

S3 E2 Episode Transcript / Transcription de l'épisode

ABSENT: Not Meeting Student Needs, A Systemic Problem (Part 2) / Besoins insatisfaits des élèves : un problème systémique (épisode 2)

INTRO

HOST: Bon retour à *ABSENCES*, série du balado Source de la Fédération canadienne des enseignantes et des enseignants (CTF/FCE). Cette série dévoile les causes cachées de la crise de l'éducation publique. Cet épisode est le deuxième de deux sur la montée de la violence dans les écoles du Canada.

This 2nd episode on the rise of violence in schools in Canada will explore recommendations, what the CTF/FCE is doing to advocate about the issue, and how you can take action.

To respect the confidentiality of teacher and education worker members, some testimonials that you'll hear are read by voice actors.

Cet épisode se déroulera en anglais et en français.

A warning that this episode does contain descriptions of workplace violence. See the episode description for support and resources, including information about Canada 9-8-8.

In this second part on violence in schools, we're continuing the journey started in episode 1. As we move from discussing potential solutions, you'll hear from researchers, education leaders, and most importantly, the people that this is impacting the most, teachers and education workers from across Canada, including members of the CTF/FCE Advisory Committee on Indigenous Education.

So, let's jump in.

ADVOCACY: SECTION 43

Member of the CTF/FCE Advisory Committee on Indigenous Education: There's rising violence across the board from elementary on the way up, but if we don't step

in right there and help students and help youth, there is a major ripple effect, and Nobody else is there stepping in.

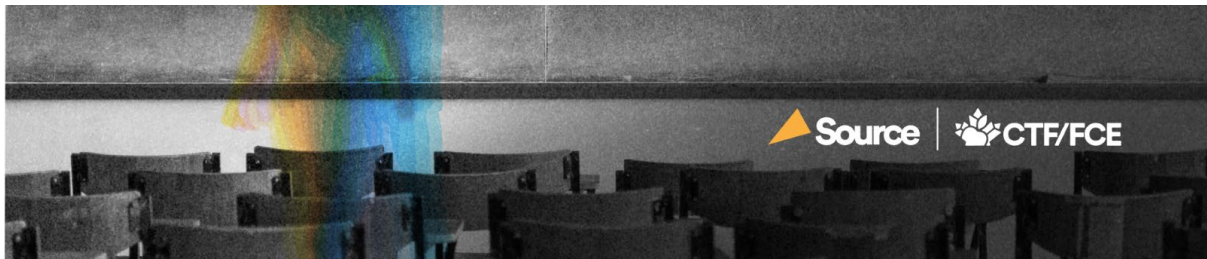
Enseignant : Après tout, notre priorité, c'est la sécurité de tous. Les élèves ne peuvent pas apprendre s'ils sont dans un environnement, ils ne se sentent pas en sécurité. Il est important d'avoir un langage clair dans que ce soient les lois, le code criminel ou les règles personnelles à suivre sur les interventions qu'on fait quand il y a des bagarres, afin que les élèves soient bien protégés, mais également le personnel et qui n'hésite pas à intervenir. Il faut également que le personnel se sente protégé et en sécurité.

Preston, Member of the CTF/FCE Advisory Committee on Indigenous Education: If we have no legislation to protect that then teachers would have no way to stop it for one thing. We would only do like a reverse evacuation and basically let that student wreck the room, which is happening now. But also, I am sitting there with the principal as well, monitoring the student wrecking things and really just being sure that they're not going to hurt themselves. That's the extent of what we can do, until let's say the behaviour support worker, which would have training to non-violently stop a person from hurting themselves or others.

(HOST: These teacher testimonials demonstrate the importance of having legal protection and language in the Criminal Code of Canada to address violence in schools and ensure schools are safe for students and teachers. So, what exactly is Section 43 of the Criminal Code and what is its' importance? This is Mark Garcia, CTF/FCE Advocacy and Government Relations Coordinator, to break it down for you.)

Mark Garcia: Section 43 is something that the CTF/FCE has been following for a long, long time. It's a provision in the criminal code that Allows teachers to intervene physically when necessary. So, section 43 of the criminal code reads, every schoolteacher, parent, or person standing in the place of a parent is justified in using force by way of correction toward a pupil or child. As the case may be, who is under his care, if the force does not exceed what is reasonable under the circumstances. So, of course, that language is a little bit concerning for the CTF, and we completely understand that.

