the act. Boards of education have the authority to write policies for their districts. These policies, which may vary from district to district, must also be consistent with the act, regulations and orders. Public school legislation continues to evolve, leading to changes to board of education policies or the development of new policy.

Legislation, regulations and orders to consider:

- *School Act*
- Statement of Education Policy Order
- *School Act* Regulations
- Ministerial Orders

www.bced.gov.bc.ca/legislation/schoollaw

Provincial partner groups

BCASBO

BC Association of School Business Officials
(formerly the BC School Districts Secretary-Treasurers' Association)
www.bcsdsta.ca

BCCPAC

BC Confederation of Parent Advisory Councils
www.bccpac.bc.ca

BCPVPA

BC Principals' and Vice-Principals' Association
www.bcpvpa.bc.ca

BCSSA

British Columbia School Superintendents' Association
www.bcssa.org

BCSTA

British Columbia School Trustees Association
www.bcsta.org

BCTF

British Columbia Teachers' Federation
www.bctf.bc.ca

Support Staff Unions

CUPE: Canadian Union of Public Employees
www.cupe.bc.ca



Some problems can be very complicated, and so can legislation! Other legislation in

B.C. also influences the rights and responsibilities of everyone involved in public schools, for example:

Canadian Charter of Rights and Freedoms, Human Rights Code, Labour Relations Code, Child, Family and Community Service Act and more.

If you need more information, call your school district office. Sometimes you may need legal advice.

Where can you get more information?

We just don't have space to list the many great resources now available. Of course, time passes, and resources disappear. We can only promise that the internet links below were "live" at the time of publication!

Administrative Justice Office

The website explains administrative justice and the purpose of administrative tribunals – what they are, how they work and why we have them. www.gov.bc.ca/ajo

British Columbia Centre for Safe Schools & Communities

A central source for information, resources, training, referrals and examples of successful practices addressing safe school and community issues. It serves youth, parents, educators, police and youth-serving community members throughout BC. For more information: Call toll free: 1-888-224-7233; Lower Mainland: (604) 870-5936; www.iss-bc.ca

BCCPAC Advocacy Project

More information is available on the BCCPAC website. Go to www.bccpac.bc.ca. If you need more help to use this guide, please call the toll free message line 1-888-351-9834.

BCCPAC Publications

- Speaking Up! A parent guide to advocating for students in public schools.
- Supporting Student Success: Working Together in BC Public Schools.
- Our Voice: Newsletter for BCCPAC members. Individual subscriptions available.

Available to order at www.bccpac.bc.ca

The BC Handbook for Action on Child Abuse and Neglect For Service Providers

While intended for service providers, the handbook has valuable information about emotional abuse and emotional harm. Parents should understand that while some actions by staff may not be emotional abuse by definition, it may still be very important to improve the way your child is treated. *"The primary responsibility for children's safety and well-being rests with their parents. Where a parent is unwilling or unable to care for a child or protect a child from harm, child welfare*

workers are authorized to intervene." p. 11. The handbook is available online at the Ministry of Children and Family Development website. www.mcf.gov.bc.ca/child_protection/pdf/handbook_action_child_abuse.pdf

BC Human Rights Coalition

The coalition provides information and services that promote and advance strengthened human rights in BC. A Human Rights Clinic provides specialized services to British Columbians to help them understand and pursue their legal rights under the BC Human Rights Code.

www.bchrcoalition.org

BC Human Rights Tribunal

If your complaint is about discrimination under the BC Human Rights Code, you may complain to the BC Human Rights Tribunal. Discrimination complaints can only be made on certain grounds. You can find more information at www.bchrt.bc.ca.

BC Performance Standards

The BC Performance Standards in reading, writing numeracy, social responsibility and information and communications technology integration have been developed for voluntary use in BC schools. They were developed using many BC educators' professional judgment about standards and expectations. www.bced.gov.bc.ca/perf_stands/

BC School Sports

An organization of member schools which encourages student participation in extra-curricular athletics, assists schools in the development and delivery of their programs and provides governance for interschool competition.

www.bcschoolsports.ca

Dispute Resolution Office

The Ministry of Attorney General's Dispute Resolution Office website has information about mediation.

www.ag.gov.bc.ca/dro/mediation-in-bc/index.htm

Enquiry BC

Call for assistance in directing your phone enquiry to the correct ministry or government organization.

Available 7:30 a.m. to 5 p.m., Monday to Friday.

