



Stop Hurting Kids II

Restraint & Seclusion in BC Schools

2017 Survey Results & Recommendations

“Adam suffered in many ways, mostly his confidence. Towards the end my son was telling me he hated himself. That he was stupid and a monster. His behaviours and outbursts at home got worse.”

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Definitions

Restraint: *Method of restricting another person’s freedom or mobility in order to secure and maintain the safety of the person or the safety of others.*

Seclusion: *Involuntary confinement of a person alone in a room, enclosure or space which the person is physically prevented from leaving.*

Note:

Restraint does not include:

- Providing a physical escort, i.e. temporary touching or holding of a student’s hand, wrist, arm, shoulder or back for the purpose of accompanying and inducing a student who is acting out to walk to a safe location.*
- Providing physical guidance or prompting a student when teaching a skill, redirecting attention or providing comfort.*

Seclusion does not include:

- Behaviour strategies such as time-out used for social reinforcement as part of a behaviour plan.*
- Situations where a student has requested to be in a different/secluded location or space.*

Overview

Too many BC students still being traumatized

Five years after [our report](#) on widespread abuse of restraint and seclusion in BC schools, a follow-up investigation shows little has changed. New provincial guidelines to regulate student restraint and seclusion have been largely ignored. Families and others across the province continue to report disturbing incidents and patterns of conduct, inadequate staff training and support, and a systemic lack of oversight and accountability.

BC educators want to provide safe, inclusive and supportive classrooms that welcome all students. Most do excellent work, most of the time, despite challenging systemic gaps. However, our investigation showed too many BC students are still being injured and traumatized by abusive, inappropriate and outdated practices. Reasons include a lack of regulatory oversight, unclear standards, acceptance of aversive practices and inadequate supports and training.

Inclusion BC wants to work with BC's Education Minister to take urgent and meaningful action to ensure all students are protected from practices that are banned in other settings and that have no place in a modern and inclusive education system. Efforts are well advanced globally to end such practices in the [healthcare sector](#). In BC, using such practices on children in non-school settings could invite child protection and/or police intervention, and the same standard should apply in schools.

Restraint and seclusion are still being routinely used instead of positive behaviour support programs in too many schools. Impacts include profound, lasting emotional and/or physical trauma to students who experience these aversive practices directly, as well as to others who witness them. Parents who responded to our 2017 survey described the effects on their children:

- *“Increased anxiety, increased aggression.”*
- *“Complete meltdown and horrible anxiety of being alone.”*
- *“Hateful feelings and memories about public school and teachers and supports he used to really like.”*
- *“Stomach issues, nightmares.”*
- *“Property damage, mental health deterioration.”*
- *“Is now afraid of going to school.”*
- *“Extreme anxiety, PTSD, feelings he’s a bad child.”*
- *“Violence, aggression, bolting.”*
- *“Completely secluded herself for several months and became very depressed.”*

This report reviews the effectiveness of the Ministry of Education's response to our 2013 report and recommendations, and recommends an enhanced package of provincial measures to ensure that BC schools are safe places for all.

Physical abuse is any action by a person that harms or could harm a child or youth. It includes hitting, kicking, slapping, shaking, burning, pinching, biting, choking, throwing, shoving and whipping. It also includes using unreasonable force to punish children or youth or prevent them from harming themselves or others.

Background

Our 2013 report led to new provincial guidelines

In 2013, Inclusion BC and the Family Support Institute published the results of our first survey on the use of restraint and seclusion for students across the province. Citing detailed responses from over 200 parents and guardians, the report showed these practices were occurring frequently, without any clear oversight or regulatory context, and often resulted in severe emotional and/or physical trauma for students and their families.

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The use of restraint and seclusion in schools and other institutional settings violates international human rights standards. Society also expects that schools should be safe places for all children. These practices cause both physical and emotional harm consistent with the legal definitions of child abuse in BC. Not only are these experiences traumatic for all who experience or witness them, but they are also unnecessary. There are well-established, effective, respectful, proactive and violence-free alternatives for managing student behaviour and safety.

