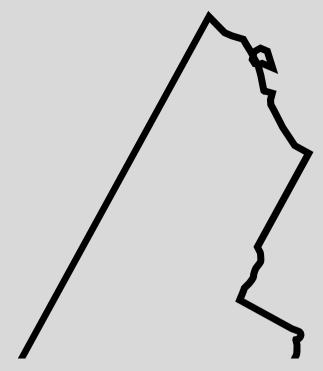
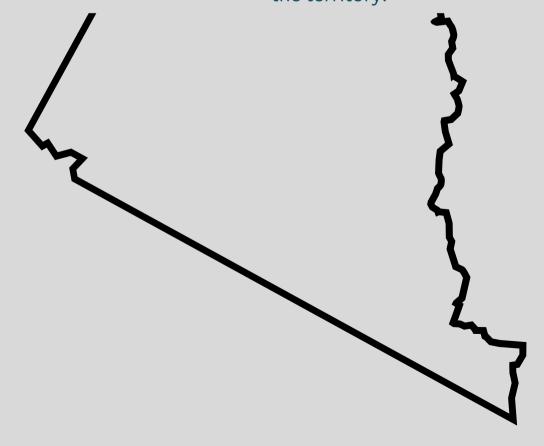
# I Am Not Okay, It's Not Okay

A review of the Yukon government's response to the use of restraints and isolation spaces at Jack Hulland Elementary School





The Yukon Child & Youth Advocate Office (YCAO) respectfully acknowledges that we work and live on the traditional territories of the 14 Yukon First Nations. Government policies have caused violent and long-lasting impacts to Indigenous children and youth, and we commit ourselves to working in partnership with Yukon First Nations by integrating traditional knowledge and culture for the safety and well-being of children throughout the territory.

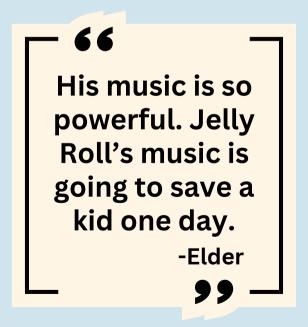


# **Trigger Warning**

This report discusses the abuse of children in the Yukon school system. The report also references suicide in the section 'Remembering "Max"' starting on page 28. If you experience a trauma-related response to the content and require resources for support, please reach out to the Canadian Mental Health Association Yukon division at (867) 668-6429 or if you are a child, Kids Help Phone at 1 (800) 668-6868.

# About the Title...

This report is titled in tribute to "Max". One of "Max's" favourite songs was "I Am Not Okay" by Jelly Roll. Read "Max's" story on pages 38-39.



# Who We Are

YCAO is an independent office of the Yukon Legislative Assembly guided by the Yukon Child and Youth Advocate Act and the United Nations Declaration on the Rights of the Child. YCAO promotes the rights and interests of young people eligible to receive services from the Yukon government (YG), a school board or a First Nation service authority. YCAO is a member of the Canadian Council of Child and Youth Advocates.

# What We Do

**Individual Advocacy:** YCAO helps young people effectively access government services and have their views heard and rights considered in the decision making of government service providers.

**Systemic Advocacy:** YCAO may review and provide advice regarding systemic or policy issues that arise in the course of individual advocacy and raise a substantial amount of public interest. The Legislative Assembly or a Minister may also refer relevant matters to YCAO for review.

**Public Education:** YCAO provides information about the role of the Advocate and children's rights. YCAO provides information and guidance to governments to support them in fulfilling their obligation to upholding children's rights.



# Mission

We commit to upholding the rights and amplifying the voices of children and youth throughout the Yukon.





# Vision

The vision of YCAO is for a safe and healthy society that hears, includes, values, and protects the rights and voices of children and youth.

# **Values**

YCAO operates from a foundation of Indigenous values, and believes that traditional knowledge and culture can guide the work of our office in a way that supports all Yukon children and youth. Currently, these values are Empowerment, Integrity, Excellence, Professionalism, Accountability, Self-Determination, and Respect.



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CHILDREN AND YOUNG PEOPLE HAVE THE RIGHT TO RECOVER FROM DIFFICULT THINGS THAT HAPPEN TO THEM, AND THEY CAN EXPECT TO RECEIVE THE HELP THAT ALLOWS THEM TO DO SO.

ARTICLE 39, UNCRC

# **Executive Summary**

### Issue:

In November 2021, YCAO was advised that reports were made to the RCMP and Family and Children's Services (FCS) revealing that numerous children were physically restrained and confined in isolation spaces at Jack Hulland Elementary School (JHES) over the span of many years. The incidents have had a profound impact, directly and indirectly, on numerous students, their families, educators, First Nation governments and Yukoners. Many of the victims sought the Advocate for individual advocacy, both before and after the allegations of harm became public. The Advocate notified the Departments of Education (EDU), Health and Social Services (HSS), and Justice (JUS) on November 23, 2021, that YCAO was initiating a review of YG's response to these reports of harm, including YG's communication with victims and their families, the provision of therapeutic supports, and interagency coordination and collaboration to ensure that children have access to an education.

This review is intended to assess the response by YG in supporting children and their families in recovering from the harm caused by the use of restraints and confinement at JHES, and to share the lasting impacts and stories of the victims and their families. The Advocate was hopeful that lessons learned from the recent investigations and mismanagement of information at another elementary school would be applied.

This review of YG's response is intended to effect change and ensure public accountability on the part of programs and services for children and youth by identifying and addressing the underlying causes of policy and systemic issues that led to harm and by providing recommendations to YG to address the impacts on victims and their families.

# Findings:

- 1 Lack of communication with families and compliance with records requests
- Inadequate documentation and incident reporting
- 3 Staff named in the investigation had continued access to students
- 4 Insufficient educational programming
- 5 Failure to provide therapeutic supports

## Recommendations:

- 1 Provide a coordinated case management approach to promote access to supports following incidents
- Create a clear and organized process to document incidents.
- 3 Remove sources of potential harm until investigations are complete and the situation is deemed safe
- 4 Improve post-incident communication with the school community
- 5 Improve school transitions
- 6 Strengthen school safety policies and procedures
- 7 Provide continued access to supports, recognizing the life-long impacts suffered by the students and their families related to the incidents at JHES \_\_\_\_\_
- 8 Provide a response and follow up to the Advocate's recommendations



I tried so hard to protect those children in many ways, but I didn't go far enough.

-Counsellor

# Advocate's Message

This report has been a long time coming. When YCAO first set out to do this review our primary focus was on trying to ensure that YG provided a coordinated response to the reports of abuse at JHES. We had no idea the magnitude of this situation, and we did not anticipate the toll it would take on all who were impacted, including our team. As the investigations progressed, we observed a glaring gap in supports and so we undertook a job outside of our role as an oversight body, acting as a case coordinator - pushing for multidepartment meetings and ensuring appropriate referrals were made for the children harmed at JHES. In that acute time, our priority had to be providing individual advocacy directly for the children harmed at JHES who



Yukon Child & Youth Advocate Annette King

were referred to our office. Since the dust has settled and the fault-finding investigations have concluded, we have been able to shift our focus back to the systemic review. Our goal with this review is to make sure that the families' stories are told, and to evaluate YG's response, providing recommendations so that this never happens again.

We have witnessed the alarming consequences of a systemic failure in the education system – one that has left vulnerable children subject to harmful practices, without accountability for those responsible. The situation at JHES represents a glaring example of this failure, one that raises questions about the values and priorities of those who were entrusted with the care and development of Yukon children.

Educators who subscribe to the "Jack Hulland Way" argue that strict consequences are necessary for students, particularly those with behavioural challenges. But the questions that remain unanswered are: Where are the consequences for the educators involved in harming these children? Where is the accountability for those whose actions and inactions inflicted lasting damage on young minds and bodies? Where is the accountability for those who were responsible to uphold EDU's policies to keep students safe? Where is the accountability to repairing the harm and promoting recovery? The silence around these questions is deafening. These children have been subjected to punitive and harmful measures, yet the individuals who imposed and condoned these measures face no consequences.

The investigations into the incidents at JHES have overlooked one of the most critical aspects - the impact on the children who endured, and in many cases, witnessed violence. YCAO heard the stories from families and will endeavour to amplify their voices and promote their rights. We won't be part of keeping the silence. We will make sure that the voices of those most affected by the incidents at JHES are not drowned out by the noise of institutional defense.

Throughout the investigation, current and former staff members who expressed concerns and challenged the entrenched practices that defined the culture at JHES were reassigned or let go, raising issues of political interference. As one parent observed, "the partisan politics, personal careers, and the remuneration of senior bureaucrats is coming at the expense of the education, safety, care, and welfare of children." This highlights the importance of transparency, accountability, and the need for deep systemic change.

When the details began to emerge about the practices at JHES, many parents were unaware of the full extent of the punitive measures applied to their children, or of the escalating violence fostered by these approaches. What emerged was a troubling divide between staff – those who were deeply uncomfortable with the culture of physical restraint and confinement, and those who continued to embrace it. The division undermined the morale of educational staff and, more importantly, left children at the mercy of a system that failed to protect them.

From our observations, any lessons learned from former incidents regarding communication with families and providing timely therapeutic supports have not been applied to the situation at JHES. Instead, students have transferred out of JHES in search of a more welcoming and safe learning environment. Despite efforts by the new leadership to change the culture, the building and many people in it proved too triggering for many students.

We want to elevate the voices of students, former students, and their families in the hope that their stories can drive real change. Our most immediate concern is for the children who have been left behind in a system that seems more invested in maintaining a façade of normalcy than in addressing the deep harm that has been done. These children deserve healing. They deserve recovery. They deserve an education system that does not disengage them from school and community but instead embraces them with the care and respect they so deeply need.

When harm is inflicted, it is not enough to simply move on. The children who have suffered, as well as their families, deserve not only answers but also a commitment to healing. This report aims to bring some level of accountability, to bring transparency to a system that has failed to protect those who were most vulnerable, and to ensure that no child is ever again subjected to the practices that have caused such profound harm.

# Notification of Systemic Advocacy



Yukon Child and Youth Advocate Office Unit 19 – 2070 2nd Ave. Whitehorse, Yukon Territory, Y1A 1B1

Phone: 867-456-5575; Email: annette.king@ycao.ca

"Young People Have A Voice!"

