

# Draft Framework for the Right to Quality Education Consultation Guide



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# Join the Consultation

“The right to education includes not only the right to access education but also the right to quality education.”  
— Right to Education Handbook 2019

## What is the Right to Education Framework?

For over 20 years, People for Education has been tracking policy and funding changes in Ontario’s publicly funded schools. Now, in partnership with the Maytree Foundation, People for Education is working with key stakeholders to articulate what a quality education consists of in Canada and how to ensure all students can fully enjoy their right to education.

The Right to Education Framework will provide a tool to track Canada’s progress in achieving the right to a quality education for all students in publicly funded education. The framework is centred in a rights-based approach to education that acknowledges students are rights-holders and adults are duty-bearers within educational institutions. In this work, there is an inextricable link between a quality education and a curriculum that teaches human rights, children’s rights and treaty rights.

Creating a framework that articulates the right to a quality education will help ensure that Canadian education systems create engaged citizens, promote and prioritize student well-being, and prepare students for long-term success, no matter the path they choose. This framework addresses education from early childhood education through kindergarten to grade 12.

## How was the draft framework developed?

Beginning in 2018, People for Education convened a right to education advisory group comprising experts in children’s rights, human rights, youth engagement, Indigenous education, and public education, along with key stakeholders in the education system including students and teachers. The advisory group has shaped the Right to Education Framework through their diverse perspectives and experiences.

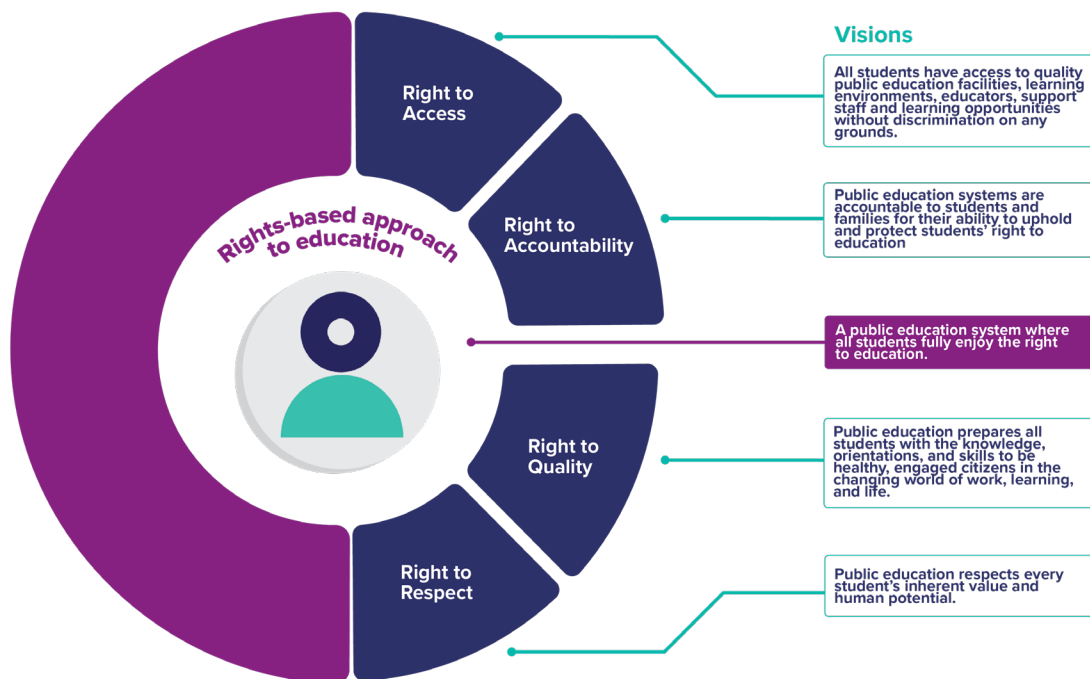
## We want to hear from you

People for Education invites responses to the Right to Education Framework from students, parents, educators, policymakers, researchers, community groups and advocacy organizations. There are two ways to participate.

