

WAKE UP CALL

Learning from the Education Budgeting Saga

Installment #2 of the Advocate's Review of the 2025-26 Budget

Primary Department Reviewed: Education & Early Childhood Development

Secondary Departments Reviewed: Finance & Treasury Board, Social
Development, Health (Integrated Service Delivery)



Office of the New Brunswick Advocate

P.O. Box 6000

Fredericton, NB, E3B 5H1

Toll Free: 1.833.453.8653

Local: 1.506.453.8653

Fax: 1.506.453.5599

www.defenseur-nb-advocate.ca

Email address: advocate-defenseur@gnb.ca

How to cite this document:

New Brunswick Advocate. Wake Up Call: Learning from the Education Budgeting Saga, Installment #2 of the Advocate's Review of the 2025-26 Budget, September 2025.

Electronic Version ISBN#: 978-1-4605-4437-2

Print Version ISBN#: 978-1-4605-4436-5

ADVOCATE'S FORWARD

This is a tale of two reports. On the one hand, the budgeting process for the Department of Education and Early Childhood Development failed in the development and implementation of the 2025-26 Budget, placed children at risk, and showed no ability to meet its basic legal and statutory functions. It failed because of poor understandings of the structural pressures and urgent needs of the education system. It failed in depressingly familiar ways, for many of the same reasons that have caused failure in almost every educational indicator for the last ten years.

Once Cabinet and the Executive Council became accepting of those failures and the potential impact on children, they both responded ably and even managed to provide more leadership in the area of integrated service delivery than has been shown for the last decade.

That has made this report challenging to write. I am appreciative for the sincere and able response Cabinet and the Executive Council Office had when this office alerted them to problems. Yet I also feel that those actions were only necessary because of systemic failings that this office has been warning government about for the last twenty-four months.

In the end, my mandate is to speak truth to power, tell the Legislative Assembly and the public what I think they deserve to know, be guided by the best interests of children, and speak clearly.

I believe that there is a sincere desire across government to do better than we have been doing in public education for the last ten years. I also believe that these efforts are plagued by a Department that is in denial about its problems, has shown limited respect for the law, has become insular in its analysis, and is without a credible plan or a culture of accountability. There is no evidence that the Department has a solid grasp on the factors that have led to a steep decline in educational results for New Brunswick children, or even a healthy curiosity about discovering those factors.

In the last ten years, we have gone from the vast majority of children reading to barely half. We have gone from almost no children on partial day “plans” to a system where 1 in every 200 are absent from school because the school will not or cannot educate them. We have gone from seclusion being almost unheard of to building schools with seclusion rooms in the design plan. The number of children who do not graduate has increased nearly tenfold.

We have too many students who do not attend school and teachers who are leaving the profession. The teachers I do meet with are overwhelmed and desperate for someone to listen to them. We have a Department that, told it is breaking the laws that protect the most vulnerable children, shrugs and waits months before even asking its lawyers if that is true.

It is no secret that the recent budget process with school districts was a disaster that needed to be reversed, and this report gives credit to the Executive Council for doing so when provided with evidence. However, I would not be doing my job if I did not point out the process failures that led to a decision that proved indefensible.

Teachers know that too often students are left struggling in early grades because of a lack of resources, a lack of timely interventions, and a failure of governments to acknowledge an urgent fact -- that too many classrooms would be unmanageable with even a perfect teacher because their composition poses more problems than one teacher and a bevy of educational assistants can manage. Teachers also know that too often they have nowhere to turn for timely evaluations, expert advice, intensive interventions. Teachers know that they have no effective way to report when they know a student is falling through the cracks. And they are tired of being told to muddle through without adequate resources and then, when the child gets older and the problems too visible, the child is just made to disappear to a partial day or their own decision to turn away from school as a place that matters.

Teachers and parents know that the system's failures – a failure to get timely evaluation, a failure to recruit and train enough professionals, a failure to act with urgency when young children struggle, a failure to address classroom composition even as the system piles new demands upon schools, a failure to hold other departments accountable for providing timely help, a failure of political leaders who download pet projects and causes upon the school system but never account for these when budgets come around – all mean that the student who needs only a little help gets ignored.

The quiet child with undiagnosed dyslexia, the child who never misbehaves but doesn't read easily, the child who just needed a few hours of the teacher's time – these children once would have learned to read and now don't. They are too often in classrooms where they will not get the early help they need. And teachers, who chose the profession because they love above all to teach, are frustrated because they know how much more they could be accomplishing.

In this budget saga, the process yet again failed to properly model the consequences of the provincial budget. For some time, the Department remained incurious even as they were warned that the impacts upon children would be significant. Talking points that were demonstrably false lingered until reality finally crashed through and forced the truth into the light.

Cabinet acted ably and compassionately once it had a proper understanding of the facts. It is worth considering how much more able and compassionate this year could have gone if the process had begun with a clear sense of why the education system is failing children and what things need to change.

The core function of a Legislative Officer like the Advocate is to review Departments and advise the elected legislative branch of government when there are failings that will hurt children. All I can do is tell government that the problems that led to this budget crisis –, a lack of urgency, a

focus on spin over results, a bizarre fluctuation between micromanagement and indifference, a culture of avoidance of the law and non-accountability – were on full display and forced Cabinet to scramble to avert a disaster.

Now, as government embarks on creating a new plan for education after the last one failed to meet almost every metric the Department set for itself, they have before them a simple choice.

The government can focus the education system on meeting high standards on the most important functions of the system, they can concentrate scarce funding on the few things that most impact children's ability to read, write, add, and think, and they can reform the Department so it is focused on those most vital tasks. They can insist that job one is to teach children, not protect the Department.

They also must address the two massive policy flaws that are holding the education system back. We have placed extreme challenges on the system in terms of streaming and classroom composition, but not backed those lofty goals up with transformational resources. And we have become too accepting of failure, to the point that there really is no such thing as a clear standard or expectation in the system. Government needs to come to grips with the hard truth that incrementalism and denial will not deliver meaningful change.

Or they can choose the status quo of the last ten years – lower standards to match current outcomes, pile more pet projects on overworked teachers, and let the Department continue down its current path of detachment, spin, and failure.

The budget process failed because a Department failed to provide clear vision and focus, the budget process did not link financial decisions to child-focused outcomes, and Cabinet proceeded on false assumptions. The first time, the Executive Council Office deserves credit for fixing the mess and showing leadership. If it happens again, one might ask what was learned from the first mess.

TABLE OF CONTENTS

A Note To New Brunswick Educators	1
The Budget Process, Reviewed	2
A Note About This Review.....	4
The Original Budgeting Process	5
Error One.....	5
Error Two.....	6
Error Three	6
Error Four	8
Error Five	9
Error Six.....	10
The Advocate’s Process	10
Cabinet Takes Action Through The Executive Council Office	13
Disaster Averted (Perhaps For Good) In Integrated Service Delivery	16
An Education Department In Chaos.....	29
Failure One	30
Failure Two	30
Failure Three	32
Failure Four	33
Failure Five	36
Failure Six	39
Failure Seven	41
Recommendations	42
A Final Word On The Next Education Plan	45

A NOTE TO NEW BRUNSWICK EDUCATORS

To those on the front lines of our education system – the teachers, the principals, the resource teachers, the guidance counsellors, the educational assistants, the support staff, the experts in School District offices, and all those who have dedicated their professional lives to helping children succeed – we see you trying to make it work.

We see you trying to fill the gaps between the demands the system makes of you and the resources it provides. We see you when you agonize at night about what you were not able to achieve, and we celebrate the many good things that still happen every day.

For all the challenges in the system, a lot of good happens when children spend their day in a place where grownups care about them. And in that measure, our school system is rich.

Our primary charge is the well-being of children. The Advocate's Office was created because the elected members of the Legislature felt that children needed a voice dedicated to their perspectives and rights. Children don't get to vote. They don't have lobbyists to bring their voice to policy debates. Thus, it is our job to be a voice for their needs. It is a charge we take seriously, and we honour it by speaking forcefully.

In this report, it will ring loud and clear that we have concluded that the system is failing children. That outcomes have fallen for a decade without a corresponding sense of urgency and accountability by those with the power to shape the system that is hurting children.

We believe, based on the evidence and the real-life examples that reach our office, that the system is too slow to provide resources when students struggle early, and too often deals with the consequences by making the child disappear into seclusion rooms and partial day plans.

We know that often you deal with the consequences of those failures in ways that are hard. We know that there has been an increase in challenges, in disruptions, in mental health crises, and too often in violence in the classroom. We see you trying to teach effectively in classrooms that are hard to manage.

It can be frustrating when an office like ours insists on asking the question "Why did it come to this?" But we also know that if we don't ask that, the system will not change. After all, if the only consequence of not responding with resources early is that the child pays the price, and not those with the power to change the system, then nothing will ever change. And we know you find the system failures as frustrating and heartbreaking as we do.

It is true that our charge is children, and we must tell their truth regardless of how it makes the adults in the system feel. However, we believe that by asking hard questions and sharing hard truths, we are also honouring your work. Because we all deserve a system that responds to a struggling child with the same urgency and compassion as the caring adults who work with them demonstrate every day.

THE BUDGET PROCESS, REVIEWED

***“What gets us into trouble is not what we don’t know
It’s what we know for sure that just ain’t so.”***

– Mark Twain

In the Advocate’s 2024 report “*How It All Broke*”, numerous concerns were raised regarding how the Government of New Brunswick budgets for social indicators. Among the concerns raised were:

- Budgets list inputs, or things funded, without any direct connection between the funding and outcomes.
- Budgets do not provide measurable benchmarks and clear goals to be achieved and calculate funding based upon the goals.
- Governments often engage in spin by favourably comparing this year’s budget to the past year’s budgeted amount rather than to last year’s actual expenditure when that was larger than what had been budgeted for. This falsely suggests the appearance of increased support for a Department when in fact the new budget only matches last year’s over-budget expenditures or is even less.
- Budgets combine routine and unavoidable cost increases – like inflationary spending and staff salaries – with program funding, which makes it seem like there’s new investment in programs when there is only increased spending due to increased costs. This creates a false sense of progress and makes it harder for social departments to access the program funding they actually need.
- Service standards and resource targets are not used in the budgeting of social programs and spending. When the government develops budgets for social programs (such as education, child protection, mental health, long-term care, etc.), it does not base those budgets on what is actually needed to meet quality service standards or resource benchmarks. A service standard might say: “Every child who needs a psychological assessment should receive it within 30 days.” A resource target might say: “We need 100 school psychologists to meet the needs of students across the province.” But those types of standards and targets are not used when the budget is calculated. Instead, budgets are often based on last year’s numbers, political optics, or arbitrary limits, not what’s actually required to deliver adequate services. This results in chronic underfunding. It disconnects accountability from outcomes, as a Department may seem to be performing adequately when in fact the real needs are unmet.

- Fiscal targets are often “hard” targets requiring regular reporting, while outcomes affecting children, seniors and vulnerable New Brunswickers are rarely measured, and are not used in evaluating employees or Departments.

Most importantly, we discovered that the budget process does not include significant social impact assessments. Departmental policies are treated as “asks”, and the Department of Finance provides assessments of the fiscal ramifications of various levels of social spending. At no time, in most budget years, is Cabinet provided with impacts of various levels of social outcomes upon future budgets.

This creates three blind spots in how Cabinet makes fiscal decisions.

First, it creates an implicit assumption that all those departmental “asks” offer only two outcomes – either the solution to a problem is funded and it gets better, or it does not get funded and the problem stays neutral. There is no structural place in the budget process to consider that inaction may lead to a larger problem later, even though the implicit assumption that it won’t flies in the face of decades of hard-earned experience to the contrary.

Secondly, this process creates a disconnect between Cabinet’s goals and accountability of the civil service who deliver those goals. Only line departments, not the Department of Finance, are held accountable for social goals, even though Finance advises on perhaps the most critical of the decisions that cause success or failure – the resources dedicated to the task.

Thirdly and most vitally, it leaves Cabinet knowing only the cost of action, but not the future cost of inaction. This exacerbates the short-term nature of government decision-making and often results in structural “social deficits” being passed on to future years and future generations, with a price to be paid in crisis response expenditures later.

