

Before We Blame Inclusion...

Accountability, Equal Opportunity, and the Future of Inclusive Education in New Brunswick

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Accountability Starts With the Powerful, Not the Vulnerable

For forty years, New Brunswick has pursued a simple but ambitious principle: every child belongs. Since 1986, students with disabilities have had the legal right to learn alongside their peers, and since 2013 Policy 322 has reinforced inclusive education as a cornerstone of the public school system, establishing New Brunswick as a national leader in inclusive education. Four decades later, that commitment remains one of the defining features of the province's public education system.

This report is being written because government is once again talking about reviewing Policy 322. That policy affirms the right of every child to be included in the same learning environment as their peers, unless there would be undue hardship. In speaking of reviewing – again – Policy 322 ahead of looking at other issues in education, government is affirming a narrative that perhaps the slide in results that New Brunswick started in 2016 is first and foremost because New Brunswick has inclusive education.

Of course, we all know why inclusion is important. For one thing, it's about visibility. If we accept that children with disabilities should be rendered invisible to others in our schools, then we are likely to build societies that are closed to citizens with disabilities. It is about social inclusion. Education is not only where we learn to read and add. It is also where children experience society for the first time, and where they learn to connect and relate to others. Every child deserves to be included. And, yes, it is about learning, because public education is one place where equal opportunity is supposed to mean something.

Besides that, aren't we a little bit uncomfortable with constantly reviewing a policy that says that everyone belongs? Of all the groups named in the *Human Rights Act* or the *Charter of Rights and Freedoms*, no other group is asked to defend their presence in New Brunswick schools, besides people with disabilities. For all of the very real discrimination that 2SLGBTQIA+ students face and the heat around the Policy 713 debate, no one ever suggested that schools would be better if students were formally excluded from classrooms with their peers.

It is only people with disabilities who are told to go to public consultations to justify their inclusion in schools. That should make us uncomfortable.

"Yes, but…" comes the awkward answer.

Groups who want to cut government spending hold book launches and say that inclusion is the problem.

Employee representatives call for reviews because inclusion must be why their members are struggling.

Parents whose children do not have disabilities tell us that inclusion is a lovely principle, but that we must think of the larger good.

No one says they oppose inclusion. Politicians love to praise the principle. Everyone looks serious and says that inclusion is *nice and all, but…*

And so we have a kind of immaculate misconception, a quiet agreement that schools are struggling not because we don't fund them enough or we don't intervene fast enough or because we don't set classrooms up with children's best interests in mind, but because we just included too many children and we are all just too nice to make the tough decision that inclusion doesn't work.

Yet, facts are a stubborn thing.

Because between 2000 and 2015, New Brunswick's literacy scores zoomed upward. In 2000, the literacy rate in the anglophone school system was mired near 50%. Yet by 2010, it had reached 83%, and it stayed near 80% until the collapse started in 2016.

In fact, while New Brunswick is back in last place in Canada according to PISA results, we were not in last place in 2015. In fact, in 2015 PISA reported that every province in Canada lost ground in literacy except one. Which province was the leader?

New Brunswick.

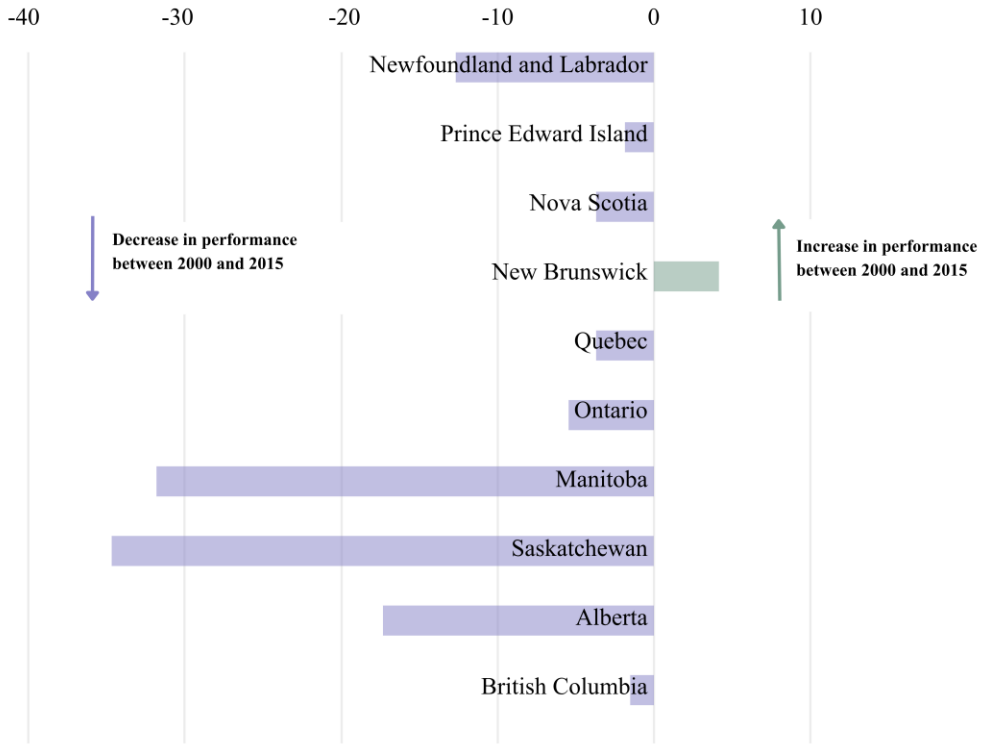


Image adapted from: Council of Ministers of Education (2016). PISA 2015: A Summary of Canadian Results (pre-briefing presentation[1])

In the 2016 Pan-Canadian assessment, guess which province's Grade 8 students had the biggest gain in literacy, math and science?

Once again, New Brunswick.

[1] Council of Ministers of Education (2016). PISA 2015: A Summary of Canadian Results. Retrieved from: https://cmec.ca/docs/pisa2015/PISA_2015_PREBRIEFING_EN_Final.pdf

So, between 2000 and 2015, New Brunswick's literacy rates leapt upward, and we were quickly gaining on the rest of Canada. And, of course, there was something else that was true every year that New Brunswick was succeeding.

New Brunswick also had inclusion between 2000 and 2015.

Which means that inclusion was a constant. When New Brunswick succeeded, it succeeded while supporting the principle that every child should be included.

The folks arguing that maybe some children should be excluded so the rest can succeed need to explain why we succeeded just fine with inclusion in place.

Because maybe, just maybe, the immaculate misconception that we are all blameless except for the fact that we were just too darn polite to challenge inclusion, maybe that false narrative is doing something convenient.

Maybe it's keeping us from uncomfortable questions. Maybe it isn't the most vulnerable children who are holding us back. Maybe our problems rest with the comfortable, not the vulnerable.

Maybe, before we make children with disabilities fight to be included, maybe we should all be willing to be accountable for turning our schools around.

Doesn't Accountability Mean That Someone Has to Do Something?

We love to talk about accountability in government, but we don't always really use the term accurately. Accountability, at its most basic level, means that we identify who has to do what to get a result, and there are positive consequences if they succeed and negative ones if they don't. New Brunswick governments don't always use that definition.

Sometimes, accountability means a dashboard with numbers that we update, but the numbers aren't tied to any actual changes or consequences.

Sometimes, accountability means that we write everything down, but we don't actually review the facts to see who has to change their behaviour.

Sometimes, accountability means that we all sadly say there aren't enough resources, and we agree to just be sad about that but not change anything.

As we saw in the *Nobody's Problem* report from this office[2], sometimes when a child dies a preventable death because their calls for help were repeatedly screened out, no one actually faces any consequences except the child, and we call that accountability.

But accountability is supposed to mean that people paid to make sure something happens have to make sure it happens.

[2] The Office of the New Brunswick Advocate. (2026). *Nobody's Problem: The Brief Life and Preventable Death of Bobby, A Child Who Deserved Better.*

Inclusion Depends Upon Accountability for Results

When politicians announce that they want to have an inclusive system, something very important has to happen. The system has to hold people accountable for getting young children help while they are young. If we wait until they are broken teenagers, the system gets difficult to manage. Inclusion is supposed to be a promise that the system will work quickly to get kids help before they are in a disruptive crisis.

