

Succeeding at Home  
Proposed Education Reform for New Brunswick

## Defending Child Rights in Schools and through Education

Submission in response to the Green Paper on Education Reform  
by the  
Office of the Child and Youth Advocate

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The important thing is not so much that every child should be taught, as that every child should be given the wish to learn. ... A boy who leaves school knowing much, but hating his lessons, will soon have forgotten all he ever learned; while another who had acquired a thirst for knowledge, even if he had learned little, would soon teach himself more than the first ever knew.

John Lubbock, 1834-1913

## Introduction

The Government Green Paper on education, “Succeeding at Home”, is a welcome discussion document. Government should be commended for recognizing that improvement is needed and for consulting with invested stakeholders who hold valuable insight. Government’s commitment to the ten-year plan, ensuring that education planning should not change at the whims of political power, demonstrates a commitment to the best interest of every child and is equally commendable.

The Child and Youth Advocate’s office is pleased to make this submission in response to the Green Paper and to offer the Department of Education and Early Childhood Development (“the Department”) its full cooperation in developing and implementing education reforms. We will cooperate to help all New Brunswick public school students fully engage as active learners and find pleasure and rewards in learning in respectful school environments that promote child rights and nurture global citizenship. We are very much encouraged by the tone and the scope of the Green Paper but would caution the Department that in keeping with its commitment to integrated service delivery, a discussion about education reform and exploration of current systemic issues within education systems cannot be fully appreciated and undertaken without a shared commitment from the Ministers of Health, Social Development, Justice and Public Safety.

The following submission will touch upon highlights of the Green Paper, summarizing what we see as some of its strengths and areas for improvement. Secondly, we will recap, from our own data analysis and from our caseload working on advocacy requests for children in school, a number of emerging trends and challenges in school environments that the education reform should address. Finally, we will outline proposed strategies and recommendations for the Government’s consideration. The Child and Youth Advocate’s fundamental starting point is that education reforms must have the human rights of children as their basis. Priority areas include:

(1) inclusive education today; (2) supporting schools and teachers; (3) student wellness; (4) engaged learners; and (5) investing in early education.

Overall, as we suggested in our 2019 State of the Child Report, our hopes are that students themselves will be given a strong voice in reimagining the schools they want to attend and that this reform will result in an important culture shift, where every student will feel a sense of belonging at school and will become a more avid learner. We will make the swiftest progress if we can make school challenging, rewarding, and just plain old fun. Of course, the key to that begins at home, by offering the quality supports that we can afford as a society to give to young families, and particularly to vulnerable children, as seeds of hope about the transformational power of education.

The Advocate congratulates Government for staying the course with its ten-year education plan and heeding the advice of the Auditor General to maintain stability in education systems while leaving room for teachers and students to innovate. At the same time, the Green Paper outlines a host of proposals for reform, many of which, in our view, are very welcome.

In particular we support:

- Keeping politics out of education by establishing an all-party committee on education with a mandate to review the *Education Act* every ten years;
- Decentralizing decision-making by empowering school principals, teachers and importantly, students;
- Setting ambitious targets for measured progress, such as being a top-ten jurisdiction in education by 2030;
- Raising expectations across the Province in terms of the importance of education, the role teachers play in society and the concomitant respect their profession deserves;
- The strategic emphasis on literacy as a foundational early learning tool, keeping in mind that we must be concerned not only with whether our students can read, but whether they can read with discernment and critical thinking;
- The emphasis on cultural knowledge translation that supports reconciliation with First Nations and Métis communities and welcomes immigrant communities, while respecting New Brunswick's two official-language communities;
- The emphasis on student wellness and engaged learners; and
- The continued priority on early childhood education, which we believe must be strengthened even further than the Green Paper suggests.

However, we sound a note of caution about the approach to second language reform and the proposed phased elimination of grade levels in New Brunswick schools. Both reforms entail massive changes to the school experience and classroom composition and seem inconsistent with the Auditor General's advice to stop reinventing education. Furthermore, there is, in our

estimation, an incongruity in trying to do away with the streaming that is created by having both immersion and non-immersion programs, while also inviting an intentional streaming of learners according to their academic success. This is something that proponents of immersion programming reform have long decried. The question that anglophone New Brunswickers should be asking is this: if all the evidence suggests that early immersion programming is the best way of ensuring second language acquisition, and if the case against early immersion programming is that it creates streaming, then why can't we have a single system for all anglophone learners that offers second language immersion for every child?

Finally, while we agree that measures must be taken to support teachers in maintaining a positive learning environment, we strongly caution against punitive approaches that talk about "zero tolerance for the physical abuse of any adult in the classroom." As stated in our 2019 State of the Child Report:

In the Advocate's view the world class civics program heralded in this reform will not be world class unless it is fundamentally rooted in a child rights-based approach to learning and a re-thinking of our school system in line with the aims of education outlined in the *Convention on the Rights of the Child*. The Green Paper speaks in several passages about not tolerating abuse of adults in the classroom and not tolerating violence or behaviours that disrupt learning, but it does not propose any approaches as to how to eradicate those behaviours. In our experience, there is no intervention that works better than to teach young children about their rights and the importance of tolerating diversity and promoting peace and friendship among all learners. When students are equipped with a knowledge of their rights and those of their peers and challenged to govern themselves accordingly, and to police these values for themselves, a strong positive learning environment emerges from which all can benefit. Students are made ready to learn and teachers can focus upon the excellence of their classroom instruction. The revolutionary concept at play here resides in a recognition that schools belong to children. The more invested they are in their governance, the more voice and authority they have in their school's administration, the more positive the learning environment becomes. Parents and teachers can both support this evolution. Schools can become again places where communities and families work with teachers in the best interests of pupils. *Education Act* governance reforms should be clearly focused on reinforcing this triangulation of efforts to have pupils, parents and pedagogical leaders working together in the common enterprise of helping every learner achieve their full potential.

We are committed to assisting the Department in achieving its goal of developing a world class civics program that is strongly informed by child rights and infuses that into the curriculum through the reform of school governance models. The reforms should invite children and youth to take ownership in making their schools the places of learning and belonging that we all want them to be.

## Findings From the Advocate's Caseload and Data Monitoring

Based on our observations over the years and discussions we've had with many parents and professionals, providing children and youth with various supports in the classroom and school environment would not only help them reach their full potential academically, it would also address some of the serious issues that classrooms face. Any education reform should come from an approach that is centred on the needs and rights of children and youth.

More so than ever before, issues outside the scope of learning are encroaching on a teacher's ability to teach and compromising the education of the students of New Brunswick. We have all heard the refrains that "more and more responsibility is being piled upon teachers", "the lives of young people are increasingly complex" and "the nature of education is changing."

Considerable lack of access to timely and efficient mental health support, continually emerging issues such as cyberbullying and sexting, and high numbers of children living in poverty are all factors that contribute to education challenges. These factors and others need to be systematically addressed for any reform to be effective in schools. It is necessary that a shared funding commitment be undertaken to prioritize youth in this province and right the ship for future generations.

As noted in Government's 2019 Speech from the Throne, one in every four children in New Brunswick lives in poverty.<sup>1</sup> Adults responsible for their wellbeing, be they politicians, teachers, parents or community members, need to keep in mind that in this climate, a child's basic needs are often unmet before they even step into a classroom, making the expectation of learning unreasonable in that context.

Putting children and youth first by ensuring that we are collectively meeting their basic needs (such as food security, financial security, clothing and protection from various forms of abuse that may occur in their households) is the basis that we should continue to highlight and work upon in parallel with any proposed education reforms. Although this message already resonates with New Brunswickers and is a priority shared by all political parties, additional efforts need to be made to provide safety nets for our students and their families. This would bring us one step closer to attaining our goal of providing a world-class education system as outlined in the Green Paper.

The Green Paper outlines, on page 5, three premises on which the government wishes to base its approach to education. The first premise is that "the machinery of the education system must be aimed solely at supporting teachers and classroom professionals." Currently, this cannot be claimed to be the case, when teacher aid resources are drastically underfunded,

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<sup>1</sup> Lieutenant Governor of New Brunswick. "Speech from the Throne 2019: Focusing on Priorities."  
<https://www2.gnb.ca/content/gnb/en/corporate/promo/throne-speech/2019/2019-speech-from-the-throne.html>

training opportunities do not address the core needs of teachers (e.g. mental health awareness and intervention), technology is limited, space is at a premium in classrooms and portables are increasingly becoming the norm. The Paper also indicates that the “action” for this objective is that “government will ensure that all teachers have access to the necessary skills and knowledge to support learners as they increase their literacy skills. Innovative practices will be validated and shared. Teachers and students together will determine the best road forward individually to increase literacy. In addition, EECD will be asked to regularly report on key literacy measures, informed by partners, to government.” We support the emphasis on literacy in any reform but warn against viewing these investments as any kind of panacea for the challenge described. More must be done to support teachers as mentors and educational leaders for our children.

