Disrupting Notions of Choice for Children: Missteps in Ontario's COVID-19 Return to School Plan

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Abstract

When schools shut down in Ontario during the COVID-19 Pandemic, many voices chimed in to discuss where children should be. However, children's voices were largely missing from these discussions by virtue of being excluded by those in charge. Under the United Nations Convention on the Rights of the Child (UNCRC) (1989), children are granted the right to express themselves, have that expression be taken seriously, and to be given information on matters that concern them. By conducting an analysis of the Ontario Government's 2020 Return to School Plan and announcements, I argue that the developmental and economic framing of the decision to return to school denied children their expression rights guaranteed under the UN-CRC. By following the common assumption that adults know more about children's interests than children themselves, the Ontario Government missed a vital opportunity to value children as full human beings with integral experiences. I conclude by arguing that it is imperative that the Government commits to using a rights-respecting approach to all policy and programming with potential to impact children or childhood going forward to ensure that children's rights are continuously upheld through the policy process.

Keywords: developmentalism, policy, education, expression, voice

Introduction

The first institutions to shut down during the COVID-19 Pandemic in Ontario were schools, from the elementary to post-secondary level. Quickly, children's advocates, paediatricians, teachers, child psychologists, and parents became engaged in debates about where children should be during the pandemic. Reports by Sick Kids Hospital (2020) and the Centre for Disease Control (2020) argued that children were not at a large risk for COVID-19 rather, they were more likely to be negatively impacted by the isolation, stagnancy, and in-home conflict that stem from being at home 24-hours a day. Parents largely concurred with these reports, stating that they were concerned for their children's mental and physical health due to instability of routines, stagnation, lack of access to healthy food, and over-use of technology (Bhamani, Makhdoom, Bharuchi, Ali, Kaleem, Ahmed, 2020). The Ontario Government picked up on these reports and concerns and announced that guardians would be able to choose if their children would return to school in September 2020 (Ontario Government, 2020). Through all of the debate and concern surrounding children's mental and physical health during COVID-19, one crucial voice was missing: the voices of children themselves.

Under the United Nations Convention on the Rights of the Child (UN-CRC) ratified in Canada in 1991, Articles 12 and 13 guarantee children the right to express their views freely in all matters affecting them, the opportunity to be heard in any judicial and administrative proceedings, as well as the right to freedom of expression, including to seek, receive, and impart information and ideas of all kinds (United Nations, 1989). Not only are children guaranteed the right to expression, but it is imperative under Article 12 that their views are given weight and taken seriously (United Nations, 1989). Drawing on the Ontario Government's Return to School plan and announcement, I will demonstrate how the economic and developmental framing of the Return to School plan undermines and corrupts children's expression rights that are guaranteed in Articles 12 and 13 of the UN-CRC. The plan weighs the opinions of political figures, psychologists, medical experts, teachers, and parents significantly heavier than children's own thoughts and opinions while claiming to be acting in the best interest of and protection for the children. I argue that the silencing of children and their voices during the COVID-19 pandemic occurs largely on the basis of a constructed adult/child binary, where adults are constructed as capable of making rational decisions and children are constructed as immature, vulnerable and passive, requiring others to make their decisions for them. By neglecting to use a rights-based approach to policy and programming, the Ontario Government missed a vital opportunity to ensure that children are not only being heard but respected as full human beings with valid and integral experiences.

Background

The COVID-19 virus is a severe acute respiratory syndrome (SARS) and was declared to be a global pandemic by the World Health Organization in March 2020 (WHO, 2020). Alongside the health pandemic, there have been severe economic and labour market concerns, as well as a rise in anti-Chinese and anti-Asian xenophobia due to initial cases of the virus being perceived to

be coming out of China (Balvaneda, Roemer, Hayes-Skelton, Yang & Ying, 2020). In order to stop the spread of COVID-19, many countries around the world initiated lockdown measures that have led to economic, social, and health crises (Rose-Redwood, Kitchin, Apostolopoulou, Rickards, Blackman, Crampton, Rossi, & Buckley, 2020). Inequalities and disparities that existed prior to the pandemic have been exacerbated by shelter-in-place measures, an overburdened health care system, unemployment, and strains on the global supply chain (Rose-Redwood, Kitchin, Apostolopoulou, Rickards, Blackman, Crampton, Rossi, & Buckley, 2020). Many inequalities, physical and otherwise, have been compounded during the COVID-19 pandemic.