This Office has not offered opinions as to the proper levels of global spending and revenue, as these are political decisions to be decided through governing processes. What we have urged is that these decisions should be made by a Cabinet and a Legislature whose members have all of the relevant information. It is particularly important, given the mandate of the Advocate, for us to ensure that some care has been paid to the impacts upon vulnerable sectors whose needs can be easily pushed aside by those with power.

There are now commitments by government to address the deficiencies raised in *How It All Broke* and to “govern in the spirit of” that report, which is a very positive sign. As we will examine in this report, some structural changes underway do suggest a serious intent to address these issues.

Because this Office had examined the budget process in 2023 and found some gaps, it seemed only fair to ask similar questions of the Department of Finance in 2025 and to hold the present government to the same standard.

In the first installment of our 2025 budget reporting, the decision to base funding for the child welfare programming on previous inaccurate budgets and not actual expenditures was highlighted as an area of significant concern. While the Advocate has noted positive statements of intent from the government with regards to expanding use of the new services and powers under the *Child and Youth Well-Being Act*, the lack of clarity and specifics regarding how this would be done while spending significantly less led the Advocate to set up monitoring protocols for this budget item. (It should be noted that one positive and specific announcement, an expansion of benefits for children transitioning from care to independence, has been made public since.)

The Advocate's review of the budget process will be addressed on final time in this report, with special attention paid to the budgetary allocation to the Department of Education and Early Childhood Development, and specifically the funding to District Education Councils for the delivery of educational services as mandated by the *Education Act*.

A Note About This Review

In the interests of transparency, it should be noted that there was a first draft version of this report, based upon the initial review of the budget. The *Child, Youth and Senior Advocate Act* provides for a process in which the Advocate reviews a matter and provides draft findings and recommendations to the Department(s) reviewed and to the Executive Council Office. The *Act* also contemplates that the Advocate's reporting to the Legislative Assembly may be postponed or set aside if, in the opinion of the Advocate, the recommendations are accepted and implemented by government.

In the case at hand, the Advocate's review found significant shortcomings in how the Department of Finance and the Department of Education and Early Childhood Development handled the consideration and design of the funding for school districts. The Advocate found that children's needs were inadequately considered in the budget process by numerous actors and therefore we provided government with a draft analysis and recommendations to that effect. That draft was delivered on May 9, 2025.

Once the Executive Council Office received the draft report, and after subsequent in-person briefings, the Advocate was advised in writing on May 15, 2025, of government's commitment to act with reasonable haste upon the five recommendations.

The Advocate considered the purpose of the *Child, Youth and Senior Advocate Act*, which is to encourage not just scrutiny and accountability of executive actions of government, but to facilitate good faith dialogue that improves decisions for children, seniors and vulnerable adults. The Advocate further considered the commitment of government to reconsider certain decisions, the likelihood that decisions covered in the draft report would change, and the

reasonable implementation timeframe. Based upon those assurances, the Advocate made the decision to delay the release of the report to the Legislative Assembly and the public while the government reviewed its decisions in light of the recommendations. It should be noted this is not the first time since this Advocate's appointment in 2022 that reports have changed or been postponed because government chose to accept and act quickly upon the Advocate's draft recommendations.

Because of the need to document some of the failures that led to government releasing a badly-flawed budget, as well as the need for the Advocate to be accountable to and transparent with the Legislative Assembly, the critical issues raised by the ongoing saga of school district funding will be covered here, and the Advocate will attempt to provide the Legislative Assembly and government with some insight as to how the governance of the Department of Education and Early Childhood Development can be improved.

It should be said that the government has shown commendable willingness to correct course and to shield children from the worst impacts of what was a significant system failure. While this report will celebrate some of the good work that arose from this process, the Advocate also has a responsibility to diagnose why the process failed in the first place.

THE ORIGINAL BUDGETING PROCESS

In the crafting of the 2025-26 budget for the Department of Education and Early Childhood Development, specifically the funding cuts foisted upon school districts, neither Cabinet nor the Legislative Assembly were well-served by departmental analysis. The Advocate found significant failures in the information prepared by the Department for Cabinet consideration, numerous factual errors and oversights, and broken communication processes between the Department of Education and Early Childhood Development and the school districts. There was a failure to do even basic research into the facts on the ground or to provide Cabinet with accurate briefings on how education budgets work.

The result was that government was blindsided by the unintended consequences of the cuts they ordered school districts to make. Government officials appeared to be under the sincere impression that the Department was moving additional resources to the classroom when the facts did not support this contention and, in fact, the Department did not have a plan to do so.

The original draft report found the following critical errors in the budgeting process:

Error One

The legal obligations the Government of New Brunswick imposed upon the school districts in the form of salary increases mandated by collective resources and the hiring of additional

classroom teachers to meet the class size limits imposed by the Collective Agreement with the New Brunswick Teachers' Federation were treated as budget "asks" from the school districts rather than the legal obligations they were. The result was that government appeared to be unaware of the degree to which failing to fund these provincial obligations would result in cuts, and even to believe that meeting these obligations added resources to classroom education. In short, the budget process failed to provide Cabinet with a credible understanding of the funding levels needed just to maintain the status quo. Reviewing Executive Council discussions are beyond the Advocate's legislative scope, and so this report will not reconcile what Cabinet was told when. It is enough to evaluate the result – that Cabinet made a decision based upon a flawed factual understanding.

Error Two

The failure to properly separate minimum legal obligations from departmental asks led to a failure to adequately model or prepare for the impact of the resulting cuts. Even though school districts have been through several cost-cutting mandates in the last 15 years, this one was ordered without any proper impact assessment. In fact, when the budget effectively ordered districts to meet their legal obligation to fund over 170 more classrooms for the increased student population by cutting over 170 positions from district offices, no one had counted how many licensed teachers were actually employed by school districts in the first place. This would not have been an onerous task – school districts have org charts publicly available online – and had Cabinet been advised that there were roughly 261 total teachers working for school districts in non-classroom roles as expert curriculum leads and other important positions, it might have led to more careful consideration as to whether or not over half of those positions could be eliminated without impact upon the quality of classroom instruction. It would certainly have led to questions to the Department and, inevitably the revelation that the Department simply had not assessed the potential impact and therefore had no plan to mitigate adverse consequences.

Error Three

There was a notable lack of effective communications between Department leadership and school districts in both the runup to the budget and following the instructions to districts to cut \$43 million from educational services. It would be common (and best) practice for districts to have a number of interactive discussions with the Department at the highest levels to first identify priority budget asks and craft plausible reduction scenarios, and then when the final budget target is known, to discuss priority areas of investment or acceptable areas for efficiencies (depending on whether there are cuts or new spending announced

While Cabinet moved with some dexterity in creating an *ad hoc* process to reconsider some cuts, it must be noted that there is very limited precedent for what was termed post-budget “negotiations” with school districts. Budgets are generally the culmination of a process, not an opening gambit. Cabinet made the best of a bad situation by doing that, but the fact remains that this post-budget “negotiation” was actually just the very process that governments normally undertake before the budget so they can make competent decisions. Here, post-budget discussions were really the kind of thing that should happen before budget decisions are made.

This scenario also laid bare the fact that the understanding and structure of governance of school districts at the Department is incoherent. We have noticed a disturbing lack of consistency from high-ranking officials in both the elected and bureaucratic wings of government when it comes to defining the autonomy of school districts. Often, key documents in areas that clearly require provincial standards and accountability are watered down to avoid giving mandates to districts; and in other areas local decisions get micromanaged.

When informed that school districts are breaking the law by failing to provide accommodations to students, denying students educational services for months, or locking students in seclusion rooms, the Department claims they cannot even ask for information without compromising district autonomy. At times, vital definitions around educational rights and inclusion differ between the anglophone and francophone sectors even though the head of the Department – the Minister – is the same person.

The frequent explanation given for this is that school districts are autonomous. Yet while arguing it cannot even insist that districts follow the law and report information, the Department also gets involved in micromanaging and regulating numerous district operational issues. Even as the Department was arguing that it could not set standards for Integrated Service Delivery – a provincial program aimed at complying with the *Charter of Rights* and provincial human rights law – the media was reporting that the Department is still weighing whether or not to allow the Anglophone East School District to set its own class schedule and professional development standards, which whatever its merits and demerits is clearly less of a provincial responsibility than *Charter* rights of students.

The Department has at its disposal the Office of the Attorney General to help it understand the actual obligations around duality and local control in education. They should use it, and then brief others accordingly. Right now, the only guiding principle on district autonomy is that when an issue is hard to solve and may lead to bad publicity, school districts magically become more autonomous. It would actually be a good thing if educational operations were more decentralized while being more accountable for results, but this needs to be structured with some minimal competence and coherence not currently on display by the Department.

In this case, the whole process unfolded with excessive passivity, with Departmental leadership chasing rather than guiding District plans. Indeed, at least one union successfully raised a bad

faith concern because government did not advise them of imminent cuts. Having attempted to get real time answers on cuts from the Department, it is our belief that too often the Department was offering communications help when it should have been asking hard questions.

Error Four

Government's understanding of school district funding did not reflect the realities of the budget presented to Cabinet. To be clear, the government did not choose to spend \$37 million on higher teacher salaries or add more classroom teachers because of any new policy direction. Those numbers were required by the collective agreement signed under the last government. School districts have to spend that money by law. Adding classroom teachers to cover the increase in students was already the law.

The failures to properly delineate legal financial obligations in budgetary decisions led to the crafting of talking points which had a dubious relationship to the truth. The Department scrambled to seek information after the fact to create the inaccurate narrative that resources were going back to the classroom. In fact, until Cabinet reversed the decision, there was no plan to increase classroom resources. There was only a plan to avoid spending new money to meet their legal obligations. The Department planned to require Districts to eliminate non-classroom teaching positions to pay for costs they could not legally avoid due to the collective agreement.

The communications plan the Department provided to government relied upon some sleight of hand. The collective agreement with the New Brunswick Teachers Federation signed in 2023 provides in Article 20 that no class shall have more than 29 students (with a few situations even more limited). So, the status quo, prior to the 2025-26 Budget, was that every classroom had one teacher, and no class had more than 29 children.

Because there were to be more children in school next year, some classes would go over the limit unless schools created additional classrooms. So, the system would need 170 new classrooms, and those classrooms would each need one teacher – exactly the standard that existed before. The only policy choice government made was to refuse to pay for this legal obligation, and the Department then instructed school districts to cut other educational positions to staff the new classrooms.

(It should be noted here that the increased requirements were caused by two separate periods of growth – this year's enrollment increase and the permanent funding of some unfunded growth in the 2024-25 budget. This is worth noting because it is fair to point out that government was wrestling with unfunded growth from the previous year, but it does not meaningfully change the narrative that government had a legal obligation to fund roughly 170 new classroom teaching positions and attempted to do so by cutting deeply into other teaching

positions. Nor does it alter the fact that the budget overestimated the capacity of the system to absorb these expenses or that the budgeting process does not do a good job reflecting the funding realities in education to the decision-makers.)

It could have been, one could argue, at least “truth-flavoured” to say that if there are more children and therefore more classrooms, and each classroom continues to have one teacher per classroom then there are technically “more teachers in classrooms”. And it could have been “truth flavoured” to say that if each teacher must be paid a little more due to the collective agreement, then more is being spent on classrooms. But it would be misleading in the extreme to state that classrooms have more support. There is not more support per child – there were simply more classrooms full of children, and less support per child.

Thus, a talking point was crafted that seemed more designed to gaslight than illuminate – yes, there were more children and more classrooms and so more was spent on classroom teachers. However, in 2024-25 the child who before had one classroom teacher who was supported by a school district literacy lead and a math lead and a resource teacher would now have only the classroom teacher. As we shall see, the Department never established any plan or directives to steer more resources into classroom teaching – the Department’s only activity as districts began laying off positions that support classroom teachers was to look for after-the-fact examples of some laid off district educators taking up a pre-existing classroom teaching job, so as to justify the talking point.

The only policy decision contained in the budget was to order services to be cut to pay for the legally required number for classroom teachers for the growing student population rather than finding new money. And when the Department attempted to expand its talking points into areas that had absolute cuts, like Integrated Service Delivery and student services, even the thin veneer of accuracy was lost. The original budget contained a reduction in the number of people working in student services.

