

**From:** Bill 10 Court Challenge Org [mailto:feedback@bill10courtchallenge.org]

**Sent:** Thursday, December 05, 2019 2:00 PM

**To:** All Alberta MLAs

**Subject:** Public Engagement for Proposed Choice in Education Act

References:

A. Alberta Government [Choice in Education Engagement](#) program, including [online survey](#).

B. Attached PDF - ***A Social Conservative Response to Choice in Education***. **[See next page]**

At Reference A, the Alberta Government solicits comment on educational choice in the province prior to developing specific legislation to quote: *"affirm that parents are the primary decision-makers in their child's education and support the range of choice within the current education system."* At Reference B, find attached the PDF – ***A Social Conservative Response to Choice in Education***, which highlights in reply to key survey questions the continuing concerns for many parents relating to *Alberta Education*.

All parents should support a *welcoming, caring, respectful and safe learning environment* in our schools for all students. However, many parents believe this can and must be achieved without the unprecedented alteration of the state-parent-child (state-family) relationship; without radically disenfranchising parents from long-standing rights and responsibilities. Under current governance, a 5,6,7,8,9,10...year-old student can secretly self-identify LGBTQ, change his/her/ze's name, and/or join a Gay-Straight Alliance (GSA), while at school, all with the state's promotion/backing/protection, all hidden from the responsible parents. The mother and father, or guardian(s), have no choice, no say, no awareness, in the matter.

Respectfully, I request you (or your staff) review the attached case made for real choice in education and for protecting the greatest number of Alberta school children.

Thank you for your time.

Carman Bradley

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## **A Social Conservative Response to Choice in Education**

The following are key social conservative responses to four primary questions asked in the Alberta Government's [Choice in Education Engagement](#). The engagement is an [online survey](#) for feedback that will be used to inform the development of the Choice in Education Act, which will quote: *"affirm that parents are the primary decision-makers in their child's education and support the range of choice within the current education system."*

### **Survey Page 3 – What does choice in education mean to you?**

**There are no real choices in school type if the family cannot afford the tuition.** See <https://www.ourkids.net/alberta-private-schools.php> which lists 18 private schools. The

mean low for tuition is \$10,780 and high mean value is \$14,890, per student. In school year 2015/2016 Francophone, ECS Private, Private, First Nations, and Charter schools constituted 9.2% of all Alberta students. Public and Separate Schools made up 90.8% of the 690,844 total provincial attendance. For families utilizing Public or Separate schools the tuition is government funded in full less some \$350 per student as annual costs to parents for bus passes, school supplies, lunchroom supervision fees and field trips. For the overwhelming majority of families, whether secular, religious, progressive or social conservative, the options are few.

All parents have certain rights and responsibilities. Under *Powers, responsibilities and entitlements of guardianship*, the Alberta Family Law Act states at s.21(6) that parents may exercise the following powers:

- *to make day-to-day decisions affecting the child, including having the day-to-day care and control of the child and supervising the child's daily activities;*
- *to make decisions about the child's education, including the nature, extent and place of education and any participation in extracurricular school activities;*
- *to make decisions regarding the child's cultural, linguistic, religious and spiritual upbringing and heritage;*
- *to consent to medical, dental and other health-related treatment for the child;*
- *to decide with whom the child is to live and with whom the child is to associate; and*
- to grant or refuse consent where consent of a parent is required by law in any application, approval, action, proceeding or other matter.

The revised Alberta Bill of Rights Act (ABRA), March 19, 2015, clarified a parental right and freedom stating at s.1(g): "*the right of parents to make informed decisions respecting the education of their children.*" In 2009, the PC government enshrined homosexual rights into law, including the addition of a **Notice to Parent** clause in the ABRA. At the time Rob Anderson, PC MLA for Airdrie-Chestermere defended the need for parental notice ("parent choice!"): "*There are thousands and thousands of parents, the silent majority, severely normal Albertans that are extremely happy with this legislation, that believe it's right to affirm the right of parents as being the primary educators of their children on these subjects [i.e. human sexuality].*" **However, today in the domain of human sexuality education Alberta parents, whether secular, religious, progressive, or social conservative, have lost "choice" in influencing the sexual development of their school-aged children (ages 5-18).** Under NDP governance the **Notice to Parent** clause was removed from the ABRA but kept at s.50.1, in the April 1, 2018, School Act. The UCP have since affirmed this right in the September 1, 2019, Education Act, at s.58.1, which reads:

