

**Provincial Advocate  
for Children & Youth**

**Office of the Provincial Advocate for Children and Youth  
Submission to the Standing Committee on Social Policy**

**Bill 13, *Accepting Schools Act, 2011*  
Bill 14, *Anti-Bullying Act, 2011***

**May 22, 2012**

**Submitted to:**

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Chair/President**

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## **INTRODUCTION**

Thank you for allowing us to make a submission regarding **Bill 13, An Act to amend the Education Act with respect to bullying and other matters** and **Bill 14, An Act to designate Bullying Awareness and Prevention Week in Schools and to provide for bullying prevention curricula, policies and administrative accountability in schools.**

### **Mandate of the Office of the Provincial Advocate for Children and Youth**

The Provincial Advocate for Children and Youth (Advocate's Office), is an independent office of the Legislature of Ontario established under the *Provincial Advocate for Children and Youth Act, 2007*. The Advocate's Office provides an independent voice for Ontario's children and youth in and on the margins of state care, including First Nations children and youth and young people with special needs. Partnering with children and youth to bring issues forward, and through individual, systemic and policy advocacy, we listen and respond to concerns from children, youth and families who are seeking or receiving services under the *Child and Family Services Act* and the *Education Act* (Provincial and Demonstration Schools).

### **The Advocate's Office represents more than 17,000 vulnerable children and youth**

We work to provide an independent voice for over 17,000 children and youth in the care of child welfare in Ontario, including young people receiving extended care and maintenance; children and youth in youth justice facilities, including young people in detention and holding cells; and students in seven provincial and demonstration schools for deaf, blind, deafblind, and/or severely learning disabled students.

These are children and young people who have special needs and are living at home; they are children and young people with mental health challenges; they are children who have been removed from their homes due to abuse and/or neglect or other reasons their parents cannot care for them. They may live in foster or group homes, shelters, or on the streets. They are First Nations children and youth living on reserves or in urban centres. These are children and youth like any other, but their life circumstances often make them considerably more vulnerable. This means they must cope with additional challenges to reach their potential on every level, including their educational goals.

### **Youth consultations form the foundation of this submission**

Drawing upon previous Advocate's Office reviews that included information from youth about bullying, we also gathered information to inform the submission by conducting two focus groups with youth specifically for this purpose. Irwin Elman, the Provincial Advocate, attended these groups and heard directly from youth. We also created an online survey for young people to gather additional information on their bullying experiences. Any quotes used in this submission were taken directly from our recent consultations with youth.

### **Why is this legislation so important?**

We recognize all parties are clearly committed to addressing the issue of bullying. On this particular legislation students of Ontario can be beneficiaries of thoughtful and cooperative efforts that draw upon

the strengths of each of the proposed bills to create one strong and responsive piece of legislation. It is in this spirit we contribute to the discussion and ask the committee to consider and incorporate the priorities and views of the children and young people with whom we engaged for our consultations. This will help create schools defined by equitable and inclusive learning environments, that value the participation and contributions of all students, as a right of education.

### **Why is this legislation even more important to vulnerable children and youth?**

The experience of school bullying layered with a child welfare/youth justice context presents particular challenges for children and youth. It requires a sensitivity to and consideration of their unique circumstances both in and out of the school. “Being different” pre-disposes them to being bullied and/or to being stereotyped as bullies. Youth told us that being known as a “*group home kid*” or not having the things that others have, such as “*They don’t get [enough] money and you look like garbage,*” make them feel stigmatized.

For young people in the care of the state, the achievement of educational success is not without challenges and barriers, at times. Twenty-one percent (21%) of children and youth in care under the age of 18 are not enrolled in school;<sup>1</sup> only 44% graduate from high school, compared to an 81% graduation rate for their peers.<sup>2</sup> Inconsistent parenting, school problems and multiple placements contribute to these statistics.<sup>3</sup> Young people in care are also more likely to need supports to address mental health issues and past traumas.<sup>4</sup>

Despite these challenges, young people in our consultations on bullying, were firm in telling us that it would not be helpful to formally recognize their in-care status as a condition for vulnerability, similar to the proposed identification of equity groups requiring protection from bullying. At the same time, they do not want to be disadvantaged by legislation either. Many youth in care attend residential and alternative education settings which means that measures designed with “regular” schools in mind must be assessed through a “child and youth in care lens.”