- Submit responses corresponding to the four consultation questions in a Word document to [consultations@peopleforeducation.ca](mailto:consultations@peopleforeducation.ca) with the subject line “Right to Education Consultation” by **February 12, 2021**. Please include within the document your contact information and organizational information if applicable.
- Host a focus group discussion with a facilitator provided by People for Education. Write to [consultations@peopleforeducation.ca](mailto:consultations@peopleforeducation.ca) with the subject line “Focus Group Facilitator” and we will coordinate with you and provide a facilitator for a virtual focus group discussion of up to 8 people.

# Draft framework for the right to quality education

The framework is a teaching and advocacy tool for students, educators and families.



## Consultation questions

1. What are the elements of a quality education in Canada?
2. Identify any goals where you would suggest editing.
3. Are there additional goals you would like to suggest?
4. What suggestions do you have to support use of the framework by students and educators?



RIGHTS-BASED APPROACH TO EDUCATION	
Vision: A public education system where all students fully enjoy the right to education.	
Goals	<ol style="list-style-type: none"> <li>1. This is the core of the Right to Education Framework. It commits to a system that is rights-based and upholds: <ul style="list-style-type: none"> <li>• The UN Convention on the Rights of the Child;</li> <li>• Other international legal instruments (including Treaties) that guarantee the right to education</li> <li>• Existing Canadian legislation that connects to the right to education (Canadian Charter of Rights and Freedoms, Indigenous Institutes Act Ontario Education Act, Ontario Human Rights Code)</li> </ul> </li> <li>2. The framework, its development, and use are guided by the 7 Principles that inform a rights-based approach: <ul style="list-style-type: none"> <li>• Universality and inalienability</li> <li>• Indivisibility</li> <li>• Interdependence and interrelatedness</li> <li>• Equality and non-discrimination</li> <li>• Participation and inclusion</li> <li>• Empowerment</li> <li>• Accountability and respect for the rule of law</li> </ul> </li> </ol>



## RIGHT TO ACCESS

**Vision: All students have access to quality public education facilities, learning environments, educators, support staff, and learning opportunities without discrimination on any grounds.**

Goals	1. Education institutions and programs are physically and economically accessible to everyone, without disproportionate and disparate outcomes.
	2. Resources are adequately and equitably distributed for all education institutions receiving public funds.
	3. Children have access to early childhood education that ensures they arrive at school ready to learn.
	4. Students can attend comparable education institutions and programs within reasonable distance of their home.
	5. Students living in Canada without legal immigration status have access to publicly funded education.
	6. Students have access to broad learning opportunities both inside and outside the classroom.
	7. Students have access to arts and music programs, trained arts and music educators, and proper equipment and facilities.
	8. Students have access to sports, recreation and wellness programs, trained educators, and proper equipment and facilities.
	9. Students have access to outdoor spaces such as schoolyards and parks with various health-promoting features.
	10. Students have access to learning opportunities that reflect and value their lived experiences.
	11. Students have access to staff and resources to support their mental and physical health needs.
	12. Students have access to learning environments free from police officers.
	13. Students have access to well-maintained transportation to and from school.
	14. Students with diverse sexual orientations, gender identities, and gender expressions have access to full, safe, and equitable participation in curricular and extra-curricular activities.
	15. Students have regularly scheduled access to guidance counsellors, social workers, and mental health workers.
	16. Students have access to internet and necessary equipment, software, and support to participate in digital learning opportunities.
	17. Students have access to cooperative education experiences that offer appropriate credits for completion.



