

**A Brief for Presentation to the
Commission de la culture et de l'éducation**

CONCERNING

**BILL 56:
*A LAW TO FIGHT
BULLYING AND VIOLENCE AT SCHOOL***

PREPARED BY

**THE ASSOCIATION OF ADMINISTRATORS
OF ENGLISH SCHOOLS OF QUEBEC**

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We would like to begin by thanking the members of the *Commission de la culture et de l'éducation* for the opportunity we have been offered to present our comments on *Bill 56, A law to fight bullying and violence in school*.

WHO ARE WE?

There are nine (9) anglophone school boards in Quebec which provide services to nearly 100,000 students across the province. AAESQ (The Association of Administrators of English Schools of Quebec) has nearly 450 active members, all of whom are administrators in schools, career centers or administrative centers of anglophone school boards.

Among other things, the mission of AAESQ is to promote excellence in education while emphasizing the essential and distinctive role of school administrators in the education system. The Association encourages its members to demonstrate a high level of professional ethics, and supports the development of their leadership in the education milieu.

INTRODUCTION

The members of AAESQ reacted favorably to the desire to mobilize our fight against bullying which has been initiated by the government. It has long been a priority of school administrators to reduce and even eliminate antisocial, harmful and intimidating behaviour from the learning environment of Quebec schools. Like you, we believe it is unacceptable that students become the target of bullying or violence, whether in their school environment or elsewhere. In the school milieu, considerable effort has been exerted by all participating members of the school team, and numerous prevention measures already exist throughout the nine anglophone school boards. Today we are representing administrators in these systems. They have studied Bill 56 and wish to comment on it, and to suggest modifications to the Bill so that new measures will have a positive impact on the daily lives of their students.

Comments of AAESQ members focus on the following points:

1. Definitions
2. Obligations of students and parents
3. New responsibilities of the principal and members of the school team
4. Sanctions
5. Plans and statistics
6. Partnerships
7. Student Ombudsman
8. Administrative Penalties

DEFINITIONS

A clear definition of bullying is essential, and this was included in the Bill. However, we would like to propose that two elements should be added to the present definition: the expression "repetitive", and also the idea of "imbalance of power between the aggressor and the victim." These additions would prevent a long list of incidents from being identified as bullying, which really should be seen as situations in which individuals are behaving without civility or respect. These concepts already appear in the definition on the MELS website (irightthewrong.com).

It is also important to clarify that these acts must be committed at school, or at least that an action has repercussions on the school milieu. In the case of cyber bullying for example, it is rare that such acts are carried out in school. On the other hand, to the extent that such incidents affect the normal functioning of school activities, most school authorities sanction this wrong behaviour even if it was committed outside school. Imposing a wider responsibility on school authorities would be unrealistic.

It is also important that a clear definition of the expression "acts of violence" be added. The definition presently appearing on the MELS website could be used.

STUDENTS AND PARENTS

We welcome the addition of section III, dealing with the obligations of the student, particularly the addition of 18.1 which gives a wide definition of basic principles to guide interactions among individuals in our society.

Also, the addition of the second paragraph of article 96.6, inviting students to get involved in encouraging civil behaviour and respect, both among themselves and toward school board personnel, is greatly appreciated. The involvement of students will foster the creation of the cooperative atmosphere necessary for the success of interventions and supervision.

We would like to see the addition of a section on the obligations of parents, because they are essential partners in the fight against violence and bullying. For example, the addition of an obligation for parents to collaborate in interventions determined by the school during the development of an intervention plan following an incident in which bullying or violence has occurred, and consequences for their refusal to collaborate.

RESPONSIBILITIES OF THE PRINCIPAL AND OF MEMBERS OF THE SCHOOL TEAM

We do not share the opinion of the MELS as expressed in the text of the bill, to the effect that a monitoring system would increase the effectiveness of the school milieu in its interventions. We believe, on the contrary, that establishing a monitoring system would only add to the already heavy task of school administrators without adding additional support to students. The time dedicated to writing reports which the bill demands will

reduce the time normally spent on direct support to students and school staff, as well as the time spent in conflict resolution between students following an incident, communication with parents, communications between the school and various partners (CLSC, police, DYP etc.), and the time spent training staff in prevention, etc.