There is no doubt that school should be a safe place for every student where each child or youth feels supported in their efforts to reach their potential. For some youth in our consultations, school is the *only* place they feel positively about, the only place where they find support and care. This reflects their living circumstances, where, for example, youth may be bullied by peers sharing the same residential quarters, or, more strikingly, by staff. We heard directly from youth that school may be a refuge, and at times, a place of safety, amidst the struggles they face.

For all of these reasons, it is critical that schools provide supportive mentorship and guidance from adults as well as peers. Youth told us that their ability to access supportive and clinical staff was

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<sup>1</sup> Provincial Advocate for Children and Youth. *25 is the new 21: The Costs and Benefits of Providing Extended Care & Maintenance to Ontario Youth in Care Until Age 25*. 2012

<sup>2</sup> Ontario Association of Children’s Aid Societies. *An Agenda for Children and Youth Pre-Budget Consultation, 2011*.

<sup>3</sup> Provincial Advocate for Children and Youth. *25 is the new 21*.

<sup>4</sup> Provincial Advocate for Children and Youth. *25 is the new 21*

tremendously important to their ongoing success as students. This cannot be accomplished by good intentions alone; necessary resources in the form of funding and staffing, including school social workers and guidance counsellors, must be enhanced and/or created where none exist.

The above comments reflect the overarching approach of the Advocate’s Office in our consideration of **Bill 13** and **Bill 14**. We have categorized our specific areas of concern and recommendations in the following six areas:

- 1. DEFINING BULLYING AND THE LANGUAGE SURROUNDING IT**
- 2. ASSESSING THE LEGISLATION THROUGH A “CHILD AND YOUTH IN CARE LENS”**
- 3. ENSURING MEANINGFUL PARTICIPATION OF CHILDREN AND YOUTH**
- 4. EMBEDDING RIGHTS, RESPECT AND RESPONSIBILITY**
- 5. TAKING A WHOLE-SCHOOL AND COMMUNITY APPROACH**
- 6. MANDATING A REVIEW PROCESS**

## 1. DEFINING BULLYING AND THE LANGUAGE SURROUNDING IT

### **Definition of bullying**

**Bill 14** proposes amending the *Education Act* by adding the following definition of “bullying.” ““bullying” means the severe or repeated use by one or more pupils of a written, verbal, electronic or other form of expression, a physical act or gesture or any combination of them if it is directed at another pupil and if it has the effect of or is reasonably intended to have the effect of,”

### **RECOMMENDATION**

The Provincial Advocate for Children and Youth recommends the definition of bullying in Bill 14 be adopted but amended to incorporate 2.1 (c) section 1.1 b of Bill 13 to read:

#### **2.1**

- a) ....to the other pupil’s property or reputation,
- b) Creating a hostile environment at school, where there is, but not limited to, a real or perceived power imbalance between the student and the individual based on factors such as physical appearance, size, strength.....(“intimidation”)

### **Factors defining bullying**

The Office of the Provincial Advocate applauds **Bill 13’s** proposal to amend Subsection 1 (1) of the *Education Act* using the Ontario Human Rights Code to define equity groups and discrimination in relation to the act of bullying. We note, however, that the list of factors may still exclude some that could be relevant; for example, “physical appearance” is not included.

