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For Immediate Release

The Office of the Child and Youth Advocate Responds to **Student Safety in Island Schools: Handling of Complaints and Incidents of Staff Sexual Misconduct, Report to Minister of Education and Early Years, The Honourable David H. Jenkins, Commissioner**

The Office of the Child and Youth Advocate (OCYA) acknowledges the release and contributions of Commissioner Jenkins' report examining the handling of recent staff sexual misconduct complaints. The Office wishes to thank Commissioner Jenkins and his team for their efforts in producing a report that serves as a foundation for future collaboration on issues concerning the protection of children from harm of staff sexual misconduct with respect to structural gaps and vulnerabilities.

The Office of the Child and Youth Advocate also wishes to acknowledge the many dedicated and caring teachers, school support staff, and school administrators, all of whom are on the front lines supporting children. They frequently go the extra mile to address the wide range of educational needs of their students. The comments in our Office's Position Statement are not directed at particular individuals, but rather the services, programs, and systems that could be strengthened to enhance the safety of students in Island schools.

The OCYA is concerned that the findings and recommendations of the Jenkins Report are constrained by a number of limitations, which remain unaddressed and continue to pose substantial risks to the safety of Island students:

- Narrow Terms of Reference
- The Jenkins Report Addresses Only One Point Along the Continuum of Student Safety in Island Schools and Draws Overly Broad Conclusions
- The Duty to Report Continues to Be Called into Question
- The Child's Voice is Silent
- The 'Bifurcated System' of Accountability in Education is Problematic
- Funding of the Education System Should Not be Hierarchical
- Avoiding an Inconvenient Truth- The Safety of Island Students in the Education System is a Serious Province-Wide Systemic Issue
- Recommendations Lack Specificity and Allow Too Much Wiggle Room

"Informed by Island children, youth and their families who have engaged with the OCYA through the advocacy functions of the Office, the continuum of school safety includes staff sexual and other forms of misconduct in addition to many other harms, including: peer-to-peer physical and sexual assaults; bullying and cyberbullying; perceived threats due to the prevalence of mobile phones and social media in schools; safety in unsupervised spaces such as bathrooms; systemic racism in schools; students facing shortened days and exclusions due to unmet support needs; discrimination based on gender identity; and the use of artificial intelligence by male students to sexualize the images of female students," said Child and Youth Advocate, Marvin Bernstein.

The Jenkins Report examines an important, yet singular offence to student safety, while risks, namely bullying, are acknowledged as beyond the scope of the Review. With the terms of reference for the review confined to the issue of staff sexual misconduct against students over a 2-year period, and there being no evident youth participatory voice, the OCYA cautions that the Jenkins Report extrapolates its limited findings to make broad statements about the safety of Island schools.

The OCYA's 2024-2025 Annual Report highlights that calls to the OCYA concerning issues impacting children's rights in education increased by 16% over the previous reporting year (from 17% of total calls to 33% of total calls). "The lived experiences of Island children, youth and their families bravely shared with the OCYA tell us very clearly that all is not well within the province's education system," said Bernstein.

The Advocate is deeply concerned about the Jenkins Report's failure to recognize the expertise and important role of Child Protection Services in ensuring a timely, coordinated response to harm, wherever it occurs, and the fact that the duty-to-report remains a critical element of the Island's child-safety system. "I take issue with the message in the Jenkins Report that 'there is an issue of mandate creep with Child Protection Services' and that the duty to report should be limited to the police when there is harm inflicted or permitted by a person who is not a parent. To this end, the Jenkins Report serves to add to the confusion about the duty to report child protection concerns, doing a disservice to children, youth, families and educators," stated Bernstein, who continued, "This concern has prompted me to forward an immediate recommendation to the Department of Social Development and Seniors to amend the language of the *Child, Youth and Family Services Act*:

"That the Department of Social Development and Seniors introduce legislation for enactment in the 2026 Spring Session of the Legislature to amend the definition of "child in need of protection" in section 3 of the PEI *Child, Youth and Family Services Act* by substituting the phrase "the person having care, custody, control or charge of the child" for the existing language of 'a parent'."

The tone and message of the Jenkins Report are clear: public support and positive messaging are critical for success of the education system. However, the OCYA holds that trust and support must be earned and not imposed. Parents and guardians have the right to demand safety for their children without admonishment for sensationalizing issues, lowering school staff morale, or jeopardizing the success of the education system.

"To accept the findings of the Jenkins Report at face value is to deny the inconvenient truth that there are gaps in legislation, policy, practice, communication, accountability and management that directly impact the safety of Island students and that cannot be fixed simply with more money or more people. While I cannot say there is a 'crisis' of student safety in Island schools, what I can say with conviction is that the safety of Island students in the education system is a province-wide systemic issue," Bernstein continued.