So, the CTF has been focused a lot on Section 43 advocacy as of late. It's not something that's gone away for us but it's definitely politically expedient for us because currently there are two bills being discussed in the House and in the Senate. So, in the Senate we have Bill S-251. It's been referred to committee and the CTF has submitted a brief and we will appear in committee once it goes to study. And that calls for repeal of section 43 of the criminal code. Also, the CTF is following Bill C 273, which was introduced by NDP MP Peter Julian who we've met with, and we've let them know our concerns and we're following that bill.



Bill C 273 has been referred to committee and once again the CTF is hoping that we'll be able to submit a brief and appear in committee so that we can speak to the issues of teachers regarding the repeal of Section 43.

So, these two pieces of legislation seek to repeal Section 43. They're moving along in the legislative process.

(HOST: Now this isn't the first time that Section 43 has been scrutinized by the federal government.)

Mark Garcia: There's been a lot of advocacy efforts to repeal Section 43 because we mistakenly think that it condones corporal punishment by teachers. In 2004, there was a Supreme Court of Canada (SCC) decision that looked at Section 43 of the *Criminal Code* and made some rulings.

And ultimately, the Supreme Court ruled that Section 43 didn't violate the Charter of Rights and Freedoms, and in that case, the SCC specifically addressed what would constitute reasonable force by a teacher. The CTF was actually an intervener in this case, and the SCC decision as it concerns the scope of Section 43 for teachers can be distilled as follows. So...

- 1) Section 43 never permits teachers to use corporal punishment.
- 2) Section 43 does not protect the use of force by a teacher when that force is motivated by frustration, loss of temper, or an abuse of personality.

So, that's really important for us to note is there's been a misinterpretation of section 43 as we've heard it referred to as the spanking bill.

And there's been a misinterpretation that Section 43 permits teachers from, hitting a kid because they're frustrated or because they think that a child is being disruptive. That is not our interpretation, and it doesn't read that. That's the section, the Supreme Court of Canada's interpretation.

The interpretation of the law has been mistakenly assessed as allowing the corporal punishment of students also. And I think that this is a much more important and more nuanced thing that we need to keep in mind. It's due to the nature in which abuse by teachers and educators was a central part of the residential school system and the genocide of Indigenous peoples within Canada, the Truth and Reconciliation (TRC) included repeal of Section 43 as one of their TRC calls to action.

(HOST: So, what is the CTF/FCE position on the repeal of Section 43? Let's hear from Heidi Yetman, President of the CTF/FCE.)

Heidi Yetman: The CTF/FCE absolutely supports Truth and Reconciliation Commission of Canada's call to action. And call to action number six, of course, is the repeal of section 43. And we understand why TRC is asking for this action. Completely understand. But the consequences of removing section 43 could be detrimental in the classroom. We are always opposed to corporal punishment. We have a policy against corporal punishment. But we need to protect teachers in the classroom. And Section 43 has protected teachers in the classroom. So, what we're asking is to repeal Section 43, but to amend the criminal code in some way Where we can put in protections for teachers. So, we've come up with some language, we would like to see that language in the criminal code.

Elementary teacher 2: Sometimes things happen so quickly as well that it's in your nature to just want to stop that without really thinking. You see somebody getting hurt, you're going to run over and try to stop that. Especially, again, like working with really small children it's just your nature to stop that. **You don't want to see your students getting hurt.** So, sometimes you do it as a reaction and not really thinking about the consequences in the moment. So, I think for me I do like to intervene just because it's my nature to not want to see things like that happening and not always thinking about my safety.

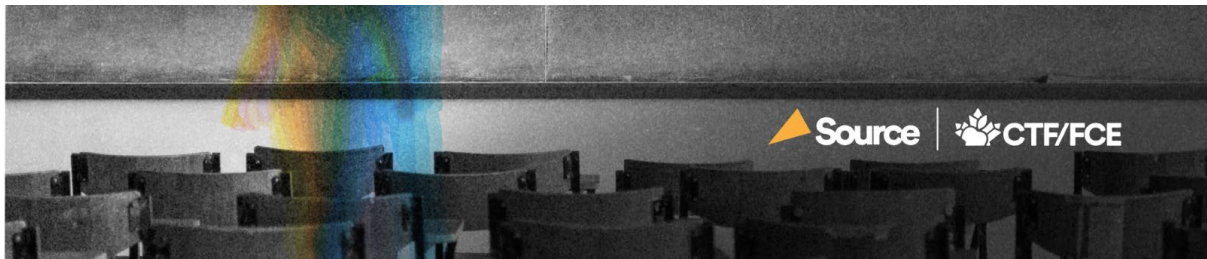
Preston, Member of the CTF/FCE Advisory Committee on Indigenous Education: If it definitely is repealed and nothing is in place, teachers are not going to be doing anything. Right? I think that it would be like a free for all, let's put it that way. I can see definitely a lot more violence, a lot more things that are not respectful and things like that rising if we're not protected, this criminal code is basically gone.

