



New Brunswick  
Association For  
Community Living  
Association du  
Nouveau-Brunswick  
pour l'intégration  
communautaire

# Response to Succeeding at Home: A Green Paper on Education in New Brunswick

October 15, 2019

New Brunswick Association for Community Living

Summary of Recommendations

1. NBACL recommends that inclusive education (and its key elements and practices) be acknowledged as a foundation for any future reform of our public education system and that all ideas and actions for reform be developed and implemented within an inclusive education framework.
2. NBACL recommends that a human rights “lens” be applied from the outset in the design of legislative changes.
3. NBACL recommends that a newly designed education system have a core central function of monitoring and accountability to ensure effective and fair implementation of provincial laws, policies and standards.
4. NBACL recommends that classroom freedom legislation consider the key role of parents in the education of their children and their role as advocates for their child. We further recommend that the government of New Brunswick adopt concrete dispute resolution strategies and processes for the K to 12 education system.
5. We recommend that one focus of French Second Language training should be on improving and enhancing core French offerings (which currently support a large percentage of students).
6. To enhance the mental wellness of children and youth in New Brunswick we recommend the following:
  - A systemic approach to child and youth mental health be adopted building on current work with Integrated Service Delivery;
  - The Department of Education and Early Childhood Development work collaboratively with other government departments to implement recommendations in the recent NBACL *Brief on Equal Access to Mental Health Services and Well-Being for People with an Intellectual or Developmental Disability*;
  - The Department of Education and Early Childhood Development explore, develop and implement a secular, province-wide Mindfulness In Education initiative similar to those operating in other jurisdictions.
7. As an alternative to zero tolerance policies, we recommend that a well-resourced and robust *provincial behaviour support strategy* be developed and implemented with the following key elements:
  - A program of targeted behavioural supports for students who have behaviours that challenge;

- Sustained training for educators on positive behaviour support strategies;
  - The development and delivery of training for Educational Assistants on behaviour support strategies. This needs to be beyond on-line training and include in-person training, practicums and mentoring with Resource teachers or behavioural experts;
  - An increased pay scale for Educational Assistants who take required training and who work regularly with students with behaviours that challenge;
  - A system of rapid on-site consultation and support for situations that may be beyond the knowledge and expertise of school based staff;
  - The development and introduction of “character education and social-emotional learning programs” in New Brunswick schools; and
  - Enhancements to the Integrated Service Delivery model to ensure its effectiveness across the province.
8. NBACL supports addressing issues stemming from “classroom composition” and pending a “longer term” solution we recommend the following:
- The Department of Education and Early Childhood Development (in collaboration with stakeholders) create a way to better define what “composition” issues mean in the context of current student and classroom assignments (e.g., metrics to determine what constitutes an imbalance in the student classroom assignment). We suggest that the current Anglophone Steering Committee on Inclusive Education be given the task to make recommendations to the Deputy Minister on definitions and metrics;
  - The Department of Education and Early Childhood Development, in concert with school districts, collect concrete data on composition issues based on definitions and metrics developed;
  - One focus for providing additional resources be based on recommendations made above to implement a provincial behaviour support strategy, including the provision of robust training for identified Education Assistants on supporting students with behaviours that challenge;
  - Additional teacher resources and co-teaching strategies be explored as a possible solution to addressing student learning in classrooms that meet composition criteria;
  - The current prohibition on creating alternative education environments for grades K to 8 be maintained.
9. Prior to the implementation of any reform that eliminates grade level learning, we recommend that a comprehensive review of the best evidence available be undertaken.

10. If the proposed reform to eliminate grade level learning goes forward, we recommend the following:

- A model of flexible grouping of students be designed with a clear mandate to respect and adhere to known best practices for inclusive education (including mixed ability learning environments);
- The model must include a clear understanding of the preparation and training that must be in place *before* it is implemented (i.e., what does “readiness” for teachers and principals require?). In this respect, there must be *sustained training programs* for teachers and principals to learn and develop the skills required to implement and support flexible learning environments and structures.
- The model must also be developed in a way to ensure that teachers are provided required time for team meetings and classroom organization planning, individual student assessment, parental consultation, and principal involvement to support flexible learning structures;
- While some local autonomy on model implementation may be possible, there must be clear policies that flexible grouping does not mean that students with a disability (or other learning challenges) are grouped together for academic learning;
- Students who are on an adjusted or individualized learning plan (based on their unique needs and goals) must be interspersed within flexible groupings within the school environment;
- Clear policies and guidelines be developed and enforced to prevent a wide variety in age ranges within flexible grouping and that such groupings maintain an age peer element (preferably within 1 to 2 years);
- Data tracking and metrics be developed for learners in flexible groupings to determine learning outcomes and how inclusive education practices are being respected; and
- On-going external advice and consultation be provided to schools to guide the implementation of flexible groupings within an inclusive education framework.