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Position Statement of the PEI Child and Youth Advocate in Response to Commissioner Jenkins' Report regarding Student Safety in Island Schools - Handling of Complaints and Incidents of Staff Sexual Misconduct, Report to the Minister of Education and Early Years

February 19, 2026



Position Statement of the PEI Child and Youth Advocate in Response to Commissioner Jenkins' Report regarding *Student Safety in Island Schools - Handling of Complaints and Incidents of Staff Sexual Misconduct, Report to the Minister of Education and Early Years*

Purpose of the Position Statement

This Position Statement outlines the Office of the Child and Youth Advocate's (OCYA) response to the observations, findings and recommendations found in the report [*Student Safety in Island Schools - Handling of Complaints and Incidents of Staff Sexual Misconduct*](#) ("the Jenkins Report"). While acknowledging the time, resources and effort invested in the Jenkins Report, the OCYA identifies several limitations of the Report. These limitations underscore the need for continued advocacy and strengthened safeguards for children and youth in Island schools.

This Statement reflects the OCYA's statutory mandate to provide independent, systemic analysis grounded in children's rights, lived experience, and oversight of services affecting children and youth in Prince Edward Island. This Position Statement is the product of OCYA's review of the Jenkins Report through a child-centred lens informed by the lived experience of Island children and youth and their families, as shared with the OCYA through its ongoing Individual and Systemic Advocacy services and engagement with the OCYA Child and Youth Advisory Committee. This Position Statement also draws upon the OCYA's previously released [*Position Statement Regarding the Safety of Children in Island Schools*](#), and the [*Advocate's September 2025 presentation before the Standing Committee on Education and Economic Growth*](#).

The Role of the Office of the Child and Youth Advocate

Pursuant to the *Child and Youth Advocate Act*, the Child and Youth Advocate has the legislated oversight responsibility to represent the rights, interests and well-being of Island children and youth receiving or eligible to receive programs and services by statutorily defined reviewable services, which includes the Department of Education and Early Years (DEEY), the Public Schools Branch (PSB) and la Commission scolaire de langue française. The Child and Youth Advocate is mandated under the *Act* to receive and review any matter in relation to a reviewable service provided to a child or youth (individual responsibility) or to a group of children or youth (systemic responsibility) (s. 12(1)(b)). Further, the Advocate may advise or make recommendations to any public body or community organization responsible for providing reviewable services to children and youth on any matter relating to the rights, interests and

well-being of children and youth (s. 12 (2)(h)). The Office's work is firmly grounded in the United Nations Convention on the Rights of the Child (UNCRC), including children's rights to safety, protection, participation, and education.

Acknowledging the Valuable Role and Dedication of Education Staff

The OCYA acknowledges the many dedicated and caring teachers, school support staff, and school administrators, all of whom are on the front lines supporting children. They frequently extend themselves and go the extra mile to address the wide range of educational needs of their students. The comments in this Position Statement are not directed at particular individuals, but rather the services, programs, and systems that could be strengthened to enhance the safety of students in the Island education system.

Acknowledging the Contributions of Commissioner Jenkins

The OCYA acknowledges Commissioner Jenkins for undertaking this important review within the scope of the Terms of Reference and acknowledges the time, expertise, and care invested in this work. The Office recognizes specific contributions to the discourse on student safety in the Jenkins Report. The Jenkins Report clearly identifies gaps in the Public Schools Branch's consistent adherence to policy and operational directions in handling sexual misconduct complaints from students and their families. Commissioner Jenkins, importantly, recognizes bullying as a significant issue of public concern, though this lies outside of the scope of the Review at hand. The Jenkins Report also highlights the challenges of communication and accountability within the current education governance structure.

The Limitations of the Jenkins Report

1. Narrow Terms of Reference

Commissioner Jenkins was appointed by the Minister of Education and Early Years under s. 38(1) of the *Education Act*, which holds that "The Minister may, in respect of an education authority, appoint a person to inquire into, examine and inspect...any other matter connected with the management, administration or operation of the education authority, including the actions of its members". The Terms of Reference for the third-party review, provided to the appointed Commissioner Jenkins by the Minister of Education and Early Years, limited the scope of the third-party review to:

- Identify gaps, vulnerabilities and areas of concern in the current handling and reporting of all sexual misconduct complaints by students against staff within the education system and make recommendations to improve future practice and ensure accountability.
- Examine the legal frameworks, compliance issues, and institutional processes, processes and procedures related to the safety of students in Island public schools.
- Review documentation, legislation and policy decisions related to the purpose.
- Engage with experts in the field.

- Engage with relevant communities and stakeholders, including the Child and Youth Advocate.
- Provide recommendations for improvements and accountability and if necessary, propose new measures to better protect children in Island schools.
- Respect the rights of affected individuals, ensuring a trauma-informed and culturally sensitive approach.
- Review the 2023-2025 reported incidents of a sexual nature against staff by students within PEI public schools and the handling of these complaints to determine if the actions taken, and reporting procedures followed, were sufficient to comply with relevant legislation and best practices.