(HOST: What are the unintended consequences of repeal without protection language?)

Mark Garcia: There are lots of scenarios where teachers need to be able to physically intervene to protect students from themselves, teachers themselves, and students from one another.

Heidi Yetman: I personally in the classroom have had to put my hands on a child to either move them out of danger, or prevent them from hurting somebody else. And the criminal code basically says that could be assault, if we don't have section 43, and we don't have protections for teachers in the criminal code, then we're really worried that teachers will be accused of assault.

Or, even worse, is that teachers will be told by their union leaders never to touch a child, ever, no matter what the circumstance is. And that kind of goes, you know, against what a teacher does. **A teacher is there to teach, of course, but also to**



protect kids and to think about health and safety in the classroom. So, it's really important to have something to protect teachers in the criminal code.

So again, if we repeal Section 43, we don't protect kids and teachers. And by repealing it completely without an amendment, there might be **unintended consequences in the classroom** where teachers, will not physically intervene in really extreme and rare circumstances. So, our number one priority really is keeping classrooms safe.

Member of the CTF/FCE Advisory Committee on Indigenous Education: There's also kids fleeing the school, so they take off from the school and as a classroom teacher, you're responsible for the rest of your class plus there's one taking off and sometimes depending on where you are, you might be close to a busy highway, you might be close to wildlife, often they ran out without jackets and they're just in that flea mode and what can we do as teachers to protect them? Cause once they're out of the classroom and out onto the road, it's pretty dangerous for them as well. And again, you're still responsible for those 20 plus other kids that are sitting in your room.

Preston, Member of the CTF/FCE Advisory Committee on Indigenous Education: Same thing, running not only in the school yard, but also onto the back alley or the busy street, going across into other neighborhoods as well and trying to find this person.

Mark Garcia: Teachers really need that protection in the criminal code to be able to break up a fight or protect themselves or protect their colleagues or stop students from running into the middle of the street or harming themselves without having to second guess. Because in a scenario where teachers are discouraged or second guessing their ability to break up a fight or stop violence in the classroom is just going to lead to some more negative consequences.

A teacher should be able to intervene, because it's the right thing to do in breaking up a fight between students. So, there are also further unintended consequences that we really haven't fleshed out so much.

(HOST: That's why the CTF/FCE is lobbying for an amendment elsewhere in the Criminal Code.)

Heidi Yetman: In the past 16 months, we've met over 16 legislators, members of parliament and senators, to propose an amendment to the criminal code. And so, we're hoping by having discussions with politicians and senators that they will

understand our position and hopefully do the right thing and amend the criminal code so that we can protect teachers.

Mark Garcia: So, the CTF has done their work in working with legal counsel, to come up with some language that would ensure classrooms are still safe while acknowledging and calling for the repeal of Section 43 of the Criminal Code of Canada.

And we've recently updated that language because the first amendment that we were working with, we actually brought it in front of senators and legislators, and they thought it was too broad. And we listened to their feedback. We also agreed that the language that we were putting forward for our amendment was too broad. And now it's very explicit that a teacher needs to intervene and is only justified when they're protecting a student from themselves or others from harm.

This language is just the bare minimum for teachers to be able to keep a classroom safe. It's protecting the safety of the child or preventing the child from causing bodily harm or emotional harm to themselves or to other persons.

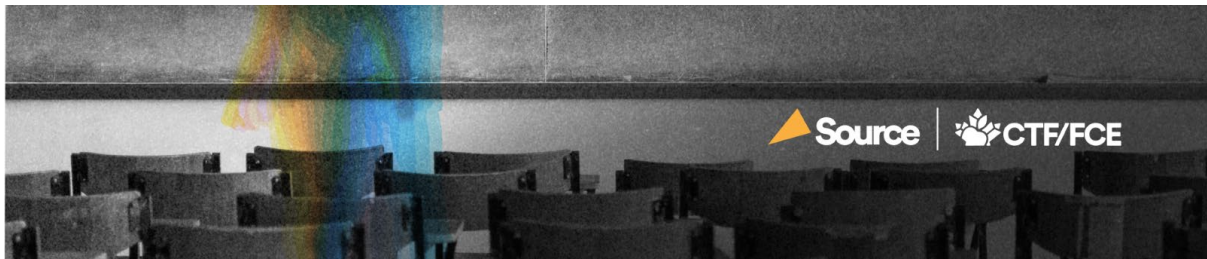
Member of the CTF/FCE Advisory Committee on Indigenous Education: We may not see the same violence as some of our United States counterparts, but we're still seeing violence and there's teachers being shot, there's teachers being stabbed, there's teachers being beaten up. We're there to protect the kids like they're our own and a lot of teachers love their students like we should love our profession. They do step in to stop the violence. It's a harsh reality of teaching in this decade.