Error Five

The Department of Education and Early Childhood Development did not provide districts with appropriate guidance or direction on how to minimize the impact of cuts upon children. Often, what should have been collaborative was not. This flows from a central problem in how the Department has approached the drumbeat of declining student results for the last decade. There is no common understanding in the system of what has caused the rapid decline in results, or which levers need to be the priority. As a result, we have the culture that produced the last disastrous education plan – everything is a priority, anything done in the name of education is assumed to be good, and no standard is ever anything but a wish. Sometimes, addressing what is meaningful (like literacy and class composition) means accepting that some things (Centres of Excellence, financial literacy courses) are less important. The Department

does not approach budget exercises having done the hard work of having a clear explanation as to why student results are falling, what levers are most effective, and which ones are thus not a priority. As a result, its relationship with districts is often more passive than it should be.

Error Six

The Department of Education and Early Childhood Development did not subject its own expenditures to the same standard to which they were requiring districts to hold theirs. Seventy licensed teachers are seconded to the Department, and the Department's plan was to only return eight to teaching functions. There was no attempt to evaluate its own programming for effectiveness; in fact, many programs such as the "Centres of Excellence" second a number of teachers away from schools and into Department programs that have only glancing relevance to any objective of the education plans and no performance indicators tied to student success or learning. When the full brunt of the cuts were upon school districts and they were ordered to cut over 50% of their teacher supports to spare government paying for the increased number of students, the Department itself was planning to only return 8 of the 70 seconded teachers in their employ to schools. This was inconsistent with what the Department was saying it was doing, which was putting additional resources in the classroom. This is best explained by the fact that the Department had no intention of putting more resources per student in the classroom, but only created the talking point that they were doing so.

THE ADVOCATE'S PROCESS

Through our review of the budget we became concerned about the lack of due diligence that went into setting the budget for school districts. This concern grew as we evaluated the scope of the cuts within the limited areas in which districts could make cuts. It grew when we began to receive both official and unofficial confirmation of the cuts that were planned and when the Department seemed to have no process to limit or even monitor the impact upon children.

As noted above, the Department was crafting talking points that resources were being invested in the classroom. This did not match the clear evidence before us. In fact, what was happening was that the number of students requiring a classroom with a teacher went up, and so the Department told the districts to cut everything but classroom teachers. The Department did not answer fairly basic questions in real time about how this would all work in September.

To be clear, no one who understands the education system would argue that the only people who impact classrooms are those assigned to a single classroom all day, the ones officially called "classroom teachers". Classroom teachers rely on other educators for support – to train them in new curriculum in literacy, to provide them with expertise and materials in the subjects they

teach, to help them deal with the complexities of planning for children with exceptional needs, and to help them reach children who may need a different approach like First Nations students or new Canadians whose first language isn't English or French. These educators, who are also licensed teachers, are no less relevant to the classroom experience because they work across multiple classrooms, and with multiple teachers and students.

It quickly became apparent that pulling 170 teachers out of district offices with no plan would have meant no one would be supporting classroom teachers with vital tasks, and that this would all have unintended consequences that would impact children.

The Advocate's job is not to weigh in on political debates or review the performance of elected officials. The Advocate's job is to advise elected officials, both those in Cabinet and private members, when a Department's actions may harm children (or seniors and vulnerable adults). Given the unresponsiveness of the Department, the Advocate decided to alert the elected members of the following findings:

- (1) *No definitive count of how many teachers there were in district offices was provided to Cabinet,*
- (2) *No one at the Department modelled in advance what the 170 teachers are doing and what it would look like if they stopped doing it, and*
- (3) *No one at the Department asked what else would be cut if there weren't 170 teachers to cut.*

The Advocate also provided the following caution to government, with a note of concern that the Department of Education and Early Childhood Development had not provided Cabinet with this kind of breakdown about teachers in school districts:

Of the 261 teachers, about 85 work in student services, which largely deals with what government has acknowledged is the most overstressed area of the system – dealing with students with exceptional needs. These are the people who provide counselling and evaluation of students, who draw up the Personalized Learning Plans, who provide specialized instruction when a student needs attention beyond what the classroom teacher can give, and who coordinate plans with other departments like Health and Social Development. If they don't exist, classroom teachers will have to use hours outside of class to do these things.

We also learned that in most districts at least a quarter of classroom teachers have under five years of experience. What is the likelihood that they could take on the individualized instruction, planning, coordinating and counselling while still being effective in the classroom?

No one asked. However, in talking to professional educators, it is hard to find anyone who believes that this is possible, or even that teachers would stay long in a system that asks them to do this without support.

Another 110 teachers are subject leads. These are the people who develop particular expertise in subjects and support classroom teachers in making sure they have the latest research, know about the best materials, train them in understanding the curriculum, and run professional development. Many of these work in literacy and numeracy, others handle areas that are still important like science and physical education and social studies. Perhaps the government believes that every classroom teacher will just have extra hours to research materials, read about emerging ways to teach, and learn the curriculum without assistance. Perhaps, even though we have so many teachers that are new, New Brunswick really could be the only province in Canada without having any subject leads to help teachers master the curriculum.

However, there is no evidence anyone evaluated what impact that would have on the classroom or teacher retention, because, again, no one seemed to realize that you can't cut 170 teachers out of 261 without cutting those leads.....

We do not believe that government intended to do away with support for students with disabilities, and didn't intend to be the only province in Canada where classroom teachers get no support in things like literacy, numeracy or science. If they did intend to do it, they made that decision without any impact study or modelling that the Department of Finance could provide.

This creates a very big problem, because if cuts to subject leads and support for exceptional needs wasn't the plan, that only leaves 56 teachers left to cut.

Even if only those remaining 56 were cut, that means no First Nations coordinators, no programming for new Canadians, no technology or distance education leads.

And if one still insists on cutting 170 teachers to fill those classroom jobs the provincial government won't pay for, that means that most classroom teachers must do their own needs assessments, write their own Personalized Learning Plans, and design their own professional development in their subject area, while becoming fluent in the unique needs of First Nations and new Canadians, all while huge numbers of those teachers are still new to the profession.

(From the Advocate's draft report)

Based upon those factual findings, the Advocate provided five recommendations to government, which were as follows:

- 1. If government cannot afford a new, centrally-planned \$25 million school food program without making deep cuts to classroom education, put the \$25 million food program on hold and get that money back into classroom education. The first job of the education system is to educate.*

2. *Put the cuts to school districts on hold until the Minister and Cabinet can see actual plans – not vague scenarios from the Department – on what the cuts would actually mean for educational impacts, with actual positions and org charts in front of everyone instead of broad assumptions about Districts’ capacity.*
3. *Have the Department of Education inventory how many teachers it has seconded to non-classroom roles and subject these programs to the same scrutiny as district roles. For example, Centres of Excellence in government generally have no measurable indicators that deal with student achievement, yet many senior teachers are seconded to these programs.*
4. *Ensure that there are no cuts to Integrated Service Delivery without consultation and planning with the Departments of Health and Social Development first.*
5. *Ensure that the Minister of Education and Early Childhood Development, and Cabinet, are provided clear and comprehensive assessments of the impacts the budget will have on recommendations of the departmental working groups on inclusion and classroom composition.*

As per the requirements of the *Child, Youth and Senior Advocate Act*, the Advocate sent the draft report to the Executive Council Office and received subsequent word that government accepted and intended to act upon all five recommendations.

CABINET TAKES ACTION THROUGH THE EXECUTIVE COUNCIL OFFICE

Judging by the actions of government after the Executive Council Office became seized with the matter, it does indeed appear that Cabinet did not intend the consequences of its initial budget. The process which followed was rational, evidence-driven and appeared to have clear guiding principles. It was occasionally and understandably ungainly – there is not a lot of precedent for such a process – but given the situation in which government found itself, it was done as well as could be expected.

It would appear that sometime after government’s notice to the Advocate that the draft recommendations would be accepted, between May 22 and 29, 2025, the Department began reaching out to districts asking for submissions on which areas would have the greatest impact upon student learning and the classroom environment. All seven districts participated in this process and submitted plans of areas where additional funding would be of the greatest impact to student learning.

As well, both the Department and the Executive Council Office began looking at the state of Integrated Service Delivery, which is the process by which the major social departments aspire

to collaborate and co-ordinate services to students with complex needs. This was a good choice upon which the Executive Council placed its emphasis, because the failure to offer appropriate interventions in a timely way is leading to significant destabilization of classrooms, a much higher reliance on illegal practices like partial day plans and seclusion rooms, and cases where schools are struggling because departments such as Social Development and Health are not providing timely services while the school is struggling to serve high-needs students.

During the reversal of some cuts, early assurance was given to school districts that the cuts to student services would be specifically reversed. This was an important decision by Cabinet. The documentary record makes it clear that, in the original plan, 72 positions in the anglophone sector would have been cut from Integrated Service Delivery Child and Youth Teams and not replaced elsewhere. Some affected individuals could have applied for existing positions in the schools, but in practice there would have been significantly fewer people working in student services overall, and that area is already thinly stretched. This quick reversal reduced the risk of chaos in September.

Indeed, to its credit, Executive Council Office began assembling other departments to work collaboratively on the Integrated Service Delivery model, and we will look at these actions in a separate section.

By mid-June, the Department was in a position to provide districts with approximately \$14.6M in restored funding for priorities which aligned with the stated priorities of the government – literacy, numeracy and educational support. The approach differed between sectors. The Anglophone sector appears to have worked with more precision, restoring fairly detailed funding to very particular line items and generating a position-by-position list, while the francophone sector provided very round numbers aimed at general priorities like literacy, numeracy, language acquisition, and student support services. Of course, the Anglophone districts had provoked a more particular crisis by cutting Integrated Service Delivery teams and reducing the number of positions working in student services overall, while the francophone districts had not cut that particular area. Given the potential for disruption, the greater precision in the Anglophone sector makes sense and the difference does not lead to any negative conclusion of either sector's process.

The result was that the Anglophone school districts collectively received \$10.6M in restored funding and appear to have preserved 157.5 full-time positions, a significant number of which will in fact carry out work in the classroom. The Francophone sector restored exactly \$4.0M to its three districts and the Department did not require districts to provide information on how many teaching positions would be preserved.

The restoration of just over \$14M does appear to have minimized the loss of the classroom supports most aligned with core learning outcomes.

In the end, it appears that on the Anglophone side of the Department, the funding preserved the number of positions working with students with special needs. The original plan would

have pulled 72 positions (including all 55 assigned to Integrated Service Delivery Teams) out of the 4 school districts and left only existing school-based positions in critical areas like resource teachers, guidance counselling, and educational support services. Now, those 72 positions have been restored even if districts are being given freedom to restructure how they are used. There are also 50 classroom teaching positions being restored with a focus on early grades and alleviating classroom composition, and another 29 positions that support teachers in mastering literacy and numeracy skills. The Francophone sector reports a proportionate reinvestment with a similar focus, although they cannot confirm the number of teachers specifically.

It can be said that the intervention of the Executive Council Office and the reconsideration process led by the Department did a sound job of identifying the top priorities. The willingness to accept criticism and reconsider decisions shown by government likely headed off a chaotic September that would have harmed children, overwhelmed teachers, and rightly angered parents.

That said, it would be remiss of the Advocate not to note that the original plan was far more devastating than government knew. If the reversal found 170-200 positions to be important enough to restore, then it was never the case that the original budget returned resources to the classroom. Some of the teachers who lost their jobs at district offices would individually return to existing classroom teaching jobs. But that is not, by any meaning of the phrase, redirecting resources to the classroom.

The kindest possible explanation for the original budget is that the result of the budget process was a misinformed Cabinet. However, that should lead to questions about why Cabinet misunderstood the scope of the system's needs so completely. This report is going to explore that question with a particular focus on the near disaster that occurred with the destruction of the Integrated Service Delivery Child and Youth Teams in the anglophone sector.

