



To: Board of Trustees, Greater Victoria School District 61

May 30, 2021

Dear Trustees,

I am writing to you to express BEdAccess' complete support for everything stated in the letter to the Greater Victoria School District 61 from the Esquimalt Nation and the Songhees Nation sent May 28th, 2021. We expect that you will respect the specific rights of the Nations as you proceed with budget deliberations.

Additionally we'd like to specifically mention the family liaison position at George Jay Elementary as an essential staff person whose loss would greatly impact that school community and who should not be cut.

We would also like to remind you at this crucial time that all children and youth have the right to equitable access to education.

The purpose of the BC Human Rights Code is to foster a society where there are no impediments to free and full participation in the economic, social, political and cultural life of our province. It is also intended to promote a climate of understanding, mutual respect, and equity in dignity and rights, to protect people from discrimination, to provide those people with a means of redress, and to identify and eliminate persistent patterns of inequality associated with discrimination prohibited by the Code.

Discrimination is an action or a decision that treats a person or a group badly for reasons such as their race, gender identity or expression, or disability. It's important to note that absence of intention to discriminate is not a legal defence.

The BC Human Rights Code is guided by the Canadian Human Rights Act, and Canada's Act is informed by the United Nations Human Rights Council. Around the world, inclusive education is a goal and a pursuit and our country is signatory to agreements that say we will do this.

Catalina Devandas, the UN Special Rapporteur on the rights of persons with disabilities made the following comments on April 12, 2019 after looking at inclusive education in Canada:

"However, I am concerned that most provincial and territorial policies are yet to implement fully inclusive education systems and that students with disabilities in other parts of Canada may receive considerably different levels of support. I was informed that many children with disabilities are still being taught in segregated classrooms or in special education schools, and I received worrisome reports that children with disabilities can be put on partial school days or temporarily removed from school, for periods of up to six months without access to education.

I also noted a disconnection between the State's commitment to inclusion in legislation and policies, and everyday implementation in practice, reflected in long waiting time and lack of services for students with disabilities and their families, putting them under significant emotional and financial pressure. I was also informed that children with disabilities in segregated classes or those that have followed some kind of individualized education plan may receive a different certification or diploma than other children, which limits their opportunities for enrolling in education at higher levels."



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A School Board budget is an excellent place to start implementing changes to move towards an inclusive model, to align with Canada's agreement to the United Nations' Convention on the Rights of Persons with Disabilities and its Optional Protocol. So far the contention that budget proposals align with the SD61 strategic plan and therefore are a step towards addressing inequities, have not been supported by any evidence that we have seen.

We also want to re-share the Moore* case, as a reminder that any cuts to services and supports for students with disabilities must be equitable, and any loss of services to individual students that are not replaced by a comparable service is discrimination. Not providing the supports a student requires to equitably access their education is also discrimination.

We support the local community in saying that more time is needed to look at the fresh proposals received on May 28th by the Board, and one meeting will not suffice.

We urge you to not pass the budget tomorrow night, and instead to support Trustee Paynter's motion to have a more extended consultation process, with Indigenous rights holders and stakeholders.

Please include our letter in correspondence at the next public board meeting.

Sincerely,

Tracy Humphreys

Chair and Executive Director, BCEdAccess Society

*Moore v. Her Majesty the Queen in Right of the Province of British Columbia, as represented by the Ministry of Education and the Board of Education School District No. 44 (North Vancouver)

<https://www.canlii.org/en/ca/scc/doc/2012/2012scc61/2012scc61.html?resultIndex=1>

<http://www.ccdonline.ca/en/humanrights/litigation/Moore-Case-Key-Findings-9Nov2012>



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