***Notice to parent***

*58.1(1) A board shall provide notice to a parent of a student where courses, programs of study or instructional materials, or instruction or exercises, include subject-matter that deals primarily and explicitly with religion or human sexuality.*

*(2) Where a teacher or other person providing instruction, teaching a course or program of study or using the instructional materials referred to in subsection (1) receives a written request signed by a parent of a student that the student be excluded from the instruction, course or program of study or use of instructional materials, the teacher or other person shall, in accordance with the request of the parent, permit the student, without academic penalty,*

*(a) to leave the classroom or place where the instruction, course or program of study is taking place or the instructional materials are being used for the duration of the part of the instruction, course or program of study, or the use of the instructional materials, that includes the subject-matter referred to in subsection (1), or (b) to remain in the classroom or place without taking part in the instruction, course or program of study or using the instructional materials.*

*(3) This section does not apply to incidental or indirect references to religion, religious themes or human sexuality in a course, program of study, instruction or exercises or in the use of instructional materials.*

**However, the legal/practical utility of Notice to Parent and parental “choice to opt out” one’s children from instruction in human sexuality has effectively been thwarted by the universal (all school types) application of Bill 10 legislation giving students the rights while at school (age 5-18) to: (1) attend a Gay Straight Alliance (GSA), and/or (2) self-identify by sexual orientation or gender identity (SOGI), without parent knowledge and/or approval.**

The following is guidance by the Alberta Teacher’s Association (from 2006 and 2016) on the operating characteristics of GSAs:

2006

*Work with your GSA to develop an action plan that will help make your group an active and sustainable presence in your school. Your action plan might include long- and short-range goals and priorities. Possible activities include:*

- *showing LGBTQ-themed movies from National Film Board of Canada,*
- *inviting guest speakers,*
- *holding joint meetings with other school groups,*
- *writing articles for the school newspaper or website,*
- *networking with local LGBTQ community groups,*
- *undertaking a web search on LGBTQ youth issues,*
- *visiting your school library, suggesting potential LGBTQ student resources,*
- *creating a bulletin board display about LGBTQ history,*
- *starting an LGBTQ book club or reading group,*
- *inviting LGBTQ school alumni to speak to your group,*
- *planning activities to celebrate special days, such as*
  - *National Coming Out Day (Oct 11),*
  - *The Day of Silence (in April),*

- *The National Day Against Homophobia (in May),*
- *Transgender Day of Remembrance (in Nov),*
- *Your local community LGBTQ Pride Week.*

*The possibilities are endless. Be creative and have fun!*

#### 2016

- *Have a visible school wide presence*
- *Are characterized by social, educational and political activities*
- *Build networks and coalitions with other school and community-based groups*
- *Focus on school climate and organizational change through outreach activities (e.g., diversity days, staff training, inclusive curriculum, pride week activities)*
- *Have an anti-oppression educational mandate across intersections of difference (race, gender, class, ability, sexual orientation, gender identity, gender expression)*
- *Strive to move beyond tolerance*

To date there remains no accountability in the legislation and no boundaries/limitations to GSA activism found in Education Ministry guidance:

- School boards/principals cannot block or control GSA establishment or activities.
- School boards and principals cannot block or control how students name their “club,” particularly if gay-straight or queer-straight alliance is the desired title.
- Clubs can bypass teachers, facilitators, principals, superintendents and school boards and appeal directly to Minister of Education for backing.
- Clubs can bring in outside “allies,” “activists” and “entertainment.”
- No age constraint for GSA membership.
- No need or parental awareness or approval.
- No limitation on the age spread for students in a GSA.
- No limitation on grade-level to start a GSA.
- No requirement for creation of a club constitution detailing purpose, objectives, permitted activities, facilitator, principal and school board roles and oversight; or creation of a similar document for a one-off activity/event.
- No requirement for approval of a club constitution or activity/event or for oversight of activity/event execution.
- No requirement to make accessible to the public (students, teachers, parents) the club or activity/event purpose, objectives, permitted activities, and oversight.
- No regulatory and accountability oversight of the Alberta GSA Network.