### **RECOMMENDATION**

The Provincial Advocate for Children and Youth recommends that the definition of bullying be amended to include the following:

- i. “...including and not limited to..”
- ii. Add “physical appearance”

and read as follows:

**Bill 13 Section 1, Subsection 1 (1) (b)** the behaviour occurs in a context where there is a real or perceived power imbalance between the pupil and the individual based on factors **including and not limited to** size, **physical appearance**, strength, age, intelligence, peer group power, economic status, social status, religion, ethnic origin, sexual orientation, family circumstances, gender, race, disability or the receipt of special education; (“intimidation”)

### ***Inclusion of equity groups***

The Office of the Provincial Advocate acknowledges the *Chief Public Health Officer's Report on the State of Public Health in Canada, 2011: Youth and Young Adults – Life in Transition*<sup>5</sup> that states:

- 59% of LGBTQ youth report verbal harassment, compared to 7% of heterosexual youth
- 25% of LGBTQ youth report being physically harassed, compared to 8% of heterosexual youth

Youth we consulted with stated, “LGBTQ students should not have to tolerate bullying.” Youth recognized that it was a matter of “their civil rights” to be included in school. Furthermore, young people were clear that it is the responsibility of the school to protect those youth bullied because of sexual orientation.

The Office of the Provincial Advocate commends **Bill 13's** support of student-led groups that promote gender equity and sexual orientation awareness, anti-racism and respect for people with disabilities. The Advocate's Office asserts that the above inclusionary standard should be upheld for *all* students. We also offer the following caution. Youth continuously impressed upon us during consultations, that bullying is bullying. However, they were hesitant about singling out students according to ‘groups’ as this could pose a greater risk of bullying. They were additionally concerned about creating segregation with such defined groups. Poignantly, they stated, “*Don't name it, fix it.*”

We take this opportunity to insist that schools must be proactive in fostering the conditions to enable and support those students/groups that may have unique challenges to establishing, organizing and participating in the broader discourse, initiatives and activities of the school community. These inclusive and equitable environments should support growth, learning and critical analysis skills, maintaining respect and dignity for everyone.

### **RECOMMENDATION**

**The Provincial Advocate for Children and Youth agrees that schools must enable and support student led groups and initiatives with unique challenges and recommends the language of **Bill 13 be adopted and amended to include the following:** Board support for certain pupil activities and organizations, Section 303.1:**

- (d) ...or another name; or
- (e) activities or organizations that may have unique challenges or barriers to organizing and participating in the broader school community.

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<sup>5</sup> *Chief Public Health Officer's Report on the State of Public Health in Canada, 2011: Youth and Young Adults – Life in Transition.* <http://publichealth.gc.ca/CPHO>.

***Legislative language should not “criminalize” or label children and youth***

While we understand that using language reserved for the criminal code may be intended to illustrate the seriousness of actions and consequences associated with bullying, young people worry about how labels such as “perpetrator” define and stigmatize children and youth. Furthermore, terms like “victim” and “bully” are similarly stigmatizing and limiting. It is critical that young people, and the broader school community, understand that these are behaviours that may be exhibited and/or experienced, but they do not define children and youth.

**RECOMMENDATION**

**The Provincial Advocate for Children and Youth recommends replacing terms as follows:**

**“perpetrator” and “bully” be replaced with “students who bully”**  
**“victim” be replaced with “students who are bullied”**

***Legislation needs to be readily understood by the school community, particularly children and youth***

In order to support its effective use, the legislation needs to be understandable and clear to a diverse and wide community of children, youth, parents, guardians and other interested members of the public.

**RECOMMENDATION**

**The Provincial Advocate for Children and Youth recommends that a “plain language” edition of the Act be created in consultation with a diverse group of representative stakeholders, including children and youth, and in particular, those attending alternative education programs.**

- 2. ASSESSING THE LEGISLATION THROUGH A “CHILD AND YOUTH IN CARE LENS” - Recognize the unique circumstances of children and youth in care (child welfare, foster care, mental health services, group homes, treatment facilities, youth justice facilities) and within other areas of our mandate ensuring their education is not further compromised by the legislation.**

### ***Review of Plan***

#### **Bill 14: Review of plan**

(13) At times that it considers appropriate or as required by the regulations, a board shall periodically review the bullying prevention plans that it establishes under this section and subsections (2) to (12) apply to the review...