RECOMMENDATIONS

(HOST: To explore some possible solutions to address violence in schools, let's hear again from Dr. Kristen Ferguson, Professor of Education at Nipissing University and Education Lead on the Healthy Professional Worker Partnership.)

Kristen Ferguson: So, the research shows time and time again that support from principals and administrators has a huge impact on the mental health of educators. They're a crucial support system. We did find that having a supportive principal or administrator is a facilitator when experiencing mental health issues. Other research has also shown that unsupportive principals and administrator can be a reason why violence is not reported. Positive admin support has also been shown to moderate negative feelings about violence and after a violent act.

Secondary teacher: Unless provincial governments get serious about safety in schools and create policies that support students and staff safety, this problem will continue.



Enseignant-e au secondaire : La culture du silence dans les milieux scolaires contribue à l'essor d'incidents violents en milieu scolaire. Rien ne changera si les conseils scolaires et les gouvernements n'osent admettre qu'il y a un problème et qu'il faut travailler ensemble pour trouver des solutions.

Elementary teacher: Staff are poorly trained to respond in a meaningful and sustainable manner. We need more well-trained behavioral interventions that will teach children to manage their behavior, not punish them or exclude them. Punishment and exclusion may well exacerbate this behavior.

Preston, Member of the CTF/FCE Advisory Committee on Indigenous Education: But the system is not necessarily playing into it is either to help out with those supports with those deregulated students as well, especially if we're really looking for those supports for those students so that those things don't happen in the first place.

Heidi Yetman: C'est vraiment important d'avoir des outils pour les enseignants, les travailleurs en éducation pour signaler des instances de violence. Il devrait y avoir des outils disponibles et facile pour les gens, pour qu'ils puissent signaler ces incidences.

C'est important que les gens sachent c'est quoi, qui se passe dans les classes aujourd'hui. Il faut répondre aux besoins des élèves. Ils ont besoin de soutien. Ils l'ont pas. Ils ont besoin de soutien à l'école et ils ont besoin de soutien à la maison.

We need to think long term. And in thinking long term, we need long term investments in education. And it's a systemic underfunding of education that's creating violence in the classroom because students are not supported.

(HOST: What we're hearing from teachers and education workers on the ground, as well as the research is that there's a lack of support and adequate resourcing overall. For more on the research, let's hear again from Dr. Darcy Santor, Professor of Psychology at the University of Ottawa.)

Dr. Darcy Santor: I'm not sure that it's going to stop because in our research we find very little evidence that the things that are in place, that might actually do something to mitigate this, aren't actually there.

We've heard from educators that there are few consequences for students who are acting out. We've also heard that there are few resources to help students who are having difficulty managing their reactions and their behavior. Which would also then

lead to an improvement. So, it's not clear to me that **there's enough in place to actually see a decline or a reversal of these alarming trends.**

(HOST: We also asked what were respondents' recommendations to effectively address the educational and emotional needs of students?)

Dr. Darcy Santor: In the surveys that we've done, over 70 percent of educators asked for **additional training and resources on social emotional learning skills** to help kids deal with their frustrations. This is one small part of the solution, but it also illustrates the difference between policy and actually implementing that policy on the ground with enough resources so that you can provide the skills which students require. Teaching those kinds of skills requires people, lots of people, and lots of time, which, if there isn't enough people or time, it's just not going to happen. These are well understood explanations for frustration and aggression and violence. It is really about resourcing schools, equipping teachers and educators with the time, and the resources to actually do this work.

(HOST: The teachers we spoke to also echoed this sentiment of the need to better equip teachers to address students' needs and ensure the safety of all.)

