



## OMBUDSPERSON BRITISH COLUMBIA

The *Ombudsperson Act* requires that investigations be conducted in private. Ombudsperson investigation documents are not available through the *Freedom of Information and Protection of Privacy Act* and may be subject to rules preventing their use in court and tribunal proceedings. **Please contact the Office of the Ombudsperson before disclosing this document, or any responses, to any third parties.**

February 10, 2025  
File: SYS24 - 0004

*Delivered via email: tdunford@saanichschools.ca*

Tim Dunford, Chair  
Saanich School Board  
School District No. 63  
2125 Keating Cross Road  
Saanichton BC V8M 2A5

Dear Tim Dunford:

**Re: Investigation into the exclusion of students from BC's K-12 schools**

I am writing to confirm that I have initiated an investigation into the exclusion of K-12 students from classrooms and schools in British Columbia's public education system. Please find enclosed a copy of my notice to the Superintendent of School District No. 63 dated January 10, 2025.

Our investigation will examine the extent to which K-12 students are being excluded from schools across the province and will assess whether the ministry and school districts are fairly administering and overseeing these exclusions. My staff will be in touch with senior school district administrators to request information that will help us understand policies and practices in your school district.

To ensure our investigation is thorough and our recommendations actionable, it is also vitally important for me to hear directly from all those involved in our K-12 public schools. We plan to connect directly and confidentially with employees of school districts including teachers, educational assistants and other educational professionals. We expect that you will support their full participation in our ongoing investigation.

Yours sincerely,

Jay Chalke  
Ombudsperson  
Province of British Columbia

Encl. (1)



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January 10, 2025  
File: SYS24 - 0004

*Delivered via email: [deberwein@saanichschools.ca](mailto:deberwein@saanichschools.ca)*

Dave Eberwein, Superintendent  
School District No. 63 (Saanich)  
2125 Keating Cross Road  
Saanichton BC V8M 2A5

Dear Superintendent Dave Eberwein:

**Re: Notice of investigation - exclusion of students from schools**

I am writing to notify you, pursuant to s. 14(1) of the *Ombudsperson Act*, that I am initiating an investigation into the exclusion of K-12 students, and in particular students with diverse needs, from classrooms and schools in British Columbia's public education system. The purpose of our investigation is to determine whether the Ministry of Education and Child Care and school districts are fairly administering and overseeing these exclusions, and whether the rules governing these exclusions are fair. The investigation will focus on BC's public K-12 education system and will not include private or independent schools.

This investigation is initiated using my own-motion authority under s. 10 of the *Ombudsperson Act*.

I am initiating this investigation because my office has received complaints from across the province about students with diverse needs being excluded from school. These complaints suggest that schools in multiple school districts are excluding students for a number of reasons including that the student's behaviour disrupts classroom learning or poses a safety risk to themselves, staff, or other students, or that the school does not have the resources to adequately support the student's learning in the school. In some cases, I understand that students may be excluded from school under the suspension and medical provisions in the *School Act*. However, in other cases I have been informed that schools may be informally excluding students from school entirely or placing them in "partial day" programs which result in them remaining out of school for a substantial part of the school day with the school providing little or no instruction during the out of school portion of the day. We have heard through these complaints that some students with diverse needs are receiving a fraction of the hours of instruction provided to their peers.



As you know, the *School Act* is premised on the inclusion of students with diverse needs, and the integration of all students in a classroom that accommodates the needs of all learners. Human rights jurisprudence in BC also explicitly recognizes the importance of students receiving an education that is equal to, and together with their peers, wherever possible.

I am concerned about the outcomes for children who are excluded from school with little or no instruction. Children are a uniquely vulnerable group with limited options to address unfairness in their education and school environments. Our office has been advised that some children are falling behind in their academic work, experiencing significant anxiety, being socially isolated from their peers, and in some cases being removed from the school system entirely.

Our investigation will examine the extent to which K-12 students are being excluded from schools across the province and will assess whether the ministry and school districts are fairly administering and overseeing these exclusions. In relation to school districts, we will ask you to tell us about how schools in your district are formally or informally excluding students from school, and how you understand your decision-making role in overseeing school exclusions. We will also ask about what guidance your district provides to schools regarding their administration of these exclusions.

On the completion of this investigation, I intend to issue a public report with findings and recommendations. Before the report is finalized, I will provide the district with a draft and will consider any response that you provide.

I will be making a public announcement about our investigation on Tuesday, January 14, 2025. Some information about the investigation, and a public questionnaire, will be available on our office's website: [www.bcombudsperson.ca](http://www.bcombudsperson.ca).

My staff will be in touch with you in the coming weeks to ask more specific questions about your school district. If you have questions in the meantime, please contact Sarah Malan, Manager of Systemic Investigations, at [smalan@bcombudsperson.ca](mailto:smalan@bcombudsperson.ca).

Yours sincerely,

Jay Chalke  
Ombudsperson  
Province of British Columbia