Our office has handled various advocacy requests from both the francophone and anglophone sectors where support services (e.g. educational assistant support, additional training, etc.) are not readily available due to the budgetary constraints on schools and districts. Why, for example, should government agencies have to submit complex-case requests to their regions or the Province simply to access funds for resources to work with a youth in school? This leaves teachers and existing supports struggling either in the short or long term to accommodate students. Some students are only able to attend school a couple of hours per day due to the lack of additional resources, other students wait for months for a Personalized Learning Plan that allows them to attend school.

There are times when certain parts of the system don’t require a full reform to be even more inclusive and contribute more to a positive learning environment. Instead, barriers to accessing timely services should be removed. Professionals who know the needs of the children and youth they work with daily shouldn’t have to jump through hoops to access services. These services often have a multi-faceted function of supporting the student, the teacher and the classroom and can contribute to a safe and supportive environment for all those concerned. Let’s consider removing some of the hurdles when it comes to teachers and schools requesting additional resources. If, as the Green Paper suggests, “teachers are the most important people in New Brunswick,” let’s give them more leeway in making important decisions for children and youth.

## Child Rights-Based Solutions for Education

Our great hope for this reform is that it may be remembered as the turning point at which New Brunswick schools and district administrators embraced the idea that the schools they operate and work in are learning environments that primarily belong to the students who attend them. If we can start by inviting children and youth into this conversation to help the Province reimagine schools as they want them to be, we will be engaging in some truly transformative change. The right to express their views in all matters affecting them is enshrined in the UN *Convention on the Rights of the Child* as each individual child's right. For effective, rights-based education reform, there must be mechanisms to regularly engage all children and youth and solicit their input on what is important to them.

The UN *Convention on the Rights of the Child* is an important touchstone for educators and for anyone interested in education reform because it sets out in clear terms, as fundamental child rights, the very aims of education. Governments around the world have agreed on these stated objectives. They are succinct, yet profoundly essential. Article 29 of the UN *Convention on the Rights of the Child* summarizes the aims of education as follows:

### **Article 29**

1. States Parties agree that the education of the child shall be directed to:

- (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
- (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
- (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
- (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
- (e) The development of respect for the natural environment.

Stated more plainly, a child rights-based approach to education reform in New Brunswick would take as its core mission five overarching goals for every learner. To achieve this, public schooling in New Brunswick must: (1) help every child achieve his or her full potential; (2) nurture global citizenship and a culture of human rights; (3) strengthen every child's sense of belonging and attachment to their family, culture and aspects of identity; (4) nurture the child's

commitment to active citizenship and values of tolerance, peace, understanding and friendship among all cultures; and (5) help children care for our environment.

It is in the nature of human rights principles to be able to speak to every generation. Human rights treaties are “living instruments”, to be interpreted in accordance with changing social values and needs. Yet one cannot help but think that the framers of the UN *Convention on the Rights of the Child*, some forty years ago, were prescient and have provided our government in New Brunswick with education reform guideposts that remain very fitting today.

We urge the provincial Government and specifically the Department to make this a child rights-based reform. All the strategic objectives of the Green Paper are made more cogent and compelling by tying them in to child rights. The Green Paper and recent studies called for by the Minister talk about reviewing inclusive education to make sure it works for every child. There is a call for preserving duality in education while improving dialogue between minority and majority cultures. There is a desire to improve education opportunities for First Nations and Métis children and teach all children the history of First Nations and Métis peoples and the lessons learned from our colonial past. We want to preserve and reclaim Indigenous languages. We also want to ensure that newcomers feel welcomed and can easily integrate into our schools as equal learners. All of these objectives are supported by Article 29 and other provisions of the *Convention on the Rights of the Child*, and indeed by the human rights instruments that comprise the International Bill of Human Rights.<sup>2</sup> It then becomes clear that this reform is not only politically and socially expedient; it is not only needed to ensure our economic progress; it is fundamentally about what we promised children we would do.

New Brunswick’s *Education Act* was drafted with a lack of attention to the rights of children. Our office often confronts situations where children and youth have fundamental rights of due process, equality, expression and association thwarted due to a lack of legislative protections. Moreover, the neuroscience of child and adolescent development has advanced monumentally, but our legislation and regulations have not kept pace with science and social science knowledge. A child rights-based approach to education reform is also the best path to achieving and meeting the UN Sustainable Development Goals tied to education.<sup>3</sup>

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<sup>2</sup> UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III), available at: <https://www.refworld.org/docid/3ae6b3712c.html>; UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, available at: <https://www.refworld.org/docid/3ae6b3aa0.html>; UN General Assembly, *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3, available at: <https://www.refworld.org/docid/3ae6b36c0.html>

<sup>3</sup> <https://sustainabledevelopment.un.org/?menu=1300>

By challenging ourselves, with the *Convention on the Rights of the Child* in hand, and asking how the education system in New Brunswick can contribute to the realization of all these fundamental rights of children, we will be able to land upon proposals for reform that are just and economically beneficial. We are used to asking ourselves how the education system can be tweaked to better achieve its goals, but too often those goals are reduced to academic achievement. When we start from a child rights-based approach and accept that all these human rights are interrelated, we can ask better questions about how our schools and education system will help us create the society we want. Instead of asking about the social determinants of education and whether our pupils are ready to learn, we can ask about education as a social determinant of every other right. How do schools support the child's right to health, to a decent standard of living and to a life free from violence, exploitation or drug endangerment? Through this approach we invite teachers to have a concern for the whole child, in the child's entire learning environment, to work as part of a multi-disciplinary team as required, with social workers, health practitioners and correctional officers as need be.

This professional concern for the whole child is not always easy to maintain, especially when the class is full of students with varied needs and the regular assortment of overly energetic or misbehaving children who test the limits and the rules. Janusz Korczak, the Polish pediatrician and pedagogue who is regarded as the father of child rights, and who was a contemporary and close colleague of Maria Montessori, put it this way just over a hundred years ago:

A mischievous child is naughty because he is unhappy. Nervous. Your duty as a teacher is to find out what is bothering him. Perhaps he has a toothache and is afraid to admit it... Perhaps he has a temperature and doesn't want to tell for fear that he won't be allowed to go to tomorrow's movie. Perhaps he had a bad night because he was thinking about his mother who is dead... Perhaps he was certain that nobody loves him.

And you, the teacher, are the one he uses to get even for all those injustices, for his lost mother... You are strong, healthy, smiling – but a stranger.

The mischievous child doesn't know that you really care about him, that you are trying to protect him...

He doesn't understand that you have to protect the other children, who trust and need you, from his pranks. He doesn't realize that he is harming himself as well as you. But you know.<sup>4</sup>

There are much better approaches, in the Advocate's view, than that of "zero tolerance for the physical abuse of any adult in the classroom" suggested in the Green Paper. Obviously, protecting professionals from abuse is of grave concern, and it must be addressed. However, most teachers stay a step ahead of the class and know how to maintain discipline while

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<sup>4</sup> Janusz Korczak, *Educational Moments*, Warsaw, 1919.

exhibiting kindness. Zero tolerance policies in schools have had a troubling history in Canada: the Ontario Human Rights Commission found that provincial “zero tolerance” legislation and policies had a discriminatory impact on racial minority students and students with disabilities.<sup>5</sup> Our office’s interventions in such situations have revealed a lack of disability awareness among school administrations.

How do we keep a lid on what is increasingly being reported as schoolchildren ruling the roost? What is needed is to provide teachers with the supports and resources they require to get to the bottom of what is causing disruptive behavior and return to a norm of respect in the classroom and a positive learning environment for all.

Most importantly, other students can reinforce this good behaviour if they know the ground rules and they are engaged and enjoying their classroom experience. Parents, of course, need to be allies in achieving this outcome. Education reform can help by creating local governance models that allow parents, pupils and staff to meet more frequently, anticipate these problems before they flare up and make sure that there is a relationship of trust and a common enterprise in learning. In this way, teachers are respected, parents reinforce this respect and pupils are equally respected and receive positive reinforcement for their good behavior, including from their peers.

UNICEF’s Rights Respecting Schools initiative is a great example of an education model that nurtures this kind of pupil and parent engagement with positive results by engaging the entire school community in a culture of learning premised upon child rights. Schools come together as pupils, parents, teachers, support staff and community neighbours to identify their strengths, to learn about child rights and to propose and work toward a plan where their school becomes a local embodiment of child rights principles. In the UK, where this Canadian model of education reform has been implemented in over 3000 schools, the formal evaluation results point to better relationships between students and staff, better behaviour of students in schools, positive contributions by students within the wider community, positive attitudes towards inclusivity, better relationships between students, positive attitudes toward diversity, better relationships between staff, and improved student engagement in learning.<sup>6</sup> Pupils report that knowledge of their rights helps them be better learners and equips them with skills to negotiate bullying and harmful behavior when they are confronted with it.