For the Choice in Education Act to uphold “*the right of parents to make informed decisions respecting the education of their children,*” remedies are required to the GSA accountability/regulatory shortcomings above. **Paramount, parents must be given the right to know when their child is attending a GSA or has declared a SOGI self-identity while at school. As a minimum, until the child is age 16 or older, parents must be given the choice to authorize GSA attendance/SOGI self-identification or disapprove.**

### **Survey Page 7 – Are you satisfied with the current amount of choice in Education in Alberta?**

No. There are no longer welcoming, caring, respectful and safe learning environments for students holding social conservative values, or for students being raised in families holding social conservative values. Indeed, school institutions (all types), whether secular or faith-based, are under assault for upholding social conservative values. By letter of current law and policy there is little escape regardless of school type. See follow-on commentary for additional details.

### **Survey Page 7 - What, if anything, do you see as currently working well or needing improvement in terms of choice in Alberta’s education system?**

#### **Working well:**

The universal (applicable to all school types) objective of ending/minimizing bullying in all forms and of creating a welcoming, caring, respectful and safe learning environment is praiseworthy, particularly when balance is applied to conflicting rights, interests and responsibilities among students, parents, school staff and school boards. Yet, a fair and constitutionally balanced approach remains illusive.

#### **Needs improvement:**

To achieve a welcoming, caring, respectful and safe learning environment in all schools does not require the unprecedented alteration of the state-parent-child (state-family) relationship by radically disenfranchising parental rights and responsibilities. Prior to 2015 GSA legislation, child “decision-making independence” from parents was constrained to age 16 and older, with unique exceptions in cases of parent divorce and infrequent medical procedures. However, under current governance, a 5-year-old student can self-identify transgender, while at school, and join a GSA that promotes transgenderism, all with the state’s endorsement/backing/protection, and the parents have no choice, no say, no awareness in the matter. Current laws and policies need remedy:

- the irrationality of purporting to protect the health of some students, inevitably putting many others (wavering/confused/questioning/straight youth) at risk;

- the education system is not resourced/equipped/qualified/organized to safely take over child-rearing and child welfare service roles for children "secretly" SOGI self-identifying and attending GSA/GSA Network activities. In cases of student acute depression and/or suicidal thoughts related to SOGI, Alberta Education policy is to break secrecy and advise parents of their legal responsibility to “do something for their child” through Alberta Health Services;
- the careless empowerment of students (particularly ages 5 to 15) to form unregulated, unsupervised, non-transparent, ideological, and peer-organized activist clubs;
- the sanction of secret/independent SOGI self-identification, grants rights for which students (e.g. ages 5 to 15) are not mature enough to safely decide free of parent counsel/consent; and
- litigation process between the state (Alberta Education) and the parents over disagreement about a son or daughter’s GSA attendance and/or SOGI self-identity.

The UCP strategy is to try to assuage parent rights infringement with political smoke and mirrors. The reality that parents now have no choice, no say and no decision-making in their child’s safety and sexual development, while at school, is to be mitigated by proposing that random volunteer teachers be responsible for “timely” arbitrary notification of parents in a health emergency arising from secret GSA attendance and/or SOGI self-identity. This policy is dysfunctional in seven ways: (1) the ATA membership (46,000) is dead set against the responsibility; (2) teachers often complain about class sizes limiting their ability to know students; (3) students move grades (K-12) and in higher grades between many teachers; (4) students switch school levels and may move during a school year; (5) teachers are not trained/qualified/placed to make arbitrary and timely medical/psychological judgments on sexuality matters; (6) conflicting views regarding SOGI set one teacher against another; and (7) teachers don’t know what is going on in GSAs.

Alberta teachers should be concentrating on what they are educated, qualified, hired and paid for, e.g. math, chemistry, literature, physical education, etc.etc.

