

Submission of
Office of the Child and Youth Advocate
to
The Premier's Task Force on Improving Educational Outcomes
March 2017

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1. Introduction

The mandate of the Office of the Child and Youth Advocate (OCYA) is to protect and advance the rights and interests of children and youth through the provision of advocacy services. The Office operates from a rights-based perspective and applies the *United Nations Convention on the Rights of the Child (UNCRC)* as the basis for its advocacy work. The Office welcomes the opportunity to submit to the Task Force on Improved Educational Outcomes as a means to advocate for young people in Newfoundland and Labrador. As an underpinning of all issues and considerations identified in this submission, the OCYA strongly recommends that young people should be included in the development of legislation, policies and programs affecting them.

Over the years, the OCYA has had direct involvement with individual children and youth and their families on concerns with the educational system. While there is a broad conversation that the Task Force will undoubtedly inspire, and on which the OCYA could comment, this submission focuses on six (6) key issues for the education system in Newfoundland and Labrador:

- Inclusive Education
- Social Workers in the School System
- Violence in School
- Partial School Day Programming
- LGBTQ Inclusion
- Absenteeism

In preparing this submission, the OCYA has drawn on its knowledge and experiences, and has conducted cross jurisdictional research. Considerations for further research/analysis and future improvements are provided for the Task Force.

The OCYA recognizes that many young people in the province live very complex and challenging lives. As a preamble to the discussion on specific issues, it is important to recognize that the challenges facing children and youth in school can originate in a variety of sources. While the educational system plays a key role in addressing many of these issues, it cannot do it all. Many issues are much broader in scope than the school doors, and necessarily require coordinated and dedicated effort among other systems and resources, families and the broader community. Some of these issues may include health concerns, violence in the home, social and academic exclusion, homelessness, addictions and a history of trauma. These issues are complex, especially when

compounded, and require a thoughtful and comprehensive response. Simplistic solutions will leave young people feeling defeated, professionals demoralized, and the system with inadequate results. With the assumption that all behavior has meaning, the first task when student behavioural issues are raised is to address the drivers of behavior before moving to quick solutions, as such solutions may merely address a symptom and not necessarily the real problem.

2. Inclusive Education

a. *Inclusive Education Model – A Look at Newfoundland and Labrador:*

The inclusive education initiative was introduced several years ago in Newfoundland and Labrador. The Department of Education and Early Childhood Development defines inclusive education as a philosophy that promotes:

- the right of all students to attend school with their peers, and to receive appropriate and quality programming;
- a continuum of supports and services in the most appropriate setting (large group, small group, individualized) respecting the dignity of the child;
- a welcoming school culture where all members of the school community feel they belong, realize their potential, and contribute to the life of the school;
- an atmosphere which respects and values the participation of all members of the school community;
- a school community which celebrates diversity; and,
- a safe and caring school environment.

According to the Department of Education and Early Childhood Development, the following elements are required for a successful inclusion model:

- an understanding of, and commitment to, inclusion;
- a welcoming and safe school environment;
- a strong administration team;
- a focus on teaching all children;
- involvement from families and outside agencies;
- professional development for teachers and other school personnel;
- common planning time for teachers;
- effective instructional and assessment strategies to meet student needs;
- appropriate accommodations and support systems in place;
- opportunities for relationship and team building; and,
- a commitment to continuous improvement and growth.

The philosophy and the components of a successful inclusion model as referenced are important. However these high level statements and aspirations must be appropriately and adequately supported. Cascading levels of clear understanding and concrete supports are required from the Minister's Office to the classroom teacher in order to have the desired impact in the lives of children and youth in Newfoundland and Labrador. The practical implementation of the inclusion philosophy will define its usefulness. One of the most critical conditions of success will be to engage families and caregivers, but especially young people, as active and meaningful participants in any inclusive education approach. The OCYA specifically advocates for the voices of young people to be included in planning and evaluation processes for inclusive education. This participation must be at levels reflecting their development and capacity.

Given the broad based concerns that teachers, parents and students have recently identified publicly, a good appraisal of our current approach is in order with a view to informing improvements. This should include an analysis of whether urban and rural schools are faring differently in the inclusion model of education in Newfoundland and Labrador.

b. *Cross Jurisdictional Review:*

Every province and territory in Canada has mandated inclusive education for children and adolescents with disabilities. Despite inclusion being the preferred approach, a significant number of students with exceptionalities continue to be excluded from the regular classroom, either through placement in segregated rooms or through not having their academic and social needs met. There is considerable variation across jurisdictions as each province and territory responds to its own particular needs. As a result, true inclusion remains a work in progress in most jurisdictions.