Email: EnquiryBC@gov.bc.ca

In Greater Victoria: (250) 387-6121

In Greater Vancouver: (604) 660-2421

Elsewhere in BC: toll free 1-800-663-7867

Telephone Device for the Deaf (TDD):

In Vancouver: (604) 775-0303

Elsewhere: toll free 1-800-661-8773

First Nations Parents Club

The First Nations Parents Club offers resources and links helpful to First Nations parents, including homework tips, a career planning handbook, information about scholarships and bursaries and special education booklets.

www.fnsa.ca/parentsclub

Freedom of Information and Protection of Privacy

See page 34

A Guide to School Legislation in British Columbia

The guide is a practical reference source on BC school law published by the BC School Trustees Association. Updated in 2007, the guide describes what the legislation means for school districts and schools. Available from: BC School Trustees' Association, 4th Floor, 1580 West Broadway, Vancouver, BC V6J 5K9; Phone: (604) 734-2721; Fax: (604) 732-4559; www.bcsta.org

Help Starts Here. If Your Child is a Victim of Crime

The Ministry of Public Safety and Solicitor General has published this information sheet to help parents support their children when they are victims of crime and provides information about resources available to help them. It is available on the Youth Against Violence Line website www.youthagainstviolenceline.com/resources.html

Know your rights under the Child, Family and Community Service Act – A Guide for Young People in Care

This guide is written for young people in the care of the Ministry of Children and Family Development. It explains their rights and what they can do if they think their rights are not being respected. www.mcf.gov.bc.ca/child_family_service_act/pdf/know_your_rights_guide.pdf

Know Your Rights

Know Your Rights is a guide for children and parents of children with Learning Disabilities and/or AD/HD. Published by the Learning Disabilities Association – South Vancouver Island, the guide, including a youth version, is available online at www.knowyourrights.ca.

Ministry of Education

Visit the Ministry of Education and Achieve BC websites for information and publications.

www.achievebc.ca/Education/booklets_education.asp

- Math for Families
- Reading for Families
- Writing for Families
- Helping Your Child Learn Kindergarten to Grade 3
- Helping Your Child Learn Grades 4-7
- Helping Your Child Learn Grades 8-9
- Healthy Living Family guides www.bced.gov.bc.ca/health/healthylivingbooklets.htm
- Grad Planner Grades 10-12
- Program Guide for Graduation Transitions

www.bced.gov.bc.ca

- Manual of School Law: Includes the School Act, Teaching Profession Act, Independent School Act and related regulations and orders.
- Safe, Caring & Orderly Schools
- Diversity in BC Schools: A Framework
- Focus on Suspension (1998)
- Focus on Bullying: A Prevention Program for Elementary School Communities
- Focus on Harassment and Intimidation – Responding to Bullying in Secondary School Communities

Many resources can be found under “Special Education,”

www.bced.gov.bc.ca/specialed

For example:

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

This manual is used mostly by principals, school-based teams and special education professionals as a reference for legislation, ministry policy and program standards to help children with special needs reach the goals of education. The information is also helpful to parents who want to learn more about their children's special needs and the delivery of special education services in BC's public schools.

Other resources include:

- Handbook of procedures for the Graduation Program (includes information on adjudications)
- Assistive Computer Technology
- Gifted Education
- Parents' Guide to Individual Education Planning (IEP)
www.bced.gov.bc.ca/specialed/iep/
- Responding to Critical Incidents
- Special Considerations for Individual Planning – Students who are Deaf or Hard of Hearing
- Teaching Students with Autism
- Teaching Students with Learning and Behavioural Differences
- Teaching Students with Attention Deficit/Hyperactivity Disorder
- Teaching Students with Fetal Alcohol Syndrome/Effects

Office of the Ombudsman

Please see page 33.

Parent Information Network

PIN is an on-line resource for parents looking for up-to-date information relevant to their child's learning and experiences at school. Parents can access the network through **www.learnnowbc.ca**

Public libraries

Many publications produced by the provincial government and other organizations may only be available on their respective websites. If you do not have internet access at home, call your public library to see if it has computers with internet connections that are available for community members to use.

Representative for Children and Youth

The Representative for Children and Youth ensures the agencies serving children and youth between the ages of birth and 19 are providing programs and services that meet the needs of this vulnerable population. The Representative also has a special interest in children and youth who are in government care, such as foster care or custody, or youth who have been remanded to an institutional or community setting.

Phone toll free: 1-800-476-3933

In Victoria: 250-356-6710

Fax: 250-356-0837

www.rcybc.ca

Student Appeals Branch

The Student Appeals Branch handle appeals to the Superintendent of Achievement. For more information and appeal forms, visit **www.studentappeals.gov.bc.ca**.

Youth Against Violence Line

The YAVL is a safe, confidential and anonymous way to report crime and violent incidents or talk through a problem with a supportive person. YAVLine is a multilingual service. Staff speak several different languages, and they use interpreters from CanTalk Canada. Trained support workers are available 24 hours a day, seven days a week, to talk with young people and concerned adults about bullying, gang activity, sexual exploitation, harassment and many other issues. They listen, provide crisis support and can tell you about helpful services in the community.

