



MÉMOIRE DE LA
COMITÉ D'ORIENTATION PÉDAGOGIQUE DU RÉSEAU SCOLAIRE ANGLOPHONE DU QUÉBEC

PRÉSENTÉ À
LA COMMISSION DE LA CULTURE ET DE L'ÉDUCATION :
CONSULTATIONS PARTICULIÈRES ET AUDITIONS PUBLIQUES

SUR LE
PROJET DE LOI N° 56
Loi visant à lutter contre l'intimidation et la violence à l'école

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The Leadership Committee for English Education in Québec (LCEEQ) is a collaborative professional learning community established for the purpose of promoting educational leadership in response to the needs of the English educational community of Québec.

The Committee is comprised of thirty-one members appointed by the organizations which they represent:

- *The Directors General of the English School Boards (ADGESBQ/ADGCSAQ)*
- *Special Status School Board representatives (Cree, Kativik, Littoral)*
- *Independent School Associations' Table (ISAT)*
- *School Board Educational Services Representatives*
- *Administrators of Complementary Educational Services (ACES)*
- *Provincial Organization of Continuing Education Directors English (PROCEDE)*
- *Association of Administrators of English Schools of Québec (AAESQ/AEAQ)*
- *Québec Provincial Association of Teachers (QPAT/APEQ)*
- *Fédération des professionnelles et professionnels de l'éducation du Québec (FPPE)*
- *English Colleges Steering Committee (Cégep)*
- *English Universities of Québec*
- *Representatives from MELS / DSEA*

Preamble

The Leadership Committee for English Education in Québec (LCEEQ) wishes to take a position and share its comments regarding the *Projet de loi N° 56 - Loi visant à lutter contre l'intimidation et la violence à l'école.*

At a meeting of the LCEEQ, held on March 15th, 2012, the representatives of the English educational community cited above recognized the problem posed by incidents of violence and bullying which occur in our society in general and which are mirrored in our schools and centres. The committee agrees that the school boards and private school associations have an important role to play in assuring that their schools and centres provide a healthy and secure learning environment which allows every student to develop his or her full potential, free from any form of bullying or violence. In fact, the committee asks that the *Commission de la culture et de l'éducation*, in establishing the context for its Consultation particulière, take into account what school boards and schools are already doing to combat acts of violence and bullying in schools. In the English sector all school boards have existing policies and procedures regarding violence and bullying in their schools. Student "Codes of Conduct" have been developed and are included in the student agenda and are reviewed in general assemblies at the beginning of each school year. Other schools have presented their Code of Conduct in the form of a contract which is signed by the student and his or her parents.

In addition to establishing clear expectations regarding positive inter-relationships and establishing clear consequences when violence or bullying in its overt or more subtle forms occurs, the English educational community has invested heavily in preventative actions to ensure a safe and respectful environment in schools.

- Citizenship and character education programs exist in most schools and promote positive inter-personal values and behaviours.
- Programs like "Second Step" and the approaches suggested by Gordon Neufeld provide intervention strategies for students and school staff when they witness acts of violence or bullying.
- A school board reported on a "Digital Citizenship" initiative that focuses on responsibility in social networking as a counter to cyber bullying.
- Another school board has hired an intervener on a part-time basis to facilitate a community approach to safe schools.

- The English sector has established a Centre of Excellence for Student Behaviour which provides consultative and professional development services to schools.
- Many high schools have instituted a student survey evaluation system called “Tell Them from Me” which asks students to identify what really matters to them in school. Through the use of a confidential online survey, students can register their views. Common core measures will then yield a portrait of social and institutional engagement and flag issues of school safety, bullying, and advocacy within the school. Based on these student generated results, concrete actions can be initiated on an individual and school-wide basis and monitored throughout the year.

It is the committee’s hope that Projet de loi N° 56, once enacted into law, will provide a focus for a pedagogical approach to the problem of violence and bullying in school rather than a punitive one, and that the communication plan to make the public aware of this new law will make ample references to the anti-violence and anti-bullying efforts that are presently in effect in schools.

Concerns Expressed by the LCEEQ

The concerns expressed by the members of the Leadership Committee for English Education in Québec (LCEEQ) regarding the formulation of the Projet de loi N° 56 - Loi visant à lutter contre l’intimidation et la violence à l’école can be summarized under the following five headings:

1. A definition of bullying
2. Monetary penalties to enforce compliance with provisions of this Projet de loi
3. Roles and responsibilities of all partners involved
4. Support services for students who are victims or perpetrators of violence or bullying
5. Application of the Projet de loi and cost to the system

A definition of bullying – The committee is concerned that the definition of bullying which appears in the amendment to Section 13 of the Education Act or Section 9 of the Act Respecting Private Education is too vague and problematic. A lack of consensus regarding how to define bullying continues, which will affect decisions as to which incidents to consider and how they should be handled. Should a student with special needs who acts aggressively towards another due to impulsivity issues be considered a bully? Intention and frequency must be considered core criteria in determining whether an aggressive behaviour is truly an act of bullying.

Without a standardized definition, which is embedded in the law, schools will be unable to apply their policies and procedures in a consistent and effective manner, and the reporting of incidents of bullying required by the law will be inaccurate since schools will be assessing and recording based on different realities. The committee suggests that the following definition be included in the Act:

“... that bullying describes intentionally harmful, aggressive behaviour that is repetitive in nature and in which there is a power differential between the aggressor and victim”.¹

Monetary penalties to enforce compliance with provisions of this Act – The committee is surprised and concerned about the unprecedented power granted to the Minister of Education to apply monetary penalties to enforce compliance with provisions of this Act as described in the suggested revision of Section 477 of the Education Act and Section 125 of the Act Respecting Private Education . In fact, it was noted that this power to impose fines on school boards or private schools not only applies to provisions affected by the Act to prevent and deal with bullying and violence in schools, but applies to all provisions of the Education Act and the Act Respecting Private Education.