New Brunswick is a Canadian leader for inclusive education. New Brunswick's inclusion policy received an international award for innovation in 2016. Its policy is designed to support teachers, parents and guardians in the learning process. In addition, New Brunswick, Manitoba, Alberta and British Columbia use programming that actively supports student self-concept, diversity, belonging and social inclusion, in addition to academic inclusion.

c. *OCYA Experiences:*

In the past year, the Office of the Child and Youth Advocate received approximately ten requests for service for individual advocacy related to inclusive education. The OCYA has also been following some of these issues on a systemic level. Concerned parents and guardians of children with autism, attention deficit-hyperactivity disorder, anxiety, oppositional defiant disorder, visual impairments and speech-language disorders

contacted the OCYA because they believed the current inclusion model is not meeting the needs of their children.

Some of the issues presented were:

- more one-on-one time with teachers and student assistants is needed;
- more programming specific to the child's needs is required, especially in the case of concurrent disorders;
- more training and education for teachers and student assistants is required;
- more awareness and training in the system is needed to eliminate inappropriate comments about students;
- inappropriate use of “quiet” or “sensory” rooms to deal with behaviors;
- inappropriate use of partial-day programming to deal with behaviors;
- lack of human resources (teachers, teaching aides); and,
- lack of coordination of services, such as occupational therapy, physiotherapy, social work, and speech-language pathology.

d. *Considerations for Inclusive Education:*

- i. Establish a method to accurately measure outcomes and accountability of the inclusion model to determine how well it currently works, and what is required for improved performance.
- ii. Complete a comprehensive review of the utilization of “sensory” or “quiet” rooms and determine appropriateness and options.
- iii. Incorporate mandatory inclusion model training into undergraduate and graduate education programs, and into professional development training agendas.
- iv. Enhance coordination of services for children and youth within the school for an improved circle of care with the young person at the center.
- v. Include young people in planning and evaluation processes.

3. Social Workers in the School System

a. *School Social Workers: A Look at Newfoundland and Labrador*

School social workers can play a critical role in schools to provide services to students to enhance emotional well-being and support their academic performance. They can be called on to help students, families, and teachers address problems such as truancy, anxiety, bullying, social withdrawal, aggressive behaviors, rebelliousness, and the effects of special physical, emotional, or economic problems. School social workers will

often address issues such as substance abuse and sexuality issues in the higher grade levels. (National Association of Social Workers, 2012). Social workers provide individual advocacy, coordinate interagency planning, engage families and students as key participants, and are qualified to deliver a range of individual and group counselling services. Social workers address client needs and issues within the broader social environment.

The school setting provides children and youth the opportunity to learn and grow in the critical areas of academics, social and emotional health and developmental achievements. It is where issues such as family relationships and mental health invariably arise since the child or youth spends significant amounts of time in the school. Given that community resources and supports are not always readily available, schools are necessarily faced with the challenge of having to deal with these issues.

The Newfoundland and Labrador English School District does not currently employ social workers. Local research has identified two noted initiatives that employed social workers in the school system in the past. In the first initiative, the Department of Health and Community Services hired a social worker in 1999 in Grand Falls-Windsor in partnership with the School Board. The social worker implemented a mentoring program, addressed bullying issues, followed students with chronic absenteeism, attended case planning meetings, made referrals to Child, Youth and Family Services, established Roots of Empathy, and launched the breakfast program. This ended in 2009. In another project, the Western Regional School District hired a social worker in 2004. The program supported engagement between the school and parents. While the project has been reported to have been a positive experience, this position has not been filled since June 2014.

The Task Force is encouraged to explore the use of social workers in schools as a means of filling gaps in existing services, and creating a key liaison role between the child, the family, the school and the community.

b. *Cross Jurisdictional Scan:*

All provinces in Canada have social workers working within the school systems with the exception of Newfoundland and Labrador. Nova Scotia has recently launched “SchoolsPlus” which is a collaborative interagency approach that supports the whole child and their family, with the school as the center of delivery. Manitoba social work students are hired as part of a pilot project which highlights the value for school based social work.

c. Comparison of Social Work, Educational Psychology and Guidance Counselling in the School System:

In assessing the value of social workers in the school system, it is helpful to distinguish primary functions of social workers, educational psychologists, and guidance counsellors.