There is no lack of other initiatives that engage students in the fundamental principle of human rights, respect for the dignity and diversity of all people.

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<sup>5</sup> <http://www.ohrc.on.ca/en/ontario-safe-schools-act-school-discipline-and-discrimination>

<sup>6</sup> See, for example: University of Brighton. UNICEF rights respecting schools evaluation. 2010. <https://www.brighton.ac.uk/research-and-enterprise/groups/education/research-projects/unicef-rights.aspx>

- Roots of Empathy is one such program shown to reduce aggression levels among schoolchildren “by raising social/emotional competence and increasing empathy.” This emotional literacy program builds tolerance, compassion, peace and friendship among students by introducing an infant and parent at regular intervals into the classroom and having students observe the infant’s feelings and development. Children also learn responsible parenting through observing a loving parent-child relationship.<sup>7</sup>
- CISV (formerly Children’s International Summer Villages) is an international organization with local chapters that supports global peace and human rights development and the UN Sustainable Development Goals. CISV works using “peace education” and experiential learning programs to develop attitudes, skills and knowledge to create global citizens who act for positive change.<sup>8</sup> CISV runs programs such as leadership training, cultural exchanges and their flagship “Village” program which brings 11-year-old children from different countries to a month-long camp to “inspire [them] to imagine a more just and peaceful world.”<sup>9</sup>
- Youth Fusion is an innovative Quebec charity that runs an entrepreneurship program designed to combat pupil disengagement. It has recently started operating in New Brunswick. Youth Fusion uses entrepreneurship and leadership development programming supported by post-secondary students and local business leaders to help at-risk students reengage with learning, similar to the groundbreaking approach used in the New Brunswick francophone sector by Place aux Compétences. Youth Fusion focuses on engaging young people in creative and business endeavours with subjects ranging from science experiments and opera performance to robotics competitions and video game development.<sup>10</sup>
- The UNESCO Associated Schools Network offers other promising high school-based programs for global citizenship and human rights education to support “international understanding, peace, intercultural dialogue, sustainable development and quality education in practice.”<sup>11</sup> Member schools create projects for students each year relating to UNESCO’s mandate and the UN Sustainable Development Goals.<sup>12</sup>
- Global Brigades is another non-profit taking off in New Brunswick schools that supports global citizenship by working with university students to address health and economic disparities abroad in areas such as access to water, medical services, local businesses and housing.<sup>13</sup>

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<sup>7</sup> Roots of Empathy, <https://rootsofempathy.org/roots-of-empathy/>.

<sup>8</sup> CISV Canada, Peace Education, <https://cisvcanada.org/about-us/education/>.

<sup>9</sup> CISV Canada, Village, <https://cisvcanada.org/programmes/village/>.

<sup>10</sup> Youth Fusion website (in French), <https://fusionjeunesse.org/domaine/science-et-genie/>.

<sup>11</sup> UNESCO Associated Schools Network, About the Network, [https://aspnet.unesco.org/en-us/Pages/About\\_the\\_network.aspx](https://aspnet.unesco.org/en-us/Pages/About_the_network.aspx).

<sup>12</sup> *Ibid*, Worldwide Action, [https://aspnet.unesco.org/en-us/Pages/Worldwide\\_action.aspx](https://aspnet.unesco.org/en-us/Pages/Worldwide_action.aspx).

<sup>13</sup> Global Brigades, <https://www.globalbrigades.org/>.

Over the years we have seen both sectors of the Department embrace important education challenges, including duality in education, inclusive education, cultural policy and making all students feel welcome, whether they are newcomers, Indigenous or LGBTQ+. We are convinced that the potential for real transformation lies in embracing an umbrella philosophy of education that supports all these efforts and that is premised upon our legal and moral obligations to schoolchildren through an education reform founded upon the sharing of values and respect for child rights as set out in the *Convention on the Rights of the Child*. After more than 70 years of human rights education, ushered in by the Universal Declaration of Human Rights, and 50 years after New Brunswick's celebrated equal opportunity program, it is high time that the Department formally commit itself to a program of human rights education through curriculum reform and system transformation.

In the Advocate's view, child rights-based education reform needs to be at the heart of this transformation so that core child rights principles such as equality of all learners, best-interest-of-the-child approaches, commitment to lifelong learning by paying attention to the child's right to maximum development, child participation practices in schools and classrooms and an enduring commitment to protect children from all forms of harm are reflected in all curricula and extra-curricular aspects of school life. At the same time children need to learn about all human rights, particularly the rights of women,<sup>14</sup> of racial minorities,<sup>15</sup> of persons with disabilities,<sup>16</sup> of LGBTQ+ persons<sup>17</sup> and of Indigenous persons,<sup>18</sup> as protected through International Human Rights law instruments and the *Canadian Charter of Rights and Freedoms*. In this way our schools can embody the aims of education as proclaimed in Article 29 of the *Convention on the Rights of the Child* and transform our province for the better, in tribute to prior generations who sacrificed much to improve our lives.

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<sup>14</sup> UN General Assembly, *Convention on the Elimination of All Forms of Discrimination against Women*, 18 December 1979, A/RES/34/180, available at: <https://www.refworld.org/docid/3b00f2244.html>

<sup>15</sup> UN General Assembly, *International Convention on the Elimination of All Forms of Racial Discrimination*, 21 December 1965, United Nations, Treaty Series, vol. 660, p. 195, available at: <https://www.refworld.org/docid/3ae6b3940.html>

<sup>16</sup> UN General Assembly, *Convention on the Rights of Persons with Disabilities : resolution / adopted by the General Assembly*, 24 January 2007, A/RES/61/106, available at: <https://www.refworld.org/docid/45f973632.html>

<sup>17</sup> UN General Assembly, *International Covenant on Civil and Political Rights*, UNGA Res. 2200A(XX) 16 Dec. 1966 ; and Human Rights Council Resolution, *Human Rights, Sexual Orientation and Identity*, A/HRC/RES/17/19

<sup>18</sup> UN General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples : resolution / adopted by the General Assembly*, 2 October 2007, A/RES/61/295, available at: <https://www.refworld.org/docid/471355a82.html>

## **RECOMMENDATION 1**

***It is recommended that the Education Act be amended to incorporate the aims of education from Article 29 of the UNCRC as part of the Goals of Education under New Brunswick law and to direct schools and the education system as a whole to promote and provide Global Citizenship and human rights education in New Brunswick schools. In order to implement this legislative commitment, it is recommended that:***

- i. a Global Citizenship and Human Rights Education Unit be established within each of the francophone and anglophone sectors of the Department of Education and Early Childhood Development. The purposes of these new units would be to: (1) manage existing programs for inclusive education, duality and second language training, cultural knowledge translation, Indigenous history, truth and reconciliation education programming and LBGTQ+ and newcomer education programming supports and (2) to undertake a program of cross-curricular reform to propose new models of child rights and human rights education, from pre-school early education centres through to grade 12. Additionally, school districts should establish within their existing directorates of education Global Citizenship and Human Rights Education Units to ensure implementation at the district and school level.***
- ii. the Department of Education and Early Childhood Development finalize and implement the child rights module as mandatory introductory training within the Integrated Service Delivery initiative. This work should also be integrated into training for all teachers and school staff, as well as in trauma-informed care training initiatives and all other core training programs for professionals involved in child and youth service delivery, from early childhood forward.***

## **Further Strategies for Education Reform**

### **Inclusive Education Today**

As we prepare to go to print with this submission, the Minister of Education and Early Childhood Development has announced a new round of consultation on inclusive education reform in New Brunswick. The Advocate will follow these consultations with great interest and will consider making additional submissions on this foundational aspect of education services in our province. Last summer, our office hosted the 8<sup>th</sup> edition of the International Summer Course on the Rights of the Child at the Université de Moncton, on the theme of the child's right to an inclusive education. Several important lessons came from those exchanges, and they inform our initial recommendations below. Four key lessons set out in our 2019 State of the Child Report, which continue to inform all our advocacy, are as follows:

- 1) The right to education does not begin with school entry, but at birth. Parents are critical partners in the implementation of this right, but public institutions have to support them, especially supporting vulnerable parents and children. Professional early childhood education centres and supports must ensure that the right to education is not compromised in early years, as it is the foundation of the child's lifelong learning and maximum development.
- 2) Unstructured play is a critical component of the right to education in early years and in later years.
- 3) All learning environments benefit from inclusive education approaches when they are properly funded and resourced. Inclusive education environments must support diverse learners of all kinds without compromising official-language minority rights or Indigenous rights.
- 4) Inclusive education practice is not merely a political, economic or social priority, or a matter of policy choice, but a fundamental right of persons with disabilities. It is a demand for equality that must be upheld and that can transform and improve our learning environments for all students when properly implemented.

