

FSL FAQs

POPARD Family - School Liaison Newsletter



FAQ: WHY IS MY CHILD NOT ALLOWED TO BE IN SCHOOL FULL-TIME?

It is likely either a shock or at least unwelcome news for you to be told by your child's school or district that they not attend or not attend full time.

For a school or school district, a recommendation that your child not attend at all or not attend full-time might reflect limited resources, limited staff time, limited qualifications on the part of staff, or even that "...the educational needs of...*other students* [emphasis added] indicate that the educational program for the student with special needs should be provided otherwise" (Special Needs Students Order, 2007).

It might be viewed by staff as a reasonable response to needs that cannot be easily accommodated within the current capabilities of a school district or authority.

However, the consequences of non-attendance or partial attendance can be negative for your entire family, as well as for your child. For your child, consequences can include lack of learning opportunities, resulting in slower progress in their curriculum, slower progress in critical thinking skills, and lack of social learning opportunities, leading to diminished or slower acquisition of those social skills necessary for success in life.

And consequences to family life can be substantial: financial stress, restrictions on family social life, family discord, confusion, or concern, on the part of siblings, real or perceived social stigma, and resentment against public authorities and the common weal. These may be secondary effects, but they are, nonetheless, measurable and genuine.

Let's begin by highlighting some of the rights of your child with regards to access to an educational program in British Columbia:

- The Governments of Canada and of British Columbia have endorsed the *United Nations Convention on the Rights of the Child*. Article 23 of the Convention includes a commitment to "...ensure that the disabled child has effective access to and receives education... in a manner conducive to the child's achieving the fullest possible social and individual development..." including, in Article 28, taking "...measures to encourage regular attendance at schools." [Convention on the Rights of the Child text | UNICEF](#)
- In section 15 (1), the *Canadian Charter of Rights and Freedoms* establishes the right to equal protection and equal benefit of the law "...without discrimination based on mental or physical disability." [Canadian Charter of Rights and Freedoms \(canada.ca\)](#)
- In BC, the School Calendar Regulation, derived from the *School Act*, requires boards to offer minimum *hours of instruction* each year. For example, for 2021-22, for children in grades 1-7, this is 873 hours of instruction. If there are 4 hours and 45 minutes of instruction/day, that is about 184 days in school. https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/314_2012
- In the Special Needs Students Order (2007), derived from the *School Act*, boards must consult with parents regarding their children's placement in an educational program and must place them in regular classroom program unless the needs of the student with special needs or of other students indicate otherwise. https://www2.gov.bc.ca/assets/gov/education/administration/legislation-policy/legislation/schoollaw/e/m150_89.pdf
- The Individual Education Plan Order, also based on the authority of the *School Act*, requires that an IEP must be provided for a student with special needs and that learning activities must be in accordance with the IEP and that parents must be consulted about the preparation of the IEP and that IEPs must be reviewed at least annually. [m638-95 \(leg.bc.ca\)](#)
- The policy of the Ministry of Education is that "all students with special needs should have equitable access to learning opportunities..." [Special Education - Province of British Columbia \(gov.bc.ca\)](#) "Equitable access" means more than simple equality of access: *Equality means each individual or group of people is given the same resources or opportunities. Equity recognizes that each person has different circumstances and allocates the exact resources and opportunities needed to reach an equal outcome* (Milken Institute School of Public Health, George Washington University, 2020.11.05). [Equity vs. Equality: What's the Difference? | Online Public Health \(gwu.edu\)](#)

"Equitable access" might be viewed as committing the Ministry of Education and Boards of Education and Education Authorities (e. g., Independent Schools) to aid the most vulnerable of children – those with special needs – by acting to provide compensatory support to ensure that a child has access to the education that will allow them to achieve "the fullest possible social and individual development" (*Convention on the Rights of the Child*, Article 23)

That is not to say that some school districts or independent school authorities may not struggle to provide equitable access to services for some children who have exceptional needs. Smaller educational units have less organizational experience with the needs of some children and have fewer resources. They may have to reconstruct or rebalance staff time or expertise or search for additional resources.

With respect to all of the policies mentioned above, *it is clear that the responsibility of education authorities is to make a good faith effort to provide appropriate full-time instruction to children with special needs.*

How can a parent address a recommendation by a school authority or school district to provide less than full-time instruction?

If you disagree with a recommendation to exclude your child part-time or full-time from attendance at school, the Ministry provides for a review. An appeals process is described in POPARD's response to another FAQ: "[What do I do if I do not agree with the goals on the IEP?](#)" In that response, we cite the role of the Superintendent of Appeals.

The Appeals Regulation allows a Superintendent of Appeals to review issues such as [expulsion](#) or [suspension](#) from an educational program, consultation about [program placement](#) and the [provision of an IEP](#), and [exclusion](#) due to a medical condition. **Authority:** [School Act, section 124 \(8\) \(gov.bc.ca\)](#) However, it is up to **you**, the parent, to appeal a decision by a school or authority; an appeal does not happen automatically.



Fortunately, there are parent groups and organizations that can assist:

- **BcEdAccess** is a volunteer-run organization serving families of students with disabilities in and complex learners all over the province of British Columbia. [BCEdAccess](#).

- **InclusionBC**, a society of parents and families, describes resources to assist in resolving school issues. The website below contains links to several resources, as well as advice to parents. <https://inclusionbc.org/our-resources/effective-approaches-to-resolving-school-issues-for-your-child-with-special-needs/>
- **Arch Disability Law Centre (Ontario)** offers a "toolkit" that might serve as a model for dealing with issues of exclusion. <https://archdisabilitylaw.ca/wp-content/uploads/2019/02/Toolkit-Education-Exclusion-Final-Accessible.pdf>

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