Social workers help individuals, families, groups and communities to enhance their individual and collective well-being. Social workers assist people to develop their skills and enhance their ability to use their own resources and those of the community to resolve problems. Social workers provide individual, family and group counselling. They provide comprehensive services to young people with emotional, physical, social and/or behavioral challenges. They connect children, youth and their families to community supports and services. All social workers must have a Bachelor of Social Work degree or Master of Social Work degree from an accredited university and must have a current membership with their social work association or be eligible to become registered.

Educational psychologists' primary responsibilities include assessment, diagnosis, and program recommendations for students. These assessments would include the application of standardized assessments and tests to detect or diagnose the presence of learning disabilities or cognitive challenges, for example. Educational psychologists must have a Bachelor of Education degree and a Master of Education degree (Counselling Psychology) and they must be registered with their professional association or be eligible to become registered.

Guidance counsellors offer guidance services in all schools to address the needs of students. This includes comprehensive and developmental career guidance, and guiding the personal, social, emotional, spiritual developmental needs of the student. The guidance counsellor conducts informal and formal assessments. A guidance counsellor in the K-12 system in Newfoundland and Labrador must have a minimum of a Bachelor of Education degree, a graduate degree in Guidance, and the necessary course work to complete Level C comprehensive assessments.

Fast Facts for NL English School District: (NLESD 2017)

Number of schools: 255

Number of students: 66,280

Number of Educational Psychologists: 40

Number of Guidance Counsellors: 227

d. Considerations for Social Workers in the School System:

- i. Establish pilot social work practitioner positions in schools to directly work with students, fill gaps in service, foster greater coordination and linkages between the school and broader community, and thereby enable teachers and other resources in the educational system to more fully focus on their areas of practice.

4. Violence in Schools

a. Violence in Schools: A Look at Newfoundland and Labrador

Students in Newfoundland and Labrador report varied forms of violence. It can include a range of behaviours up to and including criminal assault. In conducting its annual school climate survey of all schools for 2015-2016, the Department of Education and Early Childhood Development identified significant student concerns with safety in Newfoundland and Labrador schools.

Grade 7-12 results:

- 21.1 % did not feel safe in school
- 26.3 % did not feel safe in school washrooms
- 28.1% had been physically bullied in the month preceding
- 43.1% had been verbally bullied in the month preceding
- 16.2% had been sexually harassed in the month preceding

b. Safe and Caring Schools Policy:

In Newfoundland and Labrador schools, the current Safe and Caring Schools Policy is an evidence-based, whole-school approach to addressing behavioural issues. It is based on positive behavioural interventions and supports. It provides varying levels of supports depending on a student's need, and aims to teach students social-emotional skills and pro-social behavior. Research has shown that this approach reduces problematic behaviour, including bullying and that effective implementation leads to significant reductions (between 20 and 60 percent) in behavioural problems as measured by office discipline referrals (Kartub et al, 2000; Lewis et al, 2000; Taylor-Greene et al, 1997; Bradshaw et al, 2008; Bradshaw et al, 2009; Waasdorp et al, 2012).

c. *Alternative and Restorative Justice Approaches:*

Restorative philosophy and approaches are not new concepts related to conflict resolution, however recent interest and school-based projects in St. John's are shining a new light on it in relation to school environments. A restorative approach focuses on relationship building, healing, communications, respect, reparation, understanding, victim empathy, and direct responsibility for behavior. Restorative approaches often focus on the perpetrator "making it right".

A restorative justice pilot project at Gonzaga High School, and Bishop Field Elementary School in partnership with the Provincial Government, Memorial University of Newfoundland, the Newfoundland and Labrador English School District is offering additional tools for students and schools. The project aims to implement the Restorative Justice and Relationships First philosophy in classrooms which promotes social-emotional learning. Teaching restorative justice and promoting social-emotional learning is in line with the existing Safe and Caring School Policy and the Principles of the Positive Behavioral Interventions and Supports approach.