The Terms of Reference are very narrow. They refer to a short 2-year period and focus exclusively on education staff sexual misconduct. The Jenkins Report does not do a retrospective look at the case of music teacher, Roger Jabbour who was sentenced in January 2019 for sexual exploitation and sexual interference. It would have been important to learn what safeguards had been put in place by the Department of Education and Early Years and the PSB since that time to prevent similar recurrences.

2. The Jenkins Report Addresses Only One Point Along the Continuum of Student Safety in Island Schools and Draws Overly Broad Conclusions

In a September 2025 presentation to the Standing Committee on Education and Economic growth, the Advocate [identified numerous concerns with student safety that lie across a continuum of safety in Island schools](#). This continuum of student safety, as informed by Island children, youth and their families, who have engaged with the OCYA through both individual and systemic advocacy functions of the Office, includes both safety concerns at the instance of education staff and safety concerns at the instance of other youth.

Even in the case of sexual misconduct by education staff, there is no clear basis for the conclusion that there are no significant concerns. For example, Commissioner Jenkins reports that there were 40 separate reports or allegations of staff sexual misconduct in the 2-year period from 2023-2025 that were not fully examined. There is also no evidence that groups of students were interviewed (to be discussed later in this Position Statement). He also highlights the problems in reporting and tracking of relevant incidents so that the data is not entirely reliable.

It is important to note that the focus of the Jenkins Report is sexual misconduct by education staff, but there are other forms of misconduct by education staff not addressed in the Jenkins Report that have been communicated to the OCYA.

As to the continuum of youth-to-youth safety concerns, they consist of: physical and sexual assaults; bullying and cyberbullying; perceived threats due to the prevalence of mobile phones and social media in schools; safety in unsupervised spaces such as bathrooms; unmet complex needs of disabled and neurodivergent students; systemic racism in schools; discrimination

based on gender identity; and the use of artificial intelligence by male students to sexualize the images of female students.

To this end, Commissioner Jenkins identifies “***student safety in schools is a broader issue than staff sexual misconduct.*** *In particular, bullying was top-of-mind for a lot of people who participated in the consultation or made public statements. However, the terms of reference for this review confine our work to the issue of staff sexual misconduct against students.*” (p.21, emphasis added). The concern about bullying reported to the OCYA by children and youth was shared at the Standing Committee presentation: “*To be clear, my office has found that bullying is pervasive across the Island, and is not isolated to one school, geographic area, or age group.*”

The OCYA has highlighted the urgent and systemic issue of bullying in Island schools in recent Op Eds in [The Eastern Graphic](#) and [The Guardian](#), where the OCYA affirms that “*sufficient evidence confirms bullying as a systemic issue, and it remains troubling that the Department of Education and Early Years and the Education Authorities have not done more to examine and address the complexity and pervasiveness of this problem.*” The [OCYA has also highlighted the troubling trends](#) as self-reported by Island youths across 3 years of [COMPASS Survey data](#), in which the percentage of students who had experienced bullying within the previous 30 days of completing the Survey is consistently 10% higher in PEI schools than the average reported by students in other participating provinces. This contradicts assertions in the Jenkins Report that the experiences of Island children in terms of student safety between 2023-2025 are neither better nor worse than elsewhere in Canada.

Sexual misconduct by staff remains a real and present danger to children and youth, which requires corrective action. The OCYA has previously supported [an amendment to the Education Act](#) requiring that a sexual misconduct policy be implemented by the education authorities without delay. The OCYA has also supported Bills introduced in the last session of the Legislature to amend both the *Private Schools Act* and the *Early Learning and Child Care Act* to likewise require the creation of sexual misconduct policies in those settings. However, those Bills never progressed past first reading even though other Bills were enacted and given higher priority.

The OCYA’s most pressing concern with the Jenkins Report is that findings from within the narrow Terms of Reference, limited to complaints of staff sexual misconduct against students from 2023-2025, have been conflated with broad messages of overall school safety. Considering the continuum of student safety, the OCYA disagrees with the Jenkins Report’s statement that “*the legislative framework is comprehensive and complete in scope...the relevant policies are substantial. We did not find any wholesale policy void or corresponding absence of awareness of risk*” (p. 103). In recommendations issued to the Department of Education and Early Years and the education authorities in 2022, the OCYA called for an amendment to the *Education Act* to embed children’s rights in education. [This recommendation has not been implemented](#), but remains active and considered urgent by the Advocate.

The OCYA strongly asserts the need for further policy measures to ensure the safety and well-being of children and youth in the form of a broader student safeguarding policy requirement to address all dimensions of student safety, including staff misconduct and boundary transgressions as noted in the Jenkins Report.