School boards should review the effects of their plans, programs, policies, processes and guidelines on young people in care (including those involved with child welfare, youth justice, and provincial schools) and First Nations young people living on an off reserve, as well as children with special needs.

### **RECOMMENDATION**

**The Provincial Advocate for Children and Youth recommends that:**

- 1. school boards formally involve children and youth in the review process and in particular, include children and youth in care;**
- 2. young people be provided with the opportunity to submit a shadow report to the Board and be considered as part of the review.**

### ***“50 metres” clause***

In relation to bullying in schools, **Bill 14 (1.2.0.1)** states:

(a) “on a school site or public property within 50 metres of a school site.”

While this measure may be appropriate for most school settings, it may present problems for specialized education settings, including alternative classrooms or educational spaces within youth justice facilities. At times, residential and other programs are situated within 50 metres of the school setting. This means that young people attending Section 23 classes and/or attending school and living near or in the same setting may be at increased risk for violating this measure, when compared to peers who live in private family homes. Education policy should not reach into the “living spaces” of children and youth placed in treatment and residential settings governed by the *Child and Family Services Act* or any other relevant act.

### **RECOMMENDATION**

**The Provincial Advocate for Children and Youth recommends that **Bill 14: Bullying in schools (1.2.0.1)****

**(a) be amended to allow exceptions for young people attending school programs such as Section 23 classes, which may fall within 50 metres of the school setting.**

### 3. **ENSURING MEANINGFUL PARTICIPATION OF CHILDREN AND YOUTH – expand opportunities in legislation for students to reduce bullying and contribute to safe school communities.**

The proposed anti-bullying amendments in **Bills 13** and **14** offer unparalleled opportunities for schools to actively and meaningfully engage young people in creating safe, vibrant and inclusive school communities. Not only do young people have the right to participate in their communities and have a say in matters that affect them,<sup>6</sup> their involvement will enrich their learning experiences and increase the relevance and success of anti-bullying interventions.

In 2008, *The Road to Health: A Final Report on School Safety*,<sup>7</sup> a report commissioned by the Toronto District School Board, made a number of recommendations about school safety, including creating a safe learning environment:

Recommendation 122: School boards, legislators and educators need to develop mechanisms to enhance and encourage meaningful participation of children and youth in the creation and maintenance of a safe school environment and to elevate the voice of children and youth in the school in accordance with Article 12 of the UN Convention on the Rights of the Child.

*“You would be surprised how many students want to do something,”* indicated one young person consulted. Accordingly, the following areas should specifically include the participation of children and youth:

**Policy and program design and delivery** – make space for the participation and voices of students in adult-led processes. For example:

**Bill 13 (2) Section 169.1 of the Act is amended by adding the following subsections: School climate surveys...(a.2) School climate surveys, every board shall use surveys to collect information from its pupils at least once every two years in accordance with any policies**

We applaud the effort to solicit the views of students in the review process. However, our consultations with youth told us very clearly that they need to be actively involved from the beginning in the planning, design and format of any review or evaluative process. For example, regarding the survey component, youth have advised [they], *“want to talk and dialogue with adults, not fill out a form.”* Including them from the outset will increase the likelihood of any review process accurately evaluating the effectiveness of the plan. Additionally, school climate surveys should also be seen by any committee reviewing anti-bullying legislation (see #6. Mandating a Review of the Legislation).

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<sup>6</sup> United Nations Convention on the Rights of the Child

<sup>7</sup> School Community Safety Advisory Panel, *Road to Health: A Final Report on School Safety*, January 2008  
[http://www.tdsb.on.ca/wwwdocuments/about\\_us/media\\_room/docs/SCSAP\\_Executive\\_Summaryb.pdf](http://www.tdsb.on.ca/wwwdocuments/about_us/media_room/docs/SCSAP_Executive_Summaryb.pdf)

## RECOMMENDATION

The Provincial Advocate for Children and Youth recommends that the wording of **Bill 13** be amended to reflect additional methods, including face-to-face consultations and discussions.