Considerable effort has been expended for many years by school teams on the issue of prevention. Numerous prevention measures already exist, including programs for the acquisition of social skills. You probably are already aware of the **Fluppy** and **Vers le Pacifique** programs. Anglophone schools have also benefited from many programs developed in English-speaking countries such as **Second Step**, **Dr. Neufeld**, **Friends for Life**. You will also find initiatives in anglophone schools targeting the prevention of bullying and of violence. To name a few:

Peer Mediation is a program in which students are trained to resolve conflicts among themselves under the supervision of school staff;

Dare to Care is a global approach involving students, teachers, parents and the community in an effort to create a common language which allows a more consistent intervention following an incident of bullying and an act of violence;

The computer program **Digital Citizenship** aims to help students develop civil behaviour and respect on the basis of virtual interactions. This program was designed to offer an appropriate curriculum for different age groups and to represent the rights and responsibilities of everyone within a virtual world, including parents, teachers, managers and partners in the collectivity.

Peaceful Schools is a collaborative community approach aiming to improve the climate in schools. Its interventions are based on pedagogical methods and on the training of staff and parents. It emphasizes participation, cooperation, resolution of problems and respect for differences. This initiative was created in 2001 by the mother of a 14-year-old student who died following an act of violence committed in a Nova Scotia school.

Also, many primary and secondary schools use an anonymous survey called **Tell Them From Me**. This tool gives school administrations an indication, among other things, of students' individual and collective perceptions of their personal security and of the school atmosphere in general. Survey results enable school administrations to put measures in place which modify behaviour among students, or change their perceptions of their environment, so that the establishment of a healthy and safe atmosphere can be established for all. Results are communicated with the Governing Board and with the School Board. We believe that the efforts of schools should continue to be directed to these prevention measures and to intervention, rather than to the production of statistics.

Modifications proposed to articles 75.3 and 210.1 of the English version suggest that the school and the school board have an obligation to ensure that no act of bullying or of violence occur, which, in our opinion, is unrealistic. In spite of the establishment of prevention programs and focused interventions, school staff cannot guarantee the

behaviour of each of its students in their institutions. It would be better that the lines "shall see to it that no student in the school is a victim of bullying or violence" be replaced by "shall guard against any student in the school being the victim of bullying or violence."

The bill stipulates that the principal must communicate "promptly" with the parents of victims and perpetrators of bullying, which to us seems extremely desirable. We must keep in mind that the principal needs time to verify the allegations of each before determining after a complaint that an act of bullying or violence has occurred and deciding, if necessary, the consequences. Each inquiry is different.

However, although we believe that the information and reference documents on the MELS web site " irightthewrong.com " will be useful for students, parents and teachers, we have serious reservations about the deadlines set by Dr. Egide Royer in the section "Parent of a Victim." In fact, Dr. Royer tells parents that a principal "...must get back to you within 48 hours to inform you of measures taken to settle the situation." We request that this statement be removed from the web site because it creates an unrealistic expectation for parents which they are likely to interpret as a right to resolution of the problem within 48 hours, no matter what the circumstances.

Also, it is important that the student be encouraged to report situations in which violence or intimidation have occurred to people in his or her immediate surroundings. To support this effort, the web site " irightthewrong.com " should name the school administration as the first available resource in the section for "Youth," just as is the case in the section "Parents." Better yet, it could recommend contacting a member of the school staff whether it is the principal, a teacher or any other member of staff in whom the student has confidence. We suggest therefore that the Student Ombudsman not be named as the first resource person to contact in the section "Youth."

SANCTIONS

Response to incidents of bullying and violence is a complex issue. A principal must keep the flexibility to intervene based on the unique circumstances of each incident rather than referring to lists of punishments prescribed by a plan. He or she must exercise the discretionary judgment necessary to intervene in a way which takes the best interests of all students into account, with regard to their history and their special needs. For example, an autistic child who reacts violently against peers when his or her routine is changed would have the same consequence imposed as a student who performed the same action in a deliberate way, with the intent to hurt someone. It is essential that the principal not be forced to apply the same specific disciplinary measure in both these cases. Disciplinary measures must contribute to the development of behavioural skills on the student's part, and positively affect his or her ability to manage situations differently, rather than be exclusively punitive.

We have developed alternative solutions to replace suspensions and expulsions. Secondary schools employ special education technicians who offer support to students demonstrating behavioural difficulties. Rather than suspending a student, the technician

develops a behavioural modification plan for the student and follows up on the student to ensure its application.

In some schools, a social work technician has been engaged to work within the framework of an approach called FSSTT (Family and School Support and Treatment Team). A multidisciplinary team involves parents in the life of a student in school, to help with the treatment of behavior problems. This approach enables the school intervener to connect parents, school services and services offered outside the school. This is a support measure which, thanks to development of positive relations with the family, ensures the collaboration of parents with the school and with other services in order to reach the IEP objectives for the student.