Restorative and alternative approaches to conflict resolution hold potential. Partners to the current pilots indicate interesting and encouraging results. However before such approaches can be considered for broader implementation, there must be a clear commitment to the associated training, supports and cultural shift. There is potential for power imbalances to create risk for victims in more serious cases, so proper risk assessments, appropriate supports, and informed consent for all parties are critical components.

d. *Cyber-Bullying and Sexual Harassment:*

The cost of bullying for both the victim and perpetrator is high. Studies show these costs may include poorer achievement of academic benchmarks, stronger likelihood to develop mental health problems for victims, lower likelihood to finish secondary school and to gain employment compared to their non-bullying, non-bullied peers (Gruber et al, 2016; Lichty et al, 2012).

Cyber-bullying has expanded the impact of bullying and increases the difficulty addressing it. Its pervasiveness is shown in a survey completed in 2013 of 92 schools in Newfoundland. 26.4 percent of students indicated they had been victims of cyberbullying. Most bullying occurred for students between grades 9 to 12. The majority of victims were female. 18.8 percent of students admitted they had cyber-bullied someone (White, 2013).

Cyber-bullying and traditional bullying are often sexual in nature. They may also include non-consensual distribution of pornographic images and sexual harassment. This can have a devastating impact on victims and has been linked to youth suicide throughout the country. Some efforts have begun to address issues of consent, impact of sexual harassment, and educate about the potential for youth to be criminally charged. The OCYA recommends that the Task Force embrace this issue as one that requires immediate attention and with innovative approaches which are directly inclusive of young people in planning and delivery.

Given the nature of cyber-bullying, it blurs the lines between what occurs inside and outside of schools. An exclusive school-based solution will not address the issue. However schools cannot dismiss issues that so deeply impact students on a daily basis simply because some of the activity may occur outside school property or hours. This speaks to the need for collaborative approaches between schools, communities and families. A culture change is required which creates mutual ownership and responsibility for this issue that puts so many young people at risk. Stepped up activity is required, as the problem continues to grow.

e. OCYA Experiences:

OCYA is directly aware of cases of bullying, harassment and assault where young people have been bullied for physical appearance, a parent's incarceration, harassment while using a washroom, and have experienced verbal intimidation, racist taunts, as well as sexual and physical assault. Most of these cases noted parental dissatisfaction with the school's communications and approach to them.

f. Considerations to Address Violence in Schools:

- i. The School Boards explore alternative models of conflict resolution such as restorative approaches to enhance the Safe and Caring Schools Policy. Appropriate supports must be provided, i.e. training and professional development.
- ii. The Department of Education and Early Childhood Development incorporate the concepts of consent, sexual assault, and sexual harassment into the curriculum at earlier grade levels and expand on those concepts in subsequent grade levels.
- iii. The School Boards work with schools to ensure that issues of student bullying occurring outside of school are addressed in collaboration with community organizations and families to create enhanced efforts and responses.

5. Partial Day Programming

a. *Partial Day Programming: A Look at Newfoundland and Labrador:*

Partial day programming is implemented when a program planning team, comprised of school and district personnel, decides a student would benefit from attending school less than a full day, on a short term basis. According to the Newfoundland and Labrador English School District partial day programming policy, it can only be used in extreme circumstances and in response to a student's physical or mental health needs as verified by a medical professional or as a short-term plan in response to severe safety concerns. The program planning team must meet at least bi-weekly to determine if the partial day programming strategy is meeting its goals. The majority of partial day programming advocacy requests the OCYA receives involve children on partial days as a response to behavioural issues. This may include violent or disruptive behavior.

b. *Cross-jurisdictional Review:*

A variety of approaches are used throughout the country when a student's behavior is unacceptable. Many jurisdictions use progressive discipline and a whole-school approach to safe and accepting learning environments. Unacceptable student behaviour may be addressed through corrective measures, as opposed to simply reducing the length of a child's school day. These measures can engage all levels of the school community. Interventions that support the student include verbal reminders, discussion of expectations, assignments that require reflection, communication with parents, conflict mediation, peer mentoring, volunteering in the school and/or community, and/or referral to supportive or therapeutic counselling to support students and foster respectful relationships within the school.