Article 24 of the UN *Convention on the Rights of Persons with Disabilities*, which Canada ratified shortly after its adoption in 2006, clearly proclaims the right to an inclusive education environment as a foundational right of persons with disabilities. The UN *Convention on the Rights of the Child* clearly supports inclusive education practice as a right not only of learners with disabilities, but of every child who is at risk of being marginalized, whether because of ability, gender, race, religion or another ground or distinction, through its Article 23 on the rights of children with disabilities, its Articles 28 and 29 on the right to education and the aims of education and its Articles, 2, 3, and 6 on the rights to equality, to best-interest-of-the-child decision-making and to the right to life, survival and maximum development. The Committee on the Rights of the Child has made this clear through its General Comments and Concluding Observations, particularly General Comment no. 9, on the rights of children with disabilities. The UN Special Rapporteur on the Rights of Persons with Disabilities, who visited Nashwaaksis Middle School in Fredericton on April 19<sup>th</sup>, 2019, was right to single out New Brunswick for our achievement in entrenching the right to inclusive education as a foundational education practice in our province. New Brunswick cannot afford to slide backwards towards less inclusive, less rights-respecting practices in this field.

At the same time, the Advocate has, for many years, heard the grievances of parents of students with special needs. Not all classrooms can suit every child's specific needs as a learner all the time, but every child has a right to be protected against the social exclusion that can arise from segregated education practices. The Advocate calls upon Government to recommit to its principled approach to inclusive education practices while providing all pupils with the required supports for their education needs, both within the classroom and through specialized or individualized education programming.

In the past, too often our defense of inclusive education has been dogmatic, as though the regular classroom should be the sole delivery vehicle for education services. The result has been that despite our proud recognition of New Brunswick's inclusive education practice, too many pupils are sidelined and sent home with minimal tutoring support when they cannot advance in the regular class. This principled defense of inclusive education approaches entails a risk that budget imperatives may deny special needs pupils additional supports outside the regular classroom. Inclusive education needs to be properly resourced so all pupils can achieve their full potential. It is possible to have a principled commitment to the right to inclusive education while providing specialized education supports in public schools so that all learners can achieve on a level playing field.

Many of the cases that come to the Advocate's office suggest that accommodations of disabilities in our schools do not meet the legal standards set by the New Brunswick *Human Rights Act*,<sup>19</sup> the Canadian *Charter of Rights and Freedoms*,<sup>20</sup> and Supreme Court of Canada jurisprudence such as the decision in the *Moore* case.<sup>21</sup> Children with disabilities clearly have a right to inclusive education. This right does not exist to the exclusion of special measures of accommodation, nor does it release the government from its legal duty to accommodate every child's right to education using a best interests of the child approach.

Additionally, while all learners have a right to be included in the public school classroom, and some learners will need additional accommodations, often times in a smaller, more individualized learning environment, inclusive education was never meant to require schools and teachers to put up with bad behavior in the classroom. Teachers often tell us that special needs pupils are not the problem, we need to ensure that inclusive education approaches are not scapegoated to take the blame for students with severe behavioural challenges. Students with severe behavioural challenges disrupt classrooms more than any others. These students also often need intensive supports and their behavior may be symptomatic of some underlying mental health condition or trauma, at home or at school.

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<sup>19</sup> Human Rights Act, RSNB 2011, c 171, <<http://canlii.ca/t/53mkm>>

<sup>20</sup> The Constitution Act, 1982, Schedule B to the Canada Act 1982 (UK), 1982, c 11, <<http://canlii.ca/t/ldsx>>

<sup>21</sup> *Moore v. British Columbia (Education)*, 2012 SCC 61 (CanLII), [2012] 3 SCR 360, <<http://canlii.ca/t/ftp16>>

These students should be proactively offered all the supports that schools can provide, but their classroom peers do not have to put up with disruptive behaviour. Any behaviours in the classroom which deny a positive learning environment to others need to be managed and addressed effectively and without exception, as they arise. Taking strong measures to reinforce parent-school communications and dialogue on an on-going basis will make the greatest difference in effectively maintaining the positive learning environment guaranteed to every pupil under the *Education Act*. With the proper supports and interventions, schools can become places of safety where students with disruptive behaviours learn to self-regulate and can eventually confide in others the trauma they have experienced and obtain help in overcoming it.

We also have to more fully embrace inclusive education as a model of education that supports not just special needs pupils but also newcomers, gifted learners, Indigenous pupils, LGBTQ+ pupils and all other aspects of diversity in our classrooms. Today, in education circles in New Brunswick, we are embracing this expanded definition of inclusive education. In the Advocate's view, we need to do so even more fully. We must meet the challenge of providing inclusive education settings for Indigenous learners that respect the rights of First Nations and Métis communities to develop ownership over their own school establishments, just as we have done for years in minority-language school settings.

At the same time both francophone and anglophone systems of education have to become more sensitive to the need for an integrative curriculum that considers colonization and Canada's history from Indigenous perspectives, while providing Indigenous learners with the linguistic and cultural supports and mother-tongue instruction that are critical to their individual and collective development. Wabanaki culture and language retention programming must be vastly expanded to meet the challenge of language reclamation and preservation for all Mi'kmaq and Wolastoqiyik children.

For newcomer children and youth, intensive language training supports in the weeks and months following arrival in Canada are especially important to give newcomer children an opportunity to integrate seamlessly and fairly. At the same time, the Province should consider what further heritage language supports can be offered in New Brunswick schools to better support the increasing diversity and multicultural fabric of our society and uphold children's minority identity rights.

The Advocate firmly believes that by embracing this new diverse and multicultural fabric and by celebrating New Brunswick's Indigenous heritage, we will be able to more easily heal the old wounds and the enduring divide that still challenge our Province today when language politics rears its ugly head and pits leaders of official-language communities, entrenched in their solitudes, against one another.

Child rights-based schools offer inclusive school environments, not just for students with special needs, but for every learner. The data in our State of the Child Reports reminds us that as educators and school administrators, we must pay more attention to the issues facing vulnerable groups of children. We must be especially supportive of students from families and households struggling with poverty and of students who are LGBTQ+. They are, by a significant degree, the most vulnerable children in our classrooms, and we need to make a principled commitment to making our schools welcoming and safe places where they can thrive and help us build a more inclusive world. We currently do not have disaggregated data for child victims of trauma, but our caseload tells us that these children face learning challenges similar to or perhaps greater than LGBTQ+ children and children in poverty. They also need are full attention and support.

## **RECOMMENDATION 2**

***It is recommended that the current reform of education services provide an opportunity to entrench in our Education Act a clear commitment to the right to inclusive education. This commitment should accord with the rights as proclaimed under Article 24 of the Convention on the Rights of Persons with Disabilities, within the meaning of the Convention on the Rights of the Child. To further operationalize this legal commitment to inclusive education, it is recommended that:***

- i. the Global Citizenship and Human Rights Education Units and district specialists referenced above coordinate inclusive education program and policy reforms, in collaboration with education services specialists; these reforms should broaden our implementation of inclusive education principles in New Brunswick schools to work to the benefit of every learner, regardless of their disability, race, gender, cultural heritage, language, sex, social condition, belief or opinion or any other ground that may have historically disadvantaged them or persons similarly situated in their efforts to achieve academic success and equal access to education;***
- ii. the Department of Education and Early Childhood Development take immediate measures to implement and promote mother-tongue instruction for all interested First Nations and Métis pupils in New Brunswick, including through the establishment of a Provincial Council on Indigenous Education, Wabanaki heritage, and linguistic reclamation and promotion; this Council should have a mandate to report annually to the Minister of Education and Early Childhood Development on progress achieved in reference to a strategic plan for Indigenous language preservation and promotion and for measured progress in relation education outcomes for indigenous children; given the vulnerable status of indigenous***

- languages in New Brunswick, this Council must be established prior to any other reform to the education system;*
- iii. the Department of Education and Early Childhood Development establish a plan of action in consultation with the New Brunswick Multicultural Council, Multicultural Associations and representative groups to improve inclusive education services for immigrant, newcomer and racial minority children; consideration should be given in the development of this plan of action to the voices of newcomer and immigrant pupils and the recommendations from the 2017-18 New Brunswick Shaking the Movers report; and*
  - iv. the Department of Education and Early Childhood Development and all school districts review their policies to ensure that inclusive education programming addresses the needs of children in poverty and LGBTQ+ children and youth, as well as child victims of trauma.*

### **Supporting Schools and Teachers**

One encouraging note in the Green Paper, that has been echoed repeatedly by the Premier and the Minister of Education, is government's commitment to supporting schools and teachers. This support seems to go beyond the usual prioritization of spending on health and education and it seems to be a genuine commitment to let teachers manage their classrooms and be the system innovators, rather than imposing solutions from on top. We agree that this approach is long overdue. It also respects the advice from the Auditor General, to not politicize education reform and respect the plans in place by trusting the people in charge.