Call 1-800-680-4264. Deaf and hard of hearing callers can contact the YAVL by calling TTY 604 875-0885 (collect calls accepted), or text 604 836-6381. If someone is in immediate danger, please call 911 or your local police department.

www.youthagainstviolenceline.com

Common Terms

Adaptations: An education program with adaptations retains the learning outcomes of the regular curriculum and is provided so the student can participate in the program. For example, adaptations may include alternate formats (such as Braille, books on tape), instructional strategies (such as use of interpreters, visual cues and aids) and assessment procedures (such as oral exams, additional time, assistive technologies).

Adjudication: Adjudication is a process where the Ministry of Education considers a school principal's request for permission to modify the administration of provincial examinations. The content of the exam is not modified. Adjudication is required when the student is unable to write the examinations as they are usually administered due to either “predictable” or “unpredictable” circumstances. More on adjudication and an explanation of those circumstances can be found at www.bced.gov.bc.ca/specialed/ppandg/3_adjudication.htm.

AD/HD: Attention Deficit Disorder with or without hyperactivity.

CEA: Certified Education Assistant. They may also be called Special Education Assistants (SEA) or Teacher Assistants (TA).

Child in Care: A child who is in the custody, care or guardianship of the director under the Child, Family and Community Service Act or the director under the Adoption Act.

DL: “Distributed learning” means a method of instruction that relies primarily on indirect communication between students and teachers and can include internet or other electronic-based delivery, teleconferencing or correspondence.

DPAC: See page 39.

ESD: English as a Second Dialect.

ESL: English as a Second Language.

I: A symbol on a report card meaning In Progress/Incomplete.

IEP: Individual Education Plans are developed for students identified with special needs who need significant extra resources and help in a particular area. An IEP describes program adaptations and/or modifications as well as the special services to be provided for the student. An IEP is reviewed regularly and updated at least annually.

IRP: Integrated Resource Packages outline the curriculum for most core subjects and required courses. They contain suggestions about ways to teach and assess students and the resources which could be used. They also include the learning outcomes describing what students are expected to achieve by the end of the year.

LA: Learning Assistance.

LD: Learning Disability; Severe Learning Disability (SLD)

Modifications: Individualized, personalized goals are developed and stated in the IEP for students whose learning outcomes are different from or in addition to the provincial curriculum.

PAC: See page 38.

PEN: A Personal Education Number is a nine-digit number assigned to each student in the province to track the student through K-12 and the transition to post-secondary education. Children participating in early learning programs, such as Strong Start programs, are also assigned a PEN.

SPC: See page 38.

Special Needs: Students with special needs have disabilities of an intellectual, physical, sensory, emotional, or behavioural nature, or have a learning disability or have exceptional gifts or talents.

TOC: Teacher On Call (substitute teacher).

For more information about special education terms, please see www.bced.gov.bc.ca/specialed/ppandg/glossary.htm



Have you used this guide?

Tell us what you think. We're always open to hearing ideas about how we can improve *Speaking Up!*

About the BCCPAC Advocacy Project

The BC Confederation of Parent Advisory Councils (BCCPAC) believes strongly that parents, with the right support and information, can make things better for their children in public schools.

The BCCPAC Advocacy Project focuses on helping parent leaders around the province support parents and students who want to solve the problems they are having in their public schools.

The Project, which began in 1994, is grounded in the rights and entitlements of children and youth. Many of these rights and entitlements as they relate to public schools are outlined in the Fair Schools, a report published in 1995 by the BC Office of the Ombudsman. We also look to the *Canadian Charter of Rights and Freedoms*, the *School Act* and its accompanying regulations and ministerial orders, the Ministry for Children and Family Development and other information published by the Office of the Ombudsman and the Ministry of Education to support the foundation for advocacy in BC's public school system.

Many DPACs in BC are part of the BCCPAC Advocacy Project. Contact a member of your DPAC Executive to find out more about your local project.

BCCPAC Advocacy Project toll free message line 1-888-351-9834

This Guide belongs to:

This resource is meant to provide basic information and is not intended to provide, or be a replacement for, legal advice or direction. Readers are responsible for seeking additional information and support from the appropriate sources. BCCPAC takes no responsibility for actions taken as a result of the information contained in this resource.

Therefore, the information is provided "as is" without warranties of any kind, express or implied, including accuracy, timeliness and completeness. In no event shall BCCPAC, its related partners, directors, employees or contractors be liable for any direct, indirect, incidental, special, exemplary, punitive, consequential or other damages whatsoever without regard to the form of any action, including but not limited to, contract, negligence or other tortious actions, arising out of or in connection with this resource.



BCCPAC Advocacy Project

Toll free message line: 1-888-351-9834

BC Confederation of Parent Advisory Councils

350-5172 Kingsway

Burnaby, BC , Canada V5H 2E8

Tel: 604-687-4433

Fax: 604-687-4488

Toll free: 1-866-529-4397

www.bccpac.bc.ca