

FSL FAQs

POPARD Family - School Liaison Newsletter



FAQ: WHAT DO I DO IF I DO NOT AGREE WITH THE GOALS ON THE IEP?

Let's focus on the fact that you disagree with what is proposed:

First, as a parent, the Ministry expects that you must be offered the opportunity to be consulted by school staff about your child's Individual Education Plan: Ministerial Order M150/89; the Ministry requires that "a Board of Education must ensure that the IEP is **reviewed at least once** each school year, and where necessary, is **revised** or cancelled." It is clear, from this language, that IEPs are not "carved in stone," that you have the right to be actively involved in the process of writing or revising IEP goals, and that IEPs can be revisited more often than annually.

<https://www2.gov.bc.ca/gov/content/education-training/k-12/administration/legislation-policy/public-schools/special-education>

Second, "If a decision of an employee of a board significantly affects the education, health or safety of [your child] . . ." and if you disagree or your child disagrees with any of the adaptations or modifications that are proposed (or the lack of same), you have the right to appeal that decision to the board. The Ministry requires that boards establish an appeal process:

Public School	Independent School Affiliated with an Association*	Independent School*
First, make an appointment with your child's teacher to voice your concerns		
If you are not satisfied, make an appointment to speak with the principal of your child's school		
If not satisfied, make an appointment with school district staff	If not satisfied, make an appointment with association staff	
If not satisfied, appeal to the district Board of Education	If not satisfied, appeal to the association's Authority or Board	If not satisfied, appeal to your school's Authority or Board
If not resolved, appeal to the provincial Superintendent of Appeals		

* The appeal process is not so clearly specified in the Independent School Act. Some associations, such as Catholic dioceses and archdioceses, provide processes that are similar to those of public schools; independent stand-alone schools also have appeal processes, but these vary, depending on the nature and size of the school.

Parents are encouraged to speak first with staff who work directly with their child. If you find this discussion to be unsuccessful, the principal is the next stop, followed by senior district or association administrators, where possible, and then your local board or authority.

Boards have a time limit in which to act (no action is the same as an action) on your appeal. If you are still unsuccessful with the board or authority, you may appeal to the Ministry, to the office of the Superintendent of Appeals. This office is limited in what it will review, but the lack of an IEP or consultation about an IEP are included in its mandate:

<https://www2.gov.bc.ca/gov/content/education-training/k-12/support/student-disputes-and-appeals>

For a broad understanding of your rights and the rights of your child, the Law Foundation of British Columbia funded a comprehensive booklet, produced by the Learning Disabilities Association of BC, on knowing your rights.

This is available at:

https://ldasvi.bc.ca/wp-content/uploads/2015/06/rights_guardian.pdf

And, if you wish to obtain personal legal advice, the Law Foundation of BC, through **Access Pro Bono**, offers a Lawyer Referral Service. You can call the Lawyer Referral Service to obtain contact information for a lawyer who has expertise in education law and will meet with you for a free half-hour legal consultation:

<https://www.lawsociety.bc.ca/working-with-lawyers/finding-a-lawyer/>

Finally, for a brief but very comprehensive visual description of the rights of parents and children and key elements of appeal processes in BC, visit:

<https://bcdaccess.com/2020/02/13/advocacy-and-conflict-resolution/>

SUPPORT AND ADVOCACY ORGANIZATIONS IN BC:

INCLUSION BC ADVOCACY PROGRAM

<https://inclusionbc.org/our-services/advocacy/>

P: 1-844-488-4321

E: advocacy@inclusionbc.org

FAMILY SUPPORT INSTITUTE

<https://familysupportbc.com/family-support/>

P: 1-800-441-5403

**IF YOU HAVE QUESTIONS
OR WOULD LIKE
FURTHER INFORMATION
CONTACT POPARD'S
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