In fact, the *Education Act* even allows schools to get children out of the classroom for intensive help designed to get them on the path to success. Interventions that are targeted, temporary and therapeutic are allowed. They cost more. They require early detection and assessment. But they work, and inclusion depends upon them working.

The incentive for schools to act quickly when a child is struggling should be that the problem is most manageable when we act early. Waiting means that the school will have to do more work and spend more money if they wait, so why not act fast? Get the assessment. Change the plan if it isn't working. Escalate problems if you don't have resources.

Yet, in New Brunswick today, we have the exact opposite. Districts are not accountable for fast action. Teachers are discouraged from pointing out when they don't have resources. Educators are evaluated on compliance, not results.

And when children become frustrated teenagers, no one makes school districts deal with the consequences of their failure. Since 2015, the use of illegal practices like partial days and seclusion rooms has exploded[3,4]. No minister ever stood up and said that was the plan. They didn't even bother to make the practice legal. They just looked the other way while desperate schools did the only thing they could do. If you acted too slowly and the child became too disruptive, just send them home or lock them in a room.

After all, what else could you do? It's inclusion's fault, right?

It has to be inclusion. Because otherwise, we might have to ask some tough questions about why we seem to have so many more children who can't read and can't stay in class. And that might point the fingers at systems and budgets and those with power.

Because broken children and their exhausted parents can't fight back, we point the finger at inclusion.

What Are the Questions That We Are Avoiding?

This report will advance the uncomfortable premise that we are often blaming inclusion – a system that didn't stop us from succeeding between 2000 and 2015 – because there are three broken promises that powerful lobbies don't want us to talk about.

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[3] The Office of the New Brunswick Advocate. (2024, May). *A Policy of Giving Up: How New Brunswick schools illegally stopped educating hundreds of students and why the government must protect vulnerable children*.
[4] The Office of the New Brunswick Advocate. (2024, December) *Isolated: How Schools Seclusion Rooms Became Accepted Practice Outside the Law*.

First, inclusion once had a promise that we would get help quickly when a child began struggling. Detection, intervention, and tracking would be done with urgency. That promise was made in the 2006 education plan *When Kids Come First* but abandoned in 2016.

Second, government promised two years ago to stop breaking the law on partial days and seclusion rooms. After all, if the system is allowed to deal with its failures by sending children home or locking them up, no one has an incentive to intervene quickly. Yet, two years into their mandate, government is now dawdling and delaying when it comes to making actual rules that hold schools accountable for these harmful practices, let alone developing a plan to phase them out.

Third, in 2016 the Minister of Education made a commitment that government would address the unequal access to Early French Immersion. The Minister acknowledged the harm that comes from herding all children who struggle, all children with disabilities, disproportionate numbers of students in poverty, new Canadians, and First Nations students into the same class where the teacher cannot give them individual attention. Bilingualism was not supposed to be only for urban, non-disabled children from families with higher levels of educational and socioeconomical advantage. Today, that promise seems to have been abandoned.

Today, the Advocate urges government to be accountable for these commitments. Before furthering the dubious narrative that the most vulnerable children are behind the decline in New Brunswick schools, perhaps we should look at the broken promises made by the powerful.

In these three areas, will we have the decency to hold ourselves accountable before pointing the finger at those least able to fight back?

Challenge One: Intervening Early, Integrating Quickly

In 2008, Advocate Bernard Richard introduced the idea of Integrated Service Delivery, or ISD, to our lexicon[5]. Reviewing a number of tragic cases where children fell through the cracks because each department dealt only with their mandate instead of offering help, Mr. Richard urged government to set up a central structure whereby departments would all be accountable for getting results – results based on the child's success, not compliance with each department's rules.

Designating files for coordinated and intense action was to be the priority. Designations like Integrated Services or Complex Case were designed to free departments up to set aside rules and instead have professionals develop plans based on what the child needs. There was supposed to be a principle that whichever department saw a need for a service, they were to provide the service first and then argue later about which department pays for it. The Premier of the day took personal responsibility for central oversight of the ISD system.

So, how is New Brunswick doing in terms of early intervention?

[5] Richard, B. (2008). *Connecting the dots: A report on the condition of youth-at-risk and youth with very complex needs in New Brunswick*. Office of the Ombudsman and Child and Youth Advocate.

For a forthcoming report, our office reviewed dozens of files of young adults who were in deep crisis – experiencing homelessness, incarceration, addiction, severe mental health struggles, deep poverty, or a combination of these. We went back to the start and looked at their files to see what we could learn from their stories, and where there might have been chances to help that were missed.

What we found should shock the conscience of government.

On average, all the warning signs of risk were present by the time children were seven years old. That's when risk factors like a diagnosis of a disability or condition, an assessment of developmental delay, and/or child protection involvement were on file.

For children with these serious risk factors, you would think that Integrated Services or a Complex Case designation would arrive immediately. Yet government, with its complicated routes to approve those responses, generally did not get a coordinated response in place until the child was, on average, past their 12th birthday.

When we looked for the age at which the crisis arrives – an arrest, a partial day plan or seclusion room detention at school, a suicide attempt or admission for a mental health crisis – that happened on average by age 13.

So, to be clear, we know which children are in trouble by age seven. We have six years to act. And we spend over five of those years not acting.

The problem is not that we include too many troubled 13-year-olds. The problem is that we don't act quickly to help seven-year-olds in trouble.

In one case we reviewed, we found that a child needed an assessment because they were struggling to learn and to behave. Teachers, understandably, could not develop appropriate plans without an educational-psychological assessment. We found numerous notes over five years stating that the child needed an assessment. Every time, there was a note that a department was refusing to pay for it. In one poignant note, a high-ranking school district official noted that there was a clear need for the assessment, but the District did not want to pay.

> "Tell the Jordan's Principle people to pay for it", said the note on file.

Jordan's Principle is, of course, founded upon the principle that systems should provide the service first and sort out payment later. Yet here was a senior person, ostensibly trained in legal obligations, refusing help until the Jordan's Principle people pay.

That child grew up and did not get an assessment for years while people in charge played hot potato with responsibility. Today that little kid, now a young adult, is institutionalized with intense mental health problems. The cost of that to the taxpayer is, of course, infinitely more than the assessment that no one wanted to pay for.

These stories abound. Yet no one is ever held accountable for those results, except the struggling child and their desperate parents.

Our Integrated Service Delivery has been a neglected mess for years. To the current government's credit, they have ended the neglect and mandated meetings and proposals at the most senior levels of government. To their discredit, they have not yet actually shown the resolve to adopt rules that hold people accountable.

Much of ISD today is built on systems that delay real action, not facilitate it. A sensible system would realize that Integrated Services require integrated, goal-based rules. Otherwise, we have Co-ordinated Service Delivery, not Integrated Service Delivery. One can coordinate services by putting people from different departments in a room, but if they are only empowered to each follow their department's rules and budgets, the service is not integrated.

There are numerous glaring failures in the ISD system.

- There is no central rule or authority requiring departments to actually provide the service and resolve who pays later. Government prefers to encourage collaboration, but no one will face any consequences for denying a service, even if children suffer.

- The Provincial Integrated Services Committee (or PISC) is designed in a way that guarantees illegal delays. The idea is that one central committee will review requests for service needs that go beyond the budget of any one department. Yet the process is poorly designed and slow. In order to make a request, the department wanting to help the child must get between eight and twelve signoffs from provincial and regional bodies, in some cases even from departments not involved in the file. The sign-offs confirm that the child cannot access services without the additional help. Smart observers will note that this is already the legal test for the duty to accommodate disability, so that by the time the paperwork is done, government has already proven that they cannot legally say no to providing the additional help. Yet approval is then often delayed several months while waiting for PISC to meet. The process is also misused. In some cases, we have seen school districts leave children without needed accommodations for months while they seek PISC approval – even though the only accommodations requested are within the school district's responsibilities. The Department does not take steps to keep school districts from using this illegal delaying tactic. The government has not reformed the process or set mandatory timelines.