We further recommend that the initial phase of the reform be designed with a clear research and evaluation methodology to determine the overall effectiveness of flexible (non-grade) grouping and their adherence to inclusive practices.

## Introduction

NBACL welcomes the opportunity to offer feedback and suggestions around proposals for educational reform in New Brunswick. Over the years NBACL has played a significant role in education reform with a focus on ensuring that our system is fully inclusive and provides opportunities for all young people to have a full and valued life within their communities.

The tight timeframe for responding to the Green Paper does not permit an extensive written response – we will, therefore, focus our response on some critical issues relevant to the people we represent.

At the outset, we would like to acknowledge the importance of striving and planning to “imagine better” within our education structures and systems so that all people are able to thrive and reach their best potential. We support the focus of taking a long view on our education system and using long-term planning and budget allocations to set and achieve goals.

We have significant concerns about some of the strong language used in the Green Paper (such as “crisis” and “widespread confusion”) without objective data to back up these statements. Anecdotal comments are acceptable when they are described as such, but caution about broad statements without supporting data must be exercised.

The data does support that NB has an established “world class” education system – the information in the Green Paper on international achievement shows that NB (along with other provinces in Canada) being ranked among the best in the world. We have a high standard for “equity, accessibility and opportunity” for children to complete their education through to graduation.

We do acknowledge that there are some problems to tackle. We need to be clear about what problems exist and have clear data and evidence to identify the scope and nature of these problems. The Green Paper contains a number of blanket statements about issues or crisis without clear data to back up these claims. This is not helpful and it raises questions about the need for large scale or significant change.

NBACL is prepared to work with government and our community partners to find solutions to problems that are real (such as the need to provide better mental health support to our youth).

**We will also support change in our education system that is student centred and based on a human rights and inclusive education framework and mandate.**

## **Inclusive Education: A Necessary Foundation for Educational Reform**

The Green Paper acknowledges that New Brunswick is a world leader in the development of an inclusive education system - one that upholds rights for students with a disability to receive a

quality education within the context of the general education system designed for all students. We have exported our knowledge in this field to many countries – and rightly so. Many jurisdictions will be watching New Brunswick’s next steps in this area.

Overall, we believe that inclusive education as a key foundation for our public education system has been greatly understated in the Green Paper. The historical snapshot on page 4 of the Paper omits important developments in developing an inclusive model with key legislative changes in 1986 and 2014, and the adoption of the provincial policy (322) in 2013. Universal Design for Learning (UDL) and the ESS service delivery model (based on collaboration) are pillars of our work in schools to ensure that all children have a quality education within an inclusive school and classroom environment.

**NBACL recommends that inclusive education (and its key elements and practices) be acknowledged as a foundation for any future reform of our public education system and that all ideas and actions for reform be developed and implemented within an inclusive education framework.**

#### **Reviewing Legislation, Classroom Freedom Legislation and Empowering Schools & Teachers**

There is little to provide feedback on here given the nature of the commitments in the Green Paper to examine current laws, regulations and policies and to introduce “Classroom Freedom” legislation to amend the *Education Act*.

The Green Paper suggests that a “teacher centric” model of education is desirable. We don’t deny that teachers are the experts in formal education, but any system of education must first and foremost be student centric in design and practice.

Until the details of these actions are provided, we will only note three important principles that must be respected in the design of reforms.

1. This first is that notion of “freedom” in the context of education **must fully respect current rights of students that exist independently**. These rights are contained in many legal instruments such as the *Human Rights Act*, *Canadian Charter of Rights and Freedoms*, the *UN Convention on the Rights of the Child* and the *UN Convention on the Rights of Persons with Disabilities*. Collectively, these instruments (and their judicial and other interpretations) provide important values and standards that must be respected. These include the duty to accommodate, the right to an education that is inclusive

(UNCRC – Article 24)<sup>1</sup>, and the right to equal benefit of the law, the right to be free from inhuman or degrading treatment or punishment, etc.