### **Survey Page 8 – What would you like to see in the future in terms of choice in Alberta’s education system?**

Annually some 690,000 students, varying in age from 5 to 18, attend more than 2380 Alberta schools. Over 20,000 Alberta students are waverers – confused or questioning youth who could develop along a sexual minority or a heterosexual path depending on environmental influences. This number is double that of self-identified gay and lesbian students. Health Agency of Canada, in Canadian Guidelines for Sexual Health Education, states *“sexuality is influenced by the interaction of biological, psychological, social, economic, political, cultural, ethical, legal, historical, religious, and spiritual factors.”* The

largest study on the genetic basis of same-sex attraction supports Health Canada guidelines. "There is no 'gay gene' (Science, 29 August 2019)," concludes the study's lead author, Dr. Andrea Ganna, a geneticist at the Broad Institute of MIT and Harvard. She says at least 75% of sexual behavior can be explained by environmental/cultural factors. These guidelines and conclusions refute three successive (PC, NDP and UCP) governments' operating premise that SOGI self-identity at any age is sacrosanct. Moreover, GSA Law, SOGI self-identity rights, and *Inclusive Education* policy radically shift "environmental factors" toward students self-identifying along a sexual minority development path. Ample evidence exists to prove this growth trend and an increase in sexuality confusion among youth.

**Current Alberta Education laws and policies give social conservative parents and/or their children no real choices regarding human sexuality education. The proverbial elephant in the room** – in this so-called "progressive era" of "political correctness," "safe spaces" and "identity politics/rights" a welcoming, caring, respectful and safe learning environment asserts that all parents, all children, all schools must "*move beyond tolerance*" to "celebration" of SOGI ideology and sexual minority lifestyles. Whether attending a Public, Separate, Francophone, Charter, or Private school, the traditional Canadian values of tolerating: (1) religious liberty/social diversity; (2) freedom of speech; and indeed, (3) sexual minority rights, lifestyles and ideologies will no longer be tolerated. If Alberta students/parents are unwilling to change their social conservative values, their opinions are to be silenced. And if not that, the children are to be isolated by the state into "safe spaces" while in school, free from their parents' thinking and influence. Furthermore, GSA Networks will organize anti-parent indoctrination on a provincial scale.

The Choice in Education Act purports to "*affirm that parents are the primary decision-makers in their child's education and support the range of choice within the current education system.*" Only remedying numerous social conservative grievances over the biased, unbalanced, unsafe handling of human sexuality education and *Inclusive Education* policy will assuage parent concerns as the constitutional "decision-makers" in their offspring's education.

In closing, here are five additional areas of needed clarification, if empowering "*the right of parents to make informed decisions respecting the education of their children*" is the true objective:

- Who in the teacher-facilitator-principal-superintendent-school board chain has authority to tell a GSA what the students cannot do or to decide when enough GSA-driven ideological/LGBTQ pride events have been carried out to achieve a welcoming school environment?
- What are the minimum legal safeguards and oversight requirements? Current laws empower students (K-12) to form unregulated, unsupervised, non-transparent, ideological, and peer-organized activist clubs (ATA - Types 3 and 4) without any need

to declare a club constitution (rules, purpose, staff oversight etc.), or gain school approval of a constitution, or to make a "club" charter available for public access.

- When a student declares a transgender self-identity while at school, to be kept secret from his/her parents, who takes on legal responsibility for providing professional certified psychological and medical care for the youth?
- Now that the state has put in place laws permitting GSA clubs, connected together through GSA Networks, and further connected to LGBTQ activist/support agencies, is the state obligated to provide sexually wavering/confused/questioning students (K-12) with equally well facilitated/accessible/assured, unbiased, and non-ideological human sexuality counseling?
- Who is liable in the case where a youth (age 5 to 18; grade K-12) is physically or mentally injured as a result of attending a GSA or GSA Network activity, without parental knowledge and approval?

Carman Bradley

Bill 10 Court Challenge Organization

[www.Bill10CourtChallenge.Org](http://www.Bill10CourtChallenge.Org)