**Student-led activities and organizations** – make sure they are supported with resources. For example:

**Bill 13: Board support for certain pupil activities and organizations**

303.1 Every board shall support pupils who want to establish and lead, activities or organizations...

Resources including space, time, teacher support and funding must be provided in order to meaningfully involve students and support student-led initiatives.

## RECOMMENDATION

The Provincial Advocate for Children and Youth recommends that **Bill 13** should make specific mention of the resources (as above) needed to support student-led organizations and activities.

**Prevention, instruction, awareness, training, consultation and remedial activities** – involve students from design through to delivery and evaluation. **Bills 13 and 14** contain references to activities specifying professional adult roles:

**Bill 13**            Section 169.1 (2.1) School climate surveys  
                      Section 301 (6) (d) (b) (e) (i) (h) Governing discipline 302 (2)  
                      Section 302 (3.4) Same, governing discipline

**Bill 14**            Explanatory Note - A school board is required to provide instruction on bullying prevention, remedial programs for victims and perpetrators of bullying, professional development programs for teachers and information for the public.  
                      Section 7.4 Provide instruction on bullying prevention during the school year for every pupil...  
                      Section 7.5 Remedial programs for bullying  
                      Section 7.6 Professional development programs on bullying  
                      Section 7.7 Educational material on bullying  
                      Section 303.1 Model provincial bullying prevention plan  
                      Section 303 (4) Different plans  
                      Section 303.2 Consultation (3)

Students should be actively involved in all efforts and initiatives, from raising awareness to delivering training and consultation to providing remedial supports. Activities that teach conflict mediation, problem-solving, healthy and appropriate ways to challenge when discrimination or injustices occur, and relationship skills, will benefit all students and particularly those who engage in bullying behaviour or are bullied.

As well, young people sharing their experiences of bullying or being bullied are powerful sources of information, inspiration and support for their peers. Youth we consulted with reiterated the need to be considerate of the impact that bullying can have on some individuals' mental health. We commend **Bill 14** for its recognition of the psychological implications of bullying.

Children and youth living in care along with other marginalized groups should be encouraged (as appropriate) and supported to contribute their real-life experiences to these efforts. Similarly, notions of *who* can offer remedial programs should be expanded to include young people. Sometimes the best person to speak to a young person is another young person. Supported by teachers and professionals, along with careful planning and concrete resources, young people should develop and implement programs and other supports regarding bullying.

With respect to cyberbullying, **Bills 13 and 14** also recognize that technology can be used as a powerful tool to bully. While the youth consulted impressed upon us the staying power and cumulative effect of bullying in cyberspace, they were concerned that a heavy-handed approach to punish bullying in cyberspace would not be helpful. Youth were adamant that technology was significant in their lives, so much so, that for some, their phone was an important appendage that was, *"their connection to family and friends,"* their keeper of *"memories and personal messages,"* and what allowed them *"to keep connected with others."*

While we recognize the findings of *The Chief Public Health Officer's Report on the State of Public Health in Canada, 2011: Youth and Young Adults – Life in Transition*<sup>1</sup> that cites 31% of bullying of LGBTQ youth occurred by text messages or via the Internet, we would suggest that any measures undertaken to restrict, limit, and/or exclude technology or personal devices, be done in consultation with students.

## **RECOMMENDATION**

**The Provincial Advocate for Children and Youth recommends that all of the sections referenced above in **Bills 13 and 14** be amended to specifically state and/or reflect the active participation of children and youth.**

#### 4. EMBEDDING RIGHTS, RESPECT AND RESPONSIBILITY<sup>8</sup>

To create a positive school climate, efforts must reach across multiple levels (from raising awareness to disciplining bullying behaviour) and reflect an overall approach based on rights, respect and responsibility. Promoting young people's knowledge and understanding of their rights and responsibilities will lead to safe, equitable and inclusive school environments. The United Nations Convention on the Rights of the Child (UNCRC) provides practical and essential tools that can be used by all members of the school community (principals, educators, students, parents, guardians) to help know and understand their rights and the processes and mechanisms available to them.<sup>9</sup>

A respectful learning environment encourages discipline and accountability of all parties. **Bill 13's** inclusion of "a positive school climate that is inclusive and accepting," (Preamble) will contribute to the establishment of such an environment.