There was a time when Parent Teacher Associations, Home and School Associations and over 50 local school boards in the province managed local schools very closely. At that time teachers were in far fewer numbers. They were in great demand and they commanded a fair deal of respect in their local communities. Following a period of rationalization in school governance, first in the 1960s and then again in the 1980s and 1990s, school boards were amalgamated and then replaced with District Educational Councils. Home and school association membership dwindled. School Parent Advisory Committees, were replaced with Parent School Support Committees, but each of these structures, like District Education Councils themselves, have had difficulty recruiting elected members, perhaps because the governance structure has much less power than former school boards did. Somewhere in this process, we fear, the supportive dialogue and trust between teachers, schools and families has broken down. Whereas parents previously felt engaged and committed to supporting teachers and schools, they now increasingly view educational services as a more distant public service over which they have to act as watchdogs in their child's best interests. This has to change and a respectful dialogue and sense of common enterprise, in support of Education, has to be restored.

Government must do more to support schools and teachers by putting in place school administration systems that restore trust and collaboration between home and school. There have to be more ways for parents and communities to feel engaged with the school development and administration while supporting principals and teachers as the ones in charge and the pedagogical leaders. Greater support for student associations and student assemblies is very much needed. School assemblies with students, parents and communities should be required at least semi-annually. In these meetings, everyone could discuss together the objectives for the School Improvement Plan and parents could hear from teachers and school administrators on the progress that the school is making in relation to the province's overall Educational Plan.

Professional development resources should also be devoted to informing teachers throughout New Brunswick about resources and services available for children and youth here in our province. Schools and districts could mitigate the "silos" that exist in current service models around New Brunswick by convening small group sessions with representatives from the Child and Youth Psychiatric Unit, the Pierre Cassie Centre, Integrated Service Delivery (ISD) teams, Child Protection and Child in Care services and the Child and Youth Advocate's office, so they can inform one another of services and referral processes. Innovative tools could be developed and supported to better connect schools, students and their broader community and to develop civic service and volunteering.

Integrated Service Delivery has rolled out province wide resulting in an important realignment of resources, but many teachers at the head of the classroom have not been informed about ISD or trained at all as to how to start working as a professional within a multidisciplinary team, or how to identify and work collaboratively with other services to reach out to the child whose trauma is impacting their school-readiness and learning. Teachers will also benefit from child-rights training to provide them with tools and mechanisms to allow students to step forward as active participants in their own educational plans.

While we see civil society partnering in many ways with schools, volunteering depends largely on parents of children attending school. Hot lunch programs, school breakfast programs, and volunteering for a host of recreational activities and fundraisers are all important. In order for New Brunswick to bootstrap from our standing as one of the poorest provinces in the confederation and create a world class civics program and education system, we will need to harness the full potential of civil society and the business sector as partners in Education. Already the Sistema child orchestral program is a leading example in this respect, promoting music and arts programming and social development in our most vulnerable neighborhoods. Communities, businesses and philanthropy can also support more extensive sports and recreational activities, professional development for teachers, access to job-shadowing,

employment and training opportunities for students and much more, including the engagement of senior citizens and elders in this endeavour.

### **RECOMMENDATION 3**

***It is recommended that the Education Act be amended to require twice annual school assemblies of students, parents and the broader community and that the assemblies be mandated to assist Parent School Support Committees (PSSC) in developing community supports to teachers, classrooms and schools. In order to further these reforms it is also recommended that:***

- i. dedicated District Educational Council and PSSC support staff as required under section 38.2 of the Education Act, be augmented at the departmental level and hired as well in every school district;***
- ii. the Department of Education and Early Childhood Development develop with school districts a training program to orient and connect teachers, school staff and administrators with provincial and local services providers and supports to children to mitigate knowledge silos and improve awareness and referrals for valuable services. Examples of organizations to include in these meetings include the Child and Youth Psychiatric Unit, the Pierre Cassie Centre, Integrated Service Delivery teams, Child Protection and Child in Care services, Big Brothers-Big Sisters, Boys and Girls Clubs, Guides and Scouting associations, cadets, YMCAs, Youth Fusion, CISV, Roots of Empathy, Partners for Youth and the Child and Youth Advocate's office.***
- iii. It is recommended that the Department, DEC's and schools reach out and work with civil society organizations and the business community to promote volunteer, sports, recreational, employment and career development programs that benefit students and support curricular and educational planning objectives while nurturing the sense of belonging and attachment of pupils to school and community and also maintaining and nurturing respect for the teaching profession.***

### **Student Wellness**

As Advocates our case-load informs us regularly of the challenges in schools related to student wellness. Child and Youth teams and teachers speak to us of the greater complexity of cases at increasingly younger ages and they tell us also about a more generalized anxiety in middle school classrooms and high schools. In these circumstances it is regrettable to see government wide initiatives from the wellness branch being cut back and reduced.

Mental health, as stated earlier, needs to be a focus in schools, both from a funding perspective and in terms of training for both teachers and students. It is suggested that professional development be provided to teachers on mental health and wellness, both their own and that

of their students (e.g. Canadian Mental Health Association’s Changing Minds training or Mental Health Commission of Canada’s Mental Health First Aid program). Each school district should commit to ensuring all teachers and support staff are certified in this programming, to better support students and to reduce burnout in staff themselves. It is also suggested that mental health and wellness be introduced as part of the school curriculum in age-appropriate language as early as elementary school, to normalize a dialogue for students and youth who will undoubtedly be affected by mental health, directly or indirectly, throughout their lifetime.

Integrated Service Delivery Child and Youth teams are a major aid in addressing many complex student problems, but schools will continue to face such day-to-day student challenges as drug use, trauma-related behavioral issues, anxiety, depression, chronic absenteeism, sexualization and bullying. Students need to be provided with supports for these issues. School administrators need to be aware of their legal obligations to maintain a positive and discrimination-free environment,<sup>22</sup> but even more importantly when addressing such challenges they need to know what best practices exist and how to access and implement them. Increased resources for school psychologists may be part of the solution.

Children and young people have also told us that school is not always their preferred safe space to seek help, if they feel they may be dealing with a mental health challenge. Research tells us that one in four young persons in New Brunswick will experience the onset of some kind of mental health problem between the ages of 17 and 25, and yet young people will be among the least likely to actually seek help, and if they do they may not always be connected with the care they need. Unfortunately research also tells us that early intervention and support is the best way to address mental health problems and that in the absence of reliable supports, early signs of psychosis may worsen and mental health problems may deepen with every episode. This contributes to the national rate of youth suicide, a growing problem recently addressed in a joint publication by Canadian Child and Youth Advocates.<sup>23</sup>

It is to address this gap in care that New Brunswick has participated for five years in the ACCESS Open Minds national service transformation for youth mental health. The program delivered in the Acadian Peninsula, in Elsipogtog First Nation and in the Saint-John city Centre is now just completing and the early research evaluations point to a significant return on investment by having community safe spaces and early intervention supports that operate in a “for youth, by youth” model of intervention. We urge the Department of Education and Early Childhood

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<sup>22</sup> See, for example: School District No. 44 (North Vancouver) v. Jubran, 2005 BCCA 201 (CanLII), <<http://canlii.ca/t/1k376>> and Ross v. New Brunswick School District No. 15, 1996 CanLII 237 (SCC), [1996] 1 SCR 825, <<http://canlii.ca/t/1frbr>>

<sup>23</sup> Canadian Council of Child & Youth Advocates. A National Paper on Youth Suicide. September, 2019. [www.cccya.ca/Images/english/pdf/CCCYA%20National%20Suicide%20Paper%20Final%20September%2025%202019.pdf](http://www.cccya.ca/Images/english/pdf/CCCYA%20National%20Suicide%20Paper%20Final%20September%2025%202019.pdf)

Development to work with other ISD partners to fund the operation of existing ACCESS safe spaces in New Brunswick and the program's roll-out to other communities.