Jurisdictional reviews indicate school policies supporting progressive discipline promote positive behaviour and healthy relationships. When developing policies in this area, schools may consult experts in special education, as well as social service agencies, mental health agencies, and/or other community organizations and groups. Interventions need to be developmentally appropriate and reinforce positive behaviour. Students with special needs must be supported with policies that provide adequate programs and services in a safe and inclusive environment. In extreme circumstances, where short term suspension is employed as an intervention, supports and programming must be offered to students so that they have an opportunity to continue their education while absent from school. Such dynamic measures may have more positive effects on both student and school. In 2006, the Honorable D. Merlin Nunn, Commissioner of the Nunn Commission of Inquiry, made 34 recommendations in his

report titled “Spiralling Out of Control”. This Commission was in response to the case of a youth whose behavior had spiraled out of control and resulted in the death of a woman in a motor vehicle accident. The youth had a history of extended involvement in multiple systems, his behavior continued to escalate and culminated in tragedy. In his report, Justice Nunn recommended that “*The Department of Education provide schools the adequate space, staff and programs for in-school alternatives to out of school suspension as a disciplinary measure*”(Report of the Nunn Commission of Inquiry, 2006). There is merit in considering similar provisions to provide in-school alternatives rather than partial day programming for children whose behavior deems them unsuitable for full day participation.

c. OCYA Experiences:

While implementation, monitoring, and evaluation of this approach varies throughout the province, the OCYA has received several similar concerns from parents regardless of the region of the province in which they reside. Parents expressed feelings of frustration, anger, stress and powerlessness over their perceived lack of ability to help their child. Parents felt their contribution to the process was not as valued as input from educators and school administrators. Some parents reported that their child’s self-esteem was affected. In one case, a child felt unwanted by the school and worried about being labelled as “the bad child”. There has been a general theme from families that the partial day programming reinforced, or in some cases led to, the child’s dislike for school.

Partial day programming has, in some cases, had a financial impact on families. They experienced increased child care costs for the hours the child was not in school, as well as additional transportation expenses because children went to and from school at times when busing was not provided. Some parents have reported employment jeopardy and job loss as a result of time spent dealing with these school issues.

A significant concern with the partial day programming is that the children suffer academically, emotionally and socially as a result of the shortened school day. Disconnection from the school creates difficulties for children and youth finding their way back to school and reintegrating with their teachers, peers and the curriculum. Parents report they are often unable to assist their child with classroom curriculum. This is true even for the lower grades. Private tutoring and individual supports are cost prohibitive or not available for many in the province.

The OCYA notes that lack of coordination and timeliness of specialized services that a young person requires outside the educational system can be a barrier to effective and timely school planning for the young person. When student plans cannot be developed or implemented because assessments, tests, diagnoses or treatments are required, and there may be delays with these being completed, it is paramount that every effort is made to ensure these services can be accessed on a timely basis.

d. *Considerations for Partial Day Programming:*

- i. Explore effectiveness and approaches of schools who manage student behavior without utilizing partial school day programming.
- ii. Define terms such as “extreme circumstances” and “short-term” as part of the *Guidelines for Partial Day Programming for K-12 Students* to help ensure partial day programming is being used as intended.
- iii. Enhance timeliness and coordination of specialized services that students require to facilitate their participation in school.

6. LGBTQ – Inclusive Education

a. *LGBTQ Inclusion: A Look at Newfoundland and Labrador*

The *Human Rights Act* provides protection from discrimination based on a number of prohibited grounds including sexual orientation. Yet abuse, isolation, discrimination, transphobia and homophobia continue. According to Egale Canada (2011), 51 percent of LGBTQ students have been verbally harassed and 21 percent have been physically assaulted. LGBTQ students are at risk of missing school, having lower grades, or dropping out of school to avoid verbal and physical abuse. Without cultural and systemic change, Egale indicates that 50 percent of LGBTQ youth will attempt suicide in their lifetime. According to the Canadian Civil Liberties Association (2014), LGBTQ students feel safer and more accepted when they know their schools have policies and procedures that explicitly address homophobia. Fewer incidents of physical and verbal harassment due to their sexual orientation were reported. These students experienced fewer homophobic and transphobic comments and were more likely to report feeling respected in their school community.

There are four research-supported areas that contribute to a supportive climate for LGBTQ youth, as generic safe school policies are not sufficient (Taylor, 2017).

1. Policies that address homophobic harassment and LGBTQ inclusion;
 1. Gay-Straight Alliance (GSA) clubs;
 2. Professional development for staff in the area of LGBTQ education; and
 3. LGBTQ-inclusive curriculum.