Conflict resolution programming is essential to providing children and youth with healthy and appropriate ways to challenge discrimination or injustices; to fostering appropriate assertive behaviour; and to developing independence and self-determination. These skills would benefit all students, including both those who bully and/or are bullied. Similarly, procedures for managing and disciplining students who bully should fit within this framework.

Youth believe that anti-bullying approaches should incorporate restorative justice principles. **Bill 13** proposes an amendment to **Subsection 310 (1) of the Education Act**, which sets out the circumstances in which a pupil must be suspended and considered for possible expulsion, to include certain circumstances relating to bullying and to activities that are motivated by bias, prejudice or hate.

In our youth consultations, there was a firm recognition by young people that students need to be held accountable for their actions. Even so, youth were empathetic to the circumstances that may contribute to bullying, and in particular, were concerned about the stressful and/or difficult situations that young people may be coping with outside of school. The youth easily drew parallels between the challenges faced by youth who bully and/or those who are bullied and believe that programming is needed to help both, with a particular emphasis on prevention programming and logical consequences for students who bully.

In our youth consultations, young people were clear that expulsion for bullying cannot be the first or only tool used to resolve a bullying incident or the toxic environment created by disrespect and discrimination. They stated that expulsion served no useful purpose. In fact, "*Removal of the bully could actually make things worse for the bullied in some situations because bullies don't often operate in isolation,*" relying on their own peer group to potentially continue the bullying. Young people believe

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<sup>8</sup> <http://www.cbu.ca/sites/cbu.ca/files/pdfs/crc-pub-rights-respect-responsibility-2008.pdf>

<sup>9</sup> See UNICEF CANADA's Rights Respecting Schools Initiative - <http://www.unicef.ca/en/policy-advocacy-for-children/rights-respecting-schools>

that expulsion should be carefully considered so as not to erect any insurmountable barriers or create opportunities for further or escalated conflict. Young people recognized that, “*Everyone in school [has the potential to be] bullied or is a bully at one point.*” Therefore approaches to holding students accountable for bullying should be individualized and flexible.

A review commissioned by the Ontario Human Rights Commission on the Safe Schools Act (2003)<sup>10</sup> highlighted the disproportionate impact that “zero tolerance” legislation on discipline had on racialized or marginalized students, including those with disabilities. The Advocate’s Office is concerned that this situation has not changed. We caution that bullying consequences that include mandatory expulsion or suspension of students for extended periods of time may also disproportionately affect these same groups of racialized or marginalized students.

We believe that a number of safeguards need to be built into the legislation.

## **RECOMMENDATION**

**The Provincial Advocate for Children and Youth recommends amendments to [Bill 14 Section 303.2 \(2\)](#) and [Bill 13 Governing principles-bullying Section 301 \(7.1\)](#) as follows:**

- **Establishment of a procedure that identifies any previous and current attempts made by the school, such as dispute resolution, for the person accused of bullying**
- **Knowledge of rights and responsibilities – young people need to know their rights, expectations, and consequences for violating expectations**
- **Information sheets and other communication that inform young people and parents/guardians of a student’s rights and responsibilities regarding bullying**
- **Creation of a plan for young people accused of bullying that outlines available supports, timing of a review, and if applicable, the terms of how long they will be absent from school**
- **Creation of a reintegration plan that specifically identifies a process and supports for students who are bullied and students who bully**
- **Creation of an assessment tool to review the impact of bullying on the involved students’ educational goals**
- **Establishment of an alternative means of conflict resolution process available at the school or at another location**

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<sup>10</sup> Ken Bhattacharjee (2003). *The Ontario Safe Schools Act: School Discipline and Discrimination*. Ontario Human Rights Commission. <http://www.ohrc.on.ca/en/ontario-safe-schools-act-school-discipline-and-discrimination>