COVID-19 and Concerns for Children

Most of the data surrounding COVID-19 does not address children specifically (Ludvigsson, 2020). Early data collected in China, Italy, the United States, and Canada suggested that between 2-5% of COVID-19 cases were children, and thus, determined that children were minimally affected by the virus and least likely to transmit it (Ludvigsson, 2020; Kilham, 2020; Public Health Ontario, 2020). While some argue that children have a higher capacity to respond to viruses due to their age, others argue that children's lessened immune exposure places them at an increased risk (Vogel, 2020). It is unclear whether children's transmission and response to the virus were initially low due to school closures and home confinement, or a biological response based on age (Vogel, 2020). Regardless, based on the early data that exists, children who were infected by the virus usually contracted it within the home from their family members (Ludvigsson, 2020). Consequently, beyond the initial closure of schools and daycares, most COVID-19 interventions in Canada were aimed at adults.

Because few cases affecting children were recorded in the early days of the pandemic, many medical, psychological, and educational experts began to express concerns with how children were impacted by stay-at-home orders, such as mental health issues arising from isolation and possible experiences of violence within the home (Ludvigsson, 2020; Sick Kids, 2020; National Academies of Sciences, 2020; Centers for Disease Control and Prevention, 2020; Gupta & Jawanda, 2020). While some of these reports highlighted potential positive impacts of the pandemic such as opportunities to learn new skills, closer bonds between parents and children, and increasing empathy and values (Gupta & Jawanda, 2020), many reports focused on the drastic impacts of isolation and school closures. The negative impacts surround psycho-social development due to a lack of socialization and conventional learning; worsening productivity due to an irregular schedule; decreasing physical health due to poor diets or stagnation; a loss of rights to movement, association, and education; addiction to social media and increased screen time; worsening mental health outcomes due to anxiety and aggression; as well as an increased risk of child abuse cases going unreported because educators faced barriers to assessing children's well-being (Gupta & Jawanda, 2020; Cardenas, Bustos, & Chakraborty, 2020; Bhamani, Makhdoom, Bharuchi, Kaleem, & Ahmed, 2020; Taylor, Landry, Fergus, McKay, &

Asmundson, 2020; Sick Kids, 2020; National Academies of Sciences, 2020; Centers for Disease Control and Prevention, 2020).

These reports combined the notion that children are less likely to face severe effects from the coronavirus with concerns about the mental and physical health of children and recommended that schools be re-opened in order to mitigate some of these adverse experiences (Taylor, Landry, Fergus, McKay & Asmundson, 2020; Sick Kids, 2020; National Academies of Sciences, 2020; Centers for Disease Control and Prevention, 2020). As schools re-opened in September 2020, it became clear that children are not immune to the virus but do face transmission within the school that is usually reflective of community transmission rates (Ontario Government, 2020). The reports by various experts above rely on a singular understanding of childhood that does not account for varying experiences among children and falsely maintain that COVID-19 generally affects all children in the same way. They also make claims that schools are wholly safe places for children, where homes are potential sites of danger. In contrast to these reports, I argue that the decision to return to school without considering the voices and opinions of children was a vast misstep by all experts and officials involved. While experts and officials draw on many concerns for children and where they should be, they are at once claiming to act in the best interest of the child while simultaneously denying any collective representation or opportunity for civic participation for young people.

The lack of disaggregated data for children's transmission is itself a function of the silencing of children more broadly (Qvortrup 2015). Concerns that children have and the issues they face were not represented statistically at the time that the Return to School plan was created (Public Health Ontario, 2020). Policymakers were left making decisions without a complete picture. This is not solely a symptom of COVID-19, but rather, a significant social problem that has been identified before because children are often conceptualized as being dependent on families who make their decisions for them and better understand their best interests (Qvortrup, 2015). Most often, they are statistically included in terms of their family or their parents rather than their own life experiences (Qvortrup, 2015). Children are thought not to be credible, and thus, are usually spoken *about* rather than spoken *to*. Both qualitatively and quantitatively, children are missing from discussions of COVID-19 and the impact of COVID-19 is largely inferred rather than explored, even as governments and institutions draw on the inferred impact as fact. This has a potentially detrimental effect both for children and for public health more generally, as decisions that negotiate between a deadly virus and mental health can mean the decision between life and death for some children and their families, as well as the continued marginalization of children as a social group.