These initiatives reduce the time that students spend outside of class for inappropriate behaviour. However, these initiatives do not exist in all schools where they are needed, due to financial constraints.

PLANS AND STATISTICS

Rather than creating more plans, we suggest that schools which do not yet have a section on bullying and violence in their School Success Plan, their Management and Education Success Agreement or their Strategic Plan should include such a section in their existing documents, detailing concrete actions, including the programs they will use. Further, many anglophone school boards have policies or procedures related to the security and well-being of students, and these documents outline measures to take following incidents of violence or bullying. These documents, if incomplete, could simply be updated.

If a plan became obligatory in all schools, we believe that the principal and his or her teachers would have to work on it before presenting it to the governing board for approval. School staff is best placed to evaluate the needs of their clientele and develop a plan responding to the needs of the students they live with every day. We already have a legal process in place for establishing a success plan and a code of conduct. We do not see the necessity of changing this.

We are concerned about the proposed collection and transmission of statistics. We believe that if they are used out of context, these statistics may stigmatize certain schools in the eyes of the public, even if these schools are doing excellent work. Take, for example, a school which offers an alternative program to students with serious behavior difficulties; this school might report a number of incidents which is much higher than a nearby school which does not offer such a program. Comparisons based on different premises could seriously damage the reputation of some schools.

PARTNERSHIPS

It is important that our partners, such as the CSSS, the hospitals and the police, collaborate with us on a regular basis. For example, although agreements already exist between boards and the CSSS, the availability of services for the anglophone sector on some territories is either non-existent, or so minimal that it is not possible for clients to have access to services within an opportune delay.

The population in some regions of the province has changed a lot over the years and some CSSS's have difficulty responding to the new needs. Their role at the front lines has certainly made their work heavier. There seems to be inequity of resources made available from one CSSS to another, and some of them do not have the resources needed to support the school system adequately.

The large territory covered by some school boards creates another problem. A school board may have schools on the territories of two or more CSSS's, but there is no uniformity of services offered among them. For example, for the schools in a single board, one CSSS may offer services in English to one school, while a neighboring CSSS does not offer such services. And, rural territories are the ones who receive the least services in English, although 30% of the population served by Anglophone school boards are located in rural areas.

Another example, hospital services offered in English for youth suffering mental health problems, or from social maladaptations: these programs are mostly situated in the metropolitan region of Montreal, and are not accessible to people outside that region. Furthermore, the waiting lists to receive such services can extend several months.

The law obliges schools and boards to furnish support and supervision both to victims and perpetrators of bullying and violent acts. In many cases, the school needs medical and other kinds of support and depends on services offered by the CSSS's or by hospitals. If these services are not available for the anglophone population, the schools will not be able to meet their legal obligations. We believe therefore that it is essential for the necessary financial resources to be given to the various partners so that they can respond to the needs of the anglophone school milieu both in the metropolitan region and in the other regions of Quebec, and that these services must be available in English.

STUDENT OMBUDSMAN

The inclusion of the Student Ombudsman in this bill seems to us to be counterproductive or inappropriate. The *Regulation respecting the complaint examination procedure established by a school board* clearly establishes the role of the Student Ombudsman. His or her job is to intervene in a conflict after the complainant has exhausted all other recourses foreseen by the complaint examination procedure of the school board, unless

he or she believes that the complainant might suffer harm. The school authorities therefore have the opportunity to do their work before the intervention of a third party. After administrative procedures have been carried out, the ombudsman may begin an examination of a complaint. Bill 56, however, suggests that the Student Ombudsman may intervene as soon as the principal becomes aware of an incident of bullying or violence and moreover, he or she may offer assistance to parents of students involved. In our opinion, at this step, the intervention of the Ombudsman is premature. Also, by adopting this process, the Student Ombudsman will not be able to preserve impartiality if it becomes necessary to conduct an inquest about a complaint, if he or she has already offered assistance to one or even two of the parties.

We do not believe it is useful to inform the Student Ombudsman about suspensions imposed by a principal unless the Ombudsman is conducting an inquiry following a complaint. Nor do we see the usefulness of making reports to the Student Ombudsman about incidents, or to send him or her confidential information from schools, when services are not needed.

It is not desirable that the Student Ombudsman receive copies of an annual evaluation of school results, nor that he or she undertake an evaluation of the effectiveness of a plan to fight bullying and violence in a school. The Ombudsman knows neither the special context of a school, nor the complexity of interactions among the various parties. Further, individuals presently hired as Ombudsman do not have the knowledge necessary to evaluate such plans.