New Brunswick's October 2017 report on Integrated Service Delivery and transforming youth mental health in the province, written by the Co-Executive Directors of University of New Brunswick's Health and Education Research Group, reviews the province's successes and insights for the future.<sup>24</sup> Their report lists several areas to continue building, including to engage with Indigenous communities, create a provincial ISD governance structure, establishing a common online information management system for ISD teams, continuing to develop the Network of Excellence, and more.<sup>25</sup> ISD has rolled out to all the schools in the Province, but front-line teachers have as of yet been given insufficient training on the program and the multi-disciplinary scope of its interventions to know when, why and how to refer and support children through these interventions. They often may not know, which students in their own classrooms are receiving ISD supports. This needs to change.

In its soon to be released report stemming from a comprehensive review of child welfare services in New Brunswick, the Advocate is recommending that the *Family Services Act* be replaced with a more specific and child centric, *Children's Act* and that the governance model for ISD be entrenched in law and reinforce the multi-disciplinary collaboration across government for services to children, using a child rights based lens. We encourage the Department and all ISD partners to support these recommendations and work collaboratively to improve student wellness, using child-rights based approaches and cross-sectoral efforts.

#### **RECOMMENDATION 4**

***It is recommended that the Department of Education and Early Childhood Development work with all ISD partners in extending and providing a new legislative basis for the ISD governance model, as recommended in the Advocate's child welfare services review and engage in collaborative and rights-based solutions to support student wellness. In order to further this recommendation, it is suggested that:***

- i. mental health and wellness training program be offered to all teachers, either through CMHA's Changing Minds training or the Mental Health Commission of Canada's Mental Health First Aid program, in order to better equip teachers to take good care of their own mental health and that of their students;***

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<sup>24</sup> Dr. Bill Morrison and Dr. Patricia Peterson, *Story of Transformation in Youth Mental Health in the Province of New Brunswick*, 2017.

<sup>25</sup> *Ibid*, at 42.

- ii. the Department provide more support staff, including educational assistants, behaviour mentors, intervention workers and autism specialists in order to support inclusive education, reduce the reliance on at-home tutoring and provide a positive learning environment for all pupils;*
- iii. the Department implement the recommendations of the 2017 Story of Transformation in Youth Mental Health in the Province of New Brunswick report in order to support the development of Integrated Service Delivery across the province and among all relevant stakeholders including class-room teachers and educational assistants; and*
- iv. the Department work with other ISD partners to sustain the operations of ACCESS Open Minds youth mental health safe spaces and the extension of the program to other communities in New Brunswick.*

### **Engaged Learners**

A key challenge for Education reform in New Brunswick today is to ensure that all school children in this province are not only ready to learn, but eager to learn as well. While our school drop-out rates may be comparatively low on a North-American scale, school administrators worry about the percentage of “drop-ins”, or students who drop-out or disconnect from learning while they are at school or in class. Data from the 2019 Child Rights Indicators Framework suggests that twenty percent of New Brunswick grade 12 students do not feel respected at school. Twenty-eight percent feel they did not have opportunities in high school to take elective courses they were interested in. Twenty-nine percent would have liked more opportunities to take courses in skilled trades. Twenty-five percent would have liked more courses in fine arts. Almost forty percent do not feel they had opportunities to participate in career related learning experiences. Forty-five percent say they had no opportunities to participate in cultural activities organized through school.

All of these related experiences and survey data responses contribute to the alarming fact that when asked if they feel they belong at their school, only thirty percent of New Brunswick students in grades 6 to 12 say they do. Seventy percent therefore do not. **And fully thirty five percent (35%) of these same students say that education is not important to them.** This is therefore the crucial challenge that the New Brunswick education reform needs to address. Education has to matter to children. It has to be a priority for their parents, and families and children need everyone’s support in embracing learning.

In the Bible’s “Book of Proverbs” Wisdom invites good people “to choose knowledge over the finest gold”. The ancient Greek philosophers were all, as the name states, lovers of knowledge. The thirst for knowledge and the search for wisdom are long-held social virtues that appear to

be wearing thin in New Brunswick. Hans Jonas, an influential founder of the field of bioethics, warned as early as 1979 that the technological age we are in “need[s] wisdom most, when we believe in it least”<sup>26</sup>. That is the challenge for educators in our Province in 2020: to rekindle in every child that thirst for knowledge, the aptitude for critical thinking, and the love of wisdom.

A large focus of the reforms suggested in the Green Paper is making our children “future-ready,” i.e. equipping them with the innovation and skills they will require to compete globally in tech-focused and tech-driven industries. This is unquestionably important. However, helping our children to learn skills such as humanity, empathy, relationship building and how to work together to problem solve is perhaps an even more fundamental objective. In a reimagined education system for New Brunswick we must strive to meet all of these objectives.

This won’t happen overnight. Surely not every student will be leaping tomorrow to join Plato and Socrates about the Agora. For some students, the classroom is the problem. The Therapeutic Education Support Site (TESS) in Moncton is an example of a strength-based learning environment for students who struggle in a more traditional system. At Fredericton High School the Enterprise Program offers a specialized environment conducive to learning for students who may be at risk of dropping out of school. The old dogmatic approach to inclusive education often resulted in pressure to close these re-engagement incubators. A broader approach to inclusive education would guard against siloing students with special needs in such auxiliary classrooms, while providing a real opportunity for youth disconnecting from traditional learning modules to re-engage. The province would benefit from investment in this type of model at various sites, to allow students to reengage with learning.

One of the exciting models of re-engaging with learning that has had a runaway success in Quebec is the Youth Fusion model outlined above in the introduction to this submission. Youth Fusion started as a community non-profit in Montreal just over ten years ago, working with a few schools to combat school-leaving by making Quebec classrooms engaging centres of learning for every child. Ten years later the program is operating in over 200 schools in Quebec and Ontario, it has won many philanthropy awards and educational awards as one of the most successful non-profit ventures in Canada and is now offering programs and services in France, and in Fredericton, New Brunswick as of 2020!

The vibe and the sense of success around this program in Quebec is similar to the groundswell of support that New Brunswickers have experienced with Sistema NB. Sistema is a program developed by Maestro Jose Abreu in Venezuela roughly fifty years ago and it has been transforming communities across the globe ever since. Sistema gives every child who embraces

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<sup>26</sup> Hans Jonas, *The Imperative of Responsibility: In search of an ethics for the technological age*, University of Chicago Press, Chicago, 1985, 263 pp., at p. 130. (translated from the German “Das Prinzip Verantwortung”).

the opportunity free orchestral music instruction, focusing on neighborhoods of greatest need. In Sistema programs, children learn discipline, how to care for their instrument, how to make great music together through practice and applied effort. By developing these talents they become the pride of their families and community and their dedication to learning and working as a team translates to all other aspects of their lives. Academic achievement and pro-social behaviours improve, family tensions are reduced, and of course, the program creates a whole new generation of excellence in musicianship which transforms the community in myriad ways.

Government needs to find a way to work proactively with the private sector and communities to better support ventures such as Youth Fusion and Sistema. The changes these programs are making in children's lives are undeniable.

Research has also shown that UNICEF's Rights Respecting Schools model is an excellent mechanism through which schools can nurture more engaged students. The common values of child rights, respect and inclusion create a common set of values and sense of community that lead to more engagement in decision-making, better conflict resolution and reduced prejudice and bullying.<sup>27</sup> It helps create a sense of belonging in schoolchildren by giving them more control over their school experience and showing them how their rights improve students' lives at school. The Rights Respecting Schools model can be explored further with a vision of bringing these benefits to many more schools across the province. A rights-based approach in general is valuable for students to realize they are valued and supported as members of society and to help students learn respect for others' human rights and dignity.

A final challenge under this rubric would be to give students a real voice within their own school communities. The Department of Education should lead the reform of student council bodies to ensure that monitors of these assemblies fully empower students as decision-makers and teach them life skills in civics and the governance of deliberative assemblies and organizational management. Too often we hear that student councils have no decision-making authority, that school monitors make all the decisions. Student council members have no opportunity to take initiative. They are not taught rules of order for meetings, or how to run a meeting, and can only execute the plans laid out for them by a teacher on staff. Student government bodies within schools should be representative and democratic institutions where children learn good practices in civic participation, governance and leadership.

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<sup>27</sup> UNICEF Canada, *UNICEF Canada's Rights Respecting Schools*, [https://unicef.ca/sites/default/files/imce\\_uploads/UTILITY%20NAV/TEACHERS/RRS/DOCS/UNICEF\\_Canada\\_Dec\\_12\\_Update\\_on\\_Rights\\_Respecting\\_Schools.pdf](https://unicef.ca/sites/default/files/imce_uploads/UTILITY%20NAV/TEACHERS/RRS/DOCS/UNICEF_Canada_Dec_12_Update_on_Rights_Respecting_Schools.pdf).