## RIGHT TO ACCOUNTABILITY

**Vision: Vision: Public education systems are accountable to students and families for their ability to uphold and protect students' right to education.**

Goals	<ol style="list-style-type: none"> <li>1. Clear mechanisms exist to bring forward complaints when rights are violated.</li> <li>2. The Truth and Reconciliation Commission's Call to Action 62 is fulfilled:             <ul style="list-style-type: none"> <li>● Establish senior-level positions in government at the assistant deputy minister level or higher dedicated to Aboriginal content in education.</li> </ul> </li> <li>3. There are clear and respectful interventions that students, families, staff and communities can access when their rights are violated.</li> <li>4. Policy and programs exist to work against the persistent connection between demographic factors and student success.</li> <li>5. School records are maintained and data is collected in a way that respects privacy and confidentiality.</li> <li>6. Identity-based data is collected, analyzed, and used to recognize persistent barriers to achievement and well-being for historically oppressed communities.</li> <li>7. Data collection recognizes and upholds young people's rights to privacy and access to/management of information about them.</li> <li>8. Policies and programs are developed, sustained, and monitored to close any gaps identified by identity-based data collection.</li> <li>9. Data is open, comparable, and longitudinal so that longer-term outcomes and impacts can be measured.</li> <li>10. Clearly identified human resources are in place for students, parents, and communities to contact at the school, school board, and government level when rights are violated.</li> <li>11. System advocates, such as an ombudsperson, support students and families in accessing advocacy related to their right to education and support students and families to navigate the education system.</li> </ol>
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## RIGHT TO QUALITY

**Vision: Public education prepares all students with the knowledge, attitudes, and skills to be healthy, engaged citizens in the changing world of work, learning, and life.**

Goals	<ol style="list-style-type: none"> <li>1. Children’s rights, human rights, and treaty rights are taught.</li> <li>2. Learning facilities are safe, well-maintained, and clean.</li> <li>3. Students are taught literacy, numeracy, and skills for life.</li> <li>4. Students are taught transferable skills such as learning to learn, thinking creatively and critically, collaboration, communicating effectively, and developing a sense of self and society.</li> <li>5. Students are taught by educators who have subject matter expertise.</li> <li>6. Students are taught by educators with pedagogical training and ongoing professional development.</li> <li>7. Assessment of learning is formative and provides opportunities to learn and improve with feedback.</li> <li>8. Student growth is supported through flexible pathways that do not limit students’ options for career or post-secondary progression.</li> <li>9. The Truth and Reconciliation Commission’s Calls to Action 62 and 64 are fulfilled:             <ul style="list-style-type: none"> <li>● 62. We call upon the federal, provincial, and territorial governments, in consultation and collaboration with Survivors, Aboriginal peoples, and educators, to:                 <ul style="list-style-type: none"> <li>● Make age-appropriate curriculum on residential schools, Treaties, and Aboriginal peoples’ historical and contemporary contributions to Canada a mandatory education requirement for Kindergarten to Grade Twelve students.</li> <li>● Provide the necessary funding to post-secondary institutions to educate teachers on how to integrate Indigenous knowledge and teaching methods into classrooms.</li> <li>● Provide the necessary funding to Aboriginal schools to utilize Indigenous knowledge and teaching methods in classrooms.</li> <li>● Establish senior-level positions in government at the assistant deputy minister level or higher dedicated to Aboriginal content in education.</li> </ul> </li> <li>● 64. We call upon all levels of government that provide public funds to denominational schools to require such schools to provide an education on comparative religious studies, which must include a segment on Aboriginal spiritual beliefs and practices developed in collaboration with Aboriginal Elders.</li> </ul> </li> <li>10. Education programs are designed to yield the most opportunities for student progression to a range of post-secondary options.</li> <li>11. School board leadership and educators reflect the diversity of the communities they serve.</li> <li>12. Students, families, teachers, and guidance counsellors are provided with the information necessary to make informed decisions about students’ pathways.</li> </ol>
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## RIGHT TO RESPECT