November 23, 2021

Department of Education Box 2703 Whitehorse, YT Y1A 2C6

Attn: Nicole Morgan, Deputy Minister

### Re: Systemic Abuse at Jack Hulland Elementary School

Dear Deputy Minister Morgan,

Please be advised that the Child and Youth Advocate Office (YCAO) is launching a systemic review regarding reports of physical restraint and confinement at Jack Hulland Elementary School (JHES). I am copying the Departments of Health and Social Services and Justice given the importance of coordinating resources, documents and information in responding to these concerns. YCAO's review will focus on the Yukon Government's response to the allegations.

#### The Issue:

It is our understanding that the RCMP and Family and Children's Services have received reports that numerous children have been physically restrained and confined at JHES. We are deeply concerned about the impact the harm has had directly and indirectly on numerous students, their families, educators, First Nation governments and Yukoners as a whole. We also wish to ensure that Yukon Government responds appropriately to these reports of harm and upholds the rights of children and youth in doing so.

#### **Authority:**

YCAO operates under the authority of the *Child and Youth Advocate Act ("the Act")*. The authority to conduct this systemic review is provided by ss. 11, 12(1), 23 (1) and (2), and 21 of the Act and is supported by the Protocol between YCAO and the Department of Education (2014), and the Protocol between YCAO and the Department of Health and Social Services (2017). The Protocols provide that the Department of Education and the Department of Health and Social Services will work cooperatively with YCAO within the confines of the *Act* and other relevant legislation and policies.

YCAO is an independent office of the Legislative Assembly with the primary mandate to support, assist, inform and advise children and youth with respect to designated services as set out in the *Act*. The role of YCAO is to assist children and youth in upholding their rights and ensuring their views are heard and considered when receiving government services.

The systemic issue of physical restraint and confinement at JHES was identified by the YCAO in the course of individual advocacy and raises a substantial question of public concern for students, particularly students with special needs.

### **Objective of the Review:**

The objective of this review is to ensure a coordinated response by Yukon Government to support children and their families in recovering from the harm caused by alleged restraints and confinement at JHES, and that this response serves to uphold the rights of children and youth.

YCAO will review Yukon Government's response from a child rights perspective and will provide relevant advice to Yukon Government.

Our accountability is to the children and youth of the Yukon and to ensure their views, rights and interests are upheld. Taking into account territorial and federal legislation, as well as the *United Nations Convention on the Rights of the Child*, YCAO is deeply concerned by the alleged violation of children's rights at JHES, particularly the right to recovery and rehabilitation after harm (Article 39). Children have a right to be safe from physical abuse and the threat of harm (Article 19) and no child should be subjected to torture or other cruel, inhuman or degrading treatment (Article 37). Children have a right to an education that helps them meet their full potential (Article 28, 29). Children who have special needs are entitled to special supports (Article 23) and to receive an educational program in the "least restrictive and enabling environment (s.15.2, Education Act). Children's views and best interests must be paramount in decisions and actions made about them (Article 12, 3).

### **Request for Information:**

Based on the Yukon Government's response provided to the following information, YCAO will determine the scope for further review. Please provide an initial response by November 25, 2021.

- 1. Communication: Given the attention to harm in schools locally and nationally, the communication approach from Yukon Government is critical in influencing the recovery from this issue. How is the status of this investigation being communicated to the families of current and former students of Jack Hulland Elementary School? What information is being provided to Jack Hulland School Council. What information is being provided to First Nation governments?
- 2. The allegations related to physical restraint and confinement have been reported to the RCMP and Family and Children's Services. Children, particularly those with special needs, require developmentally appropriate investigations and interagency coordination of services. Please provide an update on the status of the investigation in this matter.
- 3. The impacts of physical restraint and confinement can have significant psychological and social impacts on children that can create lifelong harm and traumatic outcomes. Please advise of the therapeutic supports being provided for the alleged victims and their families.

We look forward to supporting your coordinated response to addressing the issue.

Respectfully,

AmelleKing

Annette King

Child and Youth Advocate

c. Stephen Samis, Deputy Minister, Health and Social Services John Phelps, Deputy Minister, Justice

# The Review Process

The Yukon Child and Youth Advocate ("the Advocate") operates under the authority of the *Child and Youth Advocate Act* ("the Act").

### s. 12(1)

If, in the course of performing the individual advocacy function on behalf of a child or youth under section 11 [primary role], the Advocate becomes aware of a policy or systemic issue in respect of the designated service that raises a substantial question of public interest, the Advocate may review and provide advice in respect of the issue to the public body, First Nation service authority or school board that is providing the designated service.

The Advocate is accountable to the children and youth of the Yukon and is mandated to ensure their views, rights and interests are upheld by YG services. Considering territorial and federal legislation, as well as the *United Nations Convention on the Rights of the Child (UNCRC)*, YCAO is deeply concerned by the alleged violation of children's rights at JHES, particularly the following Articles of the *UNCRC*:

Article 3: The right to have a view and that their best interests are paramount.

<u>Article 5:</u> The right of children to have their development guided by their family.

**Article 12:** The right to be heard.

Article 19: The right to be safe from physical abuse and the threat of harm.

Article 23: The right of children who have special needs to individualized supports and the right to a full and decent life.

Articles 28, 29: The right to an education that helps them meet their full potential.

Article 37: The right to be free from torture or other cruel, inhuman or degrading treatment.

Article 39: The right to recovery and rehabilitation after harm.

### The Yukon Education Act states:

### s. 15(2)

A student who is entitled to an Individualized Education Plan shall have the program delivered in the least restrictive and most enabling environment to the extent that is considered practicable by the deputy minister or by a School Board in consultation with professional staff and parents, having due regard for the educational needs and rights of all students.

This review has focussed on EDU, HSS and JUS's response to the events which took place at Jack Hulland Elementary School involving both previous and current students. Given there was a criminal investigation, and subsequently a class action civil lawsuit, the Advocate's review does not investigate incident reports and specific details related to

The Advocate's review includes:

the incidents themselves.

- Individual advocacy data gathered by the Advocate pursuant to s.11 of the *Child and Youth Advocate Act*.
- The voices of students, former students, families and educators impacted by the practice of restraints and confinement at JHES.
- School and EDU policies and protocols regarding incident reports, responses, and communication.
- Relevant YG records, reports and findings related to the allegations and YG's responses, including those from Student Support Services (SSS) and JHES, Mental Wellness Substance Use Services (MWSUS), and Victim Services (VS).
- Communication, guidance and direction provided to JHES by EDU, HSS, JUS, RCMP, and other public bodies.
- YG's communications to families with regards to the incidents at JHES.
- Other relevant research and reports.

### s. 36

Corporal punishment shall not be used in the discipline of students.

### s. 39(1)

Discipline of students shall be administered in accordance with this Act and the rules and procedures established by the Student Council or Superintendent.

Families, school counsellors, educators, representatives and employees of EDU, HSS, MWSUS, VS, the RCMP, Yukon First Nations, Yukon Association of Education Professionals, and the Yukon First Nation Education Directorate have contributed to the review.

Although EDU is the primary YG service provider as JHES is under the jurisdiction of the Minister of Education, HSS provides services connected to reports of child abuse, family supports, parental guidance, and therapeutic supports, that are relevant to the safety and supports provided at school. In addition, the Department of JUS through VS helps victims of crime understand their options and provides resources including information on accessing supports and navigation of the legal system.

The Advocate has provided this report containing recommendations with respect to their findings to EDU, HSS and JUS.

### **Definitions:**

<u>Workplace Risk Assessments (WRAs):</u> WRAs are completed by school staff when there is physical contact with students by a staff member. One copy of a WRA goes on the student's Red and Yellow File, and one copy is sent to Student Support Services (SSS). Technically, SSS should have copies of all holds/restraints/isolation incidents that happened at JHES.

<u>Incident Reports:</u> A record of minor incidents (accidents/injuries at school, student to student) and are typically filed at the school level. They are not necessarily recorded in the student's file.

<u>Yellow File:</u> A cumulative record that includes report cards, assessments, general reports and documents. All forms (including WRAs) should go on the yellow file, but some schools put more serious documents only on the red file.

**Red File:** Includes documents related to serious risk or harm. For example, WRAs or Violence Threat Risk Assessments (VTRAs).

# Accountability

As outlined in our report Responding to Sexualized Abuse in Yukon Schools: Review of Policies and Governmental Response (2021), to YCAO, accountability means demonstrating a commitment to the safety and wellness of children through actions and decisions where children are protected and their rights, views and interests are prioritized. There have been three separate streams of investigation into the incidents that occurred at JHES. The focus of those investigations has been to determine criminality and liability. None of these investigations focused on the impacts on the children.

### **Criminal Investigation**

The RCMP were notified of the allegations of the use of restraints and isolation spaces at JHES on November 19, 2021. On November 24, 2021, they publicly announced an active investigation. The investigation focused on section 266 (assault) and section 279 (forcible confinement) of the *Criminal Code of Canada*. The investigation aimed to identify and speak to victims and their families to establish what happened, and to assess and ensure safety of children while in the care of the school. Throughout the investigation, the RCMP interviewed approximately 190 individuals and reviewed many hundreds of documents from the school, EDU, and parents and caregivers. The criminal investigation lasted 22 months, concluding on June 12, 2024. No criminal charges were laid, and no information was provided publicly about how the RCMP came to that decision. From a children's rights perspective, the families are owed an explanation.

"As a result of the investigation, the RCMP have concluded on the entirety of the evidence that was collected, that no criminal charges will be laid in this matter." -RCMP

"I wasn't surprised, however, was fairly disappointed. It doesn't change what I and so many others know to be true, and we will come out victorious in the end. Actually, we have already won because it stopped."