We should not ignore the significant financial cost which would be incurred by modifying the role of the Student Ombudsman in this way, since familiarizing oneself with reports, contracts, copies of decisions and making evaluations of plans takes time, and this time will be charged to the school boards. This money would certainly be better invested in additional prevention and intervention programs.

ADMINISTRATIVE PENALTIES

We are concerned about the impact that the imposition of monetary administrative penalties might have on services offered directly to students. Such penalties will certainly not enable students to achieve increased school success of students. It would be wise to consider solutions which are less damaging to students. We therefore recommend the maintenance of the present wording of Article 477 of the Education Act.

CONCLUSION: THE INVOLVEMENT OF ALL

A recent review of research concerning bullying at school¹ conducted by Canadian and American researchers demonstrates that bullying can be reduced or eliminated when prevention and intervention programs target the complexity of contexts of the individual, peers, school, family and community where bullying has taken place. A law which recognizes this complexity and which gives the means to schools and school boards, and which gives them the flexibility and resources to interact with the different partners and parties, could succeed in reducing or even eliminating bullying behaviours.

The *Action Plan to Prevent and Deal with Violence in Schools 2008-2011* stated the same thing and we quote: "Addressing school violence requires not only timely intervention, but also a global approach which organizes and structures a continuum of actions and interventions to prevent and deal with violence." One partner working on its own cannot resolve the problem of violence which exists in all society. It is not possible for the school to act alone.

Legislation is necessary in this fight against violence and bullying in our schools. However, it is essential that the law allow interveners in the school milieu to exercise the necessary flexibility to deal with each situation in a way which takes into account its uniqueness; and the law must also prioritize prevention over punishment.

To summarize, members of AAESQ make the following proposals:

1. Clarify the definition of the term "bullying" in Article 13 of the Education Act to add the expression "repetitive" and the idea of "imbalance of power between the aggressor and the victim"
2. Addition of a definition of the term "acts of violence" to the bill
3. Limitation, in the text of the bill, of the school's intervention obligation to cases which occur at school, or which at least have repercussions on the school milieu
4. Addition of a section stating the obligations of parents, particularly their obligation to collaborate with the school
5. Replacement of a monitoring system with support measures for prevention and intervention in cases of bullying and violence, and a guarantee that the financial resources needed to carry out these measures will be supplied
6. Modify the web site "irightthewrong.com", so that Dr. Royer's remark about a time limit of 48 hours to inform parents of measures be removed from the section "Parents of a Victim"
7. Modify the web site "irightthewrong.com", (youth section) so the Student

¹ Swearer, SM, Espelage, DL, Vaillancourt, T, Hye, S. What Can Be Done About School Bullying?: Linking Research to Educational Practice. Educational Research, Vol 39, No. 1, pp. 38-47 DOI: 10.3102/001389X09357622. 2010 AERA. <http://er.education.aera.net>

Ombudsman is not named as the first resource person to contact in the section “youth”, and replace the Ombudsman with the principal or a member of school staff who is trusted by the student

8. Allow administrators the necessary discretion to intervene according to the incident, rather than forcing them to apply the identical disciplinary measure to each student
9. Allow administrators to opt for an educational rather than a punitive approach
10. Replace the obligation to create plans at the school level or at the board level with the addition of a section on measures to fight bullying and violence within their existing plans, if such a section does not exist already; allow modifications to be made to school codes of conduct, and to policies and procedures already in place in each school board. Or, rather than permitting these additions to documents already in place at the school level, mandate the school team to develop a plan for approval by the Governing Board as is the present case for the success plan and the code of conduct
11. Supply the necessary financial resources to various partners so that they can respond to the needs of the anglophone school milieu, both in the metropolitan region and in other regions of Quebec, and to ensure that services are available in English
12. Withdraw all the additions made to the role of the Student Ombudsman so that he or she can maintain impartiality at all times, especially the additions related to receiving reports and plans, copies of annual evaluations, decisions of the executive committee, his or her role in the evaluation of the effectiveness of school plans, and responsibility to provide assistance to parents as soon as an alert or complaint is communicated to a school principal
13. Find solutions other than financial penalties when a school board fails to respect a provision of the Education Act.

Keeping a record of acts of violence and bullying is easy, but this method does not tell the whole story. Only the interveners in the school milieu can tell what difference they have made in the lives of some students by preventing acts of violence, bullying, or worse. We cannot trust statistics to tell the whole story or to reveal “what might have happened” if prevention measures had not been in place.