3. The Duty to Report Continues to Be Called into Question

As stated in the May 2025 Position Statement and September 2025 Presentation to the Standing Committee, there seems to be a general lack of understanding regarding the duty to report child protection concerns to Child Protection Services and the police. *“To be clear there does not have to be a verified malicious or criminal intent on the part of the alleged perpetrator before the reporting duty is activated. The laying of criminal charges is not a precondition for a report to be made to the Director of Child Protection or to the police.”* While the OCYA agrees with Commissioner Jenkins that the provincial Child Sexual Abuse Protocol requires updating, the Office contends that the message to educators and the public at large must be unambiguous: When an individual has a reasonable suspicion, but is in doubt or undecided about reporting child protection concerns, they should err on the side of child safety and simply report to Child Protections Services (CPS).

The Jenkins Report is clear in its finding that *“the statutory duty to report applies when the risk to a child arises from a parent or guardian”* and thus *“no one broke the law”* when school and PSB administrators failed to report the Matthew Craswell incident to Child Protection Services (p.17). While the Jenkins Report is factually correct in its reading of the words of s.3 of the *Child, Youth and Family Services Act*, which stipulates that a child is in need of protection where the safety and well-being of the child is endangered by a parent, or in a situation where their parent failed to prevent such endangerment, the Advocate is concerned that the findings of the Jenkins Report regarding the duty to report adds further confusion surrounding the statutory duty to report child protection concerns.

The OCYA takes issue with the Jenkins Report’s finding that *“There is an issue of mandate creep with Child Protection Services. Where the matter is not an interfamilial abuser, where instead the impugned conduct relates entirely to an individual who as a teacher or school staff is in a position of trust, Child Protection does not have statutory authority to step in. (The Canadian Centre for Child Protection) has noticed this phenomenon right across Canada.”* (p.60).

Firstly, the OCYA acknowledges with gratitude the depth of local expertise within Child Protection Services on Prince Edward Island. At a June 2025 presentation to the Standing Committee on Education and Economic Growth, the Department of Education and Early Years cited its discussions with Child Protection Services in presenting its new [sexual misconduct reporting process](#) which directs both the Principal (or responsible adult), as well as the education authority Director or Assistant Director to report incidents to Child Protection

Services and Law Enforcement. The DEEY also noted engaging with Child Protection Services to provide refresher training for education authority leadership on the duty to report. The message that has been [widely shared by PEI Child Protection Services](#) is that “[when an individual has a suspicion but is in doubt or undecided about reporting child protection concerns, they should err on the side of child safety and simply report.](#)” The Advocate argues that it is not “mandate creep” to involve local child protection expertise in investigating suspected child protection concerns; and to err on side of child safety in reporting suspicions or circumstances of harm, regardless of the perpetrator of such harm, is the prevailing public message that should be championed. The OCYA is concerned that the advice from the Jenkins Report, to “*streamline directions for reporting to appropriate authority: whether incident involves a parent and should be reported to CPS, or does not involve a parent and should be reported to police,*” (p. 109) perpetuates institutional and personal confusion over the duty to report child protection concerns, and directly contradicts recent advice from Child Protection Services.

The Review incorrectly states that child protection intervention across Canada requires harm to be inflicted or permitted by a parent or interfamilial person. This is inaccurate. There are, in fact, 3 Canadian jurisdictions in which child protection statutes do not have a definition of a child in need of protection linked to harm committed or permitted solely by a parent:

a) Ontario:

[Child, Youth and Family Services Act, 2017, S.O. 2017, c. 14, Sched. 1 | ontario.ca](#)

Subsection 72(4) of the Ontario *Child, Youth and Family Services Act* sets out a definition of child in protection in terms of harm being inflicted by the person having charge of the child or caused by or resulting from that person’s actions or inactions. For example, in the sexual harm context, subsection 74(2)(c) defines a child in need of protection where “*the child has been sexually abused or sexually exploited, **by the person having charge of the child or by another person where the person having charge of the child knows or should know of the possibility of sexual abuse or sexual exploitation and fails to protect the child.***” (bolding is for emphasis).

b) Manitoba:

<https://www.canlii.org/en/mb/laws/stat/ccsm-c-c80/latest/ccsm-c-c80.html>

Subsection 17(1) of the Manitoba *Child and Family Services Act* sets out generally that “*For purposes of the Act, a child is in need of protection where the life, health or emotional well-being of the child is endangered by the act or omission of **a person.***” More specifically in the sexual harm context, subsection 17(2)(f) provides that “*Without restricting the generality of subsection 1, a child is in need of protection where the child is subjected to aggression or sexual harassment that endangers the life, health or emotional well-being of the child.*” (bolding is for emphasis).