In 2012 the Government of Newfoundland and Labrador partnered with Egale Canada to develop teacher workshops on LGBTQ inclusivity within schools, as well as an Equity and Inclusive Education Resource Kit for all junior and senior high schools. This work resulted in MyGSA.ca. A GSA (gay-straight alliance) is an official student club with teacher support. A GSA provides a safe space for LGBTQ students and their allies to work together to make their schools more welcoming, regardless of sexual orientation and gender identity.

The Safe and Caring Schools Policy has recently been amended to include Guidelines for LGBTQ Inclusive Practices. The OCYA sees this policy as progressive in providing accommodations, establishing a GSA if requested, consulting with students about how they wish to be identified and addressed, eliminating gender segregated activities and gender-specific dress codes, ensuring all students have safe access to all activities, providing safe access to washrooms and change rooms congruent to a student's gender identity, offering learning opportunities for staff and students, promoting school-wide positive behavior, while demonstrating that bullying behaviour will not be tolerated, and ensuring all parents feel part of the school community.

Written policies will not address the intended issues unless they are fully implemented, and include teacher education, student involvement, and curriculum support. More proactive efforts may be required in rural schools. The National Inventory of School District Interventions in Support of LGBTQ Youth Wellbeing, led by Dr. Catherine Taylor (2016), found that urban schools are more likely than rural schools to have specific LGBTQ interventions.

b. *Cross-Jurisdictional Review: GSA and LGBTQ inclusive initiatives*

There is significant movement on this issue throughout the country. Yukon requires all high schools to implement proactive LGBTQ strategies. All principals must appoint one staff member as a “safe contact” to provide support for sexual and gender minority students. School boards in British Columbia have been required since 2007 to have

anti-bullying codes of conduct specific to LGBTQ. In 2016, Alberta introduced school board guidelines for LGBTQ students and new legislation that ensures student access to a GSA upon request. Manitoba requires schools to accommodate gay-straight alliances. Ontario policy requires school boards to support students who want to establish and lead groups that promote a safe and inclusive learning environment, including issues of gender equity, anti-racism, respect for people with disabilities, and respect for people of all sexual orientations and gender identities. Nova Scotia has created a comprehensive document for schools and school boards *Guidelines for Supporting Transgender and Gender-nonconforming Students*. Finally, in 2014 New Brunswick established a policy which provides a right for anyone in any school to create a gay-straight alliance.

c. OCYA Experiences:

The OCYA has encountered cases where LGBTQ youth in this province's education system have experienced discrimination. Fear, ignorance and sometimes peer violence denies these young people equal access to an education which is addressed in Article 28 of the *United Nations Convention on the Rights of the Child* and section 9 (1) of the *Human Rights Act*. Proactive supports and approaches are necessary to create a culture of respect and access for all students, beginning in younger grades. Many schools are commended for making significant in-roads, and this important work needs to continue.

d. Considerations for LGBTQ Inclusion

- i. Expand supports/resources in schools for LGBTQ students, including gay-straight alliances in junior and senior high schools.
- ii. Create an inclusive culture with awareness and positive messages to younger grades.
- iii. Revise curriculum to integrate LGBTQ inclusive topics and deliver enhanced professional development to teachers.
- iv. Ensure LGBTQ inclusive space in schools, including washrooms.
- v. As research has shown that urban schools are more likely than rural schools to have specific LGBTQ interventions, and given the rural nature of much of Newfoundland and Labrador, the Department of Education and Early Childhood Education must consider and address any geographic barriers that may impact LGBTQ-inclusive school initiatives throughout the province.

7. Absenteeism

a. *Relevant Legislation: A Look at Newfoundland and Labrador*

Regular school attendance is an important factor in student success. Excessive school absenteeism is linked to poor academic achievement for the absentee student. Additionally, there is a disruption for the classmates when their teacher is required to provide remedial instruction upon the student's return. When students become detached from their school community through consecutive absences, successful return to school becomes more challenging and can result in overall disinterest in academics and school life. These students can, in essence, become outsiders.