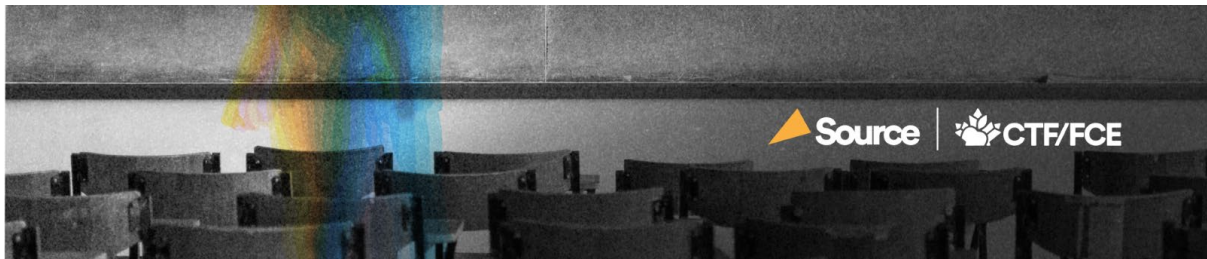
Tesa, Member of the CTF/FCE Advisory Committee on Indigenous Education: I think that there needs to be more training for nonviolent crisis intervention.

If they had proper training, they could have helped that student regulate themselves better. You know, as adults, I think we could act as external brains for some of these children that are coming to us with very complex profiles or complex behaviors.

Elementary teacher 2: You're not really given that training as a teacher going through university, it was learnt as you go. What should I do in this situation to make sure the students are safe, to make sure that I'm safe? So, I felt like a lot of the learning that happened was kind of on the job and when you're directly in the situation.

Member of the CTF/FCE Advisory Committee on Indigenous Education: Because it's only once you've been in there do you get trained for non violent interventions. They don't teach that when you're in university. These should be in university teacher training programs, because this is what we're seeing now.

Dr. Darcy Santor: This is an under resourced sector. That is evident, everyone knows it. And the only way that you will address these issues in terms of addressing the frustrations, the unmet needs that contributes to the context in which all this violence and harassment happens is to increase the number of qualified professionals who are actually in the schools working with kids.



(HOST: To increase the number of qualified professionals, it's clear that there need to be some safeguards in the first place to ensure schools are a safe work environment.)

Dr. Darcy Santor: The rates of PTSD in education workers is equitable to that of firefighters. They are frontline workers. They need to be seen as frontline workers. **They need to be equipped like frontline workers that requires additional psychological services for them** when they experience mental health injuries. It also means taking steps to ensure that the workplace is safe. If this was any other kind of workplace, such as an industrial machine shop, there are initiatives and things in place that would be undertaken to make sure that workplace is safe. That's not happening right now, and it needs to start happening to make improvements and change the course that is just getting worse and worse.

One thing that teachers need more than anything else, it's probably a safe work environment, which right now they do not have. If you can expect to experience upwards of 50 instances of harassment or violence over the course of each and every year, that is not a safe work environment, which is going to get in the way of doing all of these things, which we know work and which we know will make a difference.

(HOST: We were also curious to know if there are any examples of pre-existing frameworks to support addressing violence in schools. Let's go back to Darcy for the answer.)

In 2013, the **Standard for Psychological Health and Safety in the Workplace** was launched. This is now over a decade old. It has had organizations from across the country signing on. This document was designed to help organizations identify the psychological hazards that employees face and it coined for the first time, *a mental health injury*, which is what these educators are experiencing. This is a well understood framework for understanding the causes, to monitor changes, to implement the sorts of initiatives that are going to be needed to correct this. It would be a welcome addition if the ministry of education from across the country would adopt a framework like this that is now over a decade old, that has been endorsed and is being used by organizations across the country. This would commit them to a formal structure that helps them understand where things are at and how things are changing.

(HOST: We also heard from one of our members, who is a trained restorative practice educator...)

Member of the CTF/FCE Advisory Committee on Indigenous Education:

Restorative practice is, it's just meeting the kids where they're at, walking with them and helping them process this and see that what they've done is a harm, but they're not a bully: they're not that label. This was an event, and this is the harm that was created. And just helping them understand how you can move through being angry or upset.

And once you get them into a zone where they can acknowledge that they've had an outburst, and they feel bad about it. Then, that's when we would have a restorative circle, and bring the person in that was harmed, and then bring them together with a support person. So, they don't feel alone in the circle. Then, an apology can happen that's authentic and if the person who has been harmed isn't ready for an apology, then, we can put it off until they are ready because they need help processing as well.