In short, the governance flaws detailed in *How It All Broke* were clearly in play in how poorly government was served in the crafting of the 2025-26 budget. However, credit is due for how well Cabinet collectively, through the Executive Council Office, remained open to reasonable criticism and acted in a focused way upon new information to minimize the impact upon schools and children. That is a positive development, especially if it leads to an end to the long-standing and inexcusable neglect of Integrated Service Delivery over the last ten years.

The Executive Council Office has launched a more in-depth look at Integrated Service Delivery specifically and social program delivery generally. In the initial phases, there is reason for optimism that the long-standing recommendation of this office that the Executive Council Office take on responsibility for ensuring the effectiveness of Integrated Service Delivery will finally be taken seriously. This report is going to look at the near-death experience of that program, both as a cautionary tale of how neglectful departments had become in managing the program and to profile the hopeful signs that came with the involvement of the Executive Council Office.

DISASTER AVERTED (PERHAPS FOR GOOD) IN INTEGRATED SERVICE DELIVERY

The removal of Integrated Service Delivery Child and Youth Teams from the Anglophone school districts was chaotic and inadequately managed.

Integrated Service Delivery (ISD for short) grew out of two devastating reports in 2008 by then-Advocate Bernard Richard, one being a system-wide look at the failure of social departments to co-ordinate services and the other being a review of the devastating failures that led to the tragic fate of young Ashley Smith, a teenager who began with mild behavioural issues and wound up dying by suicide after being repeatedly secluded and mistreated in a youth correctional facility and then at an adult facility. Advocate Richard's reports showed a tragic mix of poor communication between service providers, failures to intervene in a timely way when problems first surfaced, failures to seek evaluation and recommendations from qualified professionals, and an ultimately tragic tendency of the system to underreact and underinvest when young children have manageable problems, and then to rely on punitive and negative consequences when the older child continues to struggle with behaviour issues.

The government of the day responded by establishing the ISD regime, having the Premier provide direct leadership in ordering collaboration between departments, and the assignment of senior figures at the ministerial and bureaucratic levels to lead the change process. In 2015 government moved responsibility for ISD downward – instead of a senior cabinet minister and a senior member of the bureaucracy leading co-ordination, a new model providing decentralized ISD Teams was adopted.

ISD Child and Youth Teams are the tool by which children whose needs require collaboration between Health, Education and Social Development (or when applicable, Justice and Public Safety) are identified and referred for service by a mix of professionals. The ISD Child and Youth Teams are where, in theory, skilled people from the different departments collaborate and co-ordinate services and all departments agree to provide staff to them. When a mix of professionals, mostly mental health professionals, social workers, and educators need to collaborate on service plans, ISD Teams would be deployed. At the time of the 2025-26 Budget, Anglophone school districts had 55 positions assigned to these Teams between the 4 districts, and a Memorandum of Understanding governed the collaboration between Addictions & Mental Health professionals from the Department of Health and social workers from Social Development and Justice & Public Safety.

The work of these Teams and these 55 positions were over and above the professionals assigned to schools for student services. These were additional positions that provided services when school-based services alone could not meet the child's needs. There would be a number of students whose needs could be met by the mix of professionals within the school system

alone. Certain complex cases would receive services from the ISD Child and Youth Teams, who collaborated at the local level.

While the ISD Teams provided services, they did not have the ability to direct resources beyond their own members' presence. If additional services and resources were needed, these would be reviewed by a regional Integrated Clinical Team to add more supports. If the needs for a child or youth could not be met within regional mandates and funding, an Interdepartmental Care Plan would be developed and presented to a Regional Operations Committee. If the Regional Operations Committee agreed that regional mandates and budgets did not suffice, the plan would be submitted to the Provincial Integrated Support Committee (PISC). The PISC is comprised of Directors from the major social services Departments. However, the 2015 decision to decentralize ISD to each department and then to move management of ISD down the org chart meant that very little was truly integrated. An ISD Director, who reported no higher than the Assistant Deputy Minister level, has been anchored at various times in Education or Social Development. This means in practice there is no one central authority charged with seeing the big picture and advocating for the child. Processes aimed at integration only placed representatives from departments into meetings where each advocated for their department's unique rules and budget. The result in too many cases we see is that Integrated Service Delivery is not about integration but territorial protection, where the budgets of each Department are guarded and funding is cautiously released only after the very interdepartmental battles that the system was built to avoid.

Further hindering integrated service delivery is a lack of understanding in government of how it is structured and meant to function. There is a steering committee at the Assistant Deputy Minister level where each department had a representative and other senior officials like Superintendents had a representative, but it was detached and ineffectual at addressing the lack of true integration of services. Numerous senior decision-makers who we spoke to stated that they did not see it as an effective way of resolving barriers to service in real time. It largely served to keep departmental disputes away from those who had the power to resolve them, which proved to be exactly as self-defeating as it sounds.

Thus, by 2024, we had a recipe for disaster. The 2008 implementation of the Richard reports captured one essential element of ISD – that senior figures, charged with seeing the child's interest and not any one department's limitations, accountable for outcomes, and with the ear of the Premier and Executive Council, could resolve disputes and refocus departments on outcomes. The 2015 changes seemed to have thrown lower-level representatives of departments in a room to each insist that they could not look beyond their policies and created a culture in which everyone senior enough to solve the problem was told that they didn't have to pay any attention to the matter.

While the people on ISD Child and Youth Teams did excellent work, when they needed resources, planning, or dispute resolution, they had nowhere timely and effective to go for help. The levers they pulled were not attached to anything. And frankly, the dysfunction seemed to

create an awful kind of comfort for management – if the system can rightly be called dysfunctional, individuals have something to blame when children's needs go unmet and children suffer under their charge.

A recent case here at the Advocate's Office is illustrative. A child with complex needs and behaviour issues received a suite of services including school supports, counselling after hours, and behaviour intervention and family support at home. The individual providing home and family support left. The family lived in a smaller centre and everyone agreed that the wage Social Development policy insisted on offering to hire a new support person was not enough to recruit anyone. As a result, the family lost support for months. Without that extra support and treatment at home, the child's progress started to backslide. The school begged for months, enlisting the New Brunswick Teachers' Federation and the Advocate's Office, yet Social Development stuck to its line that it could not budge off its policy because the people in the process were too junior to grant exemptions. By the time the Advocate was involved and escalated the matter to the Deputy Minister level, significant progress already had been lost for the child and the school was spending far more on supports than it would have cost to add a few dollars per hour for the Department of Social Development to replace the support worker, and the child was on a partial day school plan.

The result of all this is that taxpayers paid more money to get the child get less help, all leading to an increased likelihood that the child would need even more expensive services later – exactly the situation ISD was created to avoid.

It is no wonder that by 2024, school districts were feeling frustrated that the 2015 changes forced them to divert school-based counsellors and resource teachers on to ISD teams – the supports that the contribution was supposed to unlock were bound up in a system where they had to ask for integrated services from people without the authority to integrate services, and the people with the authority to integrate services seemed content to ignore the problem because it allowed for blame to be shifted endlessly to other departments.

Amidst the ineffectual bureaucracy of the structure, children were ignored.

The disastrous decisions of 2015 now have clear lessons -- without leadership from the centre of government, the effectiveness of ISD dwindled and the system became less effective and at times neglected. In particular, the Advocate's Office has seen many files where schools and teachers feel abandoned by other departments. Too often, a school signals that a child is struggling and yet help from other departments – assessments, family services, health system interventions, alignment with child protection, behaviour interventions – moves at the speed of bureaucracy. Too often, because the school is the one place where the child gets physically delivered each morning, other departments have no incentive to bring help promptly and rarely face any consequences for dawdling. The centre of government, the Premier's Office and Executive Council Office, largely abdicated their role between 2015 and today, and left departments to fight these files out themselves. With no measurement of outcomes and no

disincentives for failing to help children, the system atrophied, and teachers and schools were left to deal with the outcomes.

Reading Advocate Richard's reports from 2008, the warnings seem to apply well to the school system today. Teachers do not have any effective way to escalate files for help, the response is often slow, and children get ignored for years until they are simply made to disappear because no one knows what to do.

The number of children on partial school days has metastasized from a dozen at most to over 500. Seclusion rooms, where children get isolated when all else fails, are now part of the design of schools even as the law does not authorize their use. The Province lost an expensive arbitration because teachers were left to face violent assaults from a student for years with no outside assessment or intensification of services, just orders to tough it out – and our office is aware of many cases like this. Sadly, when a child has behaviour issues that are profoundly disruptive, the Department of Education and Early Childhood Development generally does not fund urgent assessments or intensive, targeted outside services to fix the problem – teachers are left to manage the status quo until the status quo can't be managed, and the child disappears from school. Today, the system ignores children for years and then breaks the law to disappear them when they run out of answers, and in the Department's policy no one is to be held accountable for that, least of all the Department.

Meanwhile, the children in the middle, the ones former Premier Frank McKenna once informally but accurately called "the severely normal", are losing out. Classrooms are so overwhelmed with the extreme cases born of bureaucratic neglect that the child who quietly struggles and needs a little help gets ignored. Since 2010, literacy rates in the Anglophone system have fallen from 83% to barely over 50%. That suggests that each year, roughly 2,000-3,000 children who used to get interventions are now falling behind. Falling behind on critical skills early is a leading predictor of future issues with behaviour, absenteeism and poor outcomes.

If any other system that wasn't (a) government-run and (b) only affecting children collapsed this badly in less than a decade, it would be overhauled.

One would think, with these problems eating the system alive and driving teachers out of the profession, that senior leadership at the Department would be highly curious about and intensely involved in issues like Integrated Service Delivery.

Our investigation found that they were too quick to accept platitudes about maintaining the philosophy of ISD and too passive in asking hard operational questions of districts.

As the documentary record from the Anglophone Sector of the Department of Education and Early Childhood Development will show, senior leadership made inadequate efforts to assess the impact of cuts to ISD Teams upon children or to keep districts from cutting them, they only began enquiring about the cuts when prompted by enquiries from the Advocate, and their only

action was to actively devise talking points for public consumption that provided misdirection to the public and elected officials about the impact of the cuts upon children. The timeline will be set out herein.

1. In February, 2025, a Department of Education review of the operation of the ISD Child and Youth Teams was underway. Department of Education senior officials were consulting with the professionals on ISD Teams and other front-line educators in the Anglophone school system in order to report on effectiveness and make recommendations.
2. On March 18, 2025, the Government of New Brunswick released its 2025-26 Budget and Main Estimates which required school districts to make \$43 million in cuts to meet the legal obligations the province had agreed to in its collective agreements with staff. Districts became aware of their share of those budget cuts in the days ahead through phone calls from senior leadership at the Department of Education.
3. On March 19, 2025, Department of Education officials leading the ISD review provided updates to senior Department leadership and the Superintendents of each Anglophone School District that the consultations with the people on the front lines of the ISD teams and school-based student services professionals were near completion and that recommendations to improve the system would follow.
4. On March 21, 2025, a Superintendent wrote with concerns about the report's consultation process, in particular the lack of plans to engage district leadership. The Superintendent further advised that he was interested in the process for withdrawing all his District staff from the ISD Child and Youth Teams because he believed that the process was not working. The Superintendent asked if a process existed to share his concerns with the lack of responsiveness in the existing ISD model.
5. On March 26, 2025, a Director within the Department of Education advised that the obligation to participate in ISD with other departments was governed by an interdepartmental MOU and there would have to be further enquiries about notice or process for withdrawal. The Director further advised that Superintendents had a representative on the interdepartmental steering committee for ISD and that this would be the right place to bring concerns.
6. On April 3, 2025 Anglophone School District East began withdrawing staff positions from its ISD Child & Youth teams and advised the Department of Education of this on April 4, 2025.