A Critical Child & Rights-Respecting Approach

This paper is grounded in a lens that is critical of developmental approaches that over rely on an understanding of childhood as an unstable journey leading towards adulthood or full humanness. In these approaches, childhood is often defined in relation to adulthood using a deficit or binary model (Lee, 2001). Where adults are seen as rational, strong, capable, stable,

complete and intelligent, children are often viewed as unfinished and incomplete, lacking these characteristics (Lee, 2001). This dominant paradigm for understanding childhood comes out of developmental psychology that places a significant amount of attention on appropriate and universal developmental stages that children should enter and exit as they grow up in order to become a well-adjusted and productive adult (Lee, 2001). Here, psychological development is linked with physiological development. Focusing on looking forward and shaping the future is not inherently problematic, however, if the focus is solely on the future, one might miss the child in the present and contribute to the idea that children cannot exercise rights and responsibilities due to their incompetency and incompleteness (Qvortrup, 2009; Quennerstedt & Quennerstedt, 2014).

A significant departure from this model occurred with James & Prout's (1990) proposal for a 'new sociology of childhood' where they recognized that childhood is a social construction and the way that childhood is understood varies across time and space. While this model is no longer new to us 30 years later, we can still draw from and expand on their insights about treating children as social actors who are impacted by and also impact the world around them. Particularly, these insights and transformations in the ways that children are viewed have been essential in developing a rights-respecting approach to childhood, where children are recognized as full human beings and capable bearers of rights and responsibilities (Kenneally, 2017; Quennerstedt & Quennerstedt, 2014). Drawing on the 'new' understanding of childhood, one is in a position to interrogate the way that childhood has been defined by a sense of incompleteness and recognize that children are wholly and fully human and should be treated as such. Quennerstedt & Quennerstedt (2014) highlight that children are not missing any skills, essences or aptitudes that are needed in order for them to be protected using a rights framework. As well, listening to children's experiences and voices can provide very important sources of information about the social world in which we reside (Lundy, 2007). A children's rights-based approach to childhood necessarily implies taking seriously the experiences and lives of children as full humans.

The UN-CRC, which outlines a human-rights approach to childhood, was drafted in 1989 and has since been ratified in 196 countries (United Nations, 1989). Kenneally (2017) highlights a framework for broadly understanding the UN-CRC: the three P's and four guiding principles. The three P's refers to provision, participation and protection rights and the four guiding principles refers to non-discrimination; best interests of the child; life, survival and development; and respect for the views of the child (Kenneally, 2017). Every article of the UN-CRC can fit under one or more of these principles. It is important to note that none of the UN-CRC articles can stand alone, but that all children's rights are intertwined and interdependent (Kenneally, 2017). Notably, some rights, like the right to education, can be considered rights multipliers where the singular right can maximize or enhance other rights (Kenneally, 2017). Quennerstedt & Quennerstedt (2014) discuss education as an important "vehicle" for the achievement of rights, as education might develop children's capacity to learn about and exercise other rights.

Children in education and schooling can also enhance their right to health, expression, protection, and development.

Lundy and Byrne (2019) develop a framework for creating policy using a children's rights lens. They suggest that any policy that has the potential to impact children and childhood should be made to align with the UN-CRC and a rights-respecting approach to ensure that all policies work towards a more just and equal society and develop the capacities of rights-bearers (Lundy & Byrne, 2019). According to Lundy and Byrne (2019), there are six guidelines that policymakers should follow in order to develop policy that has the potential to impact children. These guidelines are: principles (such that the policy directly and intentionally aligns with children's rights), process (such that potential and actual impacts are assessed and evaluated before, during, and after the policy is implemented), participation (such that children are involved in policy processes and understand their rights), public spending (such that a maximum amount of resources are spent on the realization of children's rights and children should be the last group to be impacted by any regressive measures undertaken by governments), partnership (such that a holistic approach to children's rights is recognized where policies seek to promote consistency), and publicity (such that policies are made available for young people to access and understand) (Lundy & Byrne, 2019). This framework allows insight into how policy regarding children should be created and implemented, something that the Ontario Government neglected to do in their Return to School planning.