**Vision: Public education respects every student's inherent value and human potential.**

Goals	<ol style="list-style-type: none"> <li>1. Students are valued as knowledge-bearers and included in decision-making processes that respect their rights to information, participation, and safety.</li> <li>2. School board policies and procedures are developed in accordance with human rights standards. Establish senior-level positions in government at the assistant deputy minister level or higher dedicated to Aboriginal content in education.</li> <li>3. Disciplinary processes prioritize students remaining in school and are rooted in restorative practices that promote healthy relationships between students and others.</li> <li>4. Police officers in all educational settings are a last resort and deprioritized as a response to student discipline.</li> <li>5. Students learn in safe environments free of all forms of bullying and violence, including gender-based, racial, sexual, class-based, faith-based, and psychological bullying and violence.</li> <li>6. Curriculum and pedagogy reflects and respects the diversity of lived realities and ways of knowing for students, parents, and communities.</li> <li>7. Indigenous elders are involved in the development of learning opportunities for students related to Indigenous education and Indigenous worldviews.</li> <li>8. Students are addressed using their pronouns.</li> <li>9. The Truth and Reconciliation Commission's Call to Action 57 is fulfilled:             <ul style="list-style-type: none"> <li>● We call upon federal, provincial, territorial, and municipal governments to provide education to public servants on the history of Aboriginal peoples, including the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.</li> </ul> </li> <li>10. The Truth and Reconciliation's Commission Call to Action 1, iii, is fulfilled:             <ul style="list-style-type: none"> <li>● Ensuring that social workers and others who conduct child-welfare investigations are properly educated and trained about the history and impacts of residential schools.</li> </ul> </li> <li>11. School boards create and sustain programs and policies that work against the effects of anti-Black racism, anti-Indigenous racism, and racism and discrimination in all its forms on student achievement and well-being.</li> </ol>
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## Why do we need a Right to Education framework in Canada?

Over a decade ago, UNESCO defined three dimensions to the right to education: access, quality, and respect. However, discussion about education as a right often focuses on access, which in turn is often understood as an issue only for people in the poorer countries of the world.

In Canada, over 5.6 million students are enrolled in K–12 education, with 92% attending a publicly funded institution (Statistics Canada, 2019). Most of Canada’s youth may be walking into public schools, but many are not walking out with access to the same opportunities for upward mobility. Systems of oppression such as colonialism and anti-Black racism have created a historical context where students are not equitably set up for success.

“A wide range of factors can affect learning for Indigenous peoples across all stages, from early childhood education, kindergarten to grade 12, and post-secondary education. These factors operate from the individual to broader societal and environmental levels, and are primarily associated with historic and contemporary impacts of colonialism, including socio-economic marginalization, inappropriate education systems, and inequitable funding for education.”

— National Collaborating Centre for Aboriginal Health, 2017

Qualitative and quantitative data reveal persistent inequities in the quality of education that specific student communities receive:

- Almost two-thirds of LGBTQIA2+ students in a survey of Canadian schools reported feeling unsafe at school, particularly in places that are gender-segregated such as washrooms and change rooms (Taylor et al., 2011).
- Persistently lower rates of student achievement are recorded for Indigenous and Black students (Brown, Gallagher-Mackay & Parekh, 2020).
- Black students are more likely to be expelled, and on-reserve schools receive lower rates of funding (People for Education & Global Initiative for Economic, Social and Cultural Rights, 2020).
- One-third of parents in an Ontario survey reported their children had missed school due to anxiety (Parents for Children’s Mental Health, 2013).
- A study from the Toronto District School Board (the largest school board in Canada) found that “students with special needs had higher high school dropout rates and a lower rate of transition to postsecondary education” (McCloy & Declou, 2013).
- In an Ontario-wide survey, 29% of students reported their mental health affects their school grades a “great deal” or “quite a lot” (Centre for Addiction and Mental Health, 2017).
- Structural and institutional racism and classism can result in Black and low-income students being streamed into classes with lower academic standards, thereby limiting their opportunities (San Vicente, 2016).
- In a survey of Ontario schools, 58% of elementary schools in Northern Ontario reported having no access to a psychologist, compared with only 4% in the Greater Toronto Area (People for Education, 2019).