Any changes to education legislation that provides broader authority (or “freedom”) to schools, principals, teachers and other professionals must not by design or by impact restrict or hinder the rights of children in the context of a public education system.

**NBACL recommends that this human rights “lens” be applied from the outset in the design of legislative changes.**

2. The second important principle is ***system accountability for adhering to laws, policy and standards***. Decentralizing authority and providing for local autonomy must happen within a framework that provides strong accountability to standards and processes that are established provincially. Without a strong system of monitoring and accountability we risk having a system that is a hodgepodge of mini education systems that are operating under their own rules. This could result in significant chaos and unfairness to New Brunswick students. **NBACL recommends that a newly designed education system have a core central function of monitoring and accountability to ensure effective and fair implementation of provincial laws, policies and standards.**
3. The third principle is the recognition of the ***important role of parent advocacy*** in the education system. Parents have key roles and need to know that (when appropriate) they can question decisions or actions of educators and principals. Providing the system with more “freedom” cannot be done at the expense of a parent’s right to speak up for their child. Similarly, blanket policies such as “zero tolerance” cannot lead to decisions that cannot be challenged or questioned. **NBACL recommends that classroom freedom legislation consider the key role of parents in the education of their children and their role as advocates for their child. We further recommend that the government of New Brunswick adopt concrete dispute resolution strategies and processes for the K to 12 education system.**

Currently, school principals have an important and complex job within the education system. Under the current *Education Act*, principals have broad authority on many matters within their local school community. Any plan to increase the roles and responsibilities of school administration requires having principals that have the background, knowledge and skills to be successful.

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<sup>1</sup> The right to an inclusive education is “the right of the individual learner, and not, in the case of children, the right of a parent or caregiver.” General Comment No. 4, Article 24: Rights to inclusive education. The UN Committee on the Rights of Persons with Disabilities (2016).

Lastly, efforts to reduce “red tape” must be approached with caution. Most of the regulation of the education system stems from the legal framework that has been created to ensure a properly run system. These regulations and rules relate to a wide variety of issues including human rights, health, transportation, justice, child protection, and so on. These all have a purpose that must be taken into account in any effort to reduce “red tape”. Perhaps a better exercise would be to review how we can *create better system capacity* to monitor and implement the expectations within the system so as not to impede on the system’s ability to focus on the learning and growth of students.

### **Second Language Training**

NBACL supports the development of second language programming that is equally accessible to all students and which is universal in both its design and implementation. As such, second language training should not result in the streaming of students based on their ability to learn a second language or the creation of learning environments that are characterized by a high proportion of students who face academic and other challenges.

**We recommend that one focus of French Second Language training should be on improving and enhancing core French offerings (which currently support a large percentage of students).** This will improve the overall fluency of NB students in the Anglophone sector.

NBACL also supports actions that will encourage second language learning in early learning centres.

### **Addressing Mental Health Challenges**

NBACL agrees that mental health and wellness should be a key priority for government at all levels. The lack of mental health professionals in the education system has created systemic issues of access to mental health services for students experiencing a mental health issue. This process should start by ensuring that all vacant education-based Psychologist positions are filled as soon as possible.

People with an intellectual or developmental disability have higher rates of mental health issues than the general population. Conservative estimates put the rate at 30%. Recent studies have put this rate higher especially for youth with Autism (between the ages 18 to 24) where rates of mental illness were found to be 52%.<sup>2</sup>

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<sup>2</sup> Yona Lunskey, et.al., “The Mental Health of Adults with Developmental Disabilities in Ontario: Lessons from Administrative Health Data”, *Healthcare Quarterly* 21(1), April 2018: 6-9.

Improving mental wellness of all school aged youth must be a priority for government. This should start with a review of all mental health programming available through the public education system (and more broadly). **We recommend the following:**

- **A systemic approach to child and youth mental health be adopted building on current work with Integrated Service Delivery;**
- **The Department of Education and Early Childhood Development work collaboratively with other government departments to implement recommendations in the recent NBACL *Brief on Equal Access to Mental Health Services and Well-Being for People with an Intellectual or Developmental Disability* (see: <https://nbacl.nb.ca/wp-content/uploads/2019/06/Brief-on-Equal-Access-to-Mental-Health-Services-and-Well-Being-for-People-with-IDD-Final-March-2019.pdf>).**
- **The Department of Education and Early Childhood Development explore, develop and implement a secular, province-wide Mindfulness In Education initiative similar to those operating in other jurisdictions (see for example: <https://mindfulnessinschools.org/mindfulness-in-education/what-is-it/>). These programs aim to assist both teachers and students to build self-awareness, develop coping skills and a “respond rather than react” approach to difficult situations.**