- During the aborted education budget cuts of 2025, government withdrew and then restored funding to anglophone school districts for Integrated Service Delivery teams. All four school districts chose to cut the teams anyway and use the money to provide (so they said) student services in schools. At the time, school districts went on record saying that no child would lose services because the ISD Teams were cut. Yet in our review of the first year of the changes (which will be covered in an upcoming report), 86% of front-line educators surveyed said that they knew of children who went from getting services to being held on a wait list. When asked, the four school districts could not point to any benchmarks or measurable outcomes they tracked to see if the changes worked, and the Department chose, at the time the funds were restored, not to tie the resources to any requirement that the districts demonstrate positive results.

– Numerous files stall because departments incorrectly cite privacy restrictions as a reason why they can't communicate with other departments, despite the fact that the *Right to Information and Protection of Personal Privacy Act* contains numerous exemptions for integration and effectiveness of services. Too often, employees simply refuse to make a judgement call, because privacy breaches can lead to discipline but incorrect refusals only hurt the child. While government has acknowledged the problem by having departments sign agreements to share information, government still chooses not to create any employment incentive tied to actually correctly using the agreement and sharing information when it benefits a child or makes a service more effective.

This analysis was covered in the Advocate's report, *Wake Up Call*[6]. A sensible plan for Integrated Service Delivery would set benchmarks and incentives for speedy intervention. If every department, and every program supervisor, were held accountable for the result of shortening our current five-year delay in getting interventions to children at risk, then the decisions would be more naturally integrated. A sensible system would also mandate the principle of "provide the service first, argue over who pays later" in a written policy with central oversight and meaningful consequences when middle managers ignore the rule.

So far, government has chosen not to take these simple, common-sense steps. While that is their prerogative, it must be said that this is a failure of government's will, not a failure of inclusion.

Challenge Two: Why Get Better When You Can Make a Child Disappear?

This office noted years ago that schools were now widely using seclusion rooms and partial day plans even though both practices lacked legal authority[7,8]. Two years later, government still cannot or will not tell schools to follow the law.

It is true that codifying the practices is an unpleasant task. After all, the fact that hundreds of children are sent home without an education or locked in a room is not a sign of a healthy education system. Wouldn't it be better, some argue, to not "legitimize" the practices by having to make the rules allow it?

This is a politically convenient answer, but it is morally indefensible. First of all, children with disabilities are not second-class citizens. No other citizen can be locked up by the state without rules. No sensible person would let the Attorney-General say "It is so unpleasant to think of police arresting people. Let's get rid of all the rules and leave it up to the individual police officer how we lock people up". This would cause immediate revulsion. Yet that is the government's current policy for children with disabilities. If you can be locked up by the state without legal authority, you are not fully a citizen.

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[6] New Brunswick Advocate. (2025, September). *Wake Up Call: Learning from the Education Budgeting Saga, Installment #2 of the Advocate's Review of the 2025-26 Budget*.
[7] The Office of the New Brunswick Advocate. (2024, May). Op cit.
[8] The Office of the New Brunswick Advocate. (2024, December). Op cit.

This “don’t make rules” approach ignores the unpleasant fact that frequency of these practices is probably exploding because no politician had to be accountable for it. If a minister had been required to stand up in the Legislature and say: “Our plan for inclusion is to allow schools to send more children home and lock more children in rooms”, that probably would not have been very popular. And if a minister had to do that, maybe more ministers and cabinets would have had hard conversations about the resources and rules in place and acted more quickly. By allowing ministers to just look away and let schools break the law, it held off accountability – that word again! – for a system that had become far too reliant upon sending kids home and locking them up.

Finally, if the consequence of failing to help a child is only felt by the child and their family, and not those with the power to help, the help will never come more quickly. If a child goes years without an assessment or needed interventions, and then becomes a frustrated and troubled teenager, right now all that happens is the school gets to look at solutions that hurt the child. The child gets locked up. The child gets sent home (often without the district having to pay for personalized services). The parents lose their jobs or shifts at work when the child goes home. And those who could have helped but didn’t? They just get to send the child home.

While it is uncomfortably true that an immediate ban on both practices might lead to more schools simply calling the police and more children in the justice system, that cannot be a cop out forever. A healthy system does not rely on partial days and seclusion rooms as a standard response.

Imagine if we put a few simple rules in place:

- The Minister of Education sets a date, in legislation, by which both practices will end.
- In the meantime, every school must track their use of partial days and seclusion rooms and bring the number down each year. Schools that don’t reduce the practice will have an external review.
- Students on partial days in Grades 6-12 will be tracked back to elementary schools to see which schools have the highest rate of students who went on to middle school without successful interventions.
- All partial day and seclusion room files are subject to random audits to see how quickly learning plans were reviewed and interventions put in place.
- If the deadline to eliminate the practice cannot be met, the Minister of Education must go to the Legislature and seek an extension.

If these rules were in place, would people in the system start making sure assessments and interventions were sought quickly? Would they be more courageous in escalating files where the resources a child needs aren’t in the budget? Would administrators look for more alternatives to locking kids in rooms or sending them home?

We think that’s what would happen. Government has had two years now to amend the *Education Act* to take real action to protect children from system neglect. These are children who lack a voice and whose parents are often too exhausted to organize or attend consultations. Yet they should be heard. Government should not make any other changes to the *Education Act* until they do right by the children who most need help and their families.

Further analysis of this issue can be found in the Advocate's reports *A Policy of Giving Up*[9] and *Isolated*[10]. Government has not challenged these reports' findings of illegality or the need for reform. There is simply a lack of urgency in making the difficult decisions around these issues.

Challenge Three: Every Child Should Have an Equal Chance to Be Bilingual

We noted at the beginning of this report that New Brunswick is celebrating 40 years of inclusive education.

This year, 2026, also marks another milestone: ten years since the Government of New Brunswick announced the return of Grade 1 Early French Immersion. At the time, the province promised not only to restore access to Early French Immersion, but also to strengthen the program and address longstanding concerns about who was able to enter, remain in, and succeed within it.

This is not an argument against inclusion, nor is it an argument against Early French Immersion. Rather, it asks a simple question: **ten years later, have the promises made in the name of equity, access, and opportunity been honoured?** This report examines the gap between promise and practice. Forty years after New Brunswick committed itself to inclusive education, and ten years after it promised to make Early French Immersion more accessible, it is time to ask whether opportunity is being expanded equally for all children, or whether some students continue to stand at the front of the line while others remain on the margins. For students with disabilities, for newcomer learners, for rural communities, and for families who have historically been underrepresented in French Immersion, the answer matters.

There is broad agreement that, after two changes in ten years, the system needs the entry point for Early French Immersion (EFI) to stay put for a generation, at least. The equity of access to immersion, and the impact on inclusion, has not been the subject of a previous report by this office the way that integrated service delivery, seclusion, and partial days have been. For the remainder of this piece, we will focus a little more pointedly on equity, access, and inclusion within the immersion program in New Brunswick.

What we do know is that, regardless of a Grade 1 or Grade 3 entry point, early French immersion (EFI) has remained the best chance that a child in New Brunswick has to become bilingual, and unlock the opportunities that bilingualism offers[11].

The gap between students who participate in Early French Immersion and those who must rely upon Core French is huge. In fact, for students who took early immersion (and stayed with it) those reaching intermediate French proficiency by graduation approaches 100%[12,13]. That's important. Intermediate

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[9] The Office of the New Brunswick Advocate. (2024, May). Op cit.
[10] The Office of the New Brunswick Advocate. (2024, December). Op cit.
[11] University of New Brunswick, Second Language Research Institute of Canada. (2021, October 31). *French second language and French immersion fact sheet*. University of New Brunswick. https://www.unb.ca/second-language/_assets/documents/fsl-fact-sheet.pdf
[12] Ibid.
[13] Government of New Brunswick (n.d.) *French Second Language Education: Find the Right French Learning Pathway to Help Your Child Excel in Canada's Official Second Language. https://www.gnb.ca/en/topic/education-training/k-12/anglophone/french-education.html*

French can be polished, improved, and built upon at the post-secondary level and through professional development. But if you don't have Intermediate French by the time you graduate, it's very hard to find the time, money, or programming to become bilingual enough for work once a person leaves formal education.