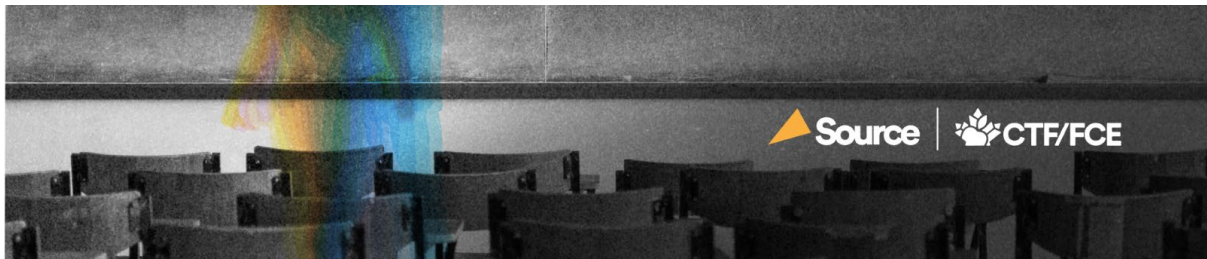
Then, finally we're repairing the harm. So how can we restore this relationship that has been broken by this event? And you're welcome back into the circle, to the community.

(HOST: So, what happens once the harm is repaired?)

Member of the CTF/FCE Advisory Committee on Indigenous Education: When we can repair the harm and we continue from there to build skills to help them navigate being grounded and understand. When I get to this point, this is what I need to do and voicing their concerns so they can come up to the teacher at some point and say, I just need to go for a walk. And giving young people the skills and tools to be able to walk through and say: this is what I need. And they know they're escalating. I need to go for a walk, I need some water, and make sure they don't go by themselves. And you can let the administration know, or whoever happens to be the school counselor, that this person's coming to you, and this is what's happened, and they don't need to be kicked out right at the moment. Right now, they just need a safe place to land and process this.

If it comes to they do need to repair the harm in a suspension or being taken out of the classroom for a little while, then that's when that conversation could happen as well with their supportive adult cause some families, they don't have a parent in the home; they may be an uncle or a grandma and some kids are in the foster care system. So, we have to make sure that we find a supportive adult because they need to fit in and know that they belong and know that they're loved and meet them where they are.

(HOST: As Dr. Chris Bruckert, Professor of Criminology at the University of Ottawa, mentioned throughout the episode, the impacts of violence are profound and far-reaching. Once the injuries are healed, it still permeates and ripples through the lives of its' victims – students, teachers, education workers, and their families. We've



explored some possible solutions and approaches to address the rise of violence in schools. Now, it's time to put these recommendations into action. Of course, we all wish there was a quick fix to this far-reaching problem. Now, we leave you with closing thoughts from Chris on what needs to happen.)

Dr. Chris Bruckert: If I had a magic wand, I would have everybody, every parent in Canada understand what is going on in schools and understand that it is rooted not in bad kids and certainly not bad teachers or bad EAs, but it is rooted in austerity cuts that have absolutely disseminated the support that Children need to survive.

And the proof of that is that it wasn't always like this. And so, if you just look at it wasn't like that, it's like that now, what's happened in between? And you see the way our schools have been transformed. The funding isn't there. The supports aren't there. You can't cover it up by slogans of education for all without also supporting those all.

In the meantime, our society has changed. So, we need baseline supports, right? It's not about throwing a couple more EAs at the issue. It's about funding a system that puts children's needs first, ensures that children are supported and then we can move towards addressing other issues.

But I think that's got to be the first step because, again, violence is a language, and these children are frustrated.

And so, I think it's really important to start to shift the conversation and start thinking about this as a systemic problem that is impacting a really huge sector, not only of workers, but then, of course, their families, their friends these ripples that this violence has.

OUTRO

HOST: That concludes our 2-part episode on the rise of violence in schools – in today's episode, we explored possible solutions and what the CTF/FCE is doing to advocate about the issue.

Here's where you come in – Add your voice to the CTF/FCE's call on the Government of Canada to amend Bill C-273 and Bill S-251 to ensure that the unintended consequences of repealing Section 43 don't become a reality. Check out the link in the show notes to email your Member of Parliament (MP), along with MPs and Senators of the Committees studying the Bills, to tell them that students and educators need protective language in Canadian law to ensure schools are safe.

Thank you for joining us as we gathered evidence to paint a picture of what's missing and explored possible solutions to restoring Canada's public education system. We'll see you next time.

ABSENT is produced on the traditional unceded territory of the Algonquin Anishinaabe People and is a production of the Canadian Teachers' Federation Source podcast.