7. On April 23, 2025 Anglophone School District West advised the Department of its intention to realize \$1,017,712 in savings by eliminating the 15 positions the District provided to ISD Child & Youth teams. While the District's briefing to the Department indicated that many of the individuals would return to school-based positions, it was also clear that this would mean a net reduction of 15 positions. The briefing also made it clear that the cuts would impact teaching positions aimed at improving classroom composition and reductions in the overall number of Educational Assistants, and that this would lead to *prima facie* violations of human rights law due to a failure to accommodate over 100 children with disabilities.
8. Also on April 23, 2025, the Deputy Minister of the Anglophone Sector of the Department confirmed receipt of the plans for cuts in Anglophone School District-West and asked for information on how many positions would remain. The documents provided do not reflect any follow-up questions regarding the impact on children.
9. On April 24, 2025, a Director at the Department of Education working with ISD wrote to all four Superintendents offering to meet and review concerns around ISD and discuss how to make it work better. These emails went unanswered until May, and in a couple of cases have no record of being answered at all.
10. On April 30, 2025, a draft of the internal report on improving ISD Teams was circulated throughout senior management at the Department. It summarized its conclusion thusly:

"ISD teams continue to deliver essential, creative, and collaborative services despite challenging systemic barriers. Targeted investments in infrastructure, staffing supports, and interdepartmental clarity will allow them to thrive."
11. On May 1, 2025, the government's elected officials began using the public explanation that education positions were not being cut but were being "moved back to the classroom".
12. On May 2, 2025, at 11:29 a.m., a Regional Director with responsibility for children and mental health wrote to two directors with urgent concerns over the widespread cutting of all Anglophone School District positions from ISD Teams, informing the Department of Education that they were hearing credible reports that memos to that effect were going out to at least two districts' staff, and two other districts were undecided, with one district superintendent saying over the phone that the positions could be cut to "save money". The email concluded with the warning that "This will have an impact on our ability to serve youth".

13. Eighteen minutes after receiving this warning about all four districts potentially cutting all the positions on ISD teams and that there would be impacts upon youth, one of the directors at the Department of Education forwarded the warning directly to the Deputy Minister of the Anglophone Sector.

14. Having been warned at 11:29 a.m. that positions on ISD Teams that serve vulnerable children hung in the balance and that this “will have an impact” on services to those children, the Deputy Minister sent a two-sentence e-mail to the four superintendents at 11:51 a.m., which read as follows:

*“Gentlemen, are any of these being reassigned to the classroom?
Just making sure I have a view on how this could be messaged out and what
might be coming back at us”*

15. On May 5, 2025, the Advocate reached out to the Deputy Ministers of both Anglophone and Francophone sectors of the Department of Education by e-mail with concerns about reported cuts to ISD Teams and the professionals offering services to children, including the following:

“We have received two communications today advising that members of Child & Youth teams have been advised that their positions may be cut.

I know when we spoke there was confidence that districts understood that EA positions should not be cut and that the targets for extra positions should be added.

Are ISD services and positions considered “fair game” for cuts?

The Deputy Minister for the Francophone sector replied that same day stating that no cuts to ISD Teams were being contemplated on the Francophone side. On May 6, 2025 at 6:31 a.m., the Deputy Minister for the Anglophone Sector replied as follows:

Districts (I will confirm if all four as one didn’t have their plan finalized yet) have chosen to bring teachers and guidance back closer to the students from the CY teams. I will get that to you as soon as I confirm.

16. A few hours after the initial reply, the Advocate asked for clarity regarding an ambiguity in the response. The Advocate raised the difference between simply moving the same number of positions back to the school, and actual cuts where positions would be

eliminated and some of the individual employees may happen to move to other pre-existing school positions. Between 11:56 a.m. and 12:52 p.m. on May 6, 2025 the Advocate and the Deputy Minister for the Anglophone Sector had the following exchange:

ADVOCATE: Appreciate the answer. I know it's unfolding rapidly. Just to be sure I understand...do you mean that yes the CY teams have been cut because there are teachers and guidance people closer to the students?

DEPUTY MINISTER: No. As I understand it, although I'm seeking clarity, the teachers and guidance are being "pulled off" to return closer to students. The ISD concept and service will continue but in a different form.

ADVOCATE: Anything you can tell me about the "different form"? Because that's not what the districts are saying.

DEPUTY MINISTER: Will get back to you. Checking with each as they aren't all approaching in same way (and had not set up in same way)

ADVOCATE: Ok, thanks. I may as well tip this off now -- I will also want to know what discussions you've had with (Social Development Deputy Minister Jim) Mehan's shop. Because it looks like they're claiming to have invested \$10million to improve ISD for kids in care and no one talked to each other, planned to have EECD cut out its supports, or even develop a plan that anyone can explain to the Advocate in real time.

17. Ten minutes later, on May 6, 2025 at 1:02 p.m. a senior official for the Anglophone Sector sent the following email to the four district superintendents:

*Hi Folks,
I am hoping to pull together info re ISD changes.
Can you let me know the following:*

- how many and what role are being pulled from ISD*
- where are these positions going (reinforcing existing complement in schools or replacing where reductions have been made)*
- have there been conversations with SD, Health or JPS re the changes?*
- how (sic)*

Thank you all for the work you are doing. I know these actions are difficult. I am just seeking to understand so I can communicate on your behalf what is being undertaken.

18. On May 7, 2025 the Advocate was advised by team members that the looming cuts to ISD in the school districts had been raised at a meeting with senior leadership at the Department of Social Development who were unaware of the impending changes.
19. By May 7, 2025 at 12:49 p.m., the Department had compiled results from three of the four districts into a chart that was shared among senior leadership. This chart noted that the three districts had eliminated 36 positions for resource and guidance teachers working directly with students, that in most cases no other ISD departments had been formally notified, and that the premise of the Advocate's question was correct – that the positions were eliminated and not maintained and redirected to schools. There was minimal movement of ISD positions to schools, if any at all – essentially districts cut every position on ISD Teams to avoid cutting school-based positions, but this was an exercise in choosing where to subtract, not where to add. The only thing that could be said about anyone moving to the schools is that it was assumed that many employees could apply for school-based positions that already existed, but even that would have to wait for the hiring process and seniority rules to play out and could not be definitively stated. As one superintendent cautioned:

They will be offered this opportunity as B-contract teachers. We do not know which schools as of yet. Some may apply for vacant lead positions.

20. By May 9, 2025 the Department provided its first public answers regarding the cuts to ISD Teams and the elimination of what they now knew to be 55 positions directly serving students at a savings of over \$3 million. The Department's public statements matched the same narrative that had been used with news of other district cuts – that the positions would reappear in the classroom – even though the information senior Department leaders had was that the positions would simply be eliminated but some of the terminated individuals might reappear in existing classroom roles.
21. On Friday, May 9, 2025 just after 5:00 p.m., the Advocate provided a copy of his draft report and recommendations referenced above to the Executive Council Office and the departments.
22. On Monday, May 12, 2025 at 11:50 a.m. government provided formal notice to the Advocate that the Executive Council had reviewed the report and that the government was “committed to taking action on all 5 recommendations”.

23. By May 17, 2025 the Advocate was advised that the Steering Committee for ISD, made up of senior leaders from departments and authorities, had met and began to look at ways to address historical concerns from school districts and the Advocate's Office on responsiveness of ISD.
24. On or about May 22, 2025 the Department through the Minister began making public statements regarding potential re-evaluation of the cuts.
25. By May 26, 2025 the Department had contacted school districts to invite submissions on potential reversals of some cuts, and to advise that ISD Child and Youth Team funding would be returned to the districts with the expectation that the Full-Time Equivalents serving children in resource and guidance would be maintained.
26. Also on May 26, 2025 the Deputy Minister for the Anglophone Sector replied to the Advocate's May 6, 2025 questions regarding the cuts to ISD and advised as follows:

Yesterday a memo was sent to all four anglophone districts ensuring the retention of the positions for guidance and resource teachers and that the corresponding funding would be returned to the districts as well.

In all four anglophone districts they will be returning teaching staff from Child and Youth Teams to schools, this includes Guidance and Resource teachers. While not speaking to individual people, the roles will continue to support students. Current and future students needing the supports will continue to benefit from ISD as an overarching approach with the first supports happening in school and then in partnership with professionals from other departments and agencies when needed.

In two districts, school social workers will also be decentralized to the schools. These are Anglophone East and South.

As for discussions between partner department, we have been discussing between SD/Health and EECD both at the DM level and throughout the organizations. ADMs have met and continue to dialogue and a steering committee meeting is planned for this week.

27. Also on May 26, 2025, the Advocate responded to the update with key questions. The Advocate expressed approval of the restoration of the 55 Full-Time Equivalent teaching positions to the system, as at least now it would be true that the FTEs were being added to schools and the Department's external representations would now be at least

retroactively true. However, the Advocate expressed concern that the decision to terminate ISD Child and Youth Teams in favour of school-based teams was doubling down on a process that had happened by accident. The Advocate posed six questions that were essential for the government to answer:

- *What specific outcomes or measurable is this administrative change looking to improve? How will those be measured?*
- *What transition plan is in place to ensure continuous coverage? Are you in a position today to assure me, on the record, that there will be continuity of ISD coverage for all students currently receiving it? If so, has that expectation been communicated to districts and how?*
- *If individuals previously on C&Y teams are being reassigned to school level positions (and may be different people) as of June 30th, what steps are in place to ensure that services over the summer months are co-ordinated while students are not in a school-based setting?*
- *If the individuals providing integrated services that were previously co-ordinated at the district level are now school-based, who is the responsible official for ensuring co-ordination with other departments? Is that office within each school or is there any district-level involvement?*
- *Are you in a position to categorically confirm that there will be no change in the standards or level for the type of cases that get referred for integrated mental health services? Will there be any types or categories of behaviour interventions which will now be handled within schools?*
- *How many students on partial days currently will receive integrated services over the summer months, and how will these be delivered? Is there a protocol from the department on how students on partial days get services if the interventions are now tied to schools?*

28. While the Department was not yet in a position to offer any concrete answers to the questions in real time, the questions were immediately forwarded to the other Departments and authorities working on ISD, and the Executive Council brought the parties together to provide a unified briefing to the Advocate on June 2, 2025. All departments and the districts believed that they could make a different structure work notwithstanding the acknowledged process flaws. The broad outlines of the plan were that:

- The government would restore the funding behind the 55 ISD Teams positions previously cut, and that funding would go not to reconstitute the ISD Teams but to strengthen the school-based supports that Education Support Services Teams were responsible for providing.
 - School district offices would retain a central position responsible for coordinating and integrating services with other departments and health authorities where needed, and would commit to the principles of Integrated Service Delivery.
 - Executive Council would have a position and processes available to manage funding disputes and bottlenecks within the existing system while developing a better, more accountable model of Integrated Service Delivery as a top priority of government.
 - Continuous coverage of students currently served by ISD, similar standards, and summer transition planning was a commitment given by all participating departments and authorities while a new model was being developed.
29. On June 12, 2025, school districts began officially receiving word that over \$14M would be returned based upon their identification of the cuts that would have had the greatest impact on student learning. Most district requests that impacted classroom teaching, literacy and numeracy leadership, student services and inclusion, and class composition were successful in getting their funding restored. All in all, the funding restored between 185 and 200 teaching and student service positions. The areas where districts requested reconsideration and were rebuffed were generally in the areas of educational assistants, library assistants and leads in areas outside literacy and numeracy, such as music.
30. On June 13, 2025 the Deputy Ministers of both sectors of the Department sent a memo to other ISD partners affirming the Department's commitment to the model and the plan to work collaboratively to make the new district structure work.

LESSONS LEARNED

As stated in the forward, this is a tale of two reports. Once Cabinet properly understood the impact of the proposed cuts, the actions of government were highly effective. There was real attention paid to Integrated Service Delivery at the crucial centre of government – more than in the last ten years combined – and both school district and central government leadership did an effective job identifying the expenditures that were most necessary for children.

However, the reason the Executive Council had to work effectively in a tight window of time was because of governance failures that led to their more direct involvement being necessary. The reversal was necessary because Cabinet made an uninformed decision, and that is a serious governance failure given the importance of the services and the impact upon all children – those receiving interventions and the children whose classrooms are impacted when the system fails to help their classmates.