## **RECOMMENDATION 5**

***It is recommended that the Education Act be amended in its governance provisions to ensure that all schools in the province elect a student council and hold a minimum of four student assemblies through the school year. The law amendments should mandate student assemblies to direct and support the student councils in the exercise of their mandates, the promotion of Rights Respecting Schools and the execution of the School Improvement Plan and local implementation of the Educational Plan. The law should also require each school district to designate one pupil liaison to the Child and Youth Advocate's Office. In furtherance of this recommendation:***

- i. As with the parent and community engagement process, the law amendments to section 38.2 of the Act should provide designated staff in each educational sector and at the district level to support the development of student assemblies and student councils and their missions and mandates;***
- ii. in the 2021-2025 school years, each sector of the Department of Education should pilot child rights transformations through the Rights Respecting Schools program in at least three schools at the primary, middle school and high school levels within each district and the results of these pilots should be formally evaluated by independent, academically based research teams;***
- iii. School Districts and EECD must renew and improve their investments in learning environments for students who cannot adapt to the traditional system, such as the TESS program in Moncton and replicate them in other regions of the Province and they should work proactively with the business, non-profit and philanthropic sectors to expand programs such as Youth Fusion and Sistema NB throughout New Brunswick.***

### **Investing in Early Education**

Addressing school readiness requires an investment in early years (preschool) Integrated Services Delivery equivalent to the investment the province has made in Integrated Service Delivery for the school-aged years. This requires daycares, public and pediatric health professionals, child protection professionals and early childhood development professionals to work collaboratively.

There is also the perennial issue of lack of childcare availability. The Child and Youth Advocate has recommended the creation of a universally accessible, educational, affordable and rights-respecting childcare system to address poverty inequalities and encourage positive intellectual, physical, social and emotional childhood development. A provincial childcare review was undertaken by a task force in 2016. The task force found issues of accessibility, quality and

inclusiveness in childcare in New Brunswick. This led to a recommendation for a publicly funded system.<sup>28</sup>

Investing in early education also means investing in families. A safe and stable relationship within the family is foundational to each child's mental wellbeing.<sup>29</sup> An early-years Integrated Service Delivery system that reaches out to wrap supports around families in need, coupled with a universally accessible, educational, affordable and rights-respecting childcare system can be the catalyst for a monumental shift in New Brunswick's future wellbeing.

In our *Behind Closed Doors* report we recommended that ISD be extended and thoroughly rethought for early childhood educational contexts. The stakeholders who have to come together and be trained in Integrated Service Delivery interventions for children in early years are in completely different professional specializations than those serving the general student population. We need an ISD approach in early childhood that engages maternity wards, pediatricians, early childhood educators, daycare staff and public health nursing teams, who would not be otherwise engaged by ISD Child and Youth Teams in schools. With these new supports in place, infants and toddlers and young children could also reap the benefit of system wide wellness initiatives, from outdoor pre-schools and evidence based unstructured play, to art and music therapy programs in daycares.

We urge the Department to think proactively about the ways in which it can support the reinforcement of the ISD model and cross-departmental collaboration, particularly in relation to early childhood and the need for a new model of integrated service delivery in early years.

One of the ways in which the Department has already been doing this is through their pilot of social pediatrics in Community. The model of social pediatrics in community, as developed by the Fondation Dr. Julien in Quebec, is a promising model of interdisciplinary practice in early years. This program could fill a gap in service that ISD leaders have acknowledged. For pre-kindergarten aged children, we often have too few early warning systems for trauma or developmental delay in early years. Social Pediatrics in Community gives us an interdisciplinary practice model for wrap-around services to children in the early years of life where the benefit of early intervention potentially has the greatest impact. The Province's 2016 Child Care Task Force report provided useful recommendations in this area.

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<sup>28</sup> Province of New Brunswick. Valuing Children, Families and Childcare: New Brunswick Child Care Task Force Final Report. 2016.

<http://www2.gnb.ca/content/dam/gnb/Departments/ed/pdf/ELCC/ValuingChildrenFamiliesAndChildcare.pdf>

<sup>29</sup> National Scientific Council on the Developing Child and the National Forum on Early Childhood Policy and Programs. "The Foundations of Lifelong Health are Built in Early Childhood." Harvard University Center on the Developing Child. 2010. <http://developingchild.harvard.edu/wpcontent/uploads/2010/05/Foundations-of-Lifelong-Health.pdf>

Recent increases in investment by Government in early childhood education were beneficial. The Advocate would encourage Government to maintain the investment in areas such as licensing additional daycares as early learning centres and dropping rates to increase child care affordability for people at the lower income levels, especially at the lowest incomes.

Prince Edward Island leads the way in early childhood education as of 2017 in the areas of integrated governance, funding, access, accountability and the learning environment, according to a report from the Atkinson Centre for Society and Child Development.<sup>30</sup> New Brunswick is tied for third place at 9.5 out of 15 points, behind only PEI and Quebec. Improvements can be made in several areas, including the portion of the provincial budget devoted to early childhood education, a mandated salary and fee scale in licensed child care, providing funding conditional on serving special needs children, increasing rates of qualified staff, requiring early childhood educator certifications for kindergarten teachers, increasing salaries of early childhood educators to at least two thirds those of teachers and providing standards for early childhood education programs including kindergarten.<sup>31</sup>

As stated in the Conference Board of Canada's *Ready for Life* report, there is a substantial return on investment to be had for every dollar the province invests in early childhood education. This type of investment also "helps reduce inequality in society and raises many families out of poverty."<sup>32</sup>

## **RECOMMENDATION 6**

***It is recommended that Government continue to invest in children and families with consistent incremental increases in public investments to build a sustainable early learning and childcare system for children from birth to age four, providing an educational and rights-respecting childcare system that is accessible and affordable for all New Brunswick families.***

***In order to further this recommendation, it is recommended that EECD:***

- i. lead the ISD reform for early childhood as recommended in the Advocate's Behind Closed Door Report in order to re-emphasize the Department's commitment to early childhood education and readiness to learn;***
- ii. maintain and expand its investments and supports to Social Pediatrics in Community in order to support the roll-out of this intervention to children in every part of New Brunswick;***
- iii. work with the NBTF and all relevant stakeholders to support the professionalization of practice by early childhood educators and the***

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<sup>30</sup> Atkinson Centre for Society and Child Development, *Early Childhood Education Report*, 2017.

<sup>31</sup> *Ibid.*

<sup>32</sup> The Conference Board of Canada, *Ready for Life. A Socio-Economic Analysis of Early Childhood Education and Care*, 2017.

- implementation of duality and minority-language education rights and inclusive education rights in early childhood education and care settings; and*
- iv. *continue working to fulfill the recommendations set out in the 2016 Child Care Review Task Force Report, in accordance with a transparent and effective implementation plan that will match the investments of Quebec and PEI and ensure best-in class investments in early education for all New Brunswick children by 2025.*

## Conclusion

We close by again welcoming the forethought and reserve that Government has shown in undertaking this reform. Teachers are tired of always having new curriculum and evaluation measures thrown at them and we need to set realistic targets for improvement in educational services without subjecting this critical system to the vagaries of every electoral contest. A ten-year plan for education with scheduled timelines for review is a very good thing.

At the same time, we must recognize that past efforts at reform have managed in slow but discernible ways to break down the fabric in society supporting educational excellence. New ways have to be found to bring students, parents, teachers and communities back on the same page when it comes to putting the appropriate value on education and appreciating the role of educators within our society.

The Child and Youth Advocate has been given the mandate by government over the past ten years to defend children's rights and advance their best interests at every opportunity. This child rights lens that we work with has forced us to measure progress in New Brunswick against the progress made by children elsewhere, not only in Canada, but the world over, and particularly in the world's most successful and rapidly growing economies. Without a doubt, valuing educational excellence is a hallmark of advanced economies the world over.

To bring about the changes that New Brunswickers need and to better support the excellent work that the Department is doing already we urge Government to take all legislative and administrative measures possible to accompany its reform program with a robust commitment to children's rights. This means giving children a real voice in the governance of their own schools, it means inviting families to reengage in a constructive dialogue around educational excellence at the local level. It means committing ourselves formally in legislation to the Aims of

Education as proclaimed by the United Nations. It means coming together in innovative school communities to reimagine our schools as places where child rights are not only taught, but become a lived reality.

This child-rights based approach to education can in our view strengthen our commitment to inclusive education, while at the same time allowing for the flexible arrangements that will allow the system to better meet every child's needs. Child-rights based approaches to education can help make our schools more welcoming to LGBTQ+ pupils as well as students from immigrant families, Indigenous children, or children disadvantaged by reason of their social condition. The reform would not only change the culture of our schools, including through the piloting of Rights Respecting Schools, it would also infuse our curriculum in terms of human rights education and global citizenship, and ensure swift action to preserve and promote Wabanaki languages.