Our 2013 report, [Stop Hurting Kids](#), identified the

need for provincial legislation, policies and reporting requirements to stop the misuse of restraint and seclusion in schools. It also called for more staff training on the use of positive behaviour supports and conflict de-escalation techniques.

After discussing our findings and recommendations with the Minister of Education and other provincial authorities, the Education Ministry responded in 2015 with voluntary provincial guidelines that were intended to help school boards develop their own policies and procedures on restraint and seclusion. At that time only 10 of BC's 60 school boards had policies on the use of seclusion and restraint.

The province's guidelines defined limited situations for using restraint and seclusion (e.g. safety). They also urged school boards to train educators in positive behaviour management and to establish accountability standards that included recording and reporting of all incidents. Inclusion BC and the Family Support Institute worked with the Ministry to develop these guidelines, with the expectation that all school boards would use them and that incidents would be tracked and monitored both at a district and Ministry level.

Abusive Practices

Still endemic as new guidelines largely ignored

Inclusion BC undertook follow-up research in 2017 and found that only 9 more of BC's 60 school boards had adopted policies on restraint and seclusion. There are still no tracking and reporting processes in place.

Based on this, we again surveyed parents and guardians in the fall of 2017. The disturbing experiences they reported show that little has changed on the front lines of education in response to the new provincial guidelines, with routine use of restraint and seclusion in schools across the province continuing in the 2016/17 school year.

We are therefore reiterating in the strongest possible terms the need for clear leadership from the Education Ministry, with a comprehensive response that includes all of the following:

1. Provincial prohibition on the use of restraint and seclusion, except in very limited and specific situations, with all school boards required to adopt policies and procedures to demonstrate compliance.
2. School incident reporting requirements to inform parents and strengthen accountability. As well, incidents must be tracked at district levels and reported to the Ministry of Education.
3. Provincial support for training in positive behaviour supports and conflict de-escalation for teachers, support staff, principals and district administrators.

Below, we examine how the province's non-binding 2015 measures failed to protect children, the devastating consequences reported by parents, and why this failure warrants our proposed provincial response combining a binding prohibition order with reporting requirements and training support.

Highlights from 2017 survey

- Complaints were received from all major regions of the province.
- The majority of students involved were boys and almost all had a Ministry special needs designation.
- Parents and guardians reported that most of these incidents resulted in physical or emotional trauma.
- A majority of respondents reported concerns about restraint and seclusion to their child's school and almost all reported that they were unsatisfied with the school's response.
- Almost half of respondents said they had removed their child from the school because of these experiences.

Parents unsatisfied with school's response:

❖ **89%** of those who reported seclusion concerns

❖ **97%** of those who reported restraint concerns

Protecting children: Must be the rule, not a guideline

Restraint and seclusion in school results in harm that is consistent with definitions of physical or emotional abuse under BC's Child, Family and Community Service Act. Yet the Education Ministry still has no regulations prohibiting these practices to address behaviour, nor does it require formal reporting or review of such incidents. The Education Ministry's new guidelines are strictly voluntary and thus not enforceable, an approach that is jarringly inconsistent with the potential harm and vulnerability of students who are the victims of such practices in school settings.

The absence of a clear provincial regulatory framework for schools results in a policy void, or, at best, a patchwork of local policies, guidelines and practices. For staff, this means there is no clear line that defines unacceptable and abusive conduct and distinguishes it from positive and effective practices for supporting behaviour in schools.

The Education Ministry's 2015 guidelines outlined principles of inclusion, the very limited circumstances warranting consideration of restraint and seclusion, the importance of training in positive behaviour management alternatives and the need for districts to implement strong accountability and oversight frameworks.

However, the voluntary nature of these guidelines clearly undermined their impact. While we commend the nine boards that did proactively respond to the 2015 provincial guidelines, only one in three BC school boards currently has a policy that speaks to these practices. Amongst boards that do have policies, there are no consistent standards, reporting requirements or review protocols, leaving considerable uncertainty about what is and is not acceptable.