- There was no effective modeling of the cuts at critical stages of the budgeting process. The contours of the devastating impact of the cuts would have been clear if a summer student spent two hours with publicly available org charts, yet the budgeting process, with the access to far more detailed and qualified briefings, failed to provide itself or the elected officials with adequate information or even understandings of basic budgeting principles.
- There was inadequate work done at the departmental and Cabinet level to truly grapple with the causes for declining educational results or the priorities in addressing them. As a result, there was no process that would have allowed for Cabinet's priorities to be known, let alone respected, in the budgeting process. The Department was overly passive both in monitoring the impact of what its leadership had to know were significant cuts, and to the risks inherent in the unraveling of Integrated Service Delivery even when they were clearly given information that should have spurred action. Indeed, one school district provided them written advice that they would be in a position to commit *prima facie* violations of the *Human Rights Act* and there is no sign that such a situation even merited an acknowledgement, let alone follow-up, from departmental leadership.
- Despite consistent feedback from teachers on the front lines that a failure to deal with classroom composition and interventions for students with exceptional needs was overwhelming the system, the Department remained slow in addressing system failures. Even though leadership in school districts was apparently (and reasonably) disgruntled for years, processes had not been activated in any way to hear or address these concerns. The 2015 changes to ISD and the return to high levels of student streaming in the system were both disastrous in terms of measurable and observable results. Front-line teachers and ISD Teams did admirable work, but pleas for timely interventions and adequate resources were consistently ignored. While school district leadership had a point that they were ordered to divert Full-Time Equivalent teaching positions into ISD Teams and did not always get faster support in return, it is also true that no one particularly stepped up to address the issue or even communicate the urgency. It is striking that, while school districts and the Department were happy to say that the status quo was not working once cuts were ordered, no one had any data to back up that statement or even measurements in place that would have answered that question.

(A notable exception was Anglophone School District West, which to its credit did track referrals to Education Support Services and Integrated Service Delivery.)

- The list of over 170 teaching positions that were spared shows how alive Cabinet was to the needs of the classroom and the children in it, once they were alerted to the impact of the cuts. However, this observation cuts two ways. The government, using talking points prepared by the Department, spent the weeks between the March 18, 2025 Budget Speech and the May 12, 2025 acceptance of the Advocate's recommendations, continuing to insist that the budget had increased resources in the classroom. Obviously, if there were over 170 teachers working in classroom teaching, literacy, numeracy and inclusion whose jobs had to be saved, then the initial budget was never remotely going to do what the public was told it would do. It was also untrue for the Department to make representations that changes to ISD were a sign that the Department was shifting resources to the classroom, because (a) the Department knew very well that the eliminated positions were not being added and (b) the Department was not "doing" anything, because on May 7th it was still asking districts what was going on. Government continued to provide talking points that to us appear misleading at best, and at times false.

AN EDUCATION DEPARTMENT IN CHAOS

There is no easy way to say this – the Department of Education and Early Childhood Development has been incapable of addressing a crisis in education. Teachers are overwhelmed and children are not learning. Whether this has been driven by a lack of resources and focus from the executive branch of government or by a bureaucratic failure to guide hard discussions, it is hard to say. However, as a collective institution the Government of New Brunswick has never looked at the crashing results and forced itself to say "here is why that is happening, here are the root causes, here are the policy levers most directly related to those problems, here are the resources to address them, and here is the standard to which we all must be accountable".

The failures of structure, planning, accountability and organizational culture in the Department were all laid bare by this budget fiasco. It would be unfair to suggest that these problems all arose in the months preceding the budget. It would also be inaccurate, though, to say that the budget fiasco provides any confidence that the people whose decisions impact children understand the gravity and urgency of the moment. Ten years of failing children cannot become twenty, unless government intends to pay the human and financial price for writing off a generation in the name of incremental change.

This report will end with recommendations about how to begin the hard work of accepting that the education system has failed children in the last decade, understanding why that has happened, and choosing the most effective, evidence-driven levers for turning things around. That needs to start with an honest assessment of how the Department needs to reform itself.

Failure One

The Department has ineffective communication with school districts.

It was striking to note that Department officials had inadequate communication with school districts even when it was handing them a huge cost reduction target. Generally, in times where there are significant new funds or cuts coming, the Department assembles district leadership to have sound models of what might happen in various scenarios and provides some leadership and guidance on aligning district decisions with provincial direction and especially on legal obligations. This is not a call for more centralization, but the Department has crossed the line from respecting boundaries to disengagement and disinterest. This seems to be born of a deeper problem, which will be addressed in the next points.

Failure Two

The Department has no coherent definition of the proper roles of the Department and school districts, or which issues should lead to sectoral autonomy.

We were concerned at how often senior departmental and elected officials responded to the talking point that “we cannot tell the districts what to do” as Integrated Service Delivery was being dismantled without a plan. This has been repeated in a number of critical areas of policymaking in recent years. This is completely wrong as a question of law and fact. Adding to the absurdity, the Department only randomly applies its own false logic as to when it can assert authority.

To be clear, the ultimate authority in education is the Legislative Assembly of New Brunswick. School districts have only the authority which the Legislature chooses to assign them through the *Education Act*, and that statute grants most of the authority to the Minister. The Minister is delegated policy-making authority in most areas, and districts generally are limited to making policies “not inconsistent with” those that the Minister issues.

It is true that in New Brunswick there is a Constitutional obligation for the government to provide for local control of matters of language and culture in regards to the two linguistic communities, and a different but also Constitutional obligation to allow for First Nations governments to manage educational issues and make agreements for services on a nation-to-nation basis. However, this does not change the fact that the Legislature and Minister are the decisionmakers on how the system structures these obligations, and nothing in these requirements oblige the Department to be as passive and helpless as it has become on key issues.

For example, the Department has at various times claimed that it cannot impose even reporting requirements on districts for use of partial day plans, seclusion rooms, accommodations for students with disabilities, and the delivery of integrated services. This is nonsense on its face. It is incorrect first and foremost because these issues are not intrinsically tied to any of the Constitutional mandates around language and culture or First Nations governance. And to whatever degree one wanted to look at Constitutional rights to local control, one would also have to note that the accommodation of students with disabilities is also a Constitutional requirement under Section 15 of the *Charter of Rights and Freedoms* and a quasi-constitutional obligation under the *Human Rights Act*. There is **no** legal basis for any government official to say that the Department cannot require school districts to comply with the law; in fact, that is one of the most basic things the Department **must** do.

Beyond obligations to ensure legal responsibilities, the Department also has basic competency obligations to engage in collaboration with school districts. Yet the Department has not even established an effective way to navigate areas where there should be some discussion and coordination. As a comparative example, one can point to the fact that federal and provincial governments are far more distinct than the Department and districts are (provinces are not statutory creations of Parliament the way school districts are creations of provincial statute), but they must negotiate common paths where each side agrees to certain obligations in exchange for the other agreeing to be bound. If they did not do so, chaos would ensue. The Department did exactly none of this navigation with districts in the process of budgeting or implementing the budget, and – predictably – chaos ensued.

Indeed, the government of the day has correctly asserted provincial authority to require the accommodation of LGBTQ2SIA+ students. It is strange that when it comes to the equally Constitutional obligation to accommodate disability, the same political and departmental leadership suddenly claims to be helpless to even track outcomes, let alone demand solutions. It has reached the point that, in some cases, key terms in Inclusive Education (Policy 322) are defined differently by the anglophone and francophone sectors. This is ridiculous. The law does not change based upon which corridor one is standing in at departmental headquarters at in Fredericton. After all, both sectors have the same Minister. This sort of divergence cannot be reasonably explained by duality.

It is also important to note that, while claiming for two years now that they cannot require common reporting of partial day plans because of local autonomy and that the Department could not stop districts from each dismantling ISD in its own way, the Department was **at the same time** publicly stating that it was unsure if it would allow Anglophone School District East to proceed with changes to its scheduling, a clear operational issue with no Constitutional dimension at all. The Department is also, for reasons that cannot be easily articulated, offering some programs directly through Centres of Excellence that are not even central to the provincial education plan, and diverting significant resources to these projects.

The Department has become incoherent in its operations. It micromanages at a ridiculous level on some issues, and then on issues central to its core responsibilities claims to be helpless. It claims to be unable to act on issues of human rights, but then requires all districts to be bound by collective agreement negotiations, which commit some 80% of district budgets through the unilateral decision of the province. It seems like the only animating principle the Department has in dividing responsibility is that when things become politically awkward or have inadequate resources, the districts magically become more autonomous. That is no way to run a system.

Failure Three

The Department places a bigger premium on communications than analysis.

The actions of the Department in the budgeting process raise very real concerns about whether or not the well-being of New Brunswick children is being subordinated to message control. Communications is honourable and important work when it helps ensure that ideas are presented in their strongest, clearest form. The practice of communications lives down to the worst impressions of it when departments become more preoccupied with the talking point than the quality of service to citizens.

On the issue of partial day plans for students, the Department has sent numerous communications statements out reassuring the public that such plans are “temporary” and “used as a last resort”, yet when asked to provide a written definition of those terms on the record by the Advocate, the Department refused.

Issuing statements and then insisting that the words do not have to mean things is stretching the definition of “spin” to its breaking point.

“Can we sell it?” should never become a more important question than “How will it affect children?” Ministerial briefings should never arrive at “Here’s what you should say” without a stop at “Here is what you need to consider”. We understand the pressures of the difficult job of governing. There are often sharp and unfair attacks that must be answered. However, it is a constant challenge to both defend oneself and remain open to reasonable criticism. The decline of the last ten years in education cannot be explained away by talking points. It is real, and changing it will require not simply insisting that all is well once new people are in charge of it.

It was notable in the period between the budget’s announcement and the partial reversal how disconnected the talking points were from what had actually been done. This was particularly acute in the demise of ISD Teams. It suggests that the balance between communications and governance needs to be rebalanced.

The narrowly averted cuts to ISD are a cautionary tale. Not only was time lost insisting that cuts were not happening, but the process of defending the budget skipped over important questions. Why had ISD not worked? Were there adequate resources, adequate attention paid by leaders at the district and departmental level, proper review of alternatives? Why was the Districts' dismantling quickly signed off on while Department had a thorough review of ISD underway?

In fact, there is minimal evidence that either the Department or the Districts have made any significant effort to make ISD work. Perhaps the best symbol of the neglect the Department has shown towards ISD is evidenced by their web site. As of July 1st, if one went to the Department's home page and clicks on "Integrated Service Delivery", one was taken directly to the home page of... Probation Services. The Department's ISD link went right to youth facing charges in court. At time of printing this report, the link appears to have been thankfully removed, after a draft of this report was provided to government. That no one at the Department previously had any reason to notice or update that page speaks volumes.

Failure Four

The Department has had a culture of lawlessness, and the costs of that are coming due.

Most of us, advised by a credible source that we are breaking the law, would take some action. We would certainly want to have legal advisors review what we were doing and tell us how to comply. We would look for ways to comply, and discourage people in our organization from breaking the law.

For some time, the Department of Education and Early Childhood Development responded with a collective shrug.

Two reports have notified the Department that schools are routinely breaking the law:

- There is no authority in the *Education Act* for children to be on partial day plans if those mean denying the child any educational services when their peers are receiving them, and
- Seclusion rooms that detain children against their will are directed only by Guidelines written by unelected bureaucrats and these do not fall under any law or policy approved by democratically-elected officials

Further, the Department has developed a culture of shrugging at law breaking. As noted above, in the recent round of budget cuts, the Superintendent of Anglophone School District-West wrote directly to the Department and advised that he would need to begin documenting an undue hardship defense due to the planned cuts to educational assistants. It is basic law – the kind any senior official in the educational sphere must know – that an undue hardship defense

is only needed once a body knows it will commit *prima facie* violations of the *Human Rights Act*. And, of course, the defense of lack of funding is not available to the provincial government in even the limited way it is to school districts.

The Superintendent was doing his job by documenting the fact that he advised the Department that he would not be complying with the *Human Rights Act*. Some questions might have followed. Even questions like, “Why will you need an undue hardship defense? In what way will you be falling short of accommodating children? Which children will be impacted? What is the plan for them? How will that affect their education? What future costs will it create?”

The lack of alarm suggests a disturbing reality – that like declining test scores, violations of children’s human rights are no longer shocking. They are like rainy days and traffic jams – unfortunate, but just something that happens to people. They do not spur action because we’ve failed so long that no one can reasonably be expected to succeed.