- Parent (regarding the outcome of the criminal investigation)

### **Civil Lawsuit**

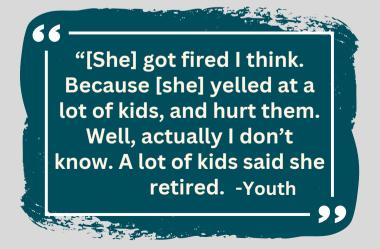
On October 31, 2022, a class action lawsuit was filed against EDU and the JHES school council. The class action lawsuit was brought forward on behalf of the current and former students of JHES who were subject to holds and restraints or placed in isolation spaces between January 2007 and June 2022. The litigation against the school council was settled on March 7, 2023, in exchange for their cooperation in providing documents and information. The lawsuit is ongoing against YG. It is expected that an outcome from the civil lawsuit will be decided in the fall of 2025.

### **EDU Human Resources (HR) Investigation**

In December 2021, EDU engaged an independent contractor to complete a HR investigation into the policies, practices, and conduct of staff and administration in behavioural management. The purpose of the HR investigation was to identify issues that warranted further investigation from a labour management perspective and flag incidents that potentially violated the *Criminal Code* to flag for the RCMP. An initial report was completed in April 2022, and a subsequent report was completed in October 2023. YCAO reviewed the report and it validates the concerns we have had since the allegations first came to light. EDU has not made the reports or recommendations from the HR investigation public, nor have they made a public statement regarding any steps taken to address the recommendations from the report.

"The RCMP need to be held more accountable. No charges is a huge miscarriage of justice. It has allowed the abusers to claim they did nothing wrong, and totally disrespects what these kids went through."

-Administrator



# YCAO Statement of Concern Regarding JHES Investigation



Yukon Child and Youth Advocate Office
Unit 19 – 2070 2nd Ave. Whitehorse, Yukon Territory, Y1A 1B1

Phone: 867-456-5575; Email: annette.king@ycao.ca

"Young People Have A Voice!"

### FOR RELEASE - March 29, 2022

# Child Advocate concerned with inadequate government action in investigation at Jack Hulland Elementary School

The Yukon Child and Youth Advocate Annette King is pushing Yukon Government to respond with stronger and more decisive action regarding the allegations of forcible holds and isolation spaces at Jack Hulland Elementary School. The practices were allegedly used over many years at the school and came to light last November after departmental attempts to change the approach to discipline. Despite a joint investigation between the RCMP and Family and Children's Services, launched in November 2021, students and families have not yet been interviewed. They also haven't been involved in the investigation being conducted by the Department of Education.

"These investigations are not looking at the impacts on children who endured or witnessed the harmful practices," states Annette King, Child and Youth Advocate. "Instead, we are holding onto these stories. It is our role to amplify the voices and promote the rights of young people. We can't be part of keeping the silence."

The investigations at Jack Hulland Elementary School come in the wake of events at Hidden Valley Elementary School, where a former Educational Assistant has been convicted of sexual interference with a student in his care. Multiple other charges are still before the courts. Following an independent review, the Department of Education created an action plan to address gaps in their incident policies and procedures.

"Yukon government promised things would change," states King. "From my observations, any lessons learned regarding communication with families and providing timely therapeutic supports have not been applied to this situation. Instead, students are transferring out of Jack Hulland Elementary School in search of a more welcoming and safe learning environment." In advocating for multiple students on an individual basis, the Advocate has heard stories about students being dragged from classrooms and down hallways, the use of physical restraints leading to bruises, and a place called "The Nest" or "study hall" that contained isolation spaces with locked doors. The Advocate believes that parents of students at Jack Hulland may not be aware of the extent to which punitive measures have been applied nor the escalation of violence created by these approaches. They point to a broader trend of physical discipline, lack of transparency, and a divide among school staff between those who are uncomfortable with the culture, and others who embrace it.

Although the investigation is looking into past incidents, we have heard from current and former staff who are nervous about challenging 'the way that things have been done at Jack Hulland,'" says King. "We are also increasingly uncomfortable with a trend of administrative staff who have spoken out about the situation being reassigned shortly after. To be frank, I have directly asked the Minister and Deputy Minister of Education about political interference. As one former Jack Hulland parent told me: 'The partisan politics, personal careers, and the remuneration of senior bureaucrats is coming at the expense of the education, safety, care and welfare of children.'"

In alignment with the mandate of the Child and Youth Advocate Office, the Advocate hopes to keep children's rights at the centre of any investigation, policy creation, and media coverage. "Children have a right to learn in a safe environment and a right to be disciplined in a manner that preserves their dignity," says King. "When harmed, they have a right to healing and recovery. We are most concerned about children and their families living in shame and disengaged from school and community."

The Yukon Child and Youth Advocate's Office will continue to encourage Yukon Government to provide therapeutic supports to impacted families while holding them to their commitment to communicate clearly with the Jack Hulland community about the ongoing investigation.

The Yukon Child and Youth Advocate Office is an independent office of the Legislative Assembly committed to upholding children's rights and amplifying the views of young people. The operations of the office are guided by the Child and Youth Advocate Act. Children, youth or others concerned about a child or youth receiving services within Yukon Government can contact the Child and Youth Advocate Office at (867) 456-5575.

As case after case came to light, EDU finally started to understand the magnitude of what happened. And it makes you think - how did this happen?

-Annette King, Yukon Child and Youth Advocate

# **Timeline**

# 2020

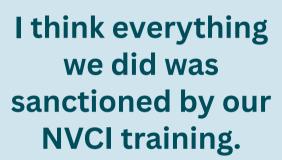




Holds and restraints are meant to be used as a last resort, only when there is imminent danger to the student themselves, another student, or staff member.

### **December**

 JHES removes Unit 9 from Non-Violent Crisis Intervention (NCVI) curriculum. Unit 9 covers the use of restraints.



-Educator



No one wanted to hear what we had to say.

-NVCI Trainer

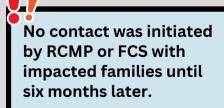
For years, JHES consistently had the highest or second highest number of NVCIs. In 2020-21 JHES had ten times more **NVCIs than the** school with the second highest number. Unit 9 of the NVCI training was removed due to the numerous complaints from trainers that JHES staff were using the training out of context and using the training to justify the improper use of holds and restraints.

# 2021

### **November**

- Multiple reports are made to RCMP regarding allegations of confinement and restraint at JHES.
- YCAO launches a systemic review into YG's response to these incidents and notifies EDU, HSS and JUS.
- The RCMP launches a criminal investigation, in partnership with FCS, into the allegations of assault and confinement at JHES.
- YCAO receives numerous additional referrals for individual advocacy from families impacted by the incidents at JHES. YCAO continued to receive referrals throughout the RCMP investigation and until as recently as April 2025.
- EDU makes a public commitment to participate in the RCMP investigation.
- EDU informs YCAO of an internal HR investigative process.
- JHES School Council hosts a "closed-door" meeting open only to the parents of JHES students.
- YCAO requests records from EDU, in accordance with s.23 of the CYAA. EDU refuses to comply with the request stating they would provide records at the conclusion of the criminal proceedings.

This was alarming given the Advocate's concerns that victims known to YCAO were not being included in the investigation.



### December

- YCAO begins reporting information related to the JHES incidents to the RCMP, sharing the names and contact information for impacted students. YCAO did not interview children.
- In a December 9 letter to JHES families, EDU states NVCI certification will be "offered to all staff immediately" as a short-term solution to the allegations of abuse at JHES.

# 2022

## **January**

 YCAO begins frequent and ongoing communication with impacted families about school programs and access to supports and services - referrals to MWSUS, VS, school transfer support.



Presumably EDU was working on the Safer Schools Action Plan while incidents at JHES were still being overlooked. Why then weren't the WRAs addressed and why was communication internally and with families still so poor?

### March

- YCAO begins sending follow-up notifications to EDU, FCS and the RCMP for impacted students after receiving minimal response, describing disclosures in detail as shared with YCAO.
- The Advocate calls the Minister of Education to express concerns at the lack of response.
- The Advocate meets with the Deputy
   Ministers of EDU, ECO, HSS and JUS to share
   concerns and again recommend a
   coordinated inter-agency response.
- YCAO provides the media with a news release concerning the JHES allegations and lack of response from YG. The news release also notes a trend in administrative staff being reassigned after speaking out about incidents at JHES.
- After March break, JHES closed for two days while staff received NVCI training.

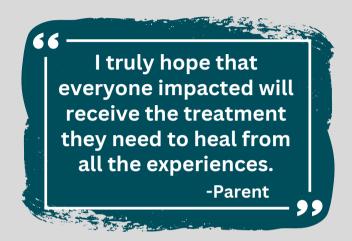
# **February**

- RCMP concludes a separate investigation into the use of force on an individual student at JHES on January 27, 2022, after a report from FCS. No charges are laid. The larger criminal investigation continues.
- EDU launches the Safer Schools
  Action Plan in response to the
  Hidden Valley Independent Review
  Report, a review of EDU's response
  to the allegations of sexual abuse by
  an educational assistant at Hidden
  Valley Elementary School in 2019.

These are the professionals. You trust them. I trusted them.

-Parent





# May

- EDU hosts a parent meeting at JHES for the parents of JHES students. In advance of this meeting, YCAO requested EDU open the meeting to parents of former JHES students. This did not happen.
- RCMP begin contacting identified victims in partnership with FCS. The victims report mostly positive experiences interacting with RCMP and FCS. RCMP contact with identified victims is ongoing over several months.

## **April**

- YCAO meets with the RCMP and the DMs of EDU, ECO, HSS and JUS.
- EDU leads coordinated meetings with MWSUS, VS, and YCAO.
- MWSUS commits to offering a parent support group.

At Jack Hulland the kids kept telling teachers it's not normal to do this to kids, they said it was.

### June

- MWSUS provides YCAO with the contact information to refer parents of JHES students to a parent support group.
- RCMP serves YCAO with a production order.

## July

 YCAO submits a follow-up records request to EDU. I heard [their]
screams as soon
as [I] opened the
school doors.
-Parent

## September

JHES becomes a 'Ready 2 Learn' school.
 An initiative based on the understanding that students can only learn when they feel calm and safe.

### October

- Class action lawsuit is launched against EDU and the JHES School Council.
- YCAO settles RCMP production order.



Our awareness of being investigated has affected how openly we talk about these things in the staff room.

-Educator



### **December**

 YCAO meets with DMs of EDU, ECO, HSS and JUS to provide a 1 year update on the JHES systemic issue.