This firmly places access to early French immersion as an equity issue for New Brunswick's children to have the opportunity to fully participate both economically and socially in Canada's only officially bilingual province.

Every child should have an equal chance to become bilingual, because if bilingualism is seen as an elite skill only, it's an uphill battle to unite New Brunswickers behind bilingualism.

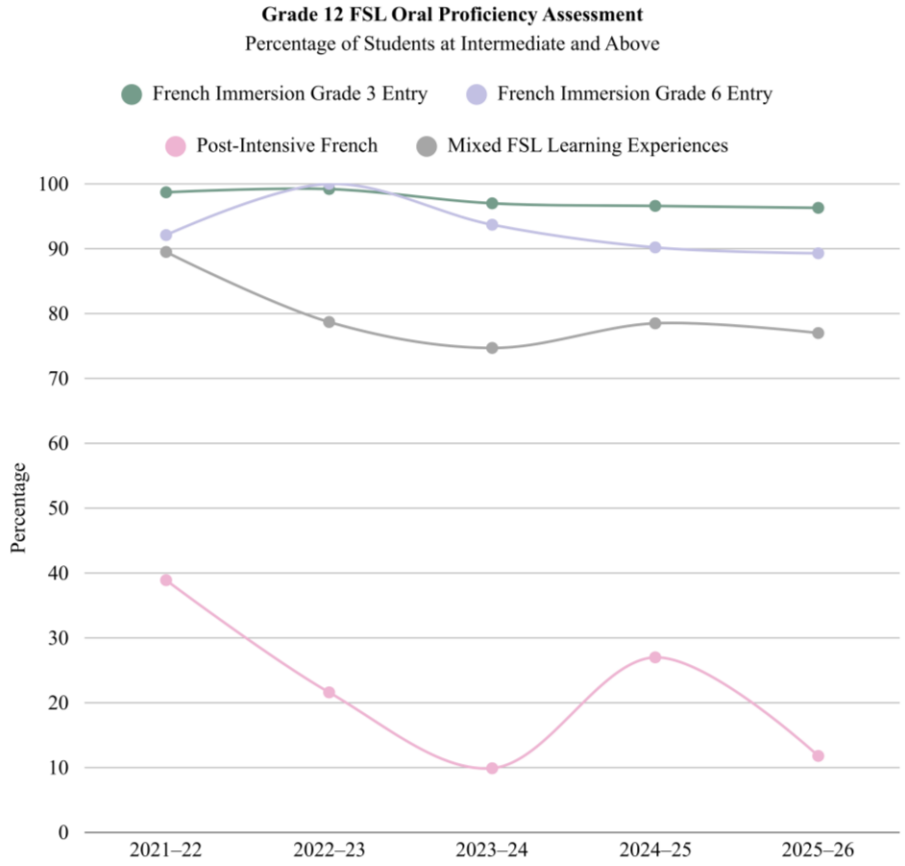


Image adapted from: Grade 12 French second language oral proficiency: Public report 2025–26[14]

[14] Government of New Brunswick, Department of Education and Early Childhood Development. (2025). *Grade 12 French second language oral proficiency: Public report 2025–26*. Government of New Brunswick. https://www.gnb.ca/content/dam/GNB3/t/et-ef/km-12/district-reports/docs/grade-12-french-second-language-oral-proficiency.pdf

Based on the premise that earlier exposure to a second language leads to greater proficiency in adulthood, and in spite of reservations expressed by critics concerning equity, access, and support, in 2016 the Government of New Brunswick made a promise – they would return the Early French Immersion entry point to Grade 1, and (importantly) the government stated its intention to improve the program and address barriers to participation[15].

Ten years later, we reviewed the numbers to see if that promise was kept for every child, or for just a privileged few.

Government Already Knew There Was Unequal Access in 2016

On September 30, 2016, the Government of New Brunswick announced that the Early French Immersion (EFI) entry point would return to Grade 1 beginning in September 2017. The government stated that the renewed program would include improvements to the previous model and initiatives to address classroom composition issues, while also emphasizing the importance of early second-language learning[16].

When the change was announced, concerns about inclusion and access remained. Educators, school districts, and other stakeholders questioned whether simply changing the entry point would address longstanding challenges related to participation, student support, and equitable access to French Immersion[17,18,19]. In an interview with CBC News, Guy Arseneault, the then-President of the New Brunswick Teachers' Association, argued that the government should evaluate program outcomes before proceeding with another major program change and expressed concern about the lack of consultation during the reform process[20]. Here's what Arseneault said in that article:

> Arseneault said he's concerned about what happens to the composition of classrooms in French immersion.
>
> He said the higher achievers often end up in French immersion, while other children, who may have a tougher time, get put into the anglophone program by their parents.
>
> *"You can say that let's make sure that the students in both programs have an equal opportunity throughout, and that they're well supported*

[15] White, A. (2016, September 30). *French immersion returns to Grade 1 early entry*. CBC News. https://www.cbc.ca/news/canada/new-brunswick/french-immersion-announcement-gallant-government-1.3785370
[16] Ibid.
[17] Cromwell, A. (2016, November 16). *Early French Immersion changes continue to spark opposition in NB*. Global News. https://globalnews.ca/news/3071213/early-french-immersion-changes-continue-to-spark-opposition-in-nb/
[18] Wright, J. (2016, November 16). *Public meetings scheduled for families affected by French immersion changes*. CBC News. https://www.cbc.ca/news/canada/new-brunswick/french-immersion-meetings-1.385311
[19] CBC News. (2017, April 13). *6 more schools to offer early French immersion this fall*. CBC News. https://www.cbc.ca/news/canada/new-brunswick/early-french-immersion-new-brunswick-school-grade-1.4069251
[20] Drost, P. (2016, October 3). *Education Minister Brian Kenny says parents wanted early immersion*. CBC News. https://www.cbc.ca/news/canada/new-brunswick/early-immersion-grade-one-1.3788581

> *throughout…Class size is an issue. We have behaviour challenges. Those are issues in some of the classes."*[21]

The Department of Education and Early Childhood Development agreed. Here's what the Minister, Brian Kenny, said at that time:

> Kenny said there is no specific plan in place, yet, to address those issues, but the Department of Education and Early Childhood Development is working on it.
>
> *"I don't know specifically myself as the minister, but I do know they are working to deal with this…"*
>
> Kenny said the government is working on a plan to improve access to French immersion in rural schools.[22]

The debate over Early French Immersion in New Brunswick has often been framed as a debate about language learning, but it is equally a debate about equitable participation.

Concerns raised during the 2016 return to Grade 1 entry focused on whether all students, regardless of learning needs, geographic location, or socioeconomic circumstances, would have comparable opportunities to access and succeed in the program. While the government committed to strengthening Early French Immersion and addressing classroom composition issues, questions persisted about whether structural barriers to participation had been adequately addressed.

Two years later, the Auditor General of New Brunswick found that the province was not well positioned to answer these questions.

The audit found that concerns about equitable participation had not been fully addressed. It reported that students with Personal Learning Plans were underrepresented in French Immersion, that substantial numbers of students left the program before graduation, and that the Department of Education and Early Childhood Development did not have sufficient performance measures or reporting mechanisms to assess how different student populations were experiencing the program. The Auditor General concluded that improved monitoring and reporting were needed to determine whether the program was achieving its objectives and serving students equitably and to ensure that decisions about French second-language education were guided by reliable evidence rather than assumptions[23].

In sum, this suggested that longstanding concerns about equitable participation could not be fully assessed, because the province lacked the evidence needed to understand who was benefiting from the program and who was being left behind.

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[21] Ibid.
[22] Ibid.
[23] Auditor General of New Brunswick. (2018). *Report of the Auditor General of New Brunswick: Volume II, performance audit* (Chapter 2, *Improving student performance: A New Brunswick challenge*). Office of the Auditor General of New Brunswick.