This policy void represents a serious failure in light of feedback from parents representing every region of the province in our 2017 survey, which shows that systemic misuse of restraint and seclusion in BC schools remains a serious, widespread and ongoing failure.

Examples of disturbing practices described by parents and guardians in our 2017 survey include:

- Student left in seclusion for over 3 hours (9 reports).
- Student restrained lying face down (5 reports).
- Student restrained with straps or cuffs (4 reports).
- Student was kept away from other students all day, every day (solitary confinement).
- Student pinned to the wall with a bean bag.
- Student aggressively pulled by his collar and knocked over by an aide.
- Student restrained daily during 2016/17 school year (5 reports) or on a weekly basis (5 reports).
- Student found hiding under a desk, drenched in sweat in the fetal position crying uncontrollably in a locked room every time the parent was called to pick him up.
- Student tied to a chair.
- Student forced into a Rubbermaid tote.

These practices and others documented in our survey are unacceptable. BC's Education Ministry has a duty to prohibit them by stating clearly and firmly, through a new ministerial order, that they are just that – unacceptable. Anything less makes us complicit in the abuse of students with special needs.

Parents Have a Right to Know. This Requires a Clear Duty to Report

BC's Child, Family and Community Service Act requires that anyone with reason to believe that a child has or may be harmed in a public school must report this to the District Superintendent. Feedback from our 2017 consultation suggests that staff at many schools either don't understand the harm being done or the requirement to report it.

In 2015, BC's Education Ministry chose not to implement our recommendation that schools be required to inform parents or guardians about incidents of restraint or seclusion at school. This gap stands in contrast to the very detailed provincial requirements for reporting on students' academic progress. Schools also routinely inform parents of less serious incidents, including truancy, incomplete schoolwork or disregarding rules. Given the potentially severe and lasting trauma involved, surely there is greater urgency to report restraint and seclusion to ensure that parents are aware and able to support their child in the aftermath. We view the continuing failure to require reporting to parents as a serious and inexcusable accountability gap. It also sends a very conflicted message to staff about the seriousness of these practices.

Most parents who took our 2017 survey said they were rarely, never or only sometimes informed about incidents of restraint and seclusion. Most often, parents learned about these incidents from the child or an educational assistant. Some learned about restraint and seclusion incidents from other students, other parents or others, including external professionals, while other parents witnessed it when they visited the school.

- *"I happened upon it when I unexpectedly arrived to drop off lunch."*
- *"Unsure (how often it occurred) as no disclosure from school."*
- *"We're not sure, at least twice that we're aware of."*

BC's Education Ministry must send a clear, unambiguous message that restraint and seclusion are serious measures outside the bounds of everyday practice in schools by requiring mandatory reporting of all incidents, including a duty to inform parents.

Staff training: Better, non-violent ways to manage behaviour

In most cases, parents and guardians who reported their child experienced restraint or seclusion said they had not consented to the procedures. Many of the students involved had a behaviour support plan, and only in a handful of cases did the plan specify the use of restraint or seclusion to support behaviour. Many parents whose children were restrained or secluded said they did not know whether the school had a behaviour support plan for their child.

Inclusion BC and others continue to promote educator training in alternative, violence-free methods to address challenging behaviour. This training has been available for more than 20 years but is very rarely mandated in BC schools and rarely offered.

A 2017 study of 1,037 complaints to the BC's Teacher Regulation Branch found that complaints about teacher misconduct were twice as likely to involve students with special needs. In his final report as commissioner for teacher regulation, retired judge Bruce Preston put the blame squarely on inadequate teacher training. He cited a 2015 survey of new teachers which found 2/3 did not feel adequately equipped by their teacher education program to work effectively with students with disabilities or students with emotional or behavioural disorders.

Preston's report described complaints received between January and September 2017 that involved students with special needs, including teachers engaging in rude or taunting behaviour, teachers using inappropriate discipline or failing to follow an Individual Education Plan (IEP). To address these problems, Preston urged the Education Ministry to move "quickly" to develop an online course for teachers who lack skills in teaching students with special needs.