The two UN-CRC articles that I am focusing on for this paper are Articles 12 and 13:

Article 12: 1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 13:

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others; or

(b) For the protection of national security or of public order (ordre public), or of public health or morals. (United Nations, 1989)

Lundy (2007) highlights that the expression rights are of significant importance as they necessarily view the child as a full human, capable of participating in society with integrity. However, the way that the expression rights have been applied is often inconsistent with the way that they have been written (Lundy, 2007; Quennerstedt 2011). In a meta-analysis that reviews children's rights and education, Quennerstedt (2011) highlights four barriers to children's participation rights being met including: scepticism about children's capacity for rational decision-making, concern about children making mistakes due to a lack of experience, fear that children's participation might upset adult authority, and a lack of time to spend on children's participation.

In order to implement the UN-CRC to its fullest extent, both adults and children need to be aware of its existence and the rights that it promises (Lundy, 2007). In fact, article 42 of the convention states that state parties have a responsibility to ensure full awareness of the principles of the UN-CRC (United Nations, 1989). However, in practice there is limited understanding and public knowledge about the full expression rights that children are granted (Lundy, 2007). Where some people may not be aware at all, others may view the expression rights in a diluted form such as the right to participate or be heard (Lundy, 2007). What is missing from this diluted conception is that children have this right in *all* matters that could impact them and the right for that expression to be given weight and taken seriously. Lundy (2007) suggests that to accurately and fully respect article 12, children should be given the opportunity to express a view, the view must be listened to, and the view must be acted upon where appropriate. Regardless, even if their suggestions cannot be wholly implemented, it is still necessary and vital that children's views be considered.

Using the children's rights policy framework identified by Lundy and Byrne (2019) and discourse analysis, I will examine how the Ontario Government's Return to School plan actively denied children their expression rights, contributed to their consistent marginalization in society and reinforced ideas about childhood and children where governments, parents, and a variety of other experts are assumed to know more about children's experiences than children themselves. This assumption draws on the developmentalist approach to childhood highlighted above that views children as incapable, dependent, passive, and incomplete. Grounding policy in a rights-respecting approach ensures that children's rights will be respected, and their experiences valued as important sources of knowledge for understanding and bettering the social world.

Children's Rights and COVID-19

Prominent human and child rights organizations such as the Canadian Coalition for the Rights of Children (CCRC) (2021), United Nations Office of the High Commissioner on Human Rights (OHCHR) (2020), United Nations Children's Fund (UNICEF) (2020), Human Rights

Watch (HRW) (2020), Save the Children (2020), and World Vision (2020) have recognized the multiplicity of rights abuses or oversteps that have been occurring since the onset of COVID-19 and subsequent preventative or responsive measures. Most of these organizations recognize the particular and specific effects on children as a social and political group.

International organizations highlight a variety of issues due to COVID-19 that have made children more vulnerable and prevented their human rights from being realized world-wide (UNICEF, 2020; HRW, 2020; OHCHR, 2020; World Vision, 2020). The framework and recommendations put forth by HRW (2020) suggest that the COVID-19 virus and subsequent preventative or protective measures have impacted children in a variety of areas including school closures; violence at home; loss of parents and caregivers; increases in poverty, child labour, and child marriage; sexual exploitation; deprivation of liberty; access to healthcare and healthy living; and significant disadvantages for refugees and migrant children. It is suggested that each of these factors is contingent on others and a loss of rights in any one of these arenas can make children more vulnerable to a loss of rights and protection in other areas (Human Rights Watch, 2020). HRW (2020) also argues that using a children's rights approach during the pandemic is necessary as areas where children's rights had already been unmet are becoming more blatant and desperate such as inadequate health care, neglectful social protection systems, overcrowded and inhumane detention facilities, and a lack of emergency plans. A children's rights approach recognizes that governments have a responsibility to protect children. By ensuring that children's rights are respected in the present pandemic, the progress that has been made in the domain of children's rights over the past decades will be upheld, as well as set a precedent for children's rights to be respected in the future (Human Rights Watch, 2020).

These human rights reports frequently highlight school closures as one of the biggest ways that governments are neglecting children's rights (CCRC, 2021; UNICEF, 2020; HRW, 2020; Save the Children, 2020). Not only do school closures limit children's access to conventional education, but it is also suggested that they reduce children's access to healthy food, physical activity, internet access, information, play, freedom from violence, and general protection (CCRC, 2021; UNICEF, 2020; HRW, 2020; Save the Children, 2020). A letter signed by over 100 doctors and pediatricians in Ontario was published in 2020 by the CCRC that called on provincial governments across Canada to open schools on the basis that school closures were breaching a multitude of children's rights and causing harm for children both in the present and for the future (CCRC, 2021). While it is indisputable that COVID-19 and school closures have infringed on a variety of children's rights, it is notable that these reports and letters rarely recognize the expression and information rights guaranteed under the UN-CRC. Where they are mentioned, they are considered as a further consequence of school closures as children no longer have an avenue for expression, learning and public opinion (CCRC, 2021; World Vision, 2020). I take the stance that the symphony of reports released about COVID-19 and children's rights also maintain the silencing of children and their experiences every time there is a refusal to engage with children's voices. Reports that claim to speak for the best interest of the child without seeking out the lived experiences of children continue to deny children's rights to