In 2016, the government knew that kids in rural areas, kids in poverty, and kids with additional support needs were getting shut out of Early French Immersion. In 2018, the needle seemed to remain static. They said they had a plan. Ten years later, what do we know?

Regardless of entry point, French Immersion continues to produce strong language outcomes for students who remain in the program. However, participation in French Immersion has declined in recent years. According to the New Brunswick Health Council, the proportion of students in Grades 6-12 who reported being enrolled in French Immersion decreased from **37.8% in 2022-23** to **36.5% in 2023-24**, **34.8% in 2024-25**, and **33.7% in 2025-26**[24].

Indeed, participation in Early French Immersion is not the same as retention. The 2021 Canadian Parents for French New Brunswick review[25] reported an attrition rate of **28.7%** for the 2018-19 Early French Immersion cohort, with the largest losses occurring during Grades 1 and 2 alone, when enrolment declined by **16.2%**. Importantly, the report argues that many of the reasons families leave the program are based on misunderstandings about literacy and student success, noting that students who struggle in French Immersion are capable of succeeding when appropriate supports are provided; retention is not simply a program issue, but is an issue of **equity and access to support**.

This means, overall, we have fewer students benefitting from Early French Immersion today. And we know who it is that is being shut out of Early French Immersion.

Concerns about access to French Immersion are not new. In the decade since the return of Early French Immersion, successive reviews have identified persistent barriers to equitable participation in bilingual education.

Reviewing the literature on French Immersion in New Brunswick, Julianne Gerbrandt[26,27] noted that the program has long attracted criticism from what other researchers have described as "*perceived discrimination against certain learner populations*" (Gerbrandt 2022a, p. 21), particularly students with learning difficulties. Furthermore, participation in Early French Immersion is not evenly distributed across socioeconomic groups. In New Brunswick-focused analyses, Gerbrandt found that French Immersion students are more likely to come from middle-class families, have parents with post-secondary education, and belong to higher socioeconomic groups than their English Prime peers[28]. Drawing on Bourdieu's theory of social reproduction, Gerbrandt argued that access to and success in immersion programs can be shaped by pre-existing social, cultural, and educational advantages, allowing bilingualism to function as a form of cultural capital that is more readily accessible to already advantaged

[24] New Brunswick Health Council. (2026). Students in grades 6 to 12 who reported they are in the French Immersion Program. https://nbhc.ca/indicators/eh_prg01_2
[25] Canadian Parents for French New Brunswick. (2021). *French second language learning in New Brunswick: A position paper submitted in the context of a review to the New Brunswick Official Languages Act*. Canadian Parents for French New Brunswick. https://unbscholar.lib.unb.ca/bitstreams/a4a83622-0a83-4068-8b1a-0b7fb0fbe25f/download
[26] J. Gerbrandt, « Systemic barriers to French immersion: The impact of COVID-19 », *Antistasis,* vol. 12, n° 1 (2022a), p. 21-28
[27] J. Gerbrandt, « Systemic barriers to French immersion in New Brunswick », *Canadian Journal for New Scholars in Education,* vol. 13, n° 1 (2022b), p. 73-79.
[28] Ibid.

families. As she concludes: *"[from] its inception through to the present day, French Immersion has been most appealing to parents from the middle-class*" (Gerbrandt 2022a, p. 21).

The Auditor General of New Brunswick[29] reported that students with Personalized Learning Plans (PLPs) were overwhelmingly concentrated in English Prime rather than French Immersion. Among students with PLPs, only 7% were enrolled in French Immersion, while 93% were enrolled in English Prime, raising questions about who has access to the province's most effective pathway to bilingualism. These findings raised concerns that access to New Brunswick's strongest pathway to bilingualism was not being experienced equally by all learners. To visualise this one way, imagine if 20 students with a PLP were gathered into one classroom: only one of those students would be enrolled in French immersion.

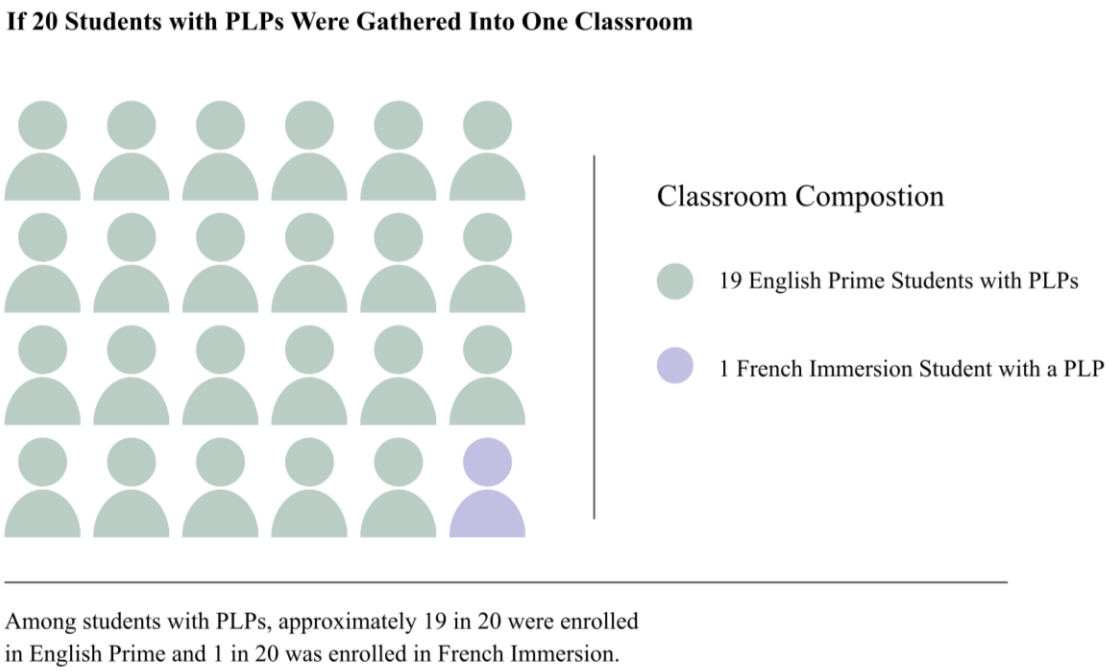


Image adapted from: Auditor General of New Brunswick Report, 2018

Similar concerns emerged in Korotkov's *Moving Forward: From Policy to Practice: Implementing and Supporting Policy 322, Inclusive Education*[30]. The review concluded that *"FSL programming has created inequities in classroom composition"* (p.45) and documented widespread concern among teachers, principals, families, and stakeholder groups regarding access to French Immersion for students with disabilities and additional learning support needs. Participants reported that families often *"fought to get access, only to be encouraged to remove their child at the first sign of struggle"* (p. 45), while some multilingual learners were denied access to French-language programs because they were simultaneously learning English. The report further noted that families whose children were enrolled in French Immersion frequently reported that schools recommended removing students from the program when

[29] Auditor General of New Brunswick (2018). Op cit.
[30] Korotkov, K. (2021). *Moving forward: From policy to practice: Implementing and supporting Policy 322, Inclusive Education*. New Brunswick Department of Education and Early Childhood Development. https://www2.gnb.ca/content/dam/gnb/Departments/ed/pdf/K12/moving-forward.pdf

appropriate supports were unavailable. Importantly, the review rejected the notion that inclusion and bilingual education are incompatible, stating explicitly that *"French Second Language classes are not exempt from inclusion requirements"* (p. 45).

These concerns were reinforced by Yvette Finn and John McLaughlin in the *Report on the Learning of New Brunswick's Two Official Languages*[31]. Following province-wide consultations, the commissioners concluded that New Brunswick's French-language learning system had evolved into a "two-tiered" structure where *"[the] skewed distribution of students with higher needs, often in combined class settings, has created a serious contrast in the learning environments between typical French immersion and English Prime classrooms"* (p. 33). The commissioners went on to state that it was *"hard for us to believe that this imbalance is not leading to an inferior learning trajectory for many students in the English Prime program"* (p. 33). They ultimately concluded that improving access to effective second-language learning opportunities for all students should become a central objective of provincial education policy.