### **Zero Tolerance (and Addressing Behaviours that Challenge)**

The Green Paper references a “policy of zero tolerance” for physical abuse of adults within a classroom. While there is not specific action item associated with this comment, it raises serious questions for NBACL and the families we support. Typically, a zero tolerance policy assigns “explicit, predetermined punishments to specific violations of school rules, regardless of the situation or context of the behavior”.<sup>3</sup> These policies are wide-spread in the U.S. and some recent research studies have called their effectiveness into serious question.<sup>4</sup> They disproportionately target “students with disabilities, especially those with emotional and behavioural disorders”.<sup>5</sup> These students are suspended or expelled at rates that are “disproportionate” to their representation in the population. Quite simply, there is mounting evidence that zero tolerance policies do not work and create other problems that need to be addressed later on.

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<sup>3</sup> Christopher Boccanfusco and Megan Kuhfeld, Multiple Responses, Promising Results: Evidence Based, Non-punitive Alternatives to Zero Tolerance, Child Trends, 2011.

<sup>4</sup> Ibid. Also, Steven Teske, A Study of Zero Tolerance Policies in Schools: A Multi-Integrated Systems Approach to Improve Outcomes for Adolescents, Journal of Child and Adolescent Psychiatric Nursing, Vol. 24, 2011.

<sup>5</sup> Teske, Ibid., p. 90.

NBACL believes that schools and classrooms need to be safe for students and adults, but **we do not support the introduction of zero tolerance policies** as they have been developed and described in other jurisdictions. **As an alternative, we recommend that a well-resourced and robust *provincial behaviour support strategy* be developed and implemented with the following key elements:**

- **A program of targeted behavioural supports for students who have behaviours that challenge;**
- **Sustained training for educators on positive behaviour support strategies;**
- **The development and delivery of training for Educational Assistants on behaviour support strategies. This needs to be beyond on-line training and include in-person training, practicums and mentoring with Resource teachers or behavioural experts;**
- **An increased pay scale for Educational Assistants who take required training and who work regularly with students with behaviours that challenge;**
- **A system of rapid on-site consultation and support for situations that may be beyond the knowledge and expertise of school based staff;**
- **The development and introduction of “character education and social-emotional learning programs” in New Brunswick schools; and**
- **Enhancements to the Integrated Service Delivery model to ensure its effectiveness across the province.**

### **Classroom “Composition”**

The language around “classroom composition” has been in use for several years but there has been no common understanding of what it means and how it is determined to be a problem. What seems clear at this point is that the discourse is about students who attend the Anglophone system who do not attend French Immersion programming. There appears to be little comment on this in the Francophone education system. In the Anglophone (non-Immersion system), there may or may not be data that identifies how many schools or classrooms are facing “composition” issues. If the Department of Education has data on this then it should be available for public review. If no data exists, this is a problem.

From commentary made over the years the issue is one of too many students in English classrooms who have learning or behavioural challenges. These challenges tend to keep students out of French Immersion (due to a number of factors including the significant lack of educational supports in FI classes). There may be a high proportion of students who have a Personalized Learning Plan. The result in some classrooms is that the environment does not meet the test of good inclusive practice – having a mix of students with a variety of abilities

learning together in their neighbourhood school. In this sense, New Brunswick has created three distinct education systems – Francophone, Anglophone, and French Immersion for Anglophone students.

The Green Paper commits to providing additional resources to classrooms “where composition issues are hurting the educational outcomes of students and the teacher’s ability to teach”. We support addressing these issues pending a “longer term” solution and **recommend the following:**

- **The Department of Education and Early Childhood Development (in collaboration with stakeholders) create a way to better define what “composition” issues mean in the context of current student and classroom assignments (e.g., metrics to determine what constitutes an imbalance in the student classroom assignment). We suggest that the current Anglophone Steering Committee on Inclusive Education be given the task to make recommendations to the Deputy Minister on definitions and metrics;**
- **The Department of Education and Early Childhood Development, in concert with school districts, collect concrete data on composition issues based on definitions and metrics developed;**
- **One focus for providing additional resources be based on recommendations made above to implement a provincial behaviour support strategy, including the provision of robust training for identified Education Assistants on supporting students with behaviours that challenge;**
- **Additional teacher resources and co-teaching strategies be explored as a possible solution to addressing student learning in classrooms that meet composition criteria;**
- **The current prohibition on creating alternative education environments for grades K to 8 be maintained.**

### **Flexible Learning Environments**

NBACL has many questions about this action. We have recently met with Anglophone Assistance Deputy Minister, Chris Tredwell and other representatives of the Department to discuss how flexible grouping of children will potentially impact inclusive education practices and students with an intellectual or developmental disability.