expression and information about matters that concern them, as well as the right for that expression to be given adequate weight.

The Plan

In June of 2020, the Ontario Government released their written plan for children's return to school in September 2020. Upon the release of this plan, Premier Doug Ford and Minister of Education Stephen Lecce conducted a news brief where they explained their rationale. The plan provided three options for students to return to school: in-person learning with increased public health measures, online learning, or a mix of both. The plan stressed that attendance for in-person schooling would be voluntary and that parents would be able to choose whether they would allow their child to enter the school building for the 2020-21 school year (Ontario Government, 2020). The framework also stated that local health units and school boards would have flexibility to work alongside the government to devise a plan that would work best for their local community and their needs (Ontario Government, 2020).

The plan operated on a staged approach where children from kindergarten to grade 3 have different safety protocols from students in upper grades (Ontario Government, 2020). The staged approach came out of earlier reports that suggested that differently aged children face different effects from COVID-19 and that mask-wearing is not necessary for younger children (See Sick Kids, 2020). Overall, the plan stated that children would be placed in groups of 15 or less, remain with the same teacher and room all day, and would be screened for COVID-19 symptoms upon arrival to school each morning (Ontario Government, 2020). The plan noted that there would be increased health and safety measures like cleaning and handwashing and advice for health units on what to do if a child were to become sick (Ontario Government, 2020). This generally took the form of testing and tracing, where entire cohorts that would have had contact with that child would be dismissed from school (Ontario Government, 2020).

The briefing conducted by Premier Ford and Minister Lecce expressed that they empathized with parents' concerns for their children, whether those be developmental or health concerns, and they stated that they consulted heavily with medical and educational experts for the development of this plan so that it could be operationalized safely (Cable Public Affairs Channel, 2020). Their empathetic approach to parent concerns influenced their stance regarding keeping parents informed and giving parents options when it comes to their child (Cable Public Affairs Channel, 2020). Premier Ford stated: "as a parent myself, I know how you feel" (Cable Public Affairs Channel, 2020). Premier Ford and Minister Lecce also highlighted that they had made record-level investments in schooling for the 2020-21 year in regard to mental health, technology, and special education funding (Cable Public Affairs Channel, 2020). They stressed that this plan was a critical partnership between parents, students, government, organizations, and experts, and was necessary as Ontario approached a full re-opening of their economy (Cable Public Affairs Channel, 2020).

Throughout the 2020-21 school year while the plan was in effect, Ontario recorded 44,594 cases in school-aged children, accounting for 11% of Ontario's total case count (Public Health Ontario, 2021). There were 1,366 school outbreaks during the school year with 71% of

the outbreaks occurring in elementary settings (Public Health Ontario, 2021). There was a great deal of regional variation regarding choice to enroll online or in-person, with some regions recording only 16% opting for virtual schooling and others recording as high as 49% (Gallagher-Mackay, Srivastava, Underwood, Dhuey, & McCready, 2021). While the year began using the blended model, the end of the school year was entirely online as schools closed for a total of 20 weeks throughout the pandemic, prompting more concern from researchers about education disruption and learning loss (Gallagher-Mackay, Srivastava, Underwood, Dhuey, & McCready, 2021). The Ontario Government also released a plan for returning to school for the 2021-22 school year that followed the first plan closely, focusing heavily on the flexibility of administrators and educators as Ontario undergoes their second year of pandemic-influenced education. Voices for children are still excluded from planning processes.