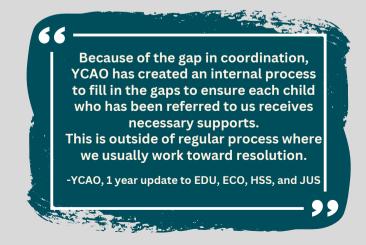


## **August**

 YCAO meets with RCMP to ensure victims known to YCAO were included in the RCMP investigation. Due to the ongoing criminal investigation, FCS declines participation in this process, even for children in their care. RCMP and YCAO contacts victims that had been missed by the existing process.

### November

- CBC's The Current releases "Like a Caged Animal" podcast episode about the incidents at JHES.
- Counselling support is put in place for JHES staff, this contract continued until June 2024.





## **January**

- The RCMP provides a public update on the investigation (ongoing).
- YCAO continues to provide individual advocacy for victims of the JHES assault cases, including related advocacy issues involving educational and behavioural supports, safety planning, and therapeutic supports, etc.



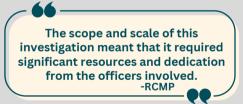
I've never seen these approaches to behaviour management being used in any other school to this degree.

-Educator



# **April**

 RCMP provides an update on the investigation: additional victims have come forward.



# June

• EDU announces that the *Safer Schools Action Plan* is fully implemented.

### March

YG files defense in class-action lawsuit.

## May

 School Council is released from the class action lawsuit in exchange for their agreement to provide information related to the incidents to the investigation.

# July

 Given the high turnover in senior leadership, YCAO meets with DMs of EDU, ECO, HSS, JUS, and the Public Service Commissioner to provide another update on the JHES systemic issue.

# September

 The RCMP completes the criminal investigation and begins preparing their report.

# 2024



### March

 For the purpose of the class action lawsuit, the Yukon Supreme Court orders YG to release the names and contact information for students of JHES between January 1, 2002, and June 30, 2022, and their parents.

Most people I talk to think I'm making it up.

Most people I talk to think that it can't possibly be true.

Administrator

People don't understand how something like this changes you as a parent. -Parent

### June

- RCMP announces no charges are being laid in the criminal investigation.
- EDU advises YCAO they will comply with YCAO's records request.

### December

 YCAO provides EDU with an updated records request and Terms of Reference for the JHES review. I want people to see and experience the wonderful parts of [them] I know! And I just want to revive my [child].

-Parent



# 2025

### March

 YCAO receives the requested records from EDU - nearly three and a half years after the initial request.

> I hope that one day they tear that school down. All I can hope for is change within the system, that's what I keep working for. -Parent



There was never anything to tell me [they] were restrained that day or isolated.

-Parent

99

## **April**

- YCAO requests that YG uphold the Terms of Reference for the JHES systemic review and table the report during the current spring sitting of the Legislature.
- YCAO proceeds with engagement on the report in advance of the release.



If I could find that child, I would apologise. It should never have happened.

-Counsellor

# YCAO Statement on the Conclusion of the JHES Criminal Investigation



Yukon Child and Youth Advocate Office
Unit 19 – 2070 2nd Ave. Whitehorse, Yukon Territory, Y1A 1B1

Phone: 867-456-5575; Email: annette.king@ycao.ca

"Young People Have A Voice!"

### June 13, 2024

Annette King, the Yukon Child and Youth Advocate has issued the following statement on the conclusion of the criminal investigation on the use of holds and isolation spaces at Jack Hulland Elementary School:

"Through the connections we have formed with the victims and their families, we understand the significance and impact of this announcement. It has been an extremely challenging experience for many of those involved in the investigation, which began in November 2021.

"Accountability takes many forms. When a child is harmed, there are several parallel processes that can occur. The class action lawsuit, which was publicly announced in 2022, is ongoing. The role of the Yukon Child and Youth Advocate Office is to promote children's rights at a Yukon government departmental level. We have and will continue to recommend a collaborative response between Yukon government departments.

"We have observed an improvement in how the Department of Education responds to allegations of harm by educators. With the guidance of the *Safer Schools Action Plan* and the recommendations from our office, we have seen several recent examples of appropriate responses to harm including the implementation of risk assessments and safety planning, timely communication with families, and tangible actions to ensure children are safe at school.

"Safety in school continues to be an area where we receive many referrals, and we continue to work with the Department of Education to address these issues, both individually and systemically.

"The completion of the criminal process helps to inform our next steps for the systemic Review of Physical Restraints and Confinement at Jack Hulland Elementary School. We remain highly concerned about the numerous child rights violations, and we will continue to work with victims and families to address the lasting impacts of the harm."

The Child & Youth Advocate Office is an independent office of the Legislative Assembly. The operations of the office are guided by the Child and Youth Advocate Act. Children, youth or others concerned about a child or youth receiving services within Yukon Government can contact the Child and Youth Advocate Office at (867) 456-5575.



## Data

As of April 2025, YCAO still does not have an accurate number of students who were subjected to restraints and isolation spaces at JHES. It is our understanding that since 2022, EDU has been aware of over 50 students directly impacted. YCAO has been providing individual advocacy for 20 children and youth who experienced harm at JHES. There were an additional 14 reports to YCAO that did not meet YCAO's mandate, either because the events were historic and the individual was no longer a child, or they involved a witness to an event where the victim was not identified. While some of these children struggled with dysregulation, many did not.

YCAO is still receiving advocacy referrals for children, youth and former students who experienced abuse at JHES – the most recent referral was in April 2025. Notably, a number of disclosures of abuse at JHES came to light through interviews conducted related to YCAO's For Our Children: A Review of Systemic Racism in Yukon Education. Of the referrals received related to JHES, a disproportionately high number are Indigenous children. YCAO is aware that the scope of children impacted by the incidents at JHES stretches well beyond the referrals we have received.

I remember in grade seven, they put a f\*\*king, one of those blue wrestling mats around me. Around my desk. And they just made me sit there in class and I just had to sit there the whole class like that...The teacher did that.

-Youth

### **Case Descriptions**

The following are descriptions of some of the individual advocacy issues referred to YCAO related to the incidents at JHES:

They are suffering with mental health issues due to the situation at school. They require behavioural/educational supports to ensure success, but the school has not provided the supports required. They were later sent to treatment out of territory.

They experience significant anxiety related to bullying in school and are not able to attend regularly. They experienced restraints and isolation at JHES.

They are registered at JHES but haven't attended in nearly 5 months.

They experience significant anxiety related to school. They were placed in holds at JHES since they were in Kindergarten and parent is concerned about the negative impacts that these holds have had on their well-being.

They experienced aggressive restraints at JHES. They have had injuries and have been diagnosed with PTSD. The family [doesn't live in Yukon anymore] but they would [like referrals to supports] to address the negative impacts from... experiences at JHES.

They experienced physical abuse at school.

They were one of the first cohorts in the Grove Street Program and students were often put in the 'jail' also known as the time out room. It was a small room with carpet half way up the walls. They said students 'pissed and defecated' in the room and it was not cleaned up before putting other kids in there.

They remember being pinned down 'like George Floyd' and slammed against the walls.

Siblings
attended JHES
and
experienced
restraints and
isolation. Both
parent and
children have
witnessed
assaults on
other students
- "they saw kids
being dragged
down the hall".

Multiple incident reports that describe client being forcibly confined in 'calming chambers' at JHES. Significant concerns about the impact that this has had and continues to have on client.

# **HAWK Rules**

The culture at JHES was problematic. YCAO has been told the philosophy of compliance with strict reprimand became known as "the Jack Hulland Way" and was governed by "the HAWK rules". Children were expected to behave appropriately and follow the school's rules. It was recounted to YCAO that any breach of these rules resulted in consistent and predictable consequences, applied uniformly to all students, regardless of individual abilities. If a student disobeyed authority, they were removed from the classroom - by force if necessary. Should the student's behaviour escalate further, they would be taken to "study hall" and kept there until they were "calm". Students were only allowed to return to class after they apologized and made "repairs".

The "HAWK rules" were posted around JHES to serve as a reminder to the school community about how behaviour would be dealt with. Even after staff were instructed to remove HAWK rules posters, they remained up in classrooms. They had to be removed by administration.



The "Jack Hulland Way" [means] being able to deal with and be hands on with dysregulated students.

-Educator

There was [a] culture and a way of seeing things that became so deeply engrained that any attempt to challenge it was met by incredible resistance and hostility. -Educator



# **HAWK Rules**

Everyone, child or adult, in this school, has the right to be safe and happy so that we can work and learn. The following Hawk rules have been adopted by the students, staff and parents of Jack Hulland Elementary in an effort to ensure the maintenance of an environment that encourages competence, creativity, cooperation, confidence and caring in all members of our learning community:

Have respect for yourself and others.
Appropriate language only.
Will follow instructions (1st time).
Keep your hands and feet to yourself.

These rules are about respect for each other and one's self, and are purposely uncomplicated and easily understood. They are supported by our Character Education program which teaches the seven virtues necessary for building moral intelligence in young people.

\*Jack Hulland Parents' Handbook

# **Findings**

### 1 Lack of communication with families and compliance with records requests

EDU's communication efforts during the JHES investigations were primarily focused on current JHES students, resulting in a significant oversight of a large subset of former JHES students who had left the school but were equally impacted. The lack of outreach left many families uninformed and excluded from critical updates and effectively denied them the opportunity to contribute their voice and experience to the investigation while it was ongoing. The failure to involve former students highlights a significant gap in EDU's outreach strategy - a gap that was highlighted numerous times by YCAO to YG.

Though there was some communication from EDU with the families of students who were attending JHES while the investigation was occurring, there was still a marked lack of transparency in EDU's interactions with families identified as part of the RCMP investigation. Families who were directly affected did not receive regular updates which left them in a state of uncertainty and frustration. The gap in communications created undue stress and did not provide the families with reassurance. EDU also failed to communicate adequately with YCAO, who was providing advocacy on behalf of numerous students affected by the incidents at JHES. YCAO's primary source of information throughout the process was distressed parents who were seeking answers from EDU. In order to provide advocacy, YCAO relied on parents' willingness to recount their experiences and their children's experiences, causing the families to relive the trauma. Effective communication from EDU could have facilitated a more coordinated response and helped to ensure that families had access to accurate information in a timely manner.