¹ Swearer, Espelage, Vaillancourt & Hymel – **What Can Be done About School Bullying?: Linking Research to Educational Practice**, Educational Researcher, 2010.

The committee feels that the inclusion of monetary penalties to enforce compliance is inappropriate and unwarranted and recommends that the revisions to Section 477 of the Education act and Section 125 of the Act Respecting Private Education be removed. This punitive approach has no place in a collaborative partnership that should typify the relationship between the Minister of Education and the educational institutions in Québec. Should a school board or school fail to meet its responsibilities as outlined in the Act, resources should be made available to help to address existing problems and to find solutions.

Roles and responsibilities of all partners involved – The provisions described in the Projet de loi N° 56 will create new responsibilities and additional tasks for teachers, school administrators, governing boards, the student ombudsman and school board personnel. The committee provided feedback from the various partner groups in the English educational community regarding increased workloads, the impact on other important initiatives in schools and the lack of any additional resources to support these new procedural obligations. Areas of particular concern included:

- The role of the school administrator is central to this Act to prevent and deal with bullying and violence in schools. Given that school principals in rural areas often have responsibility for 2 or 3 schools, separated by distance, the committee is concerned that these administrators would have difficulty meeting the obligations described in the Act, particularly those that require action to address incidences of violence, implement disciplinary sanctions or remedial measures, all within a very brief timeline. The committee also underlined the fact that this increase in the principal's workload will mean less time to devote to other important school-based efforts dealing with poverty, success rates, special needs accommodation, health and wellness and literacy initiatives to name but a few.
- The Ministère de l'Éducation, du Loisir et du Sport (MELS) helped to create the position of Student Ombudsman and provided funding to engage individuals to fulfill this function. In the case of small English school boards, this covered the professional fees of a designated Student Ombudsman to deal with 20-25 complaints per year. Given the scope of this Act, which goes beyond the school day to include the time when students are being transported to and from school, as well as all instances of cyber bullying, which usually are committed when the student is at home, the number of complaints referred to the Student Ombudsman will be dramatically increased. Additional funding from the MELS will be required to defray the cost of the increased services to be provided by the Student Ombudsman.
- The role of the parents of students who are victims or perpetrators of violence or bullying remains unclear. The Projet de loi N° 56 mentions their involvement but does not describe their responsibilities or the recourse schools have when parents remain uncooperative. How can schools be held accountable for swift and decisive action when parents fail to become involved?
- The involvement of the police will be essential in any efforts to institute preventative measures or sanctions for acts of violence or bullying. Representatives on the LCEEQ committee cited examples of the existing partnerships with municipal police forces and their role in schools. Available in crisis situations and participants in violence prevention programs, the involvement of these police officers is an important element in this Act to prevent and deal with bullying and violence in schools. The committee is concerned that this working relationship does not seem to exist in many rural communities served by the Sûreté du Québec and that no obligation is mentioned that ensures police involvement in a school's anti-violence or anti-bullying plan.

Support services for students who are victims or perpetrators of violence or bullying – All members of the LCEEQ committee favour a preventative approach to the problem of violence and bullying in school since this is in line with the mission of the school, which is to provide instruction and to socialize. Prevention strategies in the school will have to be accompanied by prevention services

available in the greater community. Here lies one of the major obstacles faced by the English educational community in Québec. Historically and in recent experience with the Entente MEQ/MESS, social services are either unavailable to small communities or, where they exist, their personnel are unable to function in the English language. The requirement in the Projet de loi N° 56 which obliges the school board to enter into an agreement with an institution or other body in the health and social services network for the provision of services (art. 16 P.L. ajoutant 214.2) will be no more than an empty promise until this situation is remedied.

Application of the Projet de loi and cost to the system – Although the committee spent time responding to the legal aspects of the proposed amendments, the majority of concerns reported deal with the application of the Projet de loi N° 56. The size and geography of the English educational community, along with its socio-economic realities and minority status, give rise to issues which will be particular to English schools. A few examples of challenges to be met include:

- the option to send a repeat offender to another school does not exist in many English school boards, where schools are separated by large distances,
- the obligation of transportation companies to train their bus drivers to intervene in situations of violence and bullying will be difficult given that many drivers are unilingual French and will be unable to communicate effectively with the English students on the bus,
- a small school with part-time office staff and principal, which is the norm in the English sector, will have difficulty dealing with the quick turn-around time required by this legislation.

Conditions for Success

The committee would like to reiterate its support for action in the prevention and elimination of violence and bullying in schools and suggests the following as conditions for the successful implementation of Bill 56:

1. Clear definitions and procedures are needed so that all parties are well informed.
2. A systemic approach to the problem of violence and bullying in schools that avoids punitive elements and focuses on preventative action.
3. A process that allows for the evaluation of incidents of violence or bullying to eliminate unjustified complaints and for the prevention of a backlog within the system.
4. An efficient methodology for reporting on incidents of violence and bullying and the actions taken.
5. Clear boundaries established to delineate when the school is responsible for interventions and when action is beyond the schools jurisdiction.
6. The availability of resources to help school boards and schools when they are experiencing difficulty meeting their obligations under the law.
7. The availability of material resources in English in the MELS communication plan and on the proposed ministry website designed to provide information, tools and promote sharing of useful strategies.
8. The availability of financial resources to meet the increase costs to the system that will result from the implementation of this legislation.