Students do not attend school for many reasons. Some of these include physical and mental health issues, accidents, transportation, poor academic performance, as well as disinterest or inability. Unfortunately for some young people, they may not have adequate support and structure at home to attend school. When a parent cannot provide a valid reason for the child or youth's absenteeism, this requires further attention with a view to assessing whether the child is being neglected.

Both the *Schools Act (1997)* and the *Children and Youth Care and Protection Act (2010)* are relevant legislation in discussing this issue. The *Schools Act* Section 4 (1) compels attendance for you people and states that "a person who on December 31 in a school year is 6 years of age or older; and on September 1 in school year is younger than 16 years of age shall attend a school for the entire school year." Section 17 (1) of the *Schools Act* speaks to the offense and states "A parent who neglects or refuses to enroll his or her child in school or does not make every reasonable effort to ensure that his or her child attends school is guilty of an offense". The legislation requires that every reasonable effort be made to ensure regular student attendance. The onus of monitoring attendance falls first with the school, and then to the specific board/district. However if the family is uncooperative or if the child's attendance is not secured, the ultimate available remedy for the school is a legal one. Engaging law enforcement is not conducive to building partnerships between the child/family and school, and further alienates the child and family from the school system.

The *Children and Youth Care and Protection Act* does not address the matter of school attendance. However, children who do not attend school on a regular basis without an appropriate parental explanation reasoning from their parent or guardians could be at risk and should be assessed. Therefore, it is important for the Department of Children,

Seniors and Social Development to collaborate with the school(s) on these cases. While chronic absenteeism alone is not a child protection issue under the current legislation, it can be a symptom of a more serious situation and therefore should be flagged for further assessment. This issue may be indicative of broader issues where other rights and protections are not being provided to the child.

b. *Cross Jurisdictional Review:*

A jurisdictional and literature review yields many approaches and options to prevent or reduce chronic student absenteeism. The reviews suggest that no one strategy is necessarily effective, but consistently speaks to the need for monitoring, prevention and intervention. Legal remedies exist in many jurisdictions. Some provinces engage social workers to work with the young person and family to address issues and solutions and to guide the young person back into the classroom.

c. *OCYA Experiences:*

In most cases that have come to the attention of the OCYA, absenteeism was a symptom of a much more complex issue that required child protection services. The OCYA's experience with the issue of child / youth absenteeism is that it has not been satisfactorily addressed between the Department of Children, Seniors and Social Development and the Newfoundland and Labrador English School District. The school frequently refers the matter to the Department to determine if a protection matter exists. The Department refers the matter back to the school if the child is not deemed to be in need of protective intervention as per the current definition. The OCYA is very concerned about the lack of combined ownership by the two key government departments involved. These children and youth frequently have many challenges and the current response is not helpful.

The OCYA believes that the systems serving children and youth should not be defaulting to legal remedies for children and youth who are not regularly attending school. The current situation is that the educational system has unpalatable legal options ultimately to pursue this issue of student absenteeism, and the Department of Children, Seniors and Social Development has a lack of legislative authority to investigate these matters as potential neglect. This situation leaves young people without the level of proactive intervention needed.

d. *Considerations for Absenteeism:*

- i. Proactive assessments are required for children and youth with unexplained absences in order to determine potential issues related to the young person's well-being and to identify causes for the absenteeism. The young person must be central in these discussions.
- ii. Attendance intervention needs to start early in a student's life; i.e. primary and elementary grades.
- iii. Chronic absenteeism must be tracked consistently, with uniform follow up throughout the province.
- iv. A collaborative approach to responsibility and action must be taken between the school system and the Department of Children, Seniors and Social Development with respect to recurrent absenteeism. Legislative and policy barriers must be removed to enable more constructive approaches.

8. Conclusion and Considerations for Change

Schools and teachers play a critically important role in the lives of children and youth. And for most young people, their teachers are the adults with whom they have the longest continuous adult relationships outside their own families. This places teachers in a very unique position to gain an understanding of the needs and perspectives of the young people in their classrooms. For some children, their teacher is the “ally in their corner” and provides the greatest form of continuous support they know and experience. Many issues affecting children and youth are complex and intertwined. This submission offers the Office of the Child and Youth Advocate's perspectives on just some of the issues affecting children and youth from an educational perspective. As noted many times throughout this submission, the problems and solutions do not typically begin and end within the confines of a school building. Collaborative approaches will be required to serve young people well. And this collaboration absolutely must include the voices and experiences of young people.

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