Developmental and Economic Concerns Privileged Over Children's Rights

While the developmental approach to childhood is rarely explicitly stated throughout the plan and briefing, it consistently underpins many of the statements present. When children are out of school, as in the case of the pandemic, there is a huge concern for whether or not children will continue to develop on a *normal* trajectory. The Return to School plan focuses on getting children back into conventional, universal, curriculum-based learning as soon as possible so that, as Premier Ford states, no students “fall behind” or “miss out on learning” (Cable Public Affairs Channel., 2020). The idea that learning can be missed or that students will fall behind draws on the staged approach to development and compares children to a standard for their age group and their peers. The standard remains the same, even as situations between children might be drastically different due to the effects of the global pandemic and different stresses that different groups of people are undergoing as a consequence. There is an urgency to the notion that children are falling behind because it suggests that they need to immediately return to school to make up for learning that had already been missed when schools were closed. This urgency and concern for children was present in the Return to School that did not give room for considering alternatives, holding consultations with children, or ensuring that the plan created aligned with the principles of the UN-CRC.

The Plan also suggests that the only place where children are able to learn is within the conventional classroom. Premier Ford and Minister Lecce continuously reinforce this point by stating that kids “need to return to a full-time experience” and that kids themselves are “eager to get back in the classroom” (Cable Public Affairs Channel., 2020). While this may be true, they made their statements without ever having consulted children and claim to know what they needed by drawing on developmental and medical expertise, with limited room for alternatives. Minister Lecce also explicitly stated that schools “educate young minds *for the future*” [emphasis added] (Cable Public Affairs Channel., 2020). This statement is future-oriented, which risks missing the child in the present by focusing more on the future than the current experiences of children. The explicit focus on the future, as well as expressed concern for conventional

development, contributes to the silencing of children's voices, as these claims are being made without facilitating a space for children to consult. Here, children are spoken *about* and *for* without being spoken *to*.

Speaking about rather than to children is a common theme throughout the plan and briefing. Not only do Premier Ford and Minister Lecce assume that they know what children need, they also direct all information towards parents. The official plan continuously used the language of "your child." For example, "If *your child* was in close contact with a person who tested positive, the public health unit will tell you that *your child* must isolate for 14 days" [emphasis added] (Cable Public Affairs Channel., 2020). There is no plan for children to access or read. In order for children to access this information, they must rely on adults to provide them with the material and information. As well, one of Premier Ford's first statements in the briefing was that "return to school is on the minds of many *parents*" [emphasis added] (Cable Public Affairs Channel., 2020). He continues to say, "I want *parents* to know that you have a choice. If you don't feel comfortable, if you're worried about *your child* returning to school, at home learning is available" [emphasis added] (Cable Public Affairs Channel., 2020). He immediately and continuously addresses parents rather than taking time to address children in any way, even though they are directly and indisputably impacted by this plan. Later, Minister Lecce mentions that he conducted "extensive consultation with *parents*" [emphasis added] (Cable Public Affairs Channel., 2020). The continuous addressing and focus on parents reinforces the general conception of adults as more competent, capable of making decisions and understanding information which, in turn, contributes to the denial of children's expression rights by controlling what information children are able to access and excluding them from consultation processes. Similarly, Premier Ford and Minister Lecce draw heavily on expert opinion, suggesting that they are "searching for answers" and basing the plan on the "best medical advice available" (Cable Public Affairs Channel., 2020). Thus, while the plan did consult heavily with experts and other adults who are assumed to know what is best for children, it did not provide information for children, give them a voice in the proceedings, nor take their experience seriously, each of which children are promised under the UN-CRC articles 12 and 13.

Alongside the exclusion of children from consultations about the plan, the choice to return to physical schooling was also a decision for parents to make. Children did not get a say in whether or not they would return to school, unless their individual guardian chose to include them in that decision. Of course, there are a variety of structural factors that could directly influence parents' capacity to make a choice for their child. Even though Premier Ford repeatedly states that the government will respect the choices of parents, he continuously packaged the return to school alongside the necessity of restarting the economy. At the very beginning of the briefing, Ford states: "As more regions of Ontario are re-opening, more parents are heading back to work, and we know that return to school is on the minds of many parents" (Cable Public Affairs Channel., 2020). The return to school is presented as essential for parents to return to work. If children are at home, parents must arrange plans for them to be cared for or care for them themselves. Thus, by placing children back in school, adults are able to return to

work without needing to make arrangements for their child. Even as the plan places emphasis on care for children, here they are presented as a cost and a burden for parents and their capacity to work.