These are not small points. The people who run our schools have tacitly been telling us that the laws do not apply to them. This Office has released two reports in the last two years advising that two common practices – partial day plans and seclusion and restraint of students – were occurring without any legal authority or regulation. The Department took no immediate steps to even clarify the law, let alone follow it.

This matters, and not just for the children directly affected. It is at the heart of why classrooms are becoming unmanageable.

If schools had to follow the law rather than rely on locking children in rooms and sending them home, there might be more urgency in getting early interventions that work. People might take the risk of telling their bosses plainly when the resources were not working. Perhaps the money districts save when they don’t hire a psychologist would be spent getting private assessments more urgently. Maybe requests for outside interventions would be requested more frequently, even when they cost more. Maybe the Department wouldn’t be reporting that their extraordinary expenditure funds aren’t showing surpluses every year, because the culture of the system would reflect that it is better to speak up when a child is not progressing than to muddle through and not make waves. Maybe school and district leadership, knowing there were resources for temporary and intensive interventions early, would take the responsibility for arguing when a child would be served by invoking the existing tools in the *Education Act* and Policy 322 for short-term, targeted and effective interventions instead of claiming that existing inclusion policies don’t allow for appropriate early interventions.

If schools weren’t allowed to break the law when things got tough, maybe the organizational culture would shift towards doing tough things earlier – like properly assessing needs, documenting inadequate resources, having accountable, measurable milestones in Personalized Learning Plans, and actually helping children before things get to a crisis.

In short, if we actually insisted that schools follow the law, maybe we wouldn't have an organizational culture that now depends upon being allowed to break the law, because all those other good behaviours have atrophied.

Today, we truly have the worst of both worlds. Schools don't use existing legal powers to use temporary, intensive interventions early because there is a perception that telling superiors that you don't have enough resources is seen as a professional risk and so is making the case for a temporary and targeted variation of the common learning environment. So, schools fail children early because there is no professionally safe way to advocate for them. Then we rely on illegal measures like partial days and seclusion rooms, but because schools know these things are wrong, they must make a show of how reluctantly they resort to them, so disruptions also go on far too long and at too great a cost to other learners.

What the Advocate is telling the Department is that allowing law-breaking to be the most acceptable practice is causing good practices – early and honest assessment of a child's needs – to atrophy. And that is why it matters that the Department waited months to get legal advice when the Advocate warned them they were allowing law breaking to become normalized.

To be clear, the Department was not disagreeing about the law. For over a year after the Advocate first raised the issue of the legality of partial day plans, the Department did not bother to even determine what the law is in relation to the issue. The Department had a number of choices. It could have provided a legal opinion from the Office of the Attorney General taking issue with the Advocate's guidance and assuring them that their practices are legal. Yet over a year after the issues were publicly, the Department had not even contacted the OAG to ask if they were breaking the law. Only recently, and after persistent pressure from the Advocate, did such consultation apparently occur. Even now, there has not been a public, on the record acknowledgement from the Department that schools and districts need to follow the law, let alone setting a date by which the system will be in compliance with its own laws.

In the time that was lost issuing statements with terms like "interim" and "last resort" that the Department then refused to define on the record, the Department could have taken the guidance in each report on how to bring their practices into compliance and provided guidance to school districts. Both reports provided direction on how a transition to lawful behaviour could be managed. Both reports offered steps that could have been taken to guide officials on what to do to make sure they have the evidence that they care about complying with the law, simple things like getting an evaluation or documenting what they did to find solutions. The Department could have put those into action with minimal effort. That did not happen, either.

This is not about a disagreement about how to interpret the law. This is about a Department not communicating to the system that it matters whether people follow the law or not.

If the Department really believed that the practices were operationally necessary and that the law was unrealistic, they even had a solution available to them that most of us do not have – they could have asked the governments of the day to amend the law to something that could be

followed. Certainly, there would be debate and elected officials would have to justify why the practice was necessary, but that is what democratic governance and the rule of law requires. Public officials are supposed to respect the law, and if they feel the law is wrong, they are supposed to suggest the law be changed rather than ignored.

After all, the children subject to partial days and seclusion are among the most vulnerable members of society with the fewest tools to litigate. If we tolerate public officials ignoring the law, that is far, far worse than changing it. Because once we dispense with the idea that laws matter, then the law is whatever anyone feels like doing on any given day. The law only applies to people who can fight back. And that is not how the rule of law works.

Further, looking the other way when the law is broken has contributed to a broken system culture where there are more disincentives to honestly telling higher-ups when a child does not have adequate resources and help than there are to breaking the law, which the next point addresses.

Failure Five

The Department has utterly failed to manage the files most crucial to stabilizing classrooms – inclusion and classroom composition – and teachers and students are reaching their limits.

We are hearing increasingly urgent appeals from teachers and parents alike for a recognition that the system needs urgent action. There are increasing warning signs of an educational crisis and the Department is not responding appropriately.

Teachers are doing their very best to lift children up in trying conditions. When the school day starts, they do not have the luxury of waiting for another study or more resources or a more convenient time to respond to the needs of the children in their charge. The children arrive, and teachers have to respond. They simply have to act, and they often do very well considering the support they have. The commitment and creativity of teachers are papering over a lot of lingering problems.

We worry that the urgency with which teachers are working is being taken for granted by senior decision makers at the Department. It often seems that the further the decision maker is from the action, the slower they feel they need to respond.

In the last ten years, multiple new demands have been placed upon classroom teachers. In the Anglophone system, government went back to streaming children in Grade One and placing over 95% of children with special needs, children living in poverty, and new Canadians in the same classroom. At the time, there were firm commitments to address classroom composition. Ten years later, a working group is still presumably working on classroom composition.

Children who were in primary grades when action was promised are now beginning to plan for graduation.

In that time, the number of new Canadians whose first language is neither French nor English has increased rapidly. Anglophone School District West has an excellent online system of reporting school indicators, and their numbers show several schools in urban Fredericton now with over 20% of students whose first language is not the language of instruction. No significant budget formula adjustment has ever been provided by the Department to deal with these strains on the system.

Caseloads of students with special needs are increasing. The rates of children struggling with anxiety, depression and other mental health issues have soared upwards. The number of children whose families are experiencing poverty or housing insecurity is going up. The number of school psychologists available to provide teachers with assessment and advice has flatlined.

As noted elsewhere, the signs of strain are now appearing with such regularity that they are losing their ability to shock. A school district has lost a six-figure arbitration judgement for failing to provide resources or even re-evaluation when a student was out of control and subjecting educators to extreme violence and abuse. Literacy scores have headed downward for ten years and are getting dangerously close to being halved from where they were in 2010. Student attendance has fallen significantly. Practices like partial days and seclusion rooms operate with no significant oversight or official discouragement.

Failure is becoming normalized.

The Advocate has been very clear that there needs to be some commonly understood way for teachers to sound the alarm when they see a child failing to thrive because of a lack of timely assessment, adequate resources and intensive interventions. This needs to be accompanied by a fund that can respond with urgent assessments and interventions, including targeted, temporary and therapeutic interventions that may cost more in the short-term. Such a fund would allow for the proper use of the ability of schools to vary the common learning environment and show due diligence, as contemplated by Policy 322 and the *Education Act*. Right now, schools get placed in an impossible situation – they could help a child get a targeted and intensive early intervention in a varied learning environment for a defined period of time, but such things require more intensive resources than are currently available. Yet without access to resources for an effective intervention, they cannot meet the due diligence required to meet the requirement of the *Education Act* that variances to the learning environment are done after a full review of all options for helping the student. So, the system gets paralyzed, leaving the child making inadequate progress until the problem becomes unmanageable, and then the child winds up disappearing into undefined partial day limbo or locked in a seclusion room.

The key to making the inclusion provisions of the *Education Act* work is timely, urgent access to early interventions that go beyond the regular funding formula. This requires (a) learning plans that require revision and intense interventions when a child does not meet the goals, (b) a

culture where teachers feel free to raise the issue of lack of resources and that a failure to do so is seen as a negative and (c) a well-understood and well-publicized process by which schools can make the case based upon the legal criteria in the *Moore* decision and not more restrictive Department or District limits.

Faced with this clear call for over a year, the Department has offered platitudes and evasive answers on this point. Finally, they acknowledged that a fund exists, but it is underspent each year. It is hard to square the lack of demands for help from the fund with how many cases seem to show children reaching a crisis and being sent home or locked in seclusion rooms.

It became clearer, however, when departmental leadership could not provide any means used to inform teachers that the fund exists, or answer questions about who knows how to access such a fund beyond a few senior officials. It appears that there is broad knowledge that, if broadly known, the fund would have more demands than dollars, so the fund exists but is run with secrecy being more important than effectiveness.

This is what we mean by a culture problem.

In any system, one can tell what really matters to its leaders by the incentives front-line workers have. Many government programs have cover pages with smiling ministerial pictures that speak of helping every student succeed, or intervening early, or having everyone at their best. Yet, when we ask what truly gets rewarded or discouraged in practice, this is not the case. As the Department's lost arbitration case shows, in practice teachers take risks by saying they need more resources or escalating files where the child is not meeting the learning goals. These things get discouraged, funds are treated like a state secret, and those who point out that a young child is struggling and they need help are seen as troublemakers.

However, if when the child is older they cannot read, no one really faces any negative scrutiny. And if a child who didn't get help when they were seven gets sent home for weeks when they are twelve or locked in a seclusion room illegally when they are a teenager, that isn't seen as a professional failure in any tangible way.

It should be seen as good to honestly admit early that a child will need more help. It should be bad to break the law to hide the fact the system failed a child. Right now, it is the opposite. The leadership at the Department appears to be in denial about how urgently and forcefully they need to act to change that culture.

Perverse incentives that militate against intervening early abound.

Districts are allowed to keep the funds from unfilled school psychologist positions but there is no clear directive that these funds should be used to meet the need for timely assessments or even directed into early interventions. This creates a perverse incentive for districts to dawdle in recruiting psychologists – another practice that is oddly decentralized.

All the signs are there – lost arbitrations where interventions were not escalated, funds that teachers don't know about and don't get accessed, and a steady drumbeat of increased reliance on bad, illegal practices just to deal with the children who don't get help in time.

There still appears, to us, to be a sense among the Department and districts that addressing learning challenges is a policy challenge that benefits the children with learning challenges, and thus there is a pervasive and unspoken sense that this detracts from the general good. In fact, getting inclusive education right is an investment in the common good. We are struck by how often people in the system implicitly speak of inclusive education as a separate policy impacting a separate group. There is one education system, and it has the charge of lifting up every child. The incentives in the system are not aligned with intervening early to help every child, they align towards putting off challenges until they grow too large and then arguing that a child must disappear for the general good.

That's not how education works.

Failure Six

The Department has no culture of accountability.

We will not repeat the litany of missed targets and worrisome indicators in this section. Suffice it to say that most things that should go up have been going down, and most things that should be going down have been going up.

The issue is – who answers for failing to educate children? Does anyone?

In the last education plan, the Department chose to replace the previous laser focus on literacy and numeracy with dozens of targets. And nearly every one of them was missed.

If that were the record of an NGO with a government grant, the funding would be pulled. If it was a private company, the shareholders would demand a new board. Even if it was just a junior hockey team in a small city, there would be a shakeup.

In New Brunswick, we speak of lowering our standards for children's learning so that the failure does not hurt adults' feelings.

The problem is not that our standards are too high. If we start accepting that only 60% of children need to read, one might ask which parents should be asked to accept their child being among the 40% who don't.

One could also ask if anyone has modelled the cost to the province of having 40% of children not learn to read. Are we prepared for the future costs of that decision?

We might suggest that the problem is not that our standards are too high. The problem is that government has not held itself to any short-term standard at all. There are very few policies and standards backed up by any mandatory remedial actions.

If an education plan has 60 priorities, and no priority is linked to any intervention when it is not achieved, then the word “priority” is just one more word that the Department refuses to give meaning to.

It is also sadly true that the lack of measurable, focused standards has led to random micromanagement. The jurisdictions across the country (and around the world) that perform best tend to leave a lot of room for decisions to be made at the school and classroom level, but are demanding about outcomes. They are flexible on means, exacting on ends. New Brunswick is one of the most prescriptive jurisdictions in terms of micromanagement of how schools and teachers do their jobs, yet one of the least demanding about the outcomes. Our motto is dangerously close to “As long as you do it the Department’s way, the result doesn’t matter.”

