



17th Legislative Assembly of the Northwest Territories

Standing Committee on Social Programs

Report on the Review of Bill 12:
An Act to Amend the Education Act

Chair: Mr. Alfred Moses

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Legislative Assembly
Standing Committee on Social Programs
Assemblée législative
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October 24, 2013

SPEAKER OF THE LEGISLATIVE ASSEMBLY

Mr. Speaker:

Your Standing Committee on Social Programs is pleased to provide its Report on the Review of Bill 12: *An Act to Amend the Education Act* and commends it to the House.

Alfred Moses, MLA
Chairperson

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**STANDING COMMITTEE ON
SOCIAL PROGRAMS**

**REPORT ON THE REVIEW OF
BILL 12: *AN ACT TO AMEND THE EDUCATION ACT***

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**STANDING COMMITTEE ON
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**REPORT ON THE REVIEW OF
BILL 12: *AN ACT TO AMEND THE EDUCATION ACT***

INTRODUCTION

The Standing Committee on Social Programs commends the Minister of Education, Culture and Employment for advancing this Bill in response to motions passed in this Assembly.

A year and a half ago, MLAs Dolynny and Yakeleya introduced a motion urging the Minister to develop legislation to help stop bullying in the Northwest Territories, supported by a comprehensive awareness campaign. The motion was passed unanimously by regular Members.

The message was reinforced this year in a motion by MLAs Bisaro and Bouchard, who called for our government to support federal and provincial efforts to help control cyberbullying, including changes to the Criminal Code of Canada. The misuse of new social media has had tragic results across Canada, sometimes leading young people to take their own lives.

The GNWT decision to amend the *Education Act* as a first step to curb bullying in the Northwest Territories was based in part on compelling independent research. A survey of 1,600 NWT students showed significantly higher levels of bullying here than most of Canada.

For example, 81% of girls in grades six through eight reported that they had been bullied, compared to 69% across Canada. 72% of boys the same age reported they had been bullied, nine per cent higher than in the rest of Canada. These numbers are disturbing. What is worse, behind the numbers are young victims – in some cases of unintentionally hurtful pranks, but in others, of real malice and cruelty.

The purpose of the amendments proposed in Bill 12 is to define bullying (including cyberbullying) and provide, through regulation, for a territorial school code of conduct and safe school plans. District education authorities would be required to develop a discipline policy consistent with the Territorial Code of Conduct.

While bullying is defined and must be addressed in safe schools plans, bullying will not be explicitly prohibited in the *Education Act* itself. It is the intention of these amendments that measures against bullying will be included in the

Territorial Code of Conduct, safe schools plans, and other school rules described in the discipline policy enacted by each education authority.

Similarly, duties and procedures dealing with bullying will be contained in future regulations. In this way, the Bill places the determination of responsibilities of students, parents, teachers, principals, and education authorities squarely in the Minister's hands.

These decisions were made following the Department of Education, Culture and Employment's (ECE) review of anti-bullying legislation across Canada. Prior to writing Bill 12, the Department also sought feedback from major stakeholders including unions, the RCMP, and the public. Approximately 350 responses were received. ECE also consulted with the NWT Teachers' Association on how bullying should be dealt with in NWT schools.

The Bill before you today includes three amendments introduced at the Committee's public clause-by-clause hearing in Yellowknife on October 24, 2013. These represent changes adopted by the Committee after being recommended during previous public hearings. The amendments provide clarification and more explicit definitions of bullying and cyberbullying. The Committee is grateful to everyone who attended hearings and commented on Bill 12. Your input has been a great help in improving the Bill and providing guidance for the Government's future actions against bullying.

PUBLIC COMMENTS – A DISCUSSION

The Standing Committee on Social Programs conducted an active and thorough review of this Bill. For the first time in the history of the Northwest Territories, the Committee held hearings in schools to solicit the views of students. To facilitate discussion and openness, the format was much less formal than a typical public hearing on a Bill.

These sessions took place at the Diamond Jenness Secondary School in Hay River, École Sir John Franklin High School in Yellowknife, Mackenzie Mountain School in Norman Wells, and the East Three Secondary School in Inuvik. An additional session was done with a video e-learning link to a class in Mangilaluk School in Tuktoyaktuk. Members thank the many thoughtful students and teachers who took part, as it represents a new milestone in our territory's democratic progress.