Despite having the legislative authority to receive records from YG as part of its advocacy role, YCAO was repeatedly denied access to the documents requested as part of the review. YCAO initially provided a formal records request in 2021, and again in 2022, when EDU denied the request citing the ongoing criminal investigation. EDU advised YCAO that they would provide the requested records when the criminal investigation concluded. YCAO was concerned with YG's response because the records request would be used in part to confirm that all of the families affected by the incidents at JHES were captured in the investigation. EDU's decision to withhold the information until the conclusion of the criminal investigation increased the likelihood of victims being overlooked. The criminal investigation concluded in June 2024, and YCAO put forward a revised records request at the end of 2024. YCAO did not receive the records requested until March 2025.

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I believe [EDU] is willfully suppressing information regarding violence and abuse in schools, leaving parents in a position where they don't even know what's happening and thus lose any ability to effectively advocate for their own children. They appear to have become more concerned with covering their own butts than doing what's right and protecting our kids.

It is YCAO's understanding that families who formally requested access to records (WRAs, student assessments, etc.), had their requests denied by EDU. In these cases, EDU also cited the ongoing criminal investigation as the reason for withholding information. However, the RCMP investigation should not have been a valid reason to deny access to these records, as families are entitled to their information under access to information legislation and the *Education Act*. In some cases, the information being requested was not directly related to the incidents at JHES, but rather was information the families were seeking to access the appropriate supports for their child's educational and behavioural needs. By denying access to information contained in these records, EDU impeded these children from accessing the educational and behavioural supports they required.

The Government of Yukon: General Administration Manual Volume 3: Human Resources Policy sets out the following:

1.4.1 The highest standards of conduct of any Yukon public servants are essential to maintain and enhance the public's trust and confidence in the public service.

In failing to communicate effectively with the families impacted by the incidents at JHES, EDU failed to maintain the public's trust and confidence.

As per Section 20(2) of the Education Act: "The parents of a student, a student who is 16 years of age or older, or both parents and the student, may examine and copy the record of the student."

Being that I am the parent of a student under the age of 16 I am again requesting a copy of [their]

ENTIRE file including all WRAs between... I have already been given a copy of this file but none of the WRAs were included...Please note I have been asking for this information for almost a month.

-Parent

The inaction of the Yukon government is the story. Kids are on the end of that inaction.

-Administrator

### Inadequate documentation and incident reporting

Overall, YCAO found significant deficiencies in EDU's documentation and incident reporting protocols. A lack of consistency, clarity, follow through and oversight contributed to an environment in which risks and incidents were not addressed effectively, ultimately compromising the safety and well-being of students.

The Duty to Report in relation to incidents involving child abuse or suspected abuse is outlined in sections 21 and 22 of the Child and Family Services Act, and sections 168 and 169 of the Education Act. Despite the legal and ethical responsibilities placed on educators and administrators, some individuals failed to report incidents promptly, or at all, and there was a noticeable lack of urgency in the follow-up to the reports that were made. The failure to comply with the Duty to Report undermined the safety and well-being of vulnerable students and raises significant concerns about EDU's accountability with respect to the incidents that occurred at JHES. Even after numerous alerts to senior administration, EDU did not review or investigate internally until the criminal investigation was well underway. Confusion regarding the role of FCS in the reporting and investigation of child abuse allegations involving educators had significant negative impacts on the internal investigation process. Some statements suggested that the responsibility for reporting and investigating such incidents fell solely on the school administration or the RCMP, while others indicated FCS involvement. This lack of clarity created confusion within the reporting process and impeded the coordination of responses, leaving children at risk.

WRAs are a vital tool for identifying and mitigating potential risks within educational settings. The WRAs related to the incidents at JHES are alarming in volume and content, but they also do not tell the whole story. WRAs were not filled out consistently and some uses of restraints and seclusion were not documented. For example, as far as we are aware, there was no reference to "the cubbies" used to isolate children at JHES in any of the WRAs held by EDU. YCAO heard many accounts of incidents of abuse that occurred at JHES, to find later that EDU was not aware or could not find a record of some of those incidents. Many WRAs lacked sufficient detail, failed to identify key risks or did not include proper mitigation strategies. Some WRAs were filled out in a nearly identical manner using the same terminology, to the point that it was extremely unlikely it was coincidental. It was unlikely that those WRAs gave a true picture of what actually occurred at JHES. The inconsistency in the use of WRAs reflects a broader lack of attention to proactive risk management and a failure to ensure that the safety of both students and staff is continuously evaluated. A notable gap in the process was the delay in reviewing the WRAs and the absence of proper follow-up on the WRAs that were submitted. While some WRAs were completed, there is little evidence to suggest they were being reviewed or acted upon in a timely manner. In some cases, WRAs were left at the school level or with lower level administration for months before they reached the Superintendent or the Director of

Student Support Services. More alarming is that it is clear that EDU was and is aware of these administrative delays. The delay is a significant concern, as it suggests that identified risks could not be adequately addressed, leaving students and staff exposed to continued harm.

The RCMP's response was delayed by many months and interviews were not prioritized. Further, there was contention about who was responsible for leading the various investigations. The delays in speaking to families diminished the opportunity for accurate recollection and exacerbated the emotional and psychological impact on those involved. In some cases, interviews with students who were directly impacted by the incidents at JHES were not conducted at all, because they were missed in the victim identification process. YCAO repeatedly raised concerns that victims were being missed, but YG never addressed this. YCAO instead worked with the RCMP within the appropriate privacy parameters to try to ensure as many victims were included in the investigation as possible. In some cases, when victims were finally identified they chose not to participate because their trust had been so severely fractured. Without gathering all of the relevant firsthand accounts of the incidents, the response was incomplete and failed to capture critical information that could guide proper intervention, and most importantly, ensure that all of the impacted victims received the support they required.



#### 3 Staff named in the investigation had continued access to students

While the RCMP investigation assessed criminality, EDU had their own obligation to examine potential employee misconduct. YCAO observed a failure to act and remove potential risk through all stages of this abuse scandal.

During the investigations into the abuse at JHES, those named in the investigations were allowed to continue working with students. EDU's response in this situation deviated from their response to other similar abuse allegations, prior to and following the incidents at JHES. For example, during the investigation of sexualized abuse at Hidden Valley Elementary School the accused educational assistant was removed from the school immediately after the allegations were made. And during an incident in January 2022 that was not part of the larger JHES criminal investigation, a teacher was put on administrative leave while an incident of physical harm was investigated by the RCMP. As far as YCAO is aware, none of the staff named in the RCMP criminal investigation at JHES were ever removed from the Yukon school system, and most of the staff implicated in the investigation remain employed in Yukon schools working directly with students to this day. Those who are no longer in the school system chose to retire without facing any consequences.

This situation has caused significant distress for many children and families, as the continued presence of these staff members in Yukon schools has been deeply triggering. It has created an ongoing volatile environment, with families feeling unsafe or uncomfortable sending their children to school. As a result, several of the impacted families have opted to change schools or leave the Yukon entirely to remove their children from a harmful situation. YCAO is only aware of one student who was included in the JHES investigation who continues to attend JHES. Therefore, shuffling the teachers named in the investigation to other schools has proven to be problematic.

YCAO raised this issue with EDU, specifically highlighting concerns about accused JHES staff who were transferred to Aurora Virtual School (AVS). Their reassignment created a barrier for any impacted students seeking alternative programming, as they experienced further trauma from being in contact with the accused staff. YCAO is aware of and is providing advocacy support for multiple students who have already been directly impacted by encountering former JHES staff at AVS.

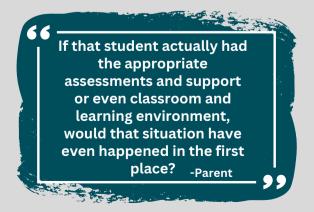
The failure to remove the accused staff members from the school environment during the investigation not only exacerbated the distress felt by students and their families but also undermined the trust in EDU's ability to respond appropriately to allegations of abuse. And it begs the questions, "how is the JHES situation different than other allegations of abuse?" and "why is the response so inconsistent?".

### Insufficient educational programming

While not all students impacted by the harm at JHES required educational or behavioural supports, many students did. A lack of appropriate educational programming for children with complex needs has been an ongoing concern, both as an impetus for the incidents that occurred at JHES and as an influencing factor for families to leave JHES following the investigation. Many students faced challenges that were not adequately addressed by traditional JHES classroom structures, including behavioural difficulties, learning disabilities, or mental health concerns, which were compounded by a lack of personalized support. The insufficiencies in educational programming and support exacerbated the dysregulation and "problematic" behaviours in children with complex needs and created the initial situation where educators involved in the JHES incidents felt they needed to provide "consequences" to correct behaviour. This of course was completely unacceptable, and often times had the opposite effect, exacerbating behavioural issues. Some students require a flexible and adaptive educational program, such as blended delivery or altered schedules with tailored pacing. Following the incidents at JHES, EDU worked to develop creative and responsive programs for some students, but many were still left without the supports they required. Even since the JHES investigation, not enough is being done to address the underlying issue of insufficient educational supports for Yukon students.

You can put a child with...extra needs into a regular classroom and... say they're included. Their right to an education has been fulfilled. But if that student can't integrate into a normal class and they don't have the supports in place, are you actually mandating and supporting inclusion or did you just say that without giving them the funding and the support that they require [to] actually [ensure] that student is successful in that kind of space?

-Parent



Students who left JHES and transitioned to new schools had to navigate the difficult process of rebuilding trust in the education system. Many experienced a rocky start at their new schools because during the transition EDU failed to transfer essential files and records which would help in understanding the students' needs. The lack of communication meant that the new schools were often unaware of the students' histories at JHES and the implications that would have for them in a new educational setting. This continues to this day, particularly for impacted students who have transferred to high school. Their stories have been lost.

#### **Education Act S.10:**

Persons are entitled to receive an educational program appropriate to their needs in accordance with the provisions of this Act.

#### 5 Failure to provide therapeutic supports

Since the incidents at JHES came to light, there have been significant issues with students and families accessing the therapeutic supports or the specialized interventions they require. One of the greatest barriers to accessing therapeutic supports has been the fact that communication and services were mostly restricted to the JHES community. EDU continually reassured families and YCAO that a counsellor had been assigned specifically to deliver services at JHES. However, only one of the students YCAO was providing individual advocacy for was still attending JHES, and information about how to access services for families whose children no longer attended JHES was limited.