Similar concerns were raised in the *Evolving French Language Learning: Overcoming Obstacles and Building Bridges* report[32], the province's consultations on the future of French-language learning. Participants highlighted that French-language teachers lacked access to appropriate resources for students with dyslexia and other learning disabilities, and that many specialized materials remained available only in English: *"Invest in resources for French teachers for children with dyslexia or other learning disabilities. Most of these resources are only in English and teachers don't have the time to translate and create resources"* (p. 9). Participants also drew attention to classroom composition challenges, describing a concentration of students requiring Personalized Learning Plans and Individual Behaviour Support Plans in English Prime classrooms*: "Too many distractions from having too many PLP or IBSP students in one class. Also, many students are below grade level. These students need a less distracting environment to learn in. All EAL [English as an Additional Language] students (from zero English to minimum) are in Prime"* (p. 10).

Taken together, these findings suggest that low rates of bilingualism cannot be explained solely by educational inclusion policies. Rather, they point to a system that has struggled to provide the resources, specialized supports, and instructional capacity necessary to ensure equitable access to bilingual education. This interpretation is reinforced by recommendations from Canadian Parents for French New Brunswick[33], which called for additional supports for students who need extra help to succeed in French Immersion "in order to ensure equity and maintain enrolments throughout elementary grades and beyond" (p. 28).

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[31] Finn, Y., & McLaughlin, J. (2022). *Report on the learning of New Brunswick's two official languages*. Government of New Brunswick. https://www.gnb.ca/content/dam/GNB3/org/languages/docs/review-languages-nb-2021.pdf

[32] Department of Education and Early Childhood Development. (2023, April). *Evolving French language learning: Overcoming obstacles and building bridges*. *What We Heard Report*. The New Brunswick Innovative Immersion Program. https://www2.gnb.ca/content/dam/gnb/Corporate/Promo/language/what-we-heard.pdf

[33] Canadian Parents for French New Brunswick. (2021). Op cit.

So, what does a two-tiered system look like where one side is placed under excessive resource strain and the other benefits from it? Probably something like this:

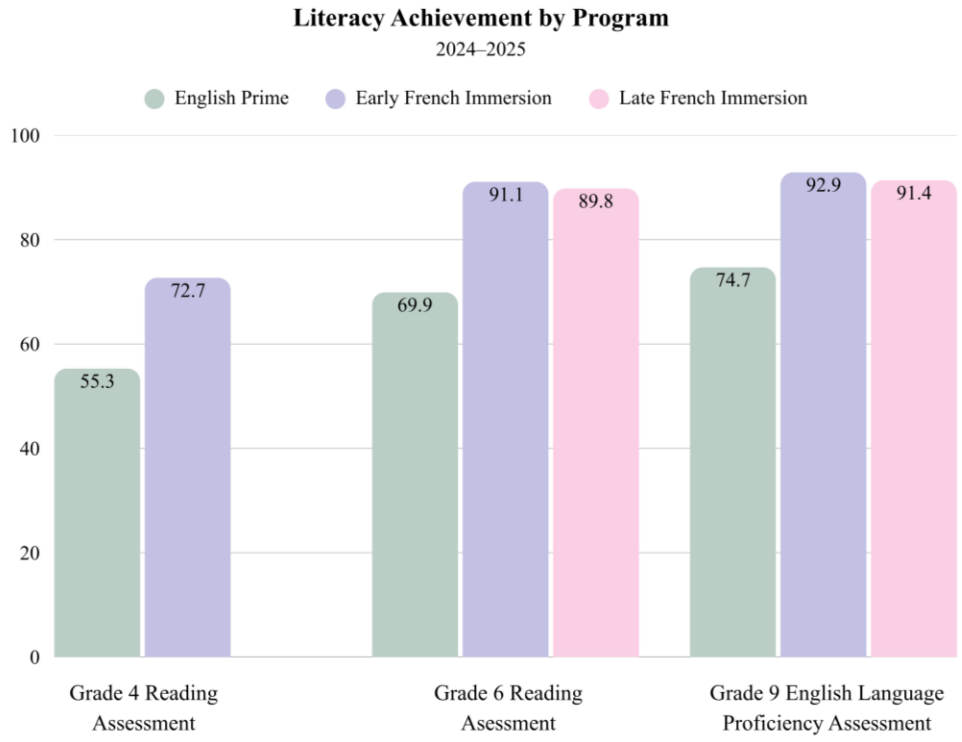


Image adapted from: Auditor General of New Brunswick Report, 2026

Missed Targets and Different Expectations

For more than two decades, New Brunswick has struggled to meet its literacy targets. In 2018, the Office of the Auditor General of New Brunswick reported that literacy targets in reading, mathematics, and science had **never been met**, despite having been in place for 15 years. The Auditor General further noted that persistent gaps in student achievement remained a defining feature of the education system[34,35].

Eight years later, the province's literacy outcomes remain well below target. The Report of the Auditor General of New Brunswick, Volume I, 2026 found that **no provincial literacy assessment target was**

[34] Auditor General of New Brunswick. (2018). Op cit.
[35] Auditor General of New Brunswick**.** (2026). *Report of the Auditor General of New Brunswick: Volume I, performance audit* (Chapter 3, *Student achievement in literacy*). Office of the Auditor General of New Brunswick.

met in any year of the audit period, with achievement rates falling short of targets by between 7.8% and 34.4% depending on the assessment. The Auditor General also concluded that known literacy gaps were not consistently triggering targeted interventions or formal remediation plans.

Most significantly, the Auditor General identified English Prime learners as one of the specific student groups for whom literacy gaps had been identified but not addressed through a formal remediation plan. Students enrolled in Early French Immersion consistently outperformed English Prime students on provincial literacy assessments throughout the audit period. In 2024-25, for example, 72.7% of Grade 4 Early French Immersion students met the required reading standard compared to 55.3% of English Prime students. At Grade 6, 91.1% of Early French Immersion students met the required reading standard compared to 69.9% of English Prime students. By Grade 9, 92.9% of Early French Immersion students met the required English Language Proficiency Assessment standard compared to 74.7% of English Prime students.

Rather than narrowing over time, these gaps have become embedded in the province's literacy reporting framework. In 2025, the Department began publicly reporting different literacy improvement targets for English Prime and French Immersion students at Grade 4. The target for English Prime students was set at **52.7%**, while the target for French Immersion students was set at **65.4%**, reflecting an assumption that literacy outcomes would remain unequal across the two programs.

The Auditor General's findings raise a difficult policy question: if English Prime learners have been identified as a group experiencing persistent literacy gaps, and if those gaps are widely recognized and measured, should the goal be to maintain different expectations for different programs, or to eliminate the achievement gap altogether?

Who Else Is Being Left Out of Early French Immersion?

Newcomer Students

New Brunswick's newcomer student population has more than doubled in recent years, yet provincial reviews continue to document concerns that some multilingual learners face barriers to participating in French-language programs. The province itself now acknowledges that increasing numbers of newcomer students require additional supports to succeed in French-language learning pathways[36].