In other descriptions of harm, the *Act* states in subsection 17(2)(b)(ii) that “Without restricting the generality of subsection 1, a child is in need of protection where **the child is in the care, custody, control or charge of a person** whose conduct endangers or might endanger the life, health or actual well-being of the child.” (bolding is for emphasis).

c) New Brunswick:

<https://laws.gnb.ca/en/document/cs/2022,%20c.35>

Subsection 34(d) of the New Brunswick *Child and Youth Well-Being Act* is generally silent as to the person who inflicts harm on the child and sets out in the sexual harm context that “*the well-being of a child may be in danger in the following circumstances: the child or youth is being or is at substantial risk of being sexually exploited , or is involved or at substantial risk of being involved in prostitution or human trafficking.*”

Following on the provisions of these 3 child protection statutes, the Child and Youth Advocate is hereby exercising his authority under subsection 12(1)(e) of the *Child and Youth Advocate Act* to “*promot[e] the rights of children and youth in relation to Government legislation, policies, protocols, practices, and reviewable services to children and youth*” and 12(2)(h) of *Act* to “*advise or make recommendations to any public body or community organization responsible for providing reviewable services to children and youth on any matter relating to the rights, interests and well-being of children and youth*”. That recommendation is:

“That the Department of Social Development and Seniors introduce legislation for enactment in the 2026 Spring Session of the Legislature to amend the definition of “child in need of protection” in section 3 of the PEI Child, Youth and Family Services Act by substituting the phrase “the person having care, custody, control or charge of the child” for the existing language of ‘a parent’.”

It is the firm position of the Advocate that excluding Child Protection Services from involvement in child protection matters where the alleged offender is not their parent is a grave disservice to Island children and youth. Children and youth often spend more waking hours in the care of adults other than their parents: in before and after school programs, in full- and part-time childcare programs, in school, participating in sports and recreational activities, youth groups, and day or overnight camps. Child Protection Services workers are trained and experienced in interviewing children, youth and adults. They are trained in gathering additional information relevant to an allegation. Reporting to Child Protection Services centralizes information and makes historical information accessible, with the ability to link professional and personal allegations against an individual. As such, any response by Child Protection Services would be timely, consistent and would expand beyond the current allegation. Child Protection Services is additionally in a position to support parents, and to advise them of services and supports available in the community, as well as to provide suggestions on how to speak with their children about the incident to support and validate the child.

Commissioner Jenkins also cautions against the over-reporting of child protection concerns: *“When contemplating whether to report, the person or administration does not enter into an investigation. However, a child-first model that involves the objective ‘reasonable grounds’ standard and avoids a culture of over-reporting contemplates a limited scope for preliminary evaluation of whether the particular conduct is reportable.”* (p. 56). However, in an Ontario Superior Court of Justice decision, *Kivell v. Chatham-Kent Children’s Services (B.K.2 v. Chatham-Kent Children’s Services 2016)*, the Court stated the policy considerations underlying Ontario’s child protection legislation and the very low threshold for reporting without concern for over-reporting under that statute, which has the same language for triggering a reporting duty in Prince Edward Island:

“The overriding objective of s.72 [the duty to report child protection concerns] is the protection of children who are inherently vulnerable. Better to have a score of reports and investigations that yield no abuse, than to have a single child continue to be abused or to have other children from the same family suffer similar abuse or worse.

...The legislation clearly imposes an obligation to report based on a very low standard – ‘reasonable grounds to suspect’. The report triggers an investigation and it is in the investigation phase that the person accused has the opportunity to meet the obligations.”

As to Commissioner Jenkins’ concern about the requirement for ‘reasonable grounds to suspect’, the courts have found that to be a low threshold. It is a lesser degree of certainty than ‘reasonable grounds to believe’ or ‘reasonable and probable grounds to suspect.’ The Ontario Association of Children’s Aid Societies has provided guidance on this point in its information sheet on Duty to Report at <https://www.oacas.org/childrens-aid-child-protection/duty-to-report/>:

“It is not necessary to be certain that a child is or may be in need of protection to make a report to a children’s aid society. ‘Reasonable grounds’ refers to the information that an average person, using normal and honest judgment, would need in order to decide to report. This standard has been recognized by courts in Ontario as establishing a low threshold for reporting.”

Failing to report a child protection concern is (and was) an offence under both s. 59 of the former *Child Protection Act* and s. 62 of the current *Child, Youth and Family Services Act*. Persons found guilty of failing to report faced a fine of up to \$2,000 under the PEI *Child Protection Act* while the current legislation permits a fine of up to \$10,000, or imprisonment for up to six months, or both. This reinforces the seriousness of the failure on the part of any individual to report a reasonable suspicion that a child has been harmed or is at risk of being harmed.