The Committee's small survey amplifies the findings of the independent research cited earlier. Virtually every student had been bullied or had seen bullying at school. A much smaller but very encouraging number – perhaps half – had reported bullying. This speaks to the timeliness of Bill 12 and the need to take positive action.

Students' comments at the various schools had much in common, but differences were evident, including issues related to the size of community and student body. And in each school, students provided at least one new and useful idea for the Committee to consider, and sometimes more.

For example, in Hay River, students suggested that schools identify a group of students willing to speak up about bullying incidents on behalf of others. They also suggested bringing in motivational speakers to address bullying issues.

Empowering victims and bystanders to report bullying, or even to intervene in some cases, was a key theme among students. As one young woman put it at East Three Secondary School in Inuvik, "What I hate the most is that nobody ever does anything about it – they just stand and watch." The Territorial Code of Conduct and Safe Schools plans should address this issue, ensuring support to bystanders who come forward. Students must know help is easy to get: the Committee encountered some who said they did not know who to go to for help.

Cyberbullying is a "live issue" for students at all the schools visited by the Committee, though it appears to be a bigger problem in the larger, more urban settings. Students identified several websites they considered to be problematic because the participants are anonymous – whisper.com ("but everybody talks about it"), Ask.fm, and Omegle.com (including Omegle Canada). The latter involve live "chats" with strangers, including video. Awareness of these sites and sites of this type should be part of ECE's communication plan for students, parents, and schools.

Students frequently spoke about the need to "call them out on it" – the bully that is – but admitted it can be hard to do and often is not done. The rise of cyberbullying contributes to that problem. "There is more cyberbullying than regular bullying now," reported a student in Inuvik.

Public hearings were also held in Inuvik, Norman Wells, Yellowknife, and Hay River, between September 23 and October 7, 2013. The unifying theme of these meetings is that bullying "is a community and societal problem, not simply a school problem or a family problem." As one concerned observer said in Yellowknife, the goal should be to replace a culture of bullying with "a culture of peace and non-violence."

From this general theme came recommendations to draft separate legislation specifically to address bullying in our society, community, cyberspace, workplaces and public venues. This may be a desirable approach, and Nova Scotia may serve as a national example in this regard, but it is well beyond the scope of Bill 12.

Some frustration was also expressed with the vagueness of Bill 12, due to the absence of information about the contents of the Territorial Code of Conduct,

Safe Schools plans, and regulations. It remains unknown exactly what these policies will require of teachers, principals, education authorities, and perhaps even parents.

Similarly, it came up in several public hearings that there is no reference in the Bill to adults in schools who may be victims of bullying. This is a significant oversight which should be addressed in the Territorial Code of Conduct, safe schools plans and regulations.

Many thoughtful and effective practices to reduce bullying are already in place at NWT schools. However, the Committee also encountered inconsistency among teachers in the way bullying is handled, let alone across an education authority or the territory. While one teacher might stop bullying at the teasing level, another might say, "Handle it yourself." Students often cited cases in which they believed nothing was done after bullying was reported.

At one hearing, a young man said that after two years he finally just beat up the bully – but then saw the bully's fear, and felt sorry. In Inuvik, a woman now well-advanced in her studies for a Bachelor's of Education degree said she had been bullied so much, "I just wanted to give up, and say, 'this is it, I'm done.'" She said some students in Inuvik from Sachs Harbour have done just that, and put their education aside. Bullying is preventing students from getting the education they must have to succeed in today's world.

These incidents speak strongly to the need for action against bullying. This should include support, and if necessary, training, for teachers and principals tasked with responding to incidents of bullying.

A consistent and predictable response to bullying is desirable, but that is not the same thing as hard and fast, inflexible actions and discipline. In each community the Committee heard the desire to tune responses to the local environment and the case at hand. In short, education authorities, principals, teachers, and students need a compatible set of integrated tools. Taken together, these tools should be delivered in the Territorial Code of Conduct, Safe Schools policy guidelines, and regulations attached to the *Education Act*.