These child rights-based approaches also support our broader recommendation to improve student wellness, help students re-engage with learning and rekindle the thirst for knowledge in every child, starting with the very youngest. We believe that by making these important adjustments to our legislations and educational programming and respecting the commitments under the Ten-Year Education Plan, we will be able to achieve the ambitious targets established under the Green Plan and much more.

## TABLE OF RECOMMENDATIONS

### **RECOMMENDATION 1 – A Child Rights-Based Approach to Reform**

***It is recommended that the Education Act be amended to incorporate the aims of education from Article 29 of the UNCRC as part of the Goals of Education under New Brunswick law and to direct schools and the education system as a whole to promote and provide Global Citizenship and human rights education in New Brunswick schools. In order to implement this legislative commitment, it is recommended that:***

- i. a Global Citizenship and Human Rights Education Unit be established within each of the francophone and anglophone sectors of the Department of Education and Early Childhood Development. The purposes of these new units would be to: (1) manage existing programs for inclusive education, duality and second language training, cultural knowledge translation, Indigenous history, truth and reconciliation education programming and LBGTQ+ and newcomer education programming supports and (2) to undertake a program of cross-curricular reform to propose new models of child rights and human rights education, from pre-school early education centres through to grade 12. Additionally, school districts should establish within their existing directorates of education Global Citizenship and Human Rights Education Units to ensure implementation at the district and school level.***
- iii. the Department of Education and Early Childhood Development finalize and implement the child rights module as mandatory introductory training within the Integrated Service Delivery initiative. This work should also be integrated in training for all teachers and school staff, as well as in trauma-informed care training initiatives and all other core training programs for professionals involved in child and youth service delivery, from early childhood forward.***

### **RECOMMENDATION 2 – entrenching the Right to Inclusive Education**

***It is recommended that the current reform of education services provide an opportunity to entrench in our Education Act a clear commitment to the right to inclusive education. This commitment should accord with the rights as proclaimed under Article 24 of the Convention on the Rights of Persons with Disabilities, and within the meaning of the Convention on the Rights of the Child. To further operationalize this legal commitment to inclusive education, it is recommended that:***

- i. the Global Citizenship and Human Rights Education Units and district specialists referenced above coordinate inclusive education program and policy reforms, in collaboration with education services specialists; these reforms should broaden our implementation of inclusive education principles in New Brunswick schools to work***

- to the benefit of every learner, regardless of their disability, race, gender, cultural heritage, language, sex, social condition, belief or opinion or any other ground that may have historically disadvantaged them or persons similarly situated in their efforts to achieve academic success and equal access to education;*
- ii. the Department of Education and Early Childhood Development take immediate measures to implement and promote mother-tongue instruction for all interested First Nations and Métis pupils in New Brunswick, including through the establishment of a Provincial Council on Indigenous Education, Wabanaki heritage, and linguistic reclamation and promotion; this Council should have a mandate to report annually to the Minister of Education and Early Childhood Development on progress achieved in reference to a strategic plan for Indigenous language preservation and promotion and for measured progress in relation education outcomes for indigenous children; given the vulnerable status of indigenous languages in New Brunswick, this Council must be established prior to any other reform to the education system;*
  - iii. the Department of Education and Early Childhood Development establish a plan of action in consultation with the New Brunswick Multicultural Council, Multicultural Associations and representative groups to improve inclusive education services for immigrant, newcomer and racial minority children; consideration should be given in the development of this plan of action to the voices of newcomer and immigrant pupils and the recommendations from the 2017-18 New Brunswick Shaking the Movers report; and*
  - iv. the Department of Education and Early Childhood Development and all school districts review their policies to ensure that inclusive education programming addresses the needs of children in poverty and LGBTQ+ children and youth, as well as child victims of trauma.*

### ***RECOMMENDATION 3 – Family and Community Supports for Teachers and Schools***

*It is recommended that the Education Act be amended to require twice annual school assemblies of students, parents and the broader community and that the assemblies be mandated to assist Parent School Support Committees (PSSC) in developing community supports to teachers, classrooms and schools. In order to further these reforms it is also recommended that:*

- i. dedicated District Educational Council and PSSC support staff as required under section 38.2 of the Education Act, be augmented at the departmental level and hired as well in every school district;*
- ii. the Department of Education and Early Childhood Development develop with school districts a training program to orient and connect teachers, school staff and administrators with provincial and local services providers and supports to children to*

*mitigate knowledge silos and improve awareness and referrals for valuable services. Examples of organizations to include in these meetings include the Child and Youth Psychiatric Unit, the Pierre Cassie Centre, Integrated Service Delivery teams, Child Protection and Child in Care services, Big Brothers-Big Sisters, Boys and Girls Clubs, Guides and Scouting associations, cadets, YMCAs, Youth Fusion, CISV, Roots of Empathy, Partners for Youth and the Child and Youth Advocate's office.*

- iii. It is recommended that the Department, DEC's and schools reach out and work with civil society organizations and the business community to promote volunteer, sports, recreational, employment and career development programs that benefit students and support curricular and educational planning objectives while nurturing the sense of belonging and attachment of pupils to school and community and also maintaining and nurturing respect for the teaching profession.*

#### **RECOMMENDATION 4 – Supporting Student Wellness**

*It is recommended that the Department of Education and Early Childhood Development work with all ISD partners in extending and providing a new legislative basis for the ISD governance model, as recommended in the Advocate's child welfare services review and engage in collaborative and rights-based solutions to support student wellness. In order to further this work, it is recommended that:*

- i. mental health and wellness training program be offered to all teachers, either through CMHA's Changing Minds training or the Mental Health Commission of Canada's Mental Health First Aid program, in order to better equip teachers to take good care of their own mental health and that of their students;*
- ii. the Department provide more support staff, including educational assistants, behaviour mentors, intervention workers and autism specialists in order to support inclusive education, reduce the reliance on at-home tutoring and provide a positive learning environment for all pupils;*
- iii. the Department implement the recommendations of the 2017 Story of Transformation in Youth Mental Health in the Province of New Brunswick report in order to support the development of Integrated Service Delivery across the province and among all relevant stakeholders including class-room teachers and educational assistants; and*
- iv. the Department work with other ISD partners to sustain the operations of ACCESS Open Minds youth mental health safe spaces and the extension of the program to other communities in New Brunswick.*

### **RECOMMENDATION 5 – Nurturing Engaged Learners**

***It is recommended that the Education Act be amended in its governance provisions to ensure that all schools in the province elect a student council and hold a minimum of four student assemblies through the school year. The law amendments should mandate student assemblies to direct and support the student councils in the exercise of their mandates, the promotion of Rights Respecting Schools and the execution of the School Improvement Plan and local implementation of the Educational Plan. The law should also require each school district to designate one pupil liaison to the Child and Youth Advocate’s Office. In furtherance of this recommendation:***

- i. As with the parent and community engagement process, the law amendments to section 38.2 of the Act should provide designated staff in each educational sector and at the district level to support the development of student assemblies and student councils and their missions and mandates;***
- ii. in the 2021-2025 school years, each sector of the Department of Education should pilot child rights transformations through the Rights Respecting Schools program in at least three schools at the primary, middle school and high school levels within each district and the results of these pilots should be formally evaluated by independent, academically based research teams;***
- iii. School Districts and EECD must renew and improve their investments in learning environments for students who cannot adapt to the traditional system, such as the TESS program in Moncton and replicate them in other regions of the Province and they should work proactively with the business, non-profit and philanthropic sectors to expand programs such as Youth Fusion and Sistema NB throughout New Brunswick.***

### **RECOMMENDATION 6 – Maintaining the Priority on Early Childhood Education**

***It is recommended that Government continue to invest in children and families with consistent incremental increases in public investments to build a sustainable early learning and childcare system for children from birth to age four, providing an educational and rights-respecting childcare system that is accessible and affordable for all New Brunswick families. In order to further this recommendation, it is recommended that EECD:***

- i. lead the ISD reform for early childhood as recommended in the Advocate’s Behind Closed Door Report in order to re-emphasize the Department’s commitment to early childhood education and readiness to learn;***
- ii. maintain and expand its investments and supports to Social Pediatrics in Community in order to support the roll-out of this intervention to children in every part of New Brunswick;***

- iii. work with the NBFT and all relevant stakeholders to support the professionalization of practice by early childhood educators and the implementation of duality and minority-language education rights and inclusive education rights in early childhood education and care settings; and*
- iv. continue working to fulfill the recommendations set out in the 2016 Child Care Review Task Force Report, in accordance with a transparent and effective implementation plan that will match the investments of Quebec and PEI and ensure best-in class investments in early education for all New Brunswick children by 2025.*