## The basis for the Right to Education in Canada

Unlike other countries in the Organisation for Economic Co-operation and Development (OECD), Canada does not have a national department of education, because responsibility for education sits with the provinces and territories. But Canada still has a responsibility to ensure all young people fully enjoy their right to education.<sup>1</sup>

The right to education was recognized as a core human right in the Universal Declaration of Human Rights in 1948, and Canada formally recognized this right in 1976, when it signed and ratified the International Covenant on Economic, Social and Cultural Rights, which elaborates on the right to education. Other documents supporting the right to education in Canada include the following:

- In 1970, Canada ratified the Convention on the Elimination of All Forms of Racial Discrimination, which calls for the state parties to adopt measures in education and teaching to combat prejudices that lead to racial discrimination.
- In 1981, Canada ratified the Convention on the Elimination of All Forms of Discrimination Against Women, which protects women's equal access to and equal opportunities in education.
- In 1991, Canada ratified the Convention on the Rights of the Child, which recognizes education as a legal right for every child.
- In 2010, Canada ratified the UN Convention on the Rights of Persons with Disabilities, which protects the right to education of persons with disabilities and proclaims the right to inclusive education and the steps that must be taken to achieve it.
- Canada is a signatory to the UN Declaration on the Rights of Indigenous People (UNDRIP) but has not ratified the document. Article 14 of UNDRIP states that Indigenous people have the right to create and oversee their educational systems, providing education in their own languages with pedagogy
- appropriate to Indigenous ways of knowing.
- The Canadian Charter of Rights and Freedoms, part of the Canadian Constitution, protects minority
- language educational rights.
- In 2015, Canada adopted the 2030 Agenda for Sustainable Development. Sustainable Development Goal (SDG) 4 is to “ensure inclusive and equitable quality education and promote lifelong learning
- opportunities for all.” While SDG 4 is known as the education goal, 10 of the 17 SDGs are related to education (Council of Ministers of Education Canada, 2020).

## Indigenous Rights and the Right to Education

It is critically important to distinguish Indigenous rights from a universalizing human rights framework. The Right to Education Framework must uphold the rights of Indigenous people. The Framework recognizes existing standards for Indigenous education developed by Indigenous-led organizations such as the World Indigenous Nations Higher Education Consortium (WINHEC), which has developed standards and benchmarks for both K–12 and post-secondary Indigenous educational institutions.

The greatest injustice and barrier to Indigenous education rights continues to be the erasure and invisibility of Indigenous knowledge systems. Indigenous communities require proper resources and investments into organizations and governance structures to determine an Indigenous rights framework for education.

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<sup>1</sup> For an overview of legal frameworks in Canada related to the right to education, see Quality Education for All, from the Council of Ministers of Education Canada and the Canadian Commission for UNESCO, <https://www.cmec.ca/Publications/Lists/Publications/Attachments/382/Canadian-report-on-anti-discrimination-in-education-EN.pdf>.

## What is a quality education in Canada?

In 2016, representatives from Canada joined world leaders to adopt the Incheon Declaration for Education 2030, which shares a vision for education until 2030. The Declaration outlines key components of a quality education (UNESCO, 2016):

- Strong inputs, processes and evaluation of outcomes and mechanisms to measure progress
- Well trained and professionally qualified teachers and educators
- Well-resourced, efficient, and effectively governed systems
- Opportunities to acquire foundation skills of literacy and numeracy as well as analytical, problem solving and other high-level cognitive, interpersonal and social skills
- Fostering of skills, values and attitudes that enable citizens to lead healthy and fulfilled lives, make informed decisions and respond to local and global challenges
- Human rights education and training
- Global citizenship education
- Education for sustainable development

How quality in education is defined reflects worldviews and values. For Indigenous students, the right to culture is inseparable from the right to education. In the People for Education report *What Matters Most in Indigenous Education*, Pamela Rose Toulouse puts it this way:

*“What matters most to Indigenous peoples is that each member of the community is nurtured and challenged in respectful ways. This form of teaching/learning is done through the honouring of the culture, the teachings, the languages and the gifts of each Nation” (p. 1).*

*“Educational quality for First Nations, Metis and Inuit learners is centred on a holistic method that considers the entirety of a being” (p. 12).*

Student achievement, the classroom, the teacher, and the community — all of these concepts take on a different meaning and scope if the starting point is an Indigenous worldview.

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