4. The Child's Voice is Silent

Article 12 of the United Nations Convention on the Rights of the Child affirms the child's right to be heard in matters affecting them, and to have their views duly considered in decision-making. The Jenkins Report notably does not provide any evidence of having interviewed any children or youth in its public participation process.

The United Nations Committee on the Rights of the Child has, in its General Comment No. 13 (2011) on *the right of the child to freedom from all forms of violence*, stated in paragraph 13:

"Children's rights to be heard and have their views given due weight must be respected systematically in all decision-making processes, and their empowerment and participation should be central to child caregiving and protection strategies and programmes."

Additionally, the United Nations Committee on the Rights of the Child has, in its General Comment No. 12 (2009) on *the right of the child to be heard*, at paragraph 118, stated:

"The Convention establishes the right of the child to be protected from all forms of violence and the responsibility of States parties to ensure this right for every child without any discrimination. The Committee encourages States parties to consult with children in the development and implementation of legislative, policy, educational and other measures to address all forms of violence."

While the OCYA accepts that the Commissioner did not interview the child victims due to risk of introducing further trauma, the OCYA maintains that child and youth participation would have provided an authentic lens through which to ask questions of safety and student perceptions of safety. Without the participation of children and youth in discussions that concern them, adults will not be able to effectively remedy problems affecting them. Without directly asking children and youth about their experiences in schools, and their experiences in the handling of their complaints about safety risks, the OCYA is unable to accept the Report's conclusion that *"we found no pattern of administrators disbelieving students"* (p.10).

As told to the OCYA by children themselves:

"When I try to explain things, the adults don't listen"

"When I ask adults for help, they don't really make it better...they don't stop me from getting hurt"

"I want adults to listen to me and believe me"

"The Principal will take the teacher's side because she is a teacher and we are just kids".

The OCYA's Child and Youth Advisory Committee has identified youth-on-youth sexual assault as a priority issue for 2026, reflecting its pervasiveness and lack of open discussion in schools. Committee members describe the perception of staff sexual misconduct as being the stereotypical form of sexual assault but is not the day-to day harm experienced by youth that needs urgent action.

The OCYA's Annual Report 2024-2025 reports a 16% increase in education-related calls received (from 17% of all calls in the previous year to 33% of all calls). Quotations from children, youth, and families already presented to the Standing Committee and in OCYA publications further underscore the concerns reported in calls to the Office. As told to the Standing Committee in September 2025, *"there appears to be little progress in implementing my Office's recommendations to incorporate children's rights, as articulated in the United Nations Convention on the Rights of the Child... These child rights-based recommendations are core elements in contributing to student safety in schools."* Without the participation of children and youth in discussions that concern them, adults will not be able to effectively remedy problems affecting them.

5. The "Bifurcated System" of Accountability in Education is Problematic

The OCYA has previously identified [concerns with complexity of PEI's education system](#) and its unclear definition of the roles and responsibilities of the Department of Education and Early Years, the education authorities, and the respective Boards of Trustees, which serves to obscure lines of accountability with respect to enforcing student safety. While the Jenkins Report attempts to delineate the statutory responsibility of each entity, the OCYA is concerned that the Jenkins Report has both perpetuated confusion and has provided contradictory statements and recommendations to remedy this.

The Jenkins Report notes that *"under the current legislative arrangement the Director (of the education authority) is to report to the board as (sic) trustees, and also has reporting obligations to the Department and the Minister"* and specifically that the Director of the education authority *reports to the Deputy Minister* (p.115). It is curious that neither organizational chart in the most recent (2024-2025) Annual Reports of the [Department of Education and Early Years](#) or the [Public Schools Branch](#) illustrate a linkage between the two entities, particularly with respect to accountability and reporting. Within the Jenkins Report, the precise roles of the elected Boards of Trustees remain unclear, particularly what, if any, function the Trustees hold in the handling of complaints and the oversight of education authority staff to properly and consistently follow policy and operational protocols in the handling of complaints.

The Jenkins Report identifies structural deficiencies, communication failures and accountability gaps in the education system, which are inherent to a system where responsibility is shared. The Jenkins Report notes that *"the statutory framework presents a challenge"* (p.19) and that *"communications challenges present real risks,"* (p.20). It also identifies numerous occasions where student complaints of staff sexual misconduct complaints and incidents were not

reported to the education authority from the school (p.9), not reported to others within the education authority (p.65), or from the education authority to the Department or to the Registrar (pp.18-19, 117). The Jenkins Report calls for “*clear lines of responsibility and accountability*” (p. 13) and notes that “*additional measures for better communication and accountability between PSB and the Department would be beneficial*” (p.20).