Considering the economic strains of COVID-19, parents' choice in keeping their child home or sending them to school might be constrained by the need to make a steady income. As rational and capable adults, parents are expected to take all of this information into account as they make their choice. After making their choice, parents are also accepting a level of responsibility to ensure that they check school websites, check public health information, screen their children, monitor their children, and make alternative arrangements should they become sick (Ontario Government, 2020). The dual structure of choice and responsibility is placed on adults as they are seen as both capable and rational. Children are excluded from this decision because of the constructed understanding of children as irrational, incapable, and immature. At the same time, there is no alternative for children to choose not to attend schooling if their parents cannot arrange care for them in some way. Thus, if children were given the ultimate say in this decision, it would require significant alterations on the part of the government or parents. This relates to the notion presented by Lundy (2007) that adults can be hesitant to include the opinions of children because it could undermine adult authority or drastically alter ways of life.

Lundy and Byrne's Framework

As previously mentioned, Lundy and Byrne (2019) offer six guidelines to ensure that policy that impacts children and childhood aligns with a children's rights-respecting approach. The following chart summarizes the six guidelines and provides a comparison to demonstrate how the Return to School Plan fails to meet the standards of a rights-respecting approach.

Guideline per Lundy & Byrne (2019)	Return to School Plan (Ontario Government, 2020)
Principles: policy should specifically align with the UN-CRC	<ul style="list-style-type: none"> -The plan focused on restarting the economy rather than children's well-being -The plan drew heavily on development or future outcomes rather than the present child -Children's rights not mentioned or considered throughout the plan
Process: impact assessments should be conducted to determine potential impacts of policies	<ul style="list-style-type: none"> -No province-wide impact assessment was ever conducted by the government, even after the school year was complete -Alternative schooling options not considered

Participation: children should be consulted and involved in the policy process	-Consultations were conducted with parents and other experts who were expected to speak for children
Public Spending: budget decisions should be publicly available to children and sufficient financial resources should be spent on realizing children's rights	-The briefing explained some areas where investment has been made -Children were not involved in budgetary processes or decisions
Partnership: a holistic approach to children's rights should be taken where rights are considered interdependent and indivisible	-Rights were not addressed in the plan or briefing -The plan privileged areas like education and development while neglecting health, life, and participation
Publicity: the principles of the UNCRC and the policy details should be made available to children	-The plan and briefing were directed solely towards parents and depended on parents to relay information to children

Conclusion

The combined impact of developmental constructions of children as incomplete and incapable and the economic urgency to get parents back to work undermined the capacity for this plan to value children's voices and experiences. The economic strains of COVID-19 and lockdowns have placed significant amounts of pressure on families and individuals to work towards a full opening of the economy, for regional and individual economic survival. Because schooling can operate as a form of childcare, the return to school alleviates parents from the necessity of providing care for their children and allows them to return to work. At the same time, concerns for children's development, mental health, and structure were also touted as urgent reasons to return to school. However, the urgency presented, and the overall devaluing of children's experiences, led to a severe silencing of children's voices in the return to school process. Under Articles 12 and 13 of the UN-CRC, children are guaranteed a right to information, expression, and to have that expression be given adequate weight in all matters that concern them (United Nations, 1989). Children were not consulted in the creation of the Ontario Return to School plan, they did not have an explicit choice in whether they would return to school, and information about returning to school was directed towards parents rather than children.

The Ontario Government missed an important opportunity to ensure that all children's rights were respected in the development of this policy and the return to school process, instead choosing to limit consultations to adults and experts. Using a rights-respecting approach could have numerous benefits for all involved. Children could gain the opportunity and skills of participation in policy development and exercise relative autonomy, and government and educators could learn from children's experiences and voices about what their needs and

opinions are. It is essential that the Ontario Government considers avenues for aligning their plans with the UN-CRC, recognizing that children's rights are contingent on one another. Instead of favouring the right to education over the right to health, the right to health, education, and expression are all necessary and co-exist. Following Lundy and Byrne's (2019) approach to policy development, the Ontario Government needs to consult children about the plan, conduct impact assessments about re-opening schools or alternative measures, ensure that children are aware of what rights they have, continuously examine what resources can be used for children's safety and learning, and provide information in a way that is accessible for children of various ages and capacities. The current plan is insufficient as it relies on adults to make the information available to children and for adults to facilitate that process. There are severe limitations to this model because of children's assumed incapacity and the potential that what they say will change the way that things are done. While children are fought for and fought over in their assumed best interest, I conclude this paper by calling for us as adults to reconsider what we have gotten wrong and to move towards an approach that values children as full humans, even if it forces us to slow down and take a moment to listen.

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