It is a truism of governance that when we don’t measure, we micromanage. As noted in *How It All Broke*, Departments are often addicted to rules rather than results. If we define a few clear, measurable outcomes and actually tie those to clear reporting and meaningful incentives and follow-up, we do not have to micromanage.

Imagine if we learned from jurisdictions like Finland, where the central government measures outcomes but the decision on how to achieve them is made by the schools and teachers who are actually face to face with the students. What if we had a few critical outcomes, held ourselves accountable for reporting and meeting them, gave educators proper resources and flexibility, and let the best outcomes guide future actions?

What if the new education plan simply insisted that every child come to kindergarten ready to learn and with supports in place, that every child leave Grade Five able to read, write, add, and think, and that every child graduate on time and with a sense of what they loved to do and are good at? And each one of these had a few measurable indicators, which we reported by school and in a clear, publicly accessible way (unlike now, when to find the trends of student achievement scores requires considerable sleuthing).

What if schools and districts were given more leeway to make resource allocations and curricular judgements and scheduling decisions, but if the results went down they were required to provide a credible plan for change? What if we directed the budget increases at the Department into school-based resources, rather than making districts cannibalize their teacher supports?

What if we insisted on doing a few things well, rather than mentioning every pet issue and achieving none of it?

That would be something like a culture of accountability.

Failure Seven

The Department has created a chilling effect on honest evaluation of the system.

*“And I lift my glass to the awful truth/Which you can’t reveal to the ears of youth
/Except to say it isn’t worth a dime” –Leonard Cohen*

Here is the simple truth of the last ten years of educational decline in New Brunswick. We have demanded Cadillac political talking points on a Hyundai budget. And we are breaking too many dedicated teachers with the demand that they magically cover the gap between political words and budget math.

We have the most highly streamed classrooms in Canada – the most cases where classes have high concentrations of children with exceptional needs, students whose first language is not English or French, and children living in poverty. And we rightly have a policy that says that every child should be part of the common learning environment, and the onus is on schools to justify temporary and targeted exceptions.

We are exceptional in our demands on teachers, yet not exceptionally good at resourcing those demands. While different studies include different expenditures in the aggregate, most provincial comparisons show New Brunswick near the bottom of Canadian provinces in per student expenditures on education. (If one uses the most common measure – school district budgets divided by number of students – New Brunswick has been near the bottom of Canadian jurisdictions with the exception of the period from 2002-12, which was also the era in which student achievement scores rose and peaked.)

Something has to give. We suggest it should not be our ability to educate children.

One thing we noticed through this year’s education funding debacle, and the Department’s underwhelming responses to previous reports, is that the Department has set up perverse incentives so that it is a better career move to fail to help a child than to identify gaps in the system or warn of impending failure.

Right now the system is mostly built around trying to avoid making the Department accountable. When resources are not there to meet a child’s needs, the system is built for plausible deniability, not results.

We have repeatedly urged the Department to establish a reserve of funds to respond to situations when a school district is failing to meet its legal obligation to accommodate a student and does not have funds to respond. The Department has constantly dodged honest discussion of that idea.

Teachers have repeatedly said that they feel they have no clear process to express when a plan is failing to meet a child’s needs. The Department has ignored this issue for years despite clear

feedback from this office and teachers. As we saw in the lost arbitration case, the system rewards those who comply with plans that are not working and frowns upon those who push to have extra resources brought in to rethink the plan.

We have repeatedly advised the Department of real-life cases where children are left on failing and under-resourced plans despite showing no signs of improvement and urged the Department to have clear processes to escalate a file when the child's needs are not being met. The Department has responded with silence first and then avoidance.

We have pointed out that the Department's guidelines on issues like partial days and seclusion rooms have no enforcement mechanism. The Department has falsely claimed that they cannot require districts to follow the law and refused to define terms or put in place mandatory data tracking and follow-up measures.

Most structures are built to allow the Department the luxury of handing a preset amount of money to school districts and then dodge all questions of whether or not the funding is sufficient or if system is working. It is the kind of system that reaches its logical conclusion in what we saw in the budget debacle, where clear warnings of pending harms to children and responded only by asking questions about the communications challenges.

There needs to be a way for teachers to speak up when the child is not getting what they need, to document that, and to provide honest assessment of problems in a forum where honest discussion can happen and accurate information reaches the elected officials in charge. "Let's hope we don't get sued again" is not an appropriate mission statement. Neither is "Let's lower our standards so we don't hurt people's feelings."

RECOMMENDATIONS

We believe there are ways to turn the culture of denial at the Department into a culture of results. The Advocate makes the following recommendations. "Department" herein refers to the Department of Education and Early Childhood Education unless otherwise specified.

1. There should be an external review of the proper roles between Districts and the Department prior to the finalization of any education plan. This should include, at a minimum, clarifying the legal obligations and powers of each level of governance, and reviewing policies and practices with an eye to:
 - (a) giving districts and schools maximum freedom to make operational decisions,
 - (b) ensuring that there are clear outcomes, accessibly and regularly reported, which districts and schools are accountable for meeting, and tangible incentives, enforcement and follow-up when goals are not met
 - (c) transfer of resources from the Department to Districts for areas outside the scope of setting standards and measuring results,

- (d) a meaningful accountability framework for Districts and schools with clear protocols for response, follow-up, and resources when targets are not met,
 - (e) reviewing whether or not repeated amalgamations of school districts have made them too large and bureaucratic to be true to their original purpose of providing local, community-based and personalized providers of educational services to children.
2. There should be a review, informed by external experts, of the format for Personalized Learning Plans to ensure clear short-term progress goals to gauge the effectiveness of the PLP, with mandatory documented review when a child misses progress targets and a clear process for parents to seek review and redress when a plan falls short.
 3. There should be a reserve fund each year within the Department to which Districts can apply when existing resources are failing to meet the legal duty to accommodate a child's needs. This should have clear criteria for application based upon the *Moore* decision and the process should produce an annual report, publicly available and accessible, detailing how many case requests were received, how many met the legal standard, and how many the resources were able to accommodate. There should be clear direction on how teachers can document and escalate unmet needs and the Department should collaborate with districts and the NBTF in communicating that process.

The Department should start by requiring funds withheld for unfilled psychologist and professional positions be allocated to assessments and interventions that mitigate those unfilled positions.

4. There should be, as part of the next education plan, a clear focus on early intense intervention from ages 0-8 in the early childhood and K-2 levels. This should include:
 - (a) targeted class size reductions, aimed at earlier grades and classes with challenging composition, which research has shown are the areas where class size is most correlated to student success,
 - (b) a needs-driven policy for interventions,
 - (c) early engagement of Integrated Service Delivery and complex case designations,
 - (d) better use of summer months for development of Personalized Learning Plans, school transition planning, and coordinated family services,
 - (e) clear, mandated guidelines that address class composition and weight class size formulas to account for students with exceptional needs and other socioeconomic factors.

5. The Department of Finance and Treasury Board should be tasked with working with the Departments of Education and Early Childhood Development, Health and Social Development on a budget mechanism to allow for the intense investment of resources in early years to be repaid with hard fiscal targets for reducing the cost of complex cases over a ten-year window, similar to the Social Impact Accounting practices used in other jurisdictions.
6. The Department of Post-Secondary Education, Training and Labour should be tasked with collaborating with the Department of Education and Early Childhood Development and post-secondary institutions on a credible plan for training school psychologists in numbers matching the need. Failing this, funding for timely private and extra-provincial assessments should be factored into the 2026-27 budget.
7. The Department of Finance and Treasury Board should review how school district expenses required by collective agreement are treated in the budgeting process, and consider whether or not treating them differently from departmental wage bill expenditures that are normally automatically built into departmental budgets is justifiable.
8. The Executive Council Office needs to take direct responsibility for the success of Integrated Service Delivery. This should be done through a comprehensive plan which includes:
 - (a) Empowered officials at the centre of government resolving escalated files,
 - (b) The establishment of clear, measurable targets for provincial committees such as PISC to improve response times and outcomes of complex files,
 - (c) The development of a dispute resolution model for interdepartmental questions of funding, based on the principle of providing the service first and resolving the funding question later,
 - (d) Clear identification of officials who can make timely calls around privacy concerns, and exploration of amendments to the *Right to Information and Protection of Privacy Act* and the *Personal Health Information Privacy and Access Act* to allow for approvals of file sharing on a timely basis,
 - (e) Obligations for seamless provision of services in summer months,
 - (f) Clear and automatic escalation of files when children experience adverse events such as being placed on partial day plans, experiencing housing insecurity, requiring emergency mental health interventions, or being charged in the justice system,
 - (g) Advocacy training and standards for social workers and others acting *in loco parentis* for advocating for children in care within government systems, and
 - (h) Mandatory, regular external review of outcomes.

9. The Department should develop clear mechanisms for teachers to document concerns that a child's needs are not being met with current resources, with clear protection from reprisal for teachers using the mechanism to document concerns.
10. Within twelve months, the Department should have a clear plan for ensuring compliance with human rights law. This should include:
 - The elimination of any differences in guidelines, interpretation or standards for human rights obligations between linguistic sectors and clear enforcement and compliance mechanisms for human rights compliance by districts. As both sectors share a common Minister, this can be accomplished by presenting an integrated plan to the Minister for approval and resolution of any differences.
 - The replacement of unenforceable guidelines on practices such as seclusion and partial day plans with mandatory policies, approved by accountable and elected leadership, that require reporting of incidents by school and district,
 - Clear protocols for mandatory review and corrective action when use of seclusion and partial day plan practices rises or deviates from provincial and district norms, and
 - Legislated guidelines in the *Education Act* which set out the source and limits of the authority to use seclusion, restraint and partial day plans. Practices which are allowed to exist "off the books" cannot offer the same student protection as practices acknowledged and regulated by law. Uncomfortable as it may be in the short-term, phasing these dubious practices out long-term requires short-term legal codification. There must also be hard targets for the year-over-year reduction of use of these practices and for their replacement with *Charter-compliant* practices.

A FINAL WORD ON THE NEXT EDUCATION PLAN

Finally, and most importantly, the Department needs to avoid another failure like 2015's ten-year education plan. Government should resist calls for prolonged processes such as Royal Commissions and cosmetic exercises, which have proven ineffectual and amount to little more than an empty call for someone else to have some ideas. Children do not grow at the speed of study. Basic principles like clear-but-limited goals, adequate funding, manageable classrooms, timely interventions, thoughtful decentralization, and short-term accountability structures are already proven and available.

Before we rush to another long-term plan that includes all the latest buzzwords and trendy wishes but does not actually provide short-term accountability or resources to meet them, there should be some honest reflection on the record. Why did student achievement scores

climb between 2000 and 2010? And why did they fall between 2015 and 2025? How do the new measures speak to what was learned?

The next education plan should include the following:

(a) A limited number of outcomes focused upon the following areas:

- **School readiness.** Each child should have access to proper screening, plans and integrated services in place when they arrive for Kindergarten, and an equal chance to learn.
- **The skills to learn by Grade Five.** Every child should leave elementary school with the literacy, numeracy and critical thinking skills they need to develop interests, learn new things and ask good questions,
- **The passion and wonder to succeed.** Every child should have something that makes them want to come to school, a chance to explore things that make them want to learn, and graduate having found something they have the drive, skill and opportunity to pursue.

(b) Each goal should have a limited number of statistical indicators for which the Department will measure school and district outcomes and will report them in a prominent and publicly-accessible place where New Brunswick parents can easily track progress. The goals should apply to every child.

(c) There should be a clear statement of incentives and actions that flow each year from the results on each indicator, including how successful schools and districts will be helped to replicate their success and how schools and districts failing to meet standards will be helped to remediate and obliged to develop a remediation plan.

(d) While the Department may set targets for acceptable progress from where the plan starts, there should be no lowering of the expectation and goal that every child should be able to meet the standard for literacy, numeracy, and graduation.

SUBMITTED TO THE LEGISLATIVE ASSEMBLY this 15th day of September, 2025

Kelly A. Lamrock, K.C.
Advocate