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February 13, 2026

Ms. Kate Kerr, Superintendent
Sunshine Coast School District 46
PO Box 220
Gibsons, BC V0N 1V0

Sent via email to: superintendent@sd46.bc.ca

Dear Ms. Kerr,

Re: Lara Yates – Section 177 Appeal

We are in receipt of the email from Assistant Superintendent, Jennifer Roberts, dated February 6, 2026, in which she states that a section 177 exclusion order cannot be appealed to the Board under s. 11 of the B.C. *School Act* or the SD46 Appeals Bylaw. She directs Ms. Yates to the Ombudsperson if she is dissatisfied with her decision upholding the exclusion order.

This is incorrect.

The Ombudsperson is Not an Appeal Route

In her email, Assistant Superintendent Jennifer Roberts states, “If you wish to appeal the appeal decision of January 30, 2026, your next step is to contact the Ombudsperson’s office. I will, of course, respond to inquiries from the Office of the Ombudsperson directly if such are received.”

This misunderstands the role of the Ombudsperson and cannot substitute for a statutory or bylaw-based right of appeal. In fact, the Office of the Ombudsperson is *not* an appeal body at all. It cannot reverse a decision, order you or the principal to rescind a s. 177 order, compel corrective action, or provide urgent relief. In other words, if the assistant superintendent’s decision is wrong, the Ombudsperson cannot fix it. This is not an adequate remedy in administrative law.

Additionally, investigations through the Ombudsperson’s office routinely take up to a year. A child’s education cannot be put on hold while awaiting a non-binding recommendation. Furthermore, the *Ombudsperson Act* explicitly states that the office does not investigate matters where an internal appeal should have been available, as here. The SD46 Appeals

Bylaw is the only internal mechanism capable of providing a meaningful, timely, and effective remedy. The Board therefore must accept jurisdiction and hear the appeal.

Right of Appeal

Section 11 of the *Act* clearly states that a decision of an employee that significantly affects the education, health or safety of a student may be appealed to the Board. Decisions under s. 177, which otherwise meet that criteria, cannot be excluded from this process without express statutory reference. Our position is bolstered by the *Provincial Guidelines* with respect to section 177, which explicitly state at paragraph 5 that a section 177 order may be appealed to the Board where there is a significant impact on the education, health and safety of a student:

Requirements that appeals be heard by someone other than the original decision maker. (For example, a person excluded under section 177 by a school principal or vice-principal may appeal that decision to the district superintendent. If the person is unsatisfied with the superintendent's decision, he or she may appeal to the board).

...In some cases, an appeal of an exclusion under section 177 could be heard through a section 11 appeal, where a decision of a board employee significantly affects the education, health or safety of a student.¹ [Emphasis added.]

Impact of Decision on Education, Safety and Health of the Student

There is no question that the education, mental health and emotional safety of the Yates children have been significantly, directly and foreseeably impacted by both the behaviour of staff toward the family, particularly █████ Yates, and the exclusion order against their mother. They are accordingly entitled to appeal to the Board.

This cannot be avoided by asserting that the children are “encouraged to return.” It ignores the practical reality, namely that a child cannot attend school without parental support and attendance in emergencies, and parental participation in meetings and activities. Telling the family that they can send homework packets by courier or switch to online learning, rather than lifting the exclusion order, is hardly “encouragement to return”.

It further ignores the psychological impact of the school's prior conduct, including i) reckless and unfounded child-protection reporting; ii) false suggestions that the child was suicidal; and iii) bullying by classmates and the drama teacher over the family's political beliefs (a protected characteristic under the *Human Rights Code*). The staff have failed

¹ Provincial Guidelines: Maintenance of Order under section 177 of the *School Act*, online at <https://www2.gov.bc.ca/assets/gov/education/administration/kindergarten-to-grade-12/safe-caring-orderly/guidelines-section-177-school-act.pdf>.

to recognize and sincerely apologize for their own improper conduct, which has caused the student ongoing emotional harm and fear.²

Refusal to Meet with Parent

A section 177 order is quasi-penal in nature and may be enforced by police. It stigmatizes the parent, restricts her liberty of movement, and has collateral consequences for the child.

Under the circumstances, it is entirely appropriate that any further meetings to discuss her children's education be conducted in the presence of Ms. Yates' legal counsel. Ms. Roberts refusal to meet is another indicator that the children's education is being prejudiced by the actions of board employees, warranting an appeal. The principal has likewise refused to respond to legal correspondence proposing a solution to the impasse, because it would require some humility on her part. It is evident that staff view the Yates family's political views as warranting continued punishment and disdain, rather than an attempt to find a way forward through apology and discussion. The only path to lifting the s. 177 order, according to the principal and upheld by Ms. Roberts, is to have a meeting where only one side is expected to offer contrition and where legal counsel cannot be present. This is unreasonable and creates another barrier to mending the relationship and returning these children to school.

If you choose not to send this to the Board for an appeal, our next option is to file a petition for judicial review of the decision in the courts. I require your prompt response (by no later than Feb. 17), confirming the matter has been sent to the Board for a hearing, failing which we will obtain instructions for legal action. Time is of the essence for returning these children to school before their year is lost, with ensuing educational, emotional and economic harm.

Sincerely,

LIBERTAS LAW



Lisa D.S. Bildy
Barrister & Solicitor

² Staff may wish to have regard to this reference: <https://bcombudsperson.ca/wp-content/uploads/2025/10/Quick-Tips-Apology.pdf>