Feedback from our fall 2017 survey supports Preston's recommendation on the urgent need for training. But it also suggests that it is not enough to offer online training in the absence of a clear mandate and boundaries (*regulation and accountability*), and more support for implementing positive behaviour programs.

For example, one parent reported in our 2017 survey:

- *"Mandt System restraint (body hug) has been used at home many times. The school refused free Mandt System training. They used CPIs NVCI 2-person restraint. Child was severely traumatized and required additional chemical restraint for 2 weeks."*

Many respondents in our 2017 survey reported that students subjected to restraint and seclusion were also formally suspended or not allowed to attend school due to a lack of staffing and support. This complaint is consistent with the findings of a fall survey conducted by the BC Confederation of Parent Advisory Councils.

Parent reports in our 2017 survey included:

- *Student "frequently not allowed to attend because there are no staff."*
- *"The school does suspensions instead of providing help for the child. Understaffed and under-motivated system."*
- *Excluded for most of the year because of waiting for WCB investigations."*
- *"Sometimes not allowed to attend classes."*
- *"Fairly consistently she was sent home. The school initially would only allow her to attend for 5 min and increased to 2 hours."*
- *Child was secluded "a few times a week when allowed to attend."*

The consistent picture painted by parents across the province indicates there is more at play than a lack of training and monitoring. Seclusion and restraint, along with denial of access and complaints of teacher misconduct, primarily and disproportionately involve students with special needs. This reflects the very real cultural vestiges of the pre-inclusion era, when students with special needs were not seen as having equal rights or belonging in our public schools. Eradicating this culture and eliminating these discriminatory practices will require setting clear expectations and accountability, mandated sanctions at all levels, and emphatic direction that rules apply equally to all students, including those with special needs.

Teacher misconduct complaints were twice as likely to involve students with special needs

Recommendations

Making BC's schools safe places for all

In offering the following recommendations, we emphasize the importance of implementing them as a comprehensive package, and of taking swift action to implement change. The intent of this three-pronged approach is to combine:

A clear prohibition order

Accountability instruments

Support for violence-free alternatives

We propose the following mechanisms to achieve this:

1. A Ministerial Order issued by the Minister of Education:

- a** Directing school boards to develop policies and procedures consistent with the 2015 provincial guidelines on the use of physical restraint and seclusion in school settings.
- b** Directing school boards to implement positive behaviour support programs that are known to be effective in improving behaviour and classroom management.
- c** Prohibiting the use of restraint and seclusion in all BC schools, except where necessary to preserve the safety of the child and others;
 - *With conditions outlined under which restraint or seclusion may be used as a last resort, and standards to ensure the child's safety and human dignity are preserved in such cases; and*
 - *With explicit accountability requirements such as written reports to the parent or guardian, school board and Ministry when an incident of restraint or seclusion has occurred; and triggering of an automatic review to ensure that positive behaviour support plans and training are in place to avoid the need for such measures.*

2. Additional Ministry funding to support inclusion and implementation of positive behaviour support programs, including additional resource teacher positions and educational assistants, and additional targeted training budgets.

3. Development of new provincial resources and training programs, including:

- *Professional development and teacher-friendly resources on inclusive practices and positive behaviour support..*
- *Additional staff time for collaboration, mentoring and planning.*
- *Mandatory awareness training on human rights and the widespread systemic discrimination experienced by children with special needs and adults with disabilities.*

4. Development of new university curriculum requirements for teacher education on restraint, seclusion, and positive alternatives.



