

Does the Right to Withdraw Children from Instruction on "Human Sexuality" (School Act S. 50.1) include Teaching on "Sexual Orientation, Identity and Expression"? Yes or No Please

Ref: A. My email "Seeking Clarifications on Non-Religious (i.e. Secular) Issues Related to Bill 10," dated March 06, 2017.

B: My email "Follow-up on Seeking Clarifications on Non-Religious (i.e. Secular) Issues Related to Bill 10," dated March 15, 2017-03-21

C: Email from Minister David Eggen, "Reply from Education Minister (AR 97582)," dated March 16, 2017.

Dear Trustee,

I would really appreciate a response to the following two questions: (Please answer "yes" or "no")

1 - Will your School Board notify your district parents of courses of study, educational programs or instructional materials, or instruction or exercises, including subject-matter that deals primarily and explicitly with "sexual orientation, sexual identity, or sexual expression" for the purpose of allowing parents to opt their children out of this instruction?

2 - For the purpose of implementing School Act 50.1, does the School Board interpret the term/topic/curriculum category - "human sexuality," to include/incorporate/cover all indoctrination in "sexual orientation, sexual identity, or sexual expression"?

Background Update

On March 16, 2017, I received the following from Minister Eggen:

Dear Carman Bradley,

Thank you for your February 27, 2017 email regarding Section 50.1 of the School Act.

The [Act to Amend the Alberta Bill of Rights to Protect Our Children](#), formerly Bill 10, added sexual orientation, gender identity and gender expression to the [Alberta Bill of Rights](#) as protected grounds from discrimination. Also, in 2015 the Legislative Assembly amended the Alberta Human Rights Act to prohibit discrimination based on gender identity and gender expression.

Moving the parental notice requirement from the Alberta Human Rights Act was one of a number of amendments to the School Act including:

- a definition of bullying;*
- responsibilities of students, parents and school boards as they relate to welcoming, caring, respectful and safe learning environments that respect diversity and nurture a sense of belonging and a positive sense of self;*
- a requirement for school boards to establish, implement and maintain a related policy;*
- a requirement for school boards to support students should they wish to create an organization or activity in their school that promotes equality and non-discrimination, such as (but not limited to) gay-straight/queer-straight alliances, diversity clubs, anti-racism clubs and anti-bullying clubs;*
- a requirement for a code of conduct for students that addresses bullying behaviours; and*

- recognizing the third week in November as Bullying Awareness and Prevention Week.

The intent of the changes is to ensure that all students benefit from safe, caring and inclusive learning environments.

All school authorities in Alberta must comply with applicable legislation, including the School Act and the Alberta Human Rights Act. Section 50.1 of the School Act gives parents the ability to withdraw their children from instruction or exercises that are primarily and explicitly about human sexuality or religion. Parents will also continue to receive notice where courses of study, educational programs or instructional materials, or instruction or exercises include subject matter that deals primarily and explicitly with religion or human sexuality, and there will continue to be no academic penalty for a student who is absent from that discussion or lesson.

Alberta Education provides information about Section 50.1 in the [Guide to Education](#). Implementation of Section 50.1 is a local matter, with Section 50.2 providing a right to appeal to a board or private school operator related to failure to comply.

Our government is committed to ensuring that every student experiences a feeling of belonging and receives a high-quality education – no matter their ability, disability, language, cultural background, sexual orientation, gender identity or gender expression. In welcoming, caring, respectful and safe learning environments, diversity is respected, celebrated and recognized as a strength.

Sincerely, David Eggen, Minister

To which, I replied:

Dear Minister Eggen

Thank you for getting back to me. Much appreciated.

May I be more specific in my questions of concern, which are focused on the [legal](#) definition of “Human Sexuality” for application and interpretation in School Act S. 50.1.

The Public Health Agency of Canada defines “sexuality” in Canadian Guidelines for Sexual Health Education, 2008, this way:

A term that encompasses sex, gender identities and roles, sexual orientation, eroticism, pleasure, intimacy, and reproduction. Sexuality is experienced and expressed in thoughts, fantasies, desires, beliefs, attitudes, values, behaviours, practices, roles, and relationships. While sexuality can include all of these dimensions, not all of them are always experienced or expressed. Sexuality is influenced by the interaction of biological, psychological, social, economic, political, cultural, ethical, legal, historical, religious, and spiritual factors.

- Public Health Agency of Canada, Canadian Guidelines for Sexual Health Education, [rev. ed.], 2008, p. 5.

The following are two simplified questions which can be answered with either a “yes” or “no” response.

[1 – Does the Alberta Government declare that all School Boards should notify their district parents of courses of study, educational programs or instructional materials, or instruction or](#)

exercises, including subject-matter that deals primarily and explicitly with “sexual orientation, sexual identity, or sexual expression” for the purpose of allowing parents to opt their children out of this instruction? Please - Yes or No

2 – For the purpose of implementing School Act 50.1, does the Government of Alberta interpret the term/topic/curriculum category - “human sexuality,” to include/incorporate/cover all indoctrination in “sexual orientation, sexual identity, or sexual expression”? Please - Yes or No

Your caring response to these two simplified questions would be most appreciated.

Sincerely, Carman Bradley

Last week only one School Division responded to clarify their interpretation of School Act S. 50.1. Their response:

The keywords to the [Division] guideline are "primarily and explicitly" and if that is the case then primary and explicit instruction in the area of human sexuality would include sexual identities, sexual orientation, and sexual expression. In the School Division, we value the opinion and individual beliefs of parents in this regard and would provide notification to parents, as well as exemption of the student as outlined.

At Ref. C, Minister Eggen states:

Alberta Education provides information about Section 50.1 in the [Guide to Education Implementation of Section 50.1 is a local matter](#), with Section 50.2 providing a right to appeal to a board or private school operator related to failure to comply.

In a [letter to Alberta Students](#), Minister Eggen states:

*You have the right to feel safe and welcome at school. You have the right to create a Gay-Straight Alliance or a Queer-Straight Alliance, and you have the right to name your clubs this way. You have the right to use the washroom that is consistent with your gender identity...In the coming weeks, Alberta Education will be promoting new resources to make sure that schools are safe and welcoming. **You can also reach out directly to my staff, who can help you ensure your rights are being respected, at studentsupport@gov.ab.ca.** As we stand together, let's embrace the differences in one another. We will all be better for it in the long run. And remember: I'm with you one hundred per cent.*

Observation

Why is implementation of parental rights granted by Law (School Act Section 50.1) a “local matter” and implementation of the rights granted by Law (School Act Section 16.1) a top “gov.ab.ca ministerial matter”? Answer: Although both rights are entrenched in Law and intended by Law to be equally respected, both are not equal in respect and implementation.

Email Request

A yes or no response to Questions 1 and 2 – School Boards (questions in red above; your “local matter”), Minister Eggen (questions in blue above; a “gov.ab.ca matter”)?

Sincerely,

Carman Bradley