Several students have required significant therapeutic treatment to address the lasting impacts of harm from JHES, including comprehensive assessments, access to specialists, and out-of-territory treatment. Despite these needs, parents have had to navigate extensive bureaucratic hurdles and advocate tirelessly for timely access to these services. This created an environment where families often felt unsupported and overwhelmed. For example, after counselling support was made available by YG through MWSUS, one family YCAO was providing advocacy for did not feel comfortable accessing supports through the same institution that had caused harm to their child. They requested that their ongoing private counselling be reimbursed by YG, however despite consistent advocacy from YCAO, this request still has not been addressed. EDU did provide a letter to families encouraging those who sought support outside of YG to contact the class action civil lawsuit attorney. Overall, the lack of therapeutic supports for impacted students stands in stark contrast to EDU's response of contracting therapeutic supports for JHES staff, including those named in the criminal investigation.

In speaking with the families who connected with YCAO, we found that proactive referrals by EDU, FCS or the RCMP to VS did not occur. With consent, YCAO shared contact information for families with VS to alleviate the burden on families to connect with the support service themselves. It is unclear if referrals for the families that were not connected with YCAO were ever made. This is unfortunate, because with the exception of one family, all of the other families YCAO referred to VS reported a positive experience.

- 66

And so now the child is completely out of control. Absolutely – but completely in a fear place. So then it becomes an excuse.

And now it's like... you brought this on vourself.

-Counsellor

I feel that the
[Department of
Education] should be
paying for sessions for
this family. Definitely a
large portion of the last
couple years of my work
with [them] is due to

JHES.

-Counsellor

Parents collectively expressed an interest to YCAO in securing better support for themselves as well, recognizing that their well-being was crucial to their ability to support their children effectively. When this request was communicated by YCAO to YG, MWSUS quickly implemented a support group for parents of children affected by the incidents at JHES and fast-tracked all referrals made to the Child, Youth and Family Treatment Team (CYFTT), for impacted students. This was seen by parents as a positive step towards broadening the support network for families.

Families generally reported an "okay" experience with the FCS social workers that were provided by YG during interviews for the RCMP investigation. In some cases the experience was very positive, though many families found the experience difficult as they were permitted to listen to their children's interviews from a separate room, hearing, sometimes for the first time, difficult and painful details of their children's experiences.

Compounding the gravity of this finding, is that it was also a finding from YCAO's 2021 report *Responding to Sexualized Abuse in Yukon Schools: Review of Policies and Governmental Response.* At that time YCAO recommended that EDU "immediately determine therapeutic needs of students and families impacted by alleged abuse and ensure low-barrier access to appropriate supports identified by students, families and professionals. Provide accessible therapeutic supports for impacted educators. Develop a plan to create and fill clinical counsellor positions in all Yukon schools." In 2023, YCAO provided a progress tracker to EDU regarding EDU's response to the recommendations made in 2021 citing "some progress" as victims from HVES were seeing some support and there was a commitment through the Confidence and Supply Agreement to provide mental health supports in schools. But overall, YCAO did not see a marked improvement in the provision of therapeutic supports following either the HVES or JHES investigations.



### Youth Voice

I need teachers
I can trust, who
don't turn on
me and put me
in a box.

A teacher grabbed [me] and dragged [me] to the isolation space. [They] called [me] a 'f\*\*king little bastard'. [They] put [me] in the room and locked the door. No one ever came to check on [me].

They keep you in there [the cubicle] until the handprints are gone.
They're sneaky. They put bandaids on the bruises.



I understand they have to restrain me but can they do it without hurting me?



They put their hands on my arms, they squeezed so hard I could feel their hands on my bones. The more I struggled the harder they would squeeze.

# Remembering "Max"

\*\*\*The following section deals with suicide\*\*\*

In 2024, the caregiver of a former JHES student reached out to YCAO to tell their story.

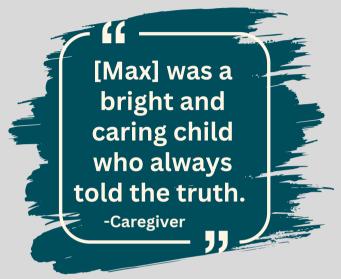
Names have been changed to protect their identities. YCAO has obtained consent to share Max's story.



Max was a youth who was raised in the care of FCS. Max died by suicide at the age of 23.

The caregiver shared their belief that the primary cause of Max's pain was his experience at JHES.



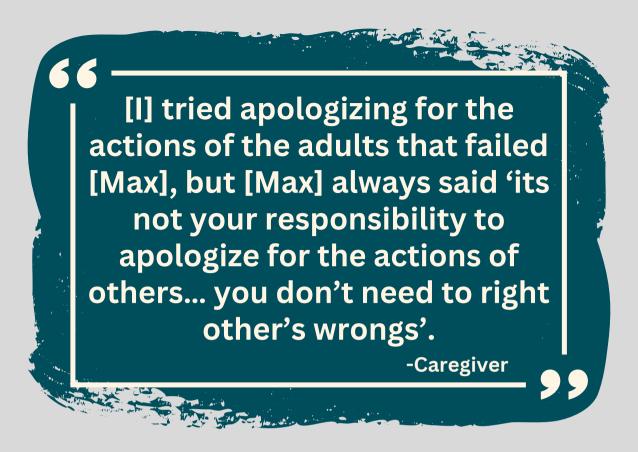


Max described an incident where he spilled his pencils and was subsequently pushed up a wall by the neck, by a teacher.

He described feeling strangled and like "[he] was going to die." An Educational Assistant intervened and "saved [my] life."



Max changed schools for high school and attended for a few more years. Max stopped attending when he asked for EDU to acknowledge the harm caused to him at JHES and was told no. Max was diagnosed with Post Traumatic Stress Disorder and experienced triggers in the school system that made it near impossible to attend.



Max and his caregiver moved from the Yukon. Like many former students, Max was missed during the preliminary RCMP investigation and was not made aware of the investigation. Subsequently, YCAO identified Max as someone impacted by the incidents at JHES and reached out to connect him with the RCMP. When Max learned about the investigation he said "maybe now someone might believe me." In the end, Max chose not to participate in the investigation.

I want to meet with the Ministers. I want to bring pictures of [Max] and samples of his writing, and show them where they failed.

-Caregiver

After Max's passing, his caregiver requested the opportunity to meet with the Ministers of EDU and HSS, the ADM of EDU, and the Director of FCS to share Max's experiences in the Yukon education system. They met in the fall of 2024.



### I Feel Wrapped In Ice

By "Max"

Shunned by sunlight because I'm bright and sunny...

I'm sorry suicidal thoughts have been in my mind lately I've been thinking that everyone including me hates me I've been wishing that I died when I was a little baby So now it's hard getting out of bed everyday frankly But when I do life is always feeling kinda hazy

Don't hold me liable For my own survival Cause I'm suicidal And this is the arrival Of my departure So start your engines

Everything feels so cold
Everything feels so cold
The child in me died that day
The child in me went away
The child in me was lead astray

What wasn't said that day
Will haunt me in a way
At night as I lay
Head shaking
Dread making
Bread baking

I should have said I shouldn't have let it Linger in my mind

What wasn't said that day
Will haunt me in a way
At night as I lay
Head Shaking
Dread making
Bread baking

I say this happily because you mean nothing to me
Regretfully you made me
It's so unbelievably painful that you gave birth to me
Someone so disgraceful, but I'm grateful
Because I met an angel, her name is \*\*\*\*\*\*
She's the only mother to me.

### The Safer Schools Action Plan

EDU developed the *Safer Schools Action Plan* in February 2022. It followed an independent review of YG's response to the criminal conviction and subsequent further allegations of sexualized assault by an educator. The intent of the *Safer Schools Action Plan* is to mitigate risk and improve the government's response to future incidents.

I wrote to [the Premier] about the procedures for teachers under investigation (Safer Schools Action Plan), drawing attention to teachers currently under investigation who continue to teach. I have not heard back from his office.

-Parent

In June 2023, EDU announced that they had **completed** all of the items from the *Safer Schools Action Plan*, however YCAO continues to receive referrals related to Safety in School, which raises concern about the implementation of the *Safer Schools Action Plan*.



We are concerned that the lessons learned from the reviews of events at Hidden Valley Elementary School and the resulting action plan that was developed in February 2022 are not being applied.

-YCAO, letter to Deputy Ministers, March 30, 2022

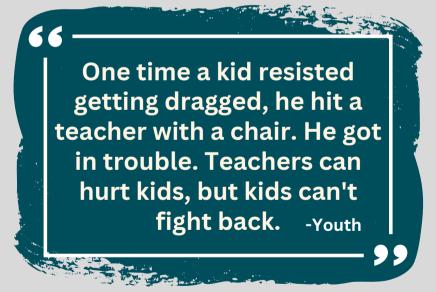


# Section 43 of the *Criminal Code of Canada*

Section 43 of the *Criminal Code of Canada* authorizes the correction of a child by force if certain criteria are met. Section 43 has its roots in a time when corporal punishment of wives, apprentices, servants and children was legal. Today, children are the only remaining class of Canadians that it is legal to assault.

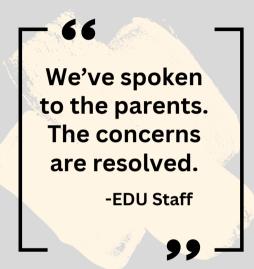
S.43 Every schoolteacher, parent or person standing in the place of a parent is justified in using force by way of correction toward a pupil or child, as the case may be, who is under his care, if the force does not exceed what is reasonable under the circumstances

In 2015, the federal government committed to repealing Section 43. This has still not happened.