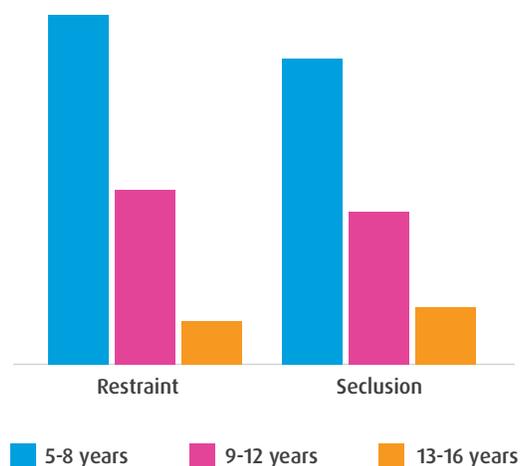
2017 Survey Results

The survey was open from **October 24 to December 1, 2017**. A **total of 170 people** finished the survey and self-identified as the parent or guardian of a student subjected to restraint or seclusion in the 2016/17 school year. Definitions of restraint and seclusion were provided at the beginning of the survey, which consisted of 44 multiple-choice questions. Where “other” was chosen as a response to a question, room was provided for comments. Responding to each question was voluntary and there was considerable variation in the number of respondents answering each question.

51

On average 51 individuals responded to all questions on the use of restraint

Younger Students at greater Risk



Survey Responses: Restraint

The primary school settings where children are being restrained included:

- classroom
- resource room
- principal's office
- counselling room
- sensory room
- medical room
- outside/ playground

Forms of restraint reported included students being:

- pinned to a wall with a beanbag
- carried or dragged
- tied to a chair
- pulled by a collar
- knocked over
- forced into a Rubbermaid tote
- having each limb held by an adult to pick the student up and move him to seclusion
- having arms grabbed

Students were restrained for widely varying amounts of time, **the majority (26) being for 15 minutes or less** and 6 reporting over 1 hour.

Five respondents said their child had been restrained daily for the whole school year.

The school administrator was reported as the individual most commonly participating or aware of the restraint, followed by teaching assistant, special education teacher, resource teacher and classroom teachers.

Ninety-five percent of respondents said the student experienced emotional injury or pain as a result of the restraint, while 21% reported the student suffered physical injury or pain. Comments included:

- *“Child was severely traumatized and required additional chemical restraint for 2 weeks.”*
- *“Completely secluded herself for several months and became very depressed.”*
- *“Extreme anxiety, PTSD, feelings that he’s a bad child.”*

Thirty-nine percent of respondents said the school “always” or “usually” informed caregivers of the restraint. However, 45% said the school did so only “rarely” or “sometimes,” and 16% said the school “never” informed them. Even when respondents were informed, 86% said the information was verbal. Only 14% reported receiving information in writing.

In one case, the school secretary passed the information along. But in a theme common to the 2013 report, respondents often only found out from their child.

Most respondents learned about the restraint from their child, other students or parents or because they witnessed it.

- Forty respondents said they had never consented to the restraint procedures used.
- 23 said a positive behaviour support plan for the student was on file.
- On learning about the restraint, almost 3/4 of respondents raised concerns with the school, but 97% of those who did were unsatisfied with the response.
- Twelve respondents had contacted an advocacy body, lawyer or government representative for support, while more than half (25) had removed their child from school in the past two years because of restraint procedures.

19%

respondents said the school “always” or “usually” informed caregivers of the restraint

22

respondents said the school only “rarely” or “sometimes” informed them

8

respondents said the school “never” informed them

109

On average 109 individuals responded to all questions on the use of seclusion

“He would be hiding under a desk, drenched in sweat in the fetal position, crying uncontrollably in a locked room by himself every time I picked him up.”