Our main concern centres on the foundation of inclusive education that requires that students of a similar age learn in mixed ability groupings or environments. Years of research on inclusive education highlights the significance of heterogeneous groupings and the benefits that these have for students with a disability and all students generally. Indeed, the grouping of children

by age and mixed ability is required under the *Education Act* (see the definition of the “common learning environment” in section 1 of the Act).

There is some confusion about the language in the Green Paper and its full meaning in this context. On the surface (and based on comments made since the release of the Green Paper), it appears that students will be grouped based on ability (and not on age or grade level). This interpretation has caused considerable confusion and dismay on the part of many parents of children with an intellectual or developmental disability who have seen the benefits of effective inclusive education practices for their children. They fear that their children will be grouped with other students with a disability or with children of a much younger age that match their child’s “learning profile”.

In meeting with Departmental officials, we were provided with some clarification on how the flexible grouping experience at Park Street Elementary School was designed and implemented. This provided some better context to the concept of flexible grouping based on student “readiness”. NBACL provided other questions for clarification and a follow up meeting is being planned for late October.

**Prior to the implementation of any reform that eliminates grade level learning, we recommend that a comprehensive review of the best evidence available be undertaken.** This should include evidence that strongly supports mixed ability grouping of age peers through an inclusive education model that uses UDL, differentiation, personalization and other strategies to support all students to achieve their best.

If this reform goes forward, we believe that it will need to be well designed (model) with significant safeguards to ensure that education by ability grouping does not become our default system. The design must be done with the lens of inclusive education practices such that students of mixed ability are able to learn together. Without this, our education system will risk drifting back to one of separation and segregation. Groupings could provide a model of ready-made cliques – where students identify with and are most comfortable around people like themselves. The development of empathy and understanding of difference (based on cultural, social and economic experiences) will be lost.

There are also elements of student mental wellness that must be thought through. Will students placed in certain groupings (with other students who have similar learning profiles) feel unworthy or badly about themselves? Will students placed in age groupings that do not match their current age see themselves as “less than” their age peers or miss out on the social and emotional benefits that come from being with your age peers?

We also need to be mindful that one of the strongest impacts within our education system stems from teacher expectations on how students will succeed. In this respect, teacher

perceptions of student “readiness” will have significant implications for and influence over how students are grouped. Students cannot afford a system that gets this wrong.

**If the proposed reform to eliminate grade level learning goes forward, we recommend the following:**

- **A model of flexible grouping of students be designed with a clear mandate to respect and adhere to known best practices for inclusive education (including mixed ability learning environments);**
- **The model must include a clear understanding of the preparation and training that must be in place *before* it is implemented (i.e., what does “readiness” for teachers and principals require?). In this respect, there must be *sustained training programs* for teachers and principals to learn and develop the skills required to implement and support flexible learning environments and structures.**
- **The model must also be developed in a way to ensure that teachers are provided required time for team meetings and classroom organization planning, individual student assessment, parental consultation, and principal involvement to support flexible learning structures;**
- **While some local autonomy on model implementation may be possible, there must be clear policies that flexible grouping does not mean that students with a disability (or other learning challenges) are grouped together for academic learning;**
- **Students who are on an adjusted or individualized learning plan (based on their unique needs and goals) must be interspersed within flexible groupings within the school environment;**
- **Clear policies and guidelines be developed and enforced to prevent a wide variety in age ranges within flexible grouping and that such groupings maintain an age peer element (preferably within 1 to 2 years);**
- **Data tracking and metrics be developed for learners in flexible groupings to determine learning outcomes and how inclusive education practices are being respected; and**
- **On-going external advice and consultation be provided to schools to guide the implementation of flexible groupings within an inclusive education framework.**

**We further recommend that the initial phase of the reform be designed with a clear research and evaluation methodology to determine the overall effectiveness of flexible (non-grade) grouping and their adherence to inclusive practices.** Research and evaluation should be done with the assistance of an external body with expertise in education system design.