Section 43 has been interpreted as potentially protecting parents or teachers from criminal liability in cases where they restrain or physically discipline a child. By providing this protection to adults they may feel emboldened to use physical force, including restraining or secluding children, without the fear of legal repercussions. This creates a significant risk to children, as the line between "reasonable" force and excessive, harmful force becomes blurred. In fact, it was only in 2004 that the Supreme Court of Canada case *Canadian* 

Foundation for Children, Youth and the Law v. Canada (Attorney General) narrowed the application of Section 43. These changes meant that teachers can never use force for physical punishment but can use reasonable force in some circumstances, such as to remove a child from a classroom, and that force cannot be used on a child incapable of regulating their behaviour. The idea that teachers can use force without consequences creates a culture where the use of force becomes normalized. This is how the "Jack Hulland Way" became normalized. This not only jeopardized the safety of the students but has impeded and continues to impede the efforts to promote non-violent forms of conflict resolution and discipline. There are still staff and parents who believe to this day that nothing wrong happened at JHES, exacerbating the impact on the families of children who were harmed.



Canada signed the *UNCRC* in 1991. Article 19 of the *UNCRC* states: "governments must protect children from violence, abuse and being neglected by anyone who looks after them." Section 43 of the *Criminal Code* is in contravention of Article 19 and sends a message that it is acceptable to use physical force against children. The *UNCRC* emphasizes that children should be treated with dignity and respect, and their rights to protection from harm should not be compromised. Section 43's allowance for teachers to use force as a form of discipline directly conflicts with these principles - it effectively condones physical punishment and creates an environment where children's well-being is compromised.

The Truth and Reconciliation Commission (TRC) of Canada's Call to Action 6 specifically calls for the repeal of Section 43 of the *Criminal Code*. The TRC recognizes that the legacy of physical punishment, particularly in residential schools, has had a profound and lasting impact on Indigenous children and communities. The continued existence of Section 43 condones and perpetuates the harmful practice of physical discipline, and the TRC advocates for the repeal of this section to protect children from harm and to promote more respectful and positive educational environments.

The failure to develop, implement, and monitor effective discipline sent an unspoken message that there were no real limits on what could be done to Aboriginal children within the walls of a residential school. The door had been opened early to an appalling level of physical and sexual abuse of students, and it remained open throughout the existence of the system. \*\*

TRC

There have been several attempts to repeal Section 43 of the Criminal Code:

- In 2015 the TRC's 94 Calls to Action were released including **Call to Action 6**: "We call upon the Government of Canada to repeal Section 43 of the Criminal Code of Canada." The federal government committed to this in 2015.
- **Bill S-206**: An Act to amend the Criminal Code (protection of children against standard child-rearing violence). Introduced in 2015. Bill S-206 is currently at consideration in committee in the Senate.
- **Bill S-251:** An Act to repeal section 43 of the Criminal Code (Truth and Reconciliation Commission of Canada's call to action number 6). Introduced in 2022. Bill S-251 is currently at consideration in committee in the Senate.
- **Bill C-273:** An Act to amend the Criminal Code (Corinne's Quest and the protection of children). Introduced in 2022. As of September 18, 2024, is at Third reading.



### Recommendations

# 1 Provide a coordinated case management approach to promote access to supports following incidents

It was YCAO's expectation that through the investigative process, children's voices would be heard by professionals who could validate their experiences, assure them that physical violence towards them is inappropriate and support them in accessing the supports that they need. Sadly, this was not the case. On numerous occasions YCAO emphatically expressed to YG that there was a need for improved interdepartmental coordination to ensure that all children who may have been abused at JHES were identified and received the necessary supports to recover from the harm they experienced.

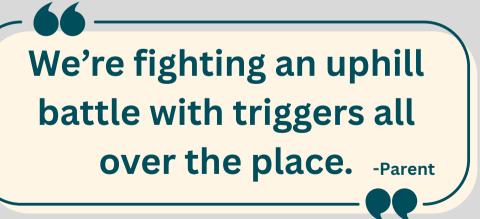
A coordinated case management approach in responding to allegations of abuse in the education system should include:

- Interdepartmental case management meetings to ensure all victims are identified and receive services. There should be a designated point person from each relevant department, for example: EDU; HSS including MWSUS and FCS; and JUS, including VS. This person should remain consistent throughout the investigation.
- The development of secure data-sharing protocols between departments to ensure relevant information is available to all departments who require the information, in a timely manner and while maintaining privacy.
- A timely opportunity for children to share their experiences through a
  developmentally and culturally appropriate interview process coordinated
  jointly by RCMP and FCS. This should be facilitated in a way that ensures children
  and families are not required to recount their stories multiple times, to multiple
  people.
- Facilitated access to Victim Services for children so they have access to information and support throughout the investigation process. This service should also be available to parents, sometimes with a different worker than the child.
- Facilitated access for children to culturally appropriate therapeutic supports.

- An inclusive educational program that meets the child's needs, including access to timely assessments, educational supports, and safety plans.
- Appropriate supports in the school. Including, as required, an educational specialist such as a clinical counsellor, School Wellness Specialist, and/or First Nation support staff.
- The implementation of restorative processes to address the harm that has occurred and to reengage impacted children and families.

[They're] not fighting hard enough for my child. I'm disappointed that it had to get this bad for [YG] to care. My child is at home asking if their behaviour has improved enough to come back to school.

-Parent



#### 2 Create a clear and organized process to document incidents

In order to increase the safety of students and the accountability of teachers and administration, it is essential that schools maintain clear, consistent and accessible documentation of all incidents where non-violent crisis intervention techniques are used. In the case of JHES, if WRAs had been reviewed and their contents documented in a timely manner by SSS staff, it would have been apparent that things were not operating as required by EDU policies and procedures. EDU should take immediate steps to develop a clear and organized documentation process.





There is no documentation as to what, if anything, happened as a result of these efforts by NVCI trainers within SSS to bring awareness of what was going on at JHES not only to the Director of SSS but to the ADM, DM and Minister of Education.

-Professional

Having appropriate documentation will allow careful monitoring to make sure that students' physical and emotional well-being is not compromised. Documentation will help ensure that staff are complying with best practices and the training they have received, and that students can receive the support they need after such interventions.

The incident reporting system, at a minimum, should include:

- the date, time and location of the incident;
- names of the staff and students involved;
- a detailed description of the incident;
- the type of intervention used;
- the duration of the intervention;
- outcomes of the intervention;
- the development of a family communications plan which includes the details of the incident and next steps; and,
- any follow up actions post-incident.

We were told they were given quiet time out of class when they were having a tough day.
We had no idea it was isolation. -Parent

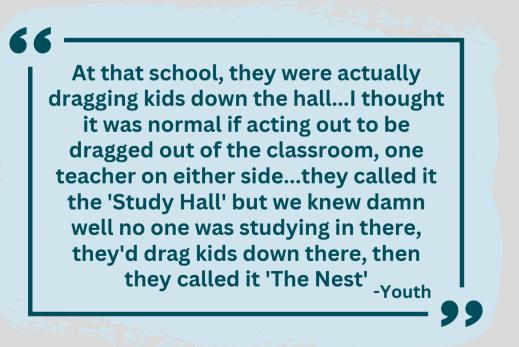
One of the most troubling findings with the JHES incidents was the state of disorganization and the missing records from EDU's files. YCAO heard about highly confidential student files being inappropriately stored. The disorganization also meant that it was difficult to locate files relevant to the investigation. EDU should ensure there is a centralized location for all WRAs that allows for easy tracking and retrieval of data.

WRAs should be reviewed by upper administration no less frequently than once a month to evaluate the appropriateness of interventions and if necessary, recommend adjustments to policies.

# Remove sources of potential harm until investigations are complete and the situation is deemed safe

The safety and well-being of students must always be the highest priority, and any situation involving allegations of harm requires swift action to protect those involved. When an allegation of harm is raised, the staff member(s) implicated should be immediately removed from their position while a thorough investigation is conducted. By removing the staff member(s) from their duties, EDU would demonstrate their commitment to maintaining a safe environment for students and upholding the responsibility to ensure that the allegations are investigated impartially and thoroughly. It will also help prevent further harm from occurring while the investigation is ongoing.

Where an interim appointment is made to replace staff who are removed during an investigation, those individuals should have appropriate background and knowledge in dealing with students experiencing trauma.



### 4 Improve post-incident communication with the school community

Effective communication after an incident is critical so that families are informed and supported. Caregivers should be informed of any incidents involving their child, particularly when force or restraint is used. All families who could have been impacted by abuse should be contacted. This includes former students and students whose families might have left the territory. YCAO recommends:

- Timely and transparent updates after an initial notification, regular progress updates should be provided at consistent intervals, even if there are no new major developments. In the case of JHES, updates from EDU were sporadic at best and often families went months with no update. The updates should include information on the status of the investigation, any changes in response, and the steps being taken to prevent future incidents.
- Clear and accessible messaging channels EDU should use multiple communication channels to ensure families of students and former students can access information. A dedicated point of contact should be made available for families to ask questions or express concerns.
- Provide actionable information updates should inform families about the situation and should also provide clear information on the services available and the steps on how students and families can access supports. This includes mental wellness supports, strategies for caregivers to have conversations with their children, and guidance on how to stay informed.

Report and accountability – EDU should provide a comprehensive summary report
on the incidents at JHES, EDU's response and the long-term measures being
implemented to prevent a similar situation from occurring again. This may address
EDU's 2022 Safer Schools Action Plan, where it has failed, and how it will be
improved.

We moved [them] to Jack Hulland because [they] needed different behavioural supports. Then this happened. [They] were using holds on a weekly basis, but [I] was never given details. [I] want to see the incident reports.