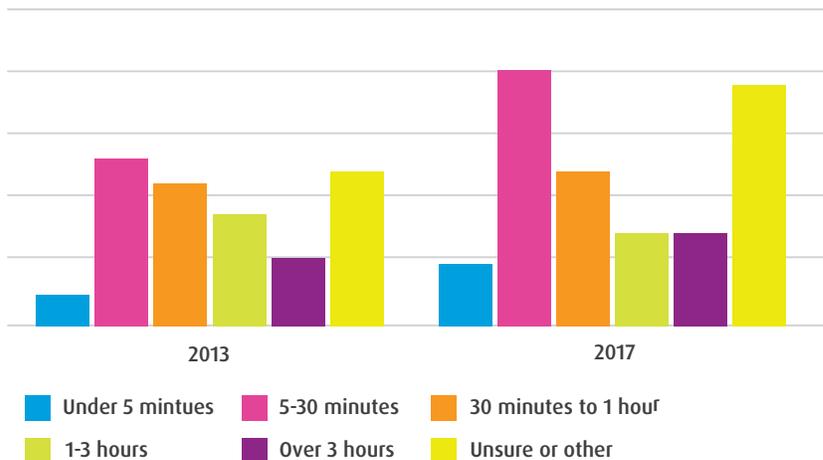
Survey Responses: Seclusion

- Most reported incidents involving children between 5-8 years of age.
- 63 respondents reported that an adult had prevented the student from leaving, and 25 said the student had been secluded behind a locked door.
- One respondent said the student was told that if they opened the door, their time in seclusion would increase..

Nine students were secluded for over 3 hours, while 24 respondents did not know how long the seclusion lasted. Respondents commented that:

- *“[My child was secluded] every day, mostly all day.”*
- *“[My child] was kept away from all kids every day for whole days ... solitary confinement.”*
- *“My child says it usually took a long time, which was anywhere from one hour to all day.”*
- *“[My child was secluded for] as long as it took me to drive there and pick him up. He would be hiding under a desk, drenched in sweat in the fetal position, crying uncontrollably in a locked room by himself every time I picked him up.”*

Duration of Seclusion 2013 & 2017



A total of 59 respondents said the student had experienced emotional injury or pain as a result of the seclusion, while 14 said they'd suffered physical injury or pain.

- *"[My child] clearly understands that they do not want her there."*
- *"Towards the end my son was telling me he hated himself. That he was stupid and a monster. His behaviors and outbursts at home got worse. He would trash his room and flip his mattress daily."*
- *"Complete meltdown and horrible anxiety of being alone."*
- *"Develop[ed] anxiety and fear of being alone."*

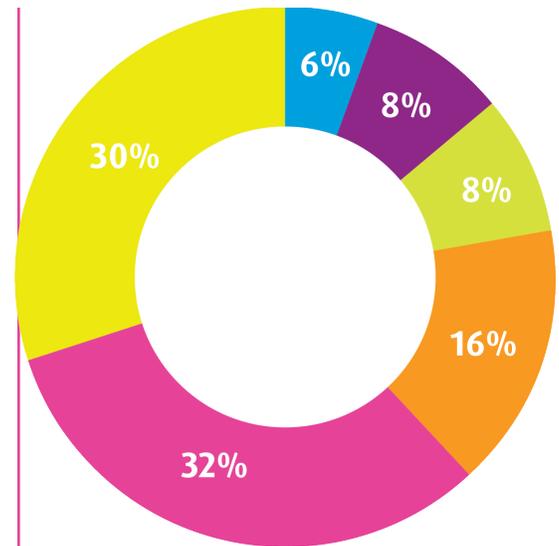
Only 18 respondents said the school "always" or "usually" informed them about the seclusion; 48 said the school rarely or never informed them. The great majority (86) never received a written report of the seclusion.

"I received a phone call at the end of the day after [my] child had been secluded all day."

Several respondents said they would not have known about the seclusion unless they had witnessed it in person:

- *"I saw it myself and so did my child's sibling."*
- *"[The] teacher reluctantly told us when we asked where our son ate lunch."*
- *I happened upon it when I unexpectedly arrived to drop off lunch."*

On learning about the seclusion, 55 respondents raised concerns with the school, but 49 (89%) were unsatisfied with the school's response.



18

respondents said the school "always" or "usually" informed them about the seclusion

34

respondents said the school "rarely" or "never" informed them of the seclusion

91

respondents said the school never provided a written report of the seclusion

References

1. Human Rights

UN Convention on the Rights of the Child

Article 2. Non-Discrimination

The Convention applies to all children, whatever their race, religion or abilities; whatever they think or say, whatever type of family they come from. It doesn't matter where children live, what language they speak, what their parents do, whether they are boys or girls, what their culture is, whether they have a disability or whether they are rich or poor. No child should be treated unfairly on any basis.