It is concerning that the Terms of Reference of the third-party review constrained the Commissioner’s ability to comment on the need to make changes to the “*bifurcated model of school administration,*” which is explained in the report to be “*a political matter*” (p.20). It is equally concerning that despite identifying communication and accountability gaps that put Island students at clear risk in the Craswell and Toombs cases, the Jenkins Report states that “*the bifurcated system seems to work*” (p.18), “*in the bigger scheme of things we found the Island education system is working reasonably well*” (p.23), “*the system generally works*” (p.47). It is unclear to the OCYA how the education system can be simultaneously challenged by inherent gaps in accountability and communication and still be working well.

Ultimately, the Jenkins Report does not call for significant change: “*...the condition is not such that the system needs or would benefit from radical change or refit, we were satisfied that our chosen resources are proportionate and sufficient*” (pp.21-22). Indeed, “*the education authorities have existing policies and procedures for the management of risk of adult predatory behaviours*” (p. 23), and:

“A framework of legislation, policies and procedures exists. The legislative framework is comprehensive and complete in scope. It creates a rational distribution of responsibilities that reflects the legislative policy choice of school board administration of schools including staffing. While the Act makes student safety in schools a system-wide responsibility, policy and operational responsibility for student safety is assigned to the education authorities. The education authorities have relevant policies for the purpose of keeping students from the risk of staff sexual misconduct. The relevant policies are substantial. We did not find any wholesale policy void or corresponding absence of awareness of risk” (p.103)

While the OCYA recognizes the [existing, in-progress, and planned policy and procedural initiatives of the Public Schools Branch](#), it cautions that clarifying accountability and reporting chains within the province’s education system is a paramount concern. As the Jenkins Report identifies numerous times in the context of the Matthew Craswell case, “*policies, procedures and operational directions are not always followed.*” The Jenkins Report is silent on who is responsible to oversee and ensure that school staff and staff within the education authority follow policies and procedures consistently. [The OCYA’s questions remain: Who is accountable?](#) Is it the Minister? The Deputy Minister? The Board of Trustees? The Director of the Public Schools Branch? The OCYA remains concerned that without clear accountability and oversight, the mere existence of sound policy and protocol is meaningless if these are not followed consistently, with each and every complaint.

6. Funding of the Education System Should Not be Hierarchical

The Report recommends increased funding for PSB administration, specifically in the Office of the Director and Human Resources, but it fails to address critical front-line supports essential to student safety. This is a significant omission. OCYA Individual Advocacy consistently highlights shortages in occupational therapy, speech language pathology, behavioural resource consultants, educational assistants, guidance counselors and inclusive and alternative education programs. Front-line teachers are busy teaching curriculum and there are students with various learning capacities and complex educational needs in their classrooms. They need these supports not only on a shared basis with other schools, but as full-time resources in their individual schools. Additionally, Education Assistants who have hands-on knowledge of the educational needs of individual students should be funded to expand their hours, so as to participate in student planning sessions. The promised Ministerial Directive on Inclusive Education remains outstanding. Educators, students and their families are left to struggle, with the Inclusive Education Framework now nearly 2 years in evolving draft form.

In particular, children with complex needs are increasingly placed on reduced days or are removed from school entirely, not because they cannot learn, but because school environments and the available supports are not meeting their sensory, emotional, or developmental needs. Inclusive, full-day support may look different for different children, and government has a responsibility to provide this education. Without support, frustrated children and families seek inclusion in alternative schooling options, which in recent years has seen an uptick in the ‘unschooling’ of neurodivergent children to undo the trauma caused by mainstream schooling, and as reported to the OCYA, increased reliance on homeschooling. The occurrence of a recent protest to voice the concerns of Island educators and parents should be taken seriously and should serve as both a reminder and a caution that frontline professionals are deserving of targeted supports. The statement in the Jenkins Report that there is no ‘crisis in education’ seems intended to silence the voice of these concerned protesters, composed of parents and educators, among others.

7. Avoiding an Inconvenient Truth – The Safety of Island Students in the Education System is a Serious Province-Wide Systemic Issue

The Jenkins Report is quick to avoid an inconvenient truth – that is, the safety of Island students in the education system is a serious province-wide systemic issue. To accept the findings of the Jenkins Report at face value is to also deny the inconvenient truth that there are gaps in legislation, policy, practice, communication, accountability and management that directly impact the safety of Island students and that cannot be fixed simply with more money or more people.

It is clear that the Jenkins Report is intent on dispelling the notion that there are problems in Prince Edward Island’s education system:

“In the time leading up to this review, ***the notion of education system (sic) being “broken” was introduced into the public discourse. The proposition was not borne out to us. Assertions that schools are unsafe places appear as unsubstantiated. The wide array of information we received does not support a spectre of a ‘crisis’.*** We did not hear that staff sexual misconduct is rampant or that its incidence has spiked. Such fears should be allayed” (p.103, emphasis added).