Rural Students

As of 2024, only 67 of 131 (51%) anglophone schools serving Grade 1 students offered the Grade 1 entry point to French Immersion, meaning approximately half of eligible schools did not provide direct access

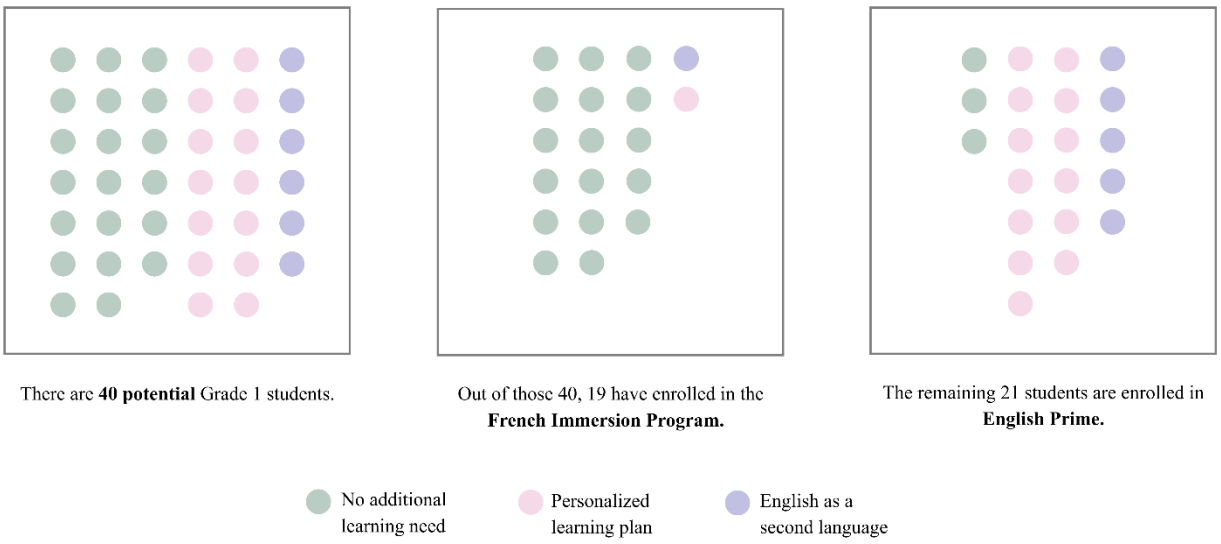
[36] Government of Canada, & Government of New Brunswick. (2024). *Preamble, Schedule 4: New Brunswick Action Plan, 2024-25 to 2027-28: Canada-New Brunswick Agreement on French First-Language Education and Second-Language Instruction 2024-25 to 2027-28*. Canadian Heritage. https://www.canada.ca/en/canadian-heritage/services/official-languages-bilingualism/agreements/agreements-minority-language-education/canada-nb-agreement-education-2024-2028-preamb.htm.

to Early French Immersion[37]. Of the communities left behind, a disproportionate number of schools without EFI are in communities with populations under 5000 and in the lower third of socioeconomic status. If you don't have a high population of the kids who are able to take EFI, the school district can't offer EFI without lowering their student to teacher ratio – which is an action government will not fund. The continued operation of the French Learning Opportunities for Rural Areas (FLORA) initiative reflects the reality that French Immersion remains unavailable in many local elementary schools, particularly in rural communities[38].

Who Gets Hurt When EFI Access Isn't Equal?

Let's try an illustrative example to visualize the situation. Imagine an elementary school with 40 students entering Grade 1. Class size rules allow for two classes. If this is a typical school, the class might look like this:

- 20 kids arrive with no additional learning support needs
- 14 kids arrive with additional learning support needs
- 6 kids arrive with English as a second language



If one classroom excludes most children with additional learning needs (the French Immersion classroom in the middle), the second classroom will have a high number of children with additional learning support needs (the English Prime classroom on the right).

[37] Ibid.
[38] Ibid.

Today, New Brunswick children who **most** need attention are in classrooms where they are less likely to get it due to complex class composition strain. Our most privileged learners are in classrooms where they don't often interact with diverse peers and peers who require and receive learning supports.

Does Inequality Affect Children's Learning?

Decades of research have found that when educational systems concentrate advantage and disadvantage into different classrooms, students do not receive equal opportunities to learn. Studies of school composition, peer effects, and academic tracking consistently show that who students learn alongside matters for achievement[39,40]. Research has found that the socioeconomic composition of schools influences academic outcomes above and beyond the characteristics of individual students, while systems that segregate students into different educational pathways can widen existing achievement gaps[41,42]. These findings are consistent with international evidence showing that educational systems can either reduce or reproduce patterns of socioeconomic advantage and disadvantage[43,44].

New Brunswick's own reviews have raised similar concerns. As we have already noted, the *Moving Forward* report concluded that FSL programming created inequities in classroom composition and the subsequent *Learning of New Brunswick's Two Official Languages* report described the existing French-language learning system as a two-tiered structure and noted the likelihood of detrimental effects on English Prime outcomes.

The Polite Discrimination of Low Expectations

Today, the Government of New Brunswick has established higher literacy targets for students in Early French Immersion than for students in English Prime. Ten years ago, when the province restored Grade 1 entry to Early French Immersion, it also committed to improving equity and addressing longstanding concerns about who was and was not participating in immersion programs.

That commitment implied reducing barriers for student groups that have historically been underrepresented in Early French Immersion. Yet the province's current literacy targets continue to project different outcomes for students in the two programs. Rather than setting a goal of closing the achievement gap, the targets assume that a gap will remain.

Provincial reviews and policy discussions have repeatedly identified concerns about unequal participation in immersion programs among students with exceptionalities, students from lower socioeconomic

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[39] Rumberger, R. W., & Palardy, G. J. (2005). Does segregation still matter? The impact of student composition on academic achievement in high school. *Teachers College Record, 107*(9), 1999-2045.
[40] Van Ewijk, R., & Sleegers, P. (2010). The effect of peer socioeconomic status on student achievement: A meta-analysis. *Educational Research Review, 5*(2), 134-150.
[41] Condron, D. J. (2006). Schools as engines of inequality. *Sociology of Education, 79*(2), 106-127.
[42]Gamoran, A. (2009). Tracking and inequality: New directions for research and practice (WCER Working Paper No. 2009-6). Madison: University of Wisconsin–Madison, Wisconsin Center for Education Research.
[43] OECD. (2019). *PISA 2018 results (Volume II): Where all students can succeed*. OECD Publishing.
[44] OECD. (2022). *The social and economic rationale of inclusive education: An overview of the outcomes in education for diverse groups of students* (OECD Education Working Paper No. 263). OECD Publishing.

backgrounds, students whose parents have lower levels of education, newcomer students, and some rural populations. If students who face these barriers remain less likely to access Early French Immersion, the advantages associated with bilingualism will continue to accrue disproportionately among those already best positioned to participate and who are – by logical reflection of those underrepresented – students without additional learning support needs, students from higher socioeconomic backgrounds, students with highly educated parents, Canadian-born students, and students from urban centres.

This doesn't look like the equality of access and reduction of barriers to bilingualism that was promised a decade ago.

Stop Blaming Inclusion. Build the Conditions for It.

Inclusion has too often become the scapegoat for classroom pressures. Government is responsible for creating the conditions in which children can learn.

New Brunswick has been a leader in inclusive education. Maintaining that leadership requires us to confront the practical gaps between our commitments and children's experiences. Within anglophone schools, students enter French immersion or English Prime. Unequal access and gaps in learning support concentrate additional needs in particular classrooms. Staffing, resources, and intervention capacity must reflect that reality.

The Auditor General documented a substantial imbalance. These figures show why updated public reporting is essential.

Subsequent departmental reports identified how that imbalance can develop, which we have detailed earlier.

Government likes to claim that immersion involves parental choice, but government has ample evidence that "choice" is an illusion for many families. Access on paper is not enough. A child needs the support to enter, remain, and succeed. When essential assistance is unavailable within a program, the promise of choice is weakened.

The gap in learning outcomes also demands attention. As we noted earlier, in the 2024–25 Grade 4 English reading assessment[45] appropriate or strong achievement was reached by:

- 72.7% of Grade 1 entry French immersion students.
- 55.3% of English Prime students.

That is a 17.4 percentage-point gap. It does not establish what caused the difference, but it reinforces the need to examine access, classroom composition and support in both programs.

We noted earlier that the *Moving Forward* report makes the expectation clear: "French Second Language classes are not exempt from inclusion requirements".

[45] Auditor General of New Brunswick. (2026). Op cit.

Inclusion too often carries the blame while decisions about program access, transfers, and resources go unexamined. Children with disabilities, children living with trauma, and children learning another language belong in our schools. Their teachers need staffing, training, specialist assistance and time that reflect the needs in their classrooms.

We stream students, but we have not consistently provided the supports that this structure requires. Both a commitment to bilingualism and a commitment to leadership in inclusion means addressing that gap.

Make access real. Resource both programs according to need. Our children belong, and our teachers should not be left to make an unequal system work on their own.

Long-Term Effects of Unequal Access to EFI

While there is no doubt that EFI works for those who make it past the velvet rope, inequality shapes society. Accepting that certain learners will be able to access Early French Immersion, and that others will not, shapes society long-term.

