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PRESS RELEASE

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For immediate release

The Child and Youth Advocate has today publicly released, **‘You Asked, We Told, Who Listened?’**, available online at <https://www.childandyouthadvocatepei.ca/>. In this Report, the Advocate raises significant concerns about the safety of children and youth in Island schools occasioned by the public release of confusing and misleading Sexual Misconduct Policies by the Public Schools Branch (PSB) and la Commission scolaire de langue française (CSLF). This has led the Office of the Child and Youth Advocate (OCYA) to publicly announce today its education-related systemic investigation regarding, but not limited to:

The extent to which each of the Department of Education and Early Years, the Public Schools Branch (PSB), la Commission scolaire de langue française (CSLF), and their respective Boards of Trustees, together with any shortcomings in the provincial education governance structure, may have contributed to the public release of the PSB and CSLF Sexual Misconduct Policies without any or sufficient regard to consultation input by the Office of the Child and Youth Advocate, with the resulting adverse implications for the safety of students in Island schools.

The recent publication of Sexual Misconduct Policies by the two Education Authorities, the PSB and the CSLF, perpetuates ongoing confusion and misstates the law relating to the statutory duty to report child protection concerns to Child Protection Services or the Police. For example, under these Policies, as written, education employees would not be required to report their reasonable suspicions of harm inflicted upon a student by non-parents, such as by principals, vice-principals, teachers, substitute teachers, education assistants, school counsellors, school bus drivers and other school employees.

The [OCYA provided consultation feedback on the PSB draft Sexual Misconduct Policy](#) to the Director of the PSB, the PSB’s Manager of Policy and Planning and the Acting Deputy Minister of Education and Early Years. The OCYA identified several shortcomings within the draft policy, as detailed in this Report. Unfortunately, the PSB finalized its Sexual Misconduct Policy without addressing the substantive concerns of the OCYA; and the CSLF finalized its Politique sur l’inconduite sexuelle without first seeking input from the OCYA, as required by the *Education Act*. These Policies were then approved by the Boards of

Trustees for both the PSB and CSLF and endorsed by the Department of Education and Early Years.

“In such a small province, it is alarming that in less than a decade, three Island educators have been sentenced to federal prison for significant sexual misconduct offenses against children. At the outset of a new school year, I am deeply concerned by the false sense of public confidence conveyed by many parts of the provincial education system that students are substantially safer now than before these Policies were put in place. As finalized, I do not believe there is anything in either of the PSB or CSLF Sexual Misconduct Policies that would prevent another Roger Jabbour, Matthew Craswell, or Bethany Toombs-like perpetrator from harming another student today,” said Child and Youth Advocate, Marvin Bernstein.

Responsibility, decision-making, and ultimately accountability within the education system are spread among the Department of Education and Early Years, the Education Authorities, their respective Boards of Trustees, and individual school administrators. Commissioner Jenkins, in his 2026 report [‘Student Safety in Island Schools; Handling of Complaints and Incidents of Staff Sexual Misconduct’](#) identified inherent risk(s) to student safety in the bifurcated education system that lay outside the terms of reference of his investigation. Until these are understood and remedied, undue harm to students remains a possibility.

“It is unclear where in the chain of responsibility and decision-making that the process of developing the PSB and CSLF Sexual Misconduct Policies went wrong,” continued Bernstein, “I have previously questioned the lines of responsibility and authority within the education system. The quagmire of the Sexual Misconduct Policies is a clear example of being unable, without further investigation, to trace what went wrong, where it went wrong, and with whom the final decision rested.”

The Advocate welcomes the opportunity to build upon and fill in some of the gaps referenced in the third-party review conducted by Commissioner Jenkins and calls upon the Minister of Education and Early Years to take immediate corrective action steps to promote student safety and not wait until the completion of the OCYA investigation.

“Student safety cannot be placed on hold. Educators and others in the education system do much to protect their students on a daily basis and deserve clear and accurate information. Legislative and policy confusion cannot be left to fester and expose education employees to the serious jeopardy of statutory consequences,” said Bernstein.

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