However, confidence cannot be built on generalized assurances of safety writ large, drawn from a narrowly-scoped review of staff sexual misconduct against students. To do so overreaches beyond the Terms of Reference of the third-party review. Beyond the narrow bounds of complaints of staff sexual misconduct made by students from 2023-2025, the drawing of broad generalizations about the overall safety of students in Island schools calls for a collective pause. As identified in the OCYA’s 2024-2025 Annual Report, calls to the OCYA identifying where issues impacting children’s rights in education have almost doubled and increased by 16% over the previous reporting year. The lived experiences of Island children, youth and their families bravely shared with the OCYA clearly tell us that all is not well within the province’s education system.

The Jenkins Report also emphasizes the importance of public confidence in the education system:

*“I believe there is a shared ethical responsibility for community leadership to contribute positively toward mitigation of risk, **avoid sensationalizing** and reflect reasonable expectations.”* (p.21, bolding is for emphasis);

*“To thrive, the education system needs public support too. This means **across-the-board positive participation by political leadership and opinion-makers.** There is of course a role for genuine expression of concern; but this should be informed, measured and **positive**”* (p. 24, bolding is for emphasis);

*“Success will involve excellence in performance by the primary institutions complemented by positive community leadership – political, media, stakeholders and interested parties – that **prioritizes goodwill, reasonable expectations and contribution**”* (p. 24, bolding is for emphasis).

Respectfully, the OCYA asserts that positivity regarding, and public trust and support of, the province’s education are accolades to be earned by demonstrated action, not demanded within a report that only touches one corner of the continuum of student safety concerns. Island students and their families are owed more than the report’s assurances that schools are “generally” “relatively” safe. While the OCYA agrees that public confidence and constructive engagement are essential to an effective education system, confidence cannot be sustained through reassurance alone. Public trust is built when concerns are acknowledged

transparently, evidence is taken seriously, and governing institutions demonstrate a willingness to confront uncomfortable realities alongside their successes.

The fears of students, parents and guardians, and families, are often rooted in a lack of transparency and truth. To voice concerns, even in public ways that challenge the status quo, is a legitimate exercise that cannot be dismissed as sensationalizing fear. The OCYA supports prioritizing the safety of children and youth over unsubstantiated positivity. Characterizing informed, rights-based critique(s) as insufficiently “positive” risks minimizing the lived experiences of children and youth whose safety, wellbeing, and access to education are compromised. Measured analysis does not undermine goodwill; it strengthens it by ensuring that optimism is grounded in accountability, responsiveness, and meaningful improvement rather than reassurance unsupported by evidence.

8. Recommendations Lack Specificity and Allow Too Much Wiggle Room

The OCYA observes that recommendations in the Jenkins Report are not directed to entities with authority to implement change and do not meet SMART best-practice standards. That is, for recommendations to be impactful, they should be Specific, Measurable, Achievable, Relevant and Time-Bound. The recommendations in the Jenkins Report do not meet these criteria. They are very general in nature by design: *“...I am cautious that my expertise does not permit me to extend beyond making fairly general recommendations to provide definitive and specific advice on particular measures. The Island education system is a complex operation...Accordingly, in presenting these recommendations, I am deferential regarding particular content and implementation.”* (p.107). Rather than advancing robust recommendations, the Jenkins Report provides *“a series of prompts that would refer policy makers to the relevant matters for consideration and action.”* (p. 107)

The OCYA is concerned that the decision to remain “deferential” regarding implementation relieves responsible bodies of accountability, particularly concerning given the poor track record of responding to and implementing OCYA recommendations in two previous Report Cards released in [June 2025](#) and [December 2025](#). In the case of 11 recommendations made to the Department of Education and Early Years and the Education Authorities, many of which relate directly to ensuring student safety through a child rights-based analysis, the implementation ratings have been zero full implementation; zero substantial implementation; five partial implementation; and six no Implementation.

Conclusion

The OCYA recognizes the critical importance of the report *Student Safety in Island Schools- Handling of Complaints and Incidents of Staff Sexual Misconduct* in providing public information and clarity to the troubling circumstances of sexual misconduct allegations and charges in PEI’s public education system that have dominated popular discourse and news headlines on the Island for the past year. While this report identifies several critical gaps in how the Department

of Education and Early Years and the education authorities receive, process and follow up on allegations of staff sexual misconduct against students, the OCYA is gravely concerned that the limitations of the third-party review leave many unanswered questions and imminent risks to Island students that cannot be satisfied by the Jenkins Report.

The OCYA calls on all parties: government, education authorities, and community leaders to engage constructively with our Office in the shared goal of prioritizing all aspects of student safety, grounded in evidence, child voice, and accountability. The OCYA will be discussing its next steps in the weeks ahead and making them known to the public.

Respectfully released this 19th day of February, 2026, on behalf of the PEI Office of the Child and Youth Advocate by:



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