- Children who are within the privileged groups – urban, non-disabled, post-secondary educated parents – largely attend classes where they do not encounter children with exceptionalities, racially and ethnically diverse students, or students from differing parental education and economic backgrounds. Research on inclusive education and intergroup contact suggests that meaningful interaction among diverse groups of students can promote understanding, reduce prejudice, strengthen social participation, and help prepare young people to live and work in diverse societies[46,47] and removing access to these interactions is thus detrimental to everyone.
- Inclusive education is placed under significant strain. Early help for struggling children is harder when teachers are in classrooms where many students struggle. This limits the ability of teachers to detect, assess, plan, and connect students to needed services, simply because that same teacher is overburdened from the outset.
- Bilingualism thus becomes an increasingly elite skill, which has the effect of lowering social cohesion and support for bilingualism. This debate is not really about language. It is about opportunity. Language has always been intertwined with power and opportunity in New Brunswick. Researchers have documented how linguistic tensions often reflect deeper concerns about who has access to economic, social, and cultural advantages, while recent work suggests that barriers to French Immersion may allow those advantages to be passed from one generation to the next through unequal access to bilingualism[48,49].

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[46] McKeown, S., Vezzali, L., & Stathi, S. (2025). Understanding and harnessing intergroup contact in educational contexts. *British Journal of Social Psychology,* 64(2), e12876. https://doi.org/10.1111/bjso.12876

[47] Rademaker, F., de Boer, A., Kupers, E., & Minnaert, A. (2020). Applying the contact theory in inclusive education: A systematic review on the impact of contact and information on the social participation of students with disabilities. *Frontiers in Education,* 5:602414. doi: 10.3389/feduc.2020.602414

[48] Tremblay, D. (1987). *Les enjeux juridiques et sociopolitiques des conflits linguistiques au Nouveau-Brunswick*. Centre international de recherche sur le bilinguisme.

[49] Gerbrandt, J. (2022). *Systemic barriers to French immersion in New Brunswick*. *Canadian Journal for New Scholars in Education, 13*(1), 73-79.

Inequality costs children today, and all of us tomorrow. Bilingualism should be for everyone.

Recommendations: How to Move Forward

The Government's education plan contains a commitment to review Policy 322. The terms of reference, as described in the Plan, are as follows:

> *Key actions*
>
> *1. Review Policy 322: Inclusive Education to define clear provincial inclusion expectations.*
>
> *2. Improve professional learning to reflect inclusion practices and expectations.*
>
> *3. Implement an objective needs-based allocation model for specialized staff.*
>
> *4. Track learning outcomes of students on a personalized learning plan.*

It should be noted that the government has said that the principle of inclusive education is not in question. While this is comforting on the surface, it should be noted that government has entertained significant changes to how inclusion is defined. Numerous powerful interests have supported redefining the common learning environment to the point where it is meaningless. These changes have occasionally surfaced in withdrawn legislation and in discussions with stakeholders.

Our concern is that, by accelerating the discussion of Policy 322 while dawdling on the actions that would make inclusion work, government is furthering the false narrative that inclusion is the problem. This can invite a feeding frenzy of attacks on inclusion which will again create a situation where people with disabilities are made to "play defense" and defend their right to be present and visible in schools, while more privileged groups can move directly to advocating for their interests.

It has to be noted that past "consultations" are often blind to the unique needs facing families of marginalized children. For example, the Standing Committee on Official Languages of the Legislative Assembly of New Brunswick recently had consultations which included discussion of the early immersion program. There is no evidence that the Committee made any effort to engage groups representing those shut out of early immersion, such as new Canadians or children with disabilities. Meetings generally are during work hours and held in venues and settings that favour parents comfortable with attending places like the Legislative Assembly or the Delta Beausejour Ballroom, which tend to be exclusionary to single-parent families, parents economically unable to take time off work, and those who may struggle with language or public speaking barriers.

In short, without conscious efforts to engage the families who are marginalized, "consultations" on inclusion will often stack the deck against the least privileged voices, which leads to a focus on the concerns of the voices with power. Those voices often start from a position against looking at the factors that impact the success of inclusion. They disproportionately favour groups whose economic interests want to avoid questions of underfunding, professional groups who tend to resist accountability for employees to provide interventions, and parents who benefit from avoiding the uncomfortable question of why immersion classes are whiter, richer and have fewer children with disabilities.

Before entertaining discussion of what we should "expect" from inclusion, government needs to start expecting people with power to act on issues that have been ignored for years. Government should not drag its feet on the needs of the vulnerable while rushing to provide for the powerful.

Often, public discussion on inclusion demands to know why a 14-year-old with complex needs should be "allowed to disrupt" a class, but glosses over the uncomfortable question about who failed that child when they were a six-year-old. We need to break that loop of ignoring problems when children are young and then discarding the child when they are a teenager.

This report provides three clear areas where government has taken years to act. Our recommendations are focused on these areas.

The New Brunswick Advocate makes the following recommendations to the Department of Education and Early Childhood Development unless otherwise stated:

1. Any review of the definition of inclusion or common learning environment should be put on hold until government has addressed the broken promises on integrated services, accountability for seclusion, restraint and exclusion practices, and inequities in early French immersion access. Addressing these issues means that there is a plan with concrete steps and timelines, backed by legislation, presented by the Minister of Education and Early Childhood Development.

2. Government should establish common indicators across all three large social departments (Health, Social Development, and EECD) which set the goal of reducing the lag time between knowing a child is at risk and providing integrated services. It is not enough that departments all meet on complex files – they need common measures of success.

3. The Executive Council Office should establish a central mechanism to resolve funding disputes between the three large social departments, and all three departments should have written policy requiring the practice of "provide the service now and decide whose budget it comes out of later."

4. The Provincial Integrated Services Committee (PISC) should be abolished or, in the alternative, reformed to establish binding targets for wait times and simplified application procedures. All three large social departments should agree to these protocols.

5. The *Education Act* must be amended to either abolish the practice of partial days, restraint, and seclusion, or in the alternative to provide clear regulation of the practices and establish a legislated date for their elimination. If regulation is chosen, the *Act* should provide for:

    - Reporting by schools on the use of the practices with an automatic review of schools which do not decrease the frequency of the practice year over year;
    - Spot audits of files, including the role of elementary and middle schools in providing timely interventions; and
    - Enforcement tools for the Department of Education and Early Childhood Development to ensure compliance of school districts with the *Charter* and the *Human Rights Act*.

6. Leave the entry point at Grade 1 but entrench the right of all children to access Early French Immersion. Add language to Section 12 of the *Education Act* to make it clear that accommodation in the common learning environment includes Early French Immersion classrooms.

7. Change the *Education Act* to require equal access to Early French Immersion. The *Education Act* is how the Legislative Assembly directs Ministers of Education and the Department of Education & Early Childhood Development. The *Act* should be amended to require plans and real progress towards the following goals:

    - **Inclusive supports in EFI classrooms.** The Anglophone school system should be required to identify resource targets to ensure that adequate bilingual inclusive resources exist, vis-à-vis more bilingual educational assistants, more bilingual behaviour interventionists, more bilingual resource teachers, all immersion teachers trained in inclusive classroom management, and an increase in children with Personalized Learning Plans accommodated in Early French Immersion.
    - **Access for all communities.** Government should ensure that all elementary schools offer Grade 1 Early French Immersion unless it can provide clear, evidence-based justification for why offering the program at a particular school is not feasible.
    - **An end to the polite discrimination of low standards.** Language in the *Education Act* should bar governments from establishing lower standards for learning for English Prime students or any enumerated group under the *Human Rights Act*.
    - **Give students with disabilities the same legislative protection as their peers**. The *Education Act* should set a date by which the use of partial day plans and seclusion rooms will end, and require each school and district to report annually on progress towards that goal.

For each one of those four action points of equality, the Minister of Education & Early Childhood Development should be statutorily mandated to present a costed and credible plan to the Legislative Assembly by December 31, 2027.

SUBMITTED to the Legislative Assembly this 2nd day of November 2026.