Article 19. Protection from Abuse and Neglect

The State has an obligation to protect children from all forms of abuse and neglect, to provide support to those who have been abused and to investigate instances of abuse.

Article 23. Children with Disabilities

Children who have any kind of disability have the right to special care and support, as well as all the rights in the Convention, so that they can live full and independent lives.

Article 28. Education

The child has the right to education; the State has a duty to make primary education compulsory and free to all; to take measures to develop different forms of secondary education and to make this accessible to all children. School discipline should be administered in a manner consistent with the child's human dignity.

UN Convention on the Rights of Persons with Disabilities

Article 4. General Obligations

1. States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability. To this end, States Parties undertake:
 - (a) To adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention;
 - (b) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities;

Article 16. Freedom from Exploitation, Violence and Abuse

2. In order to prevent the occurrence of all forms of exploitation, violence and abuse, States Parties shall ensure that all facilities and programmes designed to serve persons with disabilities are effectively monitored by independent authorities.
5. States Parties shall put in place effective legislation and policies, including women and child-focused legislation and policies, to ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted.

2. Ministry Guidelines

British Columbia Ministry of Education Provincial Guidelines on Physical Restraint and Seclusion in School Settings

3. Resources

Stop Hurting Kids: Restraint and Seclusion in BC Schools, Survey Results and Recommendations based on our 2013 survey on restraint and seclusion in BC schools.

Implementing Inclusion in BC's Public Schools Report on Inclusion BC's June 14, 2017 Inclusive Education Summit.

Restoring Quality Inclusive Education in BC's Public Schools Report on Inclusion BC's March 16, 2017 public forum.

Canadian Research Centre on Inclusive Education and Dr. Specht's presentation at the 2017 Inclusive Education Summit in Vancouver

Disability and Inclusion in Canadian Education: Policy, Procedure, and Practice: Helena Towle, Canadian Centre for Policy Alternatives, 2015.

The Challenges of Student Diversity in Canadian Schools: Essays on Building a Better Future for Exceptional Students

Exploring Inclusive Educational Practices through Professional Inquiry

Technical Assistance Center of PBIS, funded by the U.S. Department of Education

PBISApps, Educational and Community Supports research unit, University of Oregon (focus on implement practices in positive behaviour)

Association for Positive Behaviour Support

Inclusion BC: We are a provincial federation working with partners to build community and to enhance the lives of children and youth with special needs, adults with intellectual disabilities, and their families by supporting abilities, promoting action and advancing rights, responsibilities and social justice.

Family Support Institute: Works to strengthen families faced with the extraordinary circumstances that come with having a family member who has a disability. Believing that families are the best resources available to support one another, FSI organizes training for local parents as volunteers in communities across BC to be regional resource parents.

Stop Hurting Kids: National US campaign to end restraint and seclusion abuse in schools. Inclusion BC is a partner in this campaign. Watch Stop Hurting Kids, the film'

4. BC School Boards with policies on restraint and seclusion

The 11 BC school districts whose policies predate the 2015 Provincial guidelines:

1. School District 33 Chilliwack
2. School District 38 Richmond
3. School District 39 Vancouver
4. School District 52 Prince Rupert
5. School District 54 Bulkley Valley
6. School District 61 Greater Victoria
7. School District 62 Sooke
8. School District 68 Nanaimo-Ladysmith
9. School District 70 Alberni
10. School District 78 Fraser-Cascade
11. School District 79 Cowichan Valley

The 9 BC school districts that adopted/revised policies since the 2015 Provincial guidelines:

1. School District 5 Southeast Kootenay
2. School District 27 Cariboo-Chilcotin
3. School District 36 Surrey
4. School District 42 Maple Ridge-Pitt Meadows
5. School District 46 Sunshine Coast
6. School District 60 Peace River North
7. School District 67 Okanagan Skaha
8. School District 84 Vancouver Island West (adopted Apr 11, 2016)
9. School District 91 Nechako Lakes



inclusionBC

227 6th Street, New Westminster, BC V3L 3A5

T 604-777-9100 E info@inclusionbc.org

inclusionbc.org