-Parent

It's four months
later and we have
not talked to these
kids. None of the
information has
come out to the
public.
-Administrator

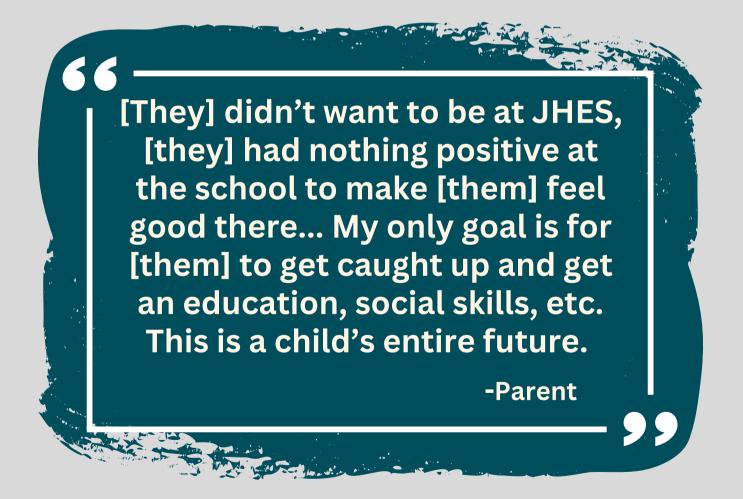
#### 5 Improve school transitions

When a school transfer is necessary or requested, EDU should implement a trauma-informed approach to school transitions for students who have experienced harm. These transitions can be a critical time for students who feel vulnerable and unsafe, and it is essential that schools are able to provide consistent, supportive, and nurturing environments. Schools won't be able to provide this if they do not have the relevant background that explains a student's history. YCAO has seen this done well for some impacted students, leading to significant positive outcomes in their new learning environments.

- An alert or explicit note should be included on the file of a student who has
  experienced harm or trauma at school. In collaboration with the student and
  parents, conversations should be had with school staff, including administration, to
  understand the student's experience and what the student needs to succeed.
  Updates should be provided when staffing changes.
- EDU should develop individualized transition plans for students with a history of trauma, which are tailored to their specific emotional, psychological, and academic needs. These plans should include coordination with educators, mental wellness professionals, and social workers, where applicable. A personalized plan will help ensure that the student receives appropriate support as they adjust to a new environment and that underlying issues are addressed in a safe and supportive way.
- Schools should proactively identify students who have experienced harm by communicating with the previous school, the family, and other government services. A school counsellor or wellness worker at the new school should make a connection with the family before the student transitions to the new school. In this way, the school can be proactive in getting the necessary supports including classroom adjustments in place so that the child does not need to face additional stress from the transition itself.
- Transitions should offer flexibility. For example, if deemed beneficial, allowing students to start part-time or in smaller group settings, gradually increasing their participation as they feel more comfortable. This will help reduce feelings of overwhelm and allow them to build confidence as they integrate into a new setting.

- A student's full file should transfer with the student when transitioning to a new school. Redacting or removing critical pieces of information or records from a student's file sets a transition up for failure.
- EDU staff including teachers, administrators and support staff should receive regular professional development on trauma-informed practices, including how trauma impacts a student's behaviour, learning and emotional regulation.

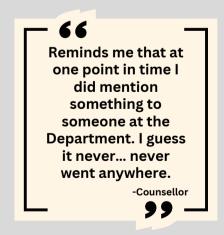




### 6 Strengthen school safety policies and procedures

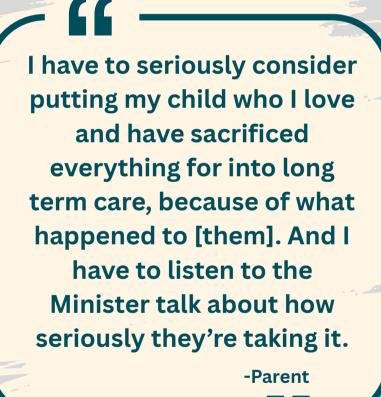
Sometimes physical intervention is necessary to ensure the safety of students and staff if a student poses a risk of harm to themselves or others. EDU should establish and implement clear, comprehensive and detailed policies regarding the use of physical restraints, holds and time-out spaces, should it be decided they are considered an appropriate measure in educational settings in the Yukon. These policies should ensure that any use of such practices is conducted with the utmost care, respect for the rights of students, and in a manner that prioritizes their safety and well-being. The policies should:

- Outline under what specific circumstances physical restraints, holds, or time-out spaces are permissible, and establish clear, limited criteria for their use. The policies should emphasize that such measure should be a last resort, used only when less restrictive interventions have failed or when a student's immediate safety or the safety of others is at risk.
- Specify that any use of restraints, holds or time-out spaces must be documented
  in writing. The documentation should include details such as the reason for the
  intervention, the type of restraint or hold used, the duration of the intervention,
  the persons involved, and any observations regarding the student's physical or
  emotional response.
- Set out who is required to be notified when these measures are used, based on the
  extremity of the intervention, including to what level of administration and the
  student's caregiver.
- Include clear timelines for information reporting. E.g.
   an immediate notification to parents and a
   requirement to submit written documentation in a
   certain timeframe. The timelines should also include a
   provision for the escalation of WRAs to the
   Superintendent and Director level.
- Include debriefing procedures for both staff and students. Incidents should be reviewed with staff to evaluate the appropriateness of the intervention and to address whether protocols were followed correctly. Students should have an opportunity to discuss their experience and ensure their emotional well-being.



 Require the systematic collection of data regarding the frequency of the use of restraints, holds and time-out spaces, the circumstances under which they are being used, and the outcomes for students involved. The data should be reviewed regularly and analyzed to ensure accountability. The analysis should identify trends, assess the effectiveness of the interventions and inform improvements in practices. Any patterns of misuse or over-reliance on extreme interventions should trigger an investigation and review of practices.

In the creation of these policies EDU should complete a thorough Child Rights Impact Assessment.



7 Provide continued access to supports, recognizing the life-long impacts suffered by the students and their families related to the incidents at **JHES** 

For many children impacted by the harmful practices at JHES, school has become a site of trauma and triggers. These children and their families are in urgent need of therapeutic support within the school environment. Access to clinical counsellors, learning assistance teachers, cultural supports and other identified trusted adults is essential to help students cope with the emotional and psychological impacts of their experiences. There should be a trauma-informed response within the school system to ensure that children's emotional needs are met, and their safety is prioritized. YCAO has unresolved individual advocacy issues involving students and former students who do not have the recommended therapeutic supports, or who have been left on their own to access the services they require. YCAO recommends that EDU prioritize resolving these outstanding issues.

To better understand the long-term effects that the systemic failure at JHES has had, EDU should monitor the outcomes for students affected by the abuse at JHES. A longitudinal study that tracks the psychological, emotional and academic effects of the abuse on students, as well as the broader school culture should be completed. The data should be both qualitative and quantitative and include future conversations with families about their experience since the incidents, and the children's academic, social and emotional outcomes.



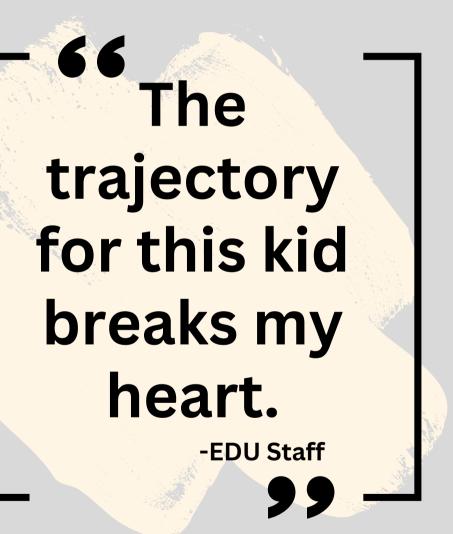
The families who I have spoken [with] still have not received what they would consider to be the help that they need to ensure their children heal.



-Administrator

### Provide a Response and Follow-up to the Advocate's Recommendations

The Advocate requests that the Deputy Ministers of EDU, HSS and JUS provide an initial response to the Advocate by June 30, 2025, and a follow up response by December 1, 2025, outlining progress made toward addressing the issues and recommendations for strategic interventions. The Advocate requests that these responses be released publicly.

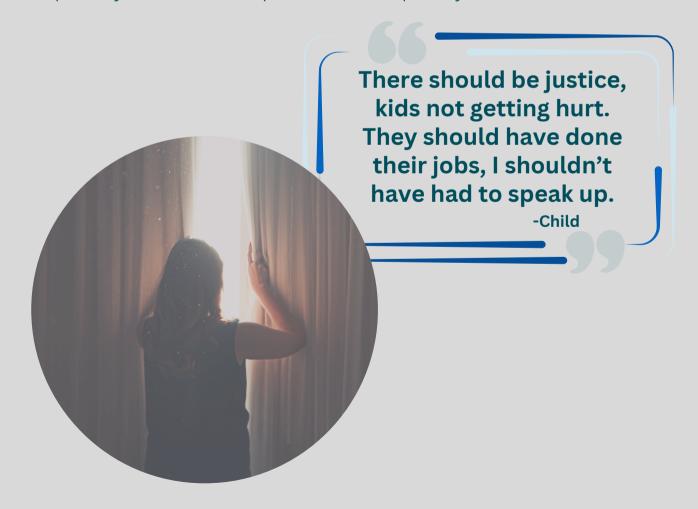


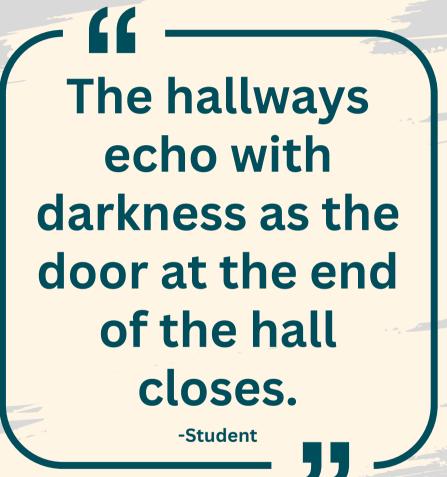
# Closing Message to the Families

The abuse that students suffered over the span of many years at Jack Hulland Elementary should never have occurred nor been condoned. It is not okay, it was never okay.

We acknowledge that accountability for the harm caused by those who should have been responsible may never be fully realized. However, please know that we remain steadfast in our support of everyone who was impacted by the abuse at Jack Hulland Elementary. It took immense courage for students, parents and educators to speak out, for children to participate in an investigation, and for families to tireless support their children when they themselves have been overwhelmed with feelings of hurt, anger and betrayal.

Your experience is valid, we hear you, and the strength you've shown in navigating this situation serves as a reminder that future students may be spared from facing the same circumstances. We are committed to shedding light on these awful events and hope that YG will learn from their missteps in responding to the abuse at Jack Hulland Elementary. It is our hope that you feel we have represented and amplified your stories well.





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\*Quotes and other information were also sourced from YCAO correspondence and case files.





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