Another consistent theme is the view that suspension from school is not an effective form of discipline. It is not considered effective in any community, by adults or students who spoke to the Committee. Suspension is seen by many as a "holiday" for the bully that results in him or her falling behind in school, a practice that actually encourages absenteeism. Community service was suggested as an alternative form of discipline by students in Norman Wells, Yellowknife and Inuvik. We heard many times from teachers how disruptive it is when a suspended student returns to the classroom.

In sharp contrast to suspension, there is general support for restorative processes to meet the needs of victims and perpetrators of bullying. This, coupled with a progressive, “tiered” set of responses linked to the severity of the incident and its circumstances, was recommended in every community visited by the Standing Committee. A student in Tuktoyaktuk recommended “a ladder of consequences.” An experienced teacher in Inuvik stressed that “bullies need consequences – and counselling support.”

Counselling is universally seen as essential to both the prevention of, and as a response to, bullying. As one young woman put it in Yellowknife, but speaking of her experience in Ontario, “I honestly think that [counselling] saved me for those two years.” The Committee was told repeatedly that resources for counselling are insufficient now, and will be further taxed by new anti-bullying measures. The Department of Education, Culture and Employment must be prepared to address the critical need for counsellors in every NWT school.

Opinion was divided on whether there should be mandatory counselling for perpetrators of bullying. But many students and some teachers believe it is worth the attempt, and could help bullies come to understand they are hurting people, and change their ways. The Committee is convinced that mandatory counselling should be an option available to schools.

Some teachers and parents advised focussing preventive efforts and education about bullying in the early grades, involving parents from the beginning of their children’s school years. This makes eminently good sense. As one student sagely advised, “teach respect” from the start.

RECOMMENDED ACTIONS

The Standing Committee on Social Programs recommends that the Department of Education, Culture and Employment:

- 1) Review and build upon existing curricula and practices related to bullying in schools across the NWT;
- 2) Emphasize restorative processes in dealing with bullying, dealing with root causes to the greatest extent possible;
- 3) Provide counselling support for both victims and perpetrators of bullying;
- 4) Use a tiered approach to discipline, with suspensions as a last resort;
- 5) Provide schools the option of using in-school suspensions to deal with bullying behaviour, and provide adequate resources to schools choosing this course;

- 6) Provide schools the option of adopting mandatory counselling for bullies, and provide adequate resources to schools choosing this course;
- 7) Ensure that both large and small schools are adequately resourced to provide counselling related to bullying and other matters;
- 8) The Territorial Code of Conduct, Safe Schools guidelines, and regulations should be provided to the Standing Committee on Social Programs and other stakeholders in education for review and feedback in advance of their enactment;
- 9) The Territorial Code of Conduct, Safe Schools guidelines, and school practices should empower bystanders to report bullying, and ensure protective measures are taken afterwards;
- 10) Research best practices and ensure that responses to bullying are appropriate in cases involving students with special needs;
- 11) Ensure accountability of parents in preventing bullying and disciplining of bullies;
- 12) Design and implement a territorial awareness campaign, as directed in Motion 5-17(2). This should be a made-in-the-north campaign with strong northern content;
- 13) Consider gender-specific approaches to bullying prevention and awareness;
- 14) To the extent practicable, ECE should stay abreast of website developments that pose risks to students, and provide an updated list to education authorities of those that should be blocked on school communication systems;
- 15) The Department of Health and Social Services should add a link to the Kids' Help Phone website to its My Voice My Choice website; and
- 16) Immediately begin work on broader anti-bullying legislation that addresses bullying in general society and cyberspace, beyond the school environment.

CONCLUSION

It is the considered opinion of the Standing Committee on Social Programs that the Bill is a reasonable first step in the NWT's efforts to prevent bullying.

However, it cannot be the last step – in fact, Committee members expected more and so do residents of our territory. Further work must address the root causes of bullying.

It is significant that Bill 12 does not amend the *Education Act* to prohibit bullying outright. This surprised some students. In Inuvik, for example, one said, “It should be law. It’s wrong.” It is hard to argue with such straightforward logic. This should be considered in any subsequent legislation related to bullying.

At this time, the Standing Committee on Social Programs advises that it supports Bill 12 as presented to Committee of the Whole.