



Jay Chalke
Office of the Ombudsperson
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Dear Mr. Chalke:

I am writing to affirm the concerns raised by Ms. Block's appeal regarding the fair and transparent decision making with respect to Teacher Regulation Branch certificate holders investigation process.

As an organization who supports thousands of families of disabled students in BC, there is a troubling trend of an appeal process that is stacked against the complainant.

Here are some of our concerns:

- Timeframe - in the span of a child's education, an appeals process that takes more than one school year to find resolution can change the course of that student's educational trajectory.
- Access to information and response time - The response deadline to an appeal does not allow for FOI requests to be processed.
- Equal support for legal representation - we raised this issue in our last submission to the Select Standing Committee on Finance and Government Services. Access to legal support for disabled people and their families is limited and the power imbalance is large, given the access to legal representation that government bodies have
- Protection against retaliation: after filing a complaint

Many of these families are also amongst the most vulnerable in our community - racialized, low income and often with disabled parents and caregivers.

What is the avenue for a true appeals process that is accessible to those who need it most?
Where is the independent oversight for these vulnerable students and families?

If there isn't a fair opportunity that allows time for parents, who are not legal experts, to have a chance at an appeals process, then the process is merely another roadblock to equitable access to education for their children.



BCEdAccess

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By the time parents and caregivers get to the point of filing a complaint, escalating to an appeal and then following up with your office, they have legitimate and verifiable concerns around the actions of the education system. The administration of the policies of the Ministry of Education is left up to the individual School Districts' discretion to enact. The length of process and the steps to get there create not only a systemic barrier but a futile process that is designed to wear out the complainant.

We are basing this response on the following from your website:

“Administrative fairness is the standard of conduct people can expect from government organizations. It is the expectation that public sector organizations will act reasonably when delivering their programs and services, and in a manner that is consistent with relevant policies, procedures and laws. It also means that public organizations follow fair and transparent decision making processes, and explain reasons for decisions to those affected.”

Should the Ombudsperson see a pattern in a sector, you are able to do a process review. We can tell you with confidence that the pattern exists here. We see the same thing frequently.

Please feel free to contact me any time if you have questions.

Regards,

Tracy Humphreys, she/her
founder and Chair, BCEdAccess Society
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CC: Kasari Govender, Human Rights Commissioner
Premier John Horgan
Minister Jennifer Whiteside, Ministry of Education and Childcare

The BCEdAccess Society is an organization of families of children and youth with disabilities and complex learners all over the province of British Columbia. We champion and support children and youth who have disabilities and who are complex learners to reach their full potential in BC education, and in all aspects of their lives.

This is achieved through supporting families, sharing information, providing education to families, allies, professionals and students, providing community engagement and awareness, and other activities to promote equitable access to education and inclusion for all. We run a well respected annual parent/guardian advocacy conference, bringing together families, self-advocates, educators and allies of children and youth with disabilities. We also do research into the exclusion of students with disabilities from school and community, and other disability issues impacting children and youth. We advocate to local and provincial government on behalf



of families to improve accessibility in all aspects of the lives of children and youth with disabilities.

The function of BCEdAccess is to facilitate the following main goal with its supporting objectives:

- to advance education for families of children with disabilities and barriers to social inclusion by:
 - offering instructional seminars, conferences, workshops and webinars to the general public on a part-time basis
 - organizing and operating an annual conference on inclusion in public education
 - providing instructional seminars on topics related to disability and social inclusion
 - providing opportunities for families to take part in peer support groups, forums and events or exchange ideas, develop coping skills, gather resources and build knowledge about inclusion
 - conducting research on best practices related to inclusion in education and disseminating the results of the research to the public
 - researching, highlighting and developing information and resources, including through social media, online support groups and public affairs, to help families and the public learn about inclusion in education and the effects of exclusion, both in the past and present

BCEdAccess works collaboratively with other not for profit organizations and charities to assist them in their goals such as inclusion and equitable access to resources, emphasizing educational as well as other social supports. BCEdAccess also works constructively with the British Columbia Ministry of Education and Ministry of Child and Family Development to identify gaps and other areas of service that require attention and improvement. The feedback provided to these ministries is received from both the immediate community they serve as well as the general public seeking help on acute matters of educational concern.