Additional safeguards are needed concerning the fair treatment of children and youth whose behaviours may result in formal proceedings. Rights, principles and protections should be specifically included in the legislation. The following are examples of the kinds of protections needed:

- Young people have a right to participate in and be heard in any processes concerning them
- Young people should be provided with information about the proceedings
- Other than the decision to prosecute, young people should have a say in decisions that affect them
- Young people should be treated with courtesy, compassion and respect for their dignity and privacy
- Young people should experience a minimum degree of inconvenience
- Parents should be informed of measures or proceedings involving their children and encouraged to support them in addressing their offending behaviour

#### **RECOMMENDATION**

**The Provincial Advocate for Children and Youth recommends amendments to Bill 14, concerning a school board's bullying prevention plan, Section 303.2 (i) (ii) and Bill 13 governing discipline, Section 301 (6) and 302 (2), be amended to include the rights within the United Nations Convention on the Rights of the Child and to incorporate the general principles described above regarding the involvement of children and youth in proceedings. As well, the proceedings should be conducted in a manner that is appropriate to the young person's capacity, best interests and rights to protection from harm.**

As well, not all young people live with a parent or guardian and young people named in a bullying incident should not be prevented from obtaining or accessing information about themselves and the processes and mechanisms. Accordingly, notice should be provided directly to any young person involved in bullying.

#### **RECOMMENDATION**

**The Provincial Advocate for Children and Youth recommends that Bill 14 Principals' duties section 305.1(3) (a) (b) (d) should be amended to include the student who bullies.**

## 5. TAKING A WHOLE-SCHOOL AND COMMUNITY APPROACH

### School, community, student, guardian and government partnerships

Children and youth are part of communities and families that exist within and outside of school. To be effective, bullying prevention approaches and strategies must exist beyond the school grounds, working in tandem with the larger community.

While students have a significant role to play to end bullying, the responsibility cannot be theirs alone. Many young people in our consultations thought that bullying prevention and awareness should start with the adults in school—particularly with teachers becoming more observant and taking immediate action to engage in and resolve matters arising in and out of class.

One young person told us, “*Teachers need to get to know their students better and the groupings and cliques that exist.*” They called upon teachers to intervene, “*immediately before it [bullying] gets severe.*” Students believe teachers can improve bullying prevention by developing trusting and supportive relationships with their students. One student referred to creating the understanding of “classroom as a family.”

**The Acts** should also enable schools (including teachers, principals and support staff) and school boards to collaborate and partner with local community stakeholders to support bullying prevention initiatives and other activities and programs. Connecting students and schools to their communities ensures a stronger and more vibrant link between youth and the people who will influence and help them to realize their potential. Other ministry initiatives can offer direction. For example, the Ministry of Children and Youth Services 2010 *Action Plan: Helping Youth Realize Their Potential at the Roy McMurtry Youth Centre* includes:<sup>11</sup>

“Establish a Partnership Action Committee, made up of education, mental health and other experts as well as youth, community service agency and private sector partners to identify community programs that could be delivered at the centre to help youth. . . .”

### RECOMMENDATION

**The Provincial Advocate for Children and Youth recommends the Acts be amended to more specifically reflect whole-school and community approaches such as those suggested in the above example.**

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<sup>11</sup> Ministry of Children and Youth Services Action Plan, *Helping Youth Realize Their Potential at the Roy McMurtry Youth Centre*. March 2010.

## **6. MANDATING A REVIEW PROCESS**

To determine the effectiveness of any Act, it is important to review it on a regular basis.

### **RECOMMENDATION**

The Provincial Advocate for Children and Youth recommends that within three (3) years of the legislation coming into force, that there be a formal review undertaken by a social policy committee or other appropriate legislative committee. This review should be designed and undertaken in consultation with those directly or indirectly affected by the legislation, including students, parents, guardians, educators, other professionals and community members. Students and any others interested should be supported to make independent (“shadow”) submissions. Results should be shared with the public.