

Email Chain Minister Eggen – Seeking Clarification of Alberta School Act Section 50.1

Short Version

Minister Eggen has so far not answered two “yes or no” questions:

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**

Email Chain:

From: Carman Bradley

Sent: Monday, February 27, 2017 11:19 AM

To: 'education.minister@gov.ab.ca'

Subject: Alberta School Act 50.1

Dear Minister Eggen

Thank you in advance for your consideration. I have some straight forward questions, which should not take much time to answer. Where needed some background information has been provided.

In February 2016 you stated that Bill 10 and related policies and guidance do not impact the “opt-out provisions” of Section 50.1 of the Alberta School Act. The School Act currently reads:

50 Notice to parent

*50.1(1) A board shall provide notice to a parent of a student 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**. (2) Where a teacher or other person providing instruction, teaching a course of study or educational program 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 of study, educational program 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...[my bold and underline]*

However, Bill 10 repealed Section 11.1 of the Alberta Human Rights Act (AHRA), which previously read:

*11.1(1) A board as defined in the School Act shall provide notice to a parent or guardian of a student where courses of study, educational programs or instructional materials, or instruction or exercises, prescribed under that Act include subject-matter that deals primarily and explicitly with **religion, human sexuality** or **sexual orientation**. (2) Where a teacher or other person providing instruction...(remainder of the AHRA text reads same as School Act S.50.1(2)).*

Since the repeal of the “Parental Opt-Out Provision” (AHRA S.11.1), which was used for withdrawing our children from religion, human sexuality or sexual orientation indoctrination, the usefulness of the remaining opt-out provision (School Act S.50.1) to specifically avoid sexual orientation instruction is in question. It appears that all of Section 11.1 of the AHRA was repealed solely to rescind the need to notify parents of indoctrination in sexual orientation; otherwise the School Act and AHRA texts are identical for all intents and purposes.

Q1 - Will you clarify whether parents are still to be notified of all human sexuality and all sexual orientation indoctrination (including variant genders and sexual expressions), for the purpose of allowing parents to exercise their right to withdraw (opt-out) their children from the instruction in accordance with the Alberta School Act?

I note that the term “human sexuality” does not exist in the new “*Ontario Health and Physical Education Curriculum*” although the terms “sexuality,” “healthy sexuality,” “gender identities” and “sexual orientations” do. The Ontario Curriculum declares a goal to “*achieve acceptance of all gender identities and sexual expressions.*”

Q2 – Will you clarify what the legal obligation will be for schools, and the practical use of School Act S.50.1 will be for parents, if the term “human sexuality” does not exist in the forthcoming Alberta “*Health and Physical Education Curriculum*,” and if instruction in sexual orientation, gender identities, and sexual expressions, is dispersed throughout the curriculum and expressed under terminologies different from “human sexuality”?

Q3 – Will you explain why AHRA S.11.1 was repealed and School Act S.50.1 was retained?

Q4 – Do School Boards have the right to ignore or not implement any provisions found in the Alberta School Act?

Sincerely, Carman Bradley

From: EDC Minister [mailto:Education.Minister@gov.ab.ca]
Sent: Monday, February 27, 2017 11:19 AM
To: Carman Bradley
Subject: Thank You For Your Email

On behalf of Minister Eggen, thank you for your email.

Please be advised that the Minister receives a large volume of correspondence; however, be assured that your email will be brought to his attention. For information regarding programs and services offered by Alberta Education, please visit <https://education.alberta.ca/>.

Sincerely,

The Office of the Honourable David Eggen

Minister of Education

Email sent on 15 March 2017 to All Trustees with “CC” to Minister Eggen, titled: [Follow-up on Seeking Clarifications on Non-Religious \(i.e. Secular\) Issues Related to Bill 10](#)

From: EDC Minister [<mailto:Education.Minister@gov.ab.ca>]
Sent: Thursday, March 16, 2017 9:55 AM
To: Carman Bradley
Subject: Reply from Education Minister (AR 97582)

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

From: Carman Bradley
Sent: Thursday, March 16, 2017 11:28 AM
To: 'EDC Minister'
Subject: RE: Reply from Education Minister (AR 97582)

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

From: EDC Minister [mailto:Education.Minister@gov.ab.ca]
Sent: Thursday, March 16, 2017 11:28 AM
To: Carman Bradley
Subject: Thank You For Your Email

On behalf of Minister Eggen, thank you for your email. Please be advised that the Minister receives a large volume of correspondence; however, be assured that your email will be brought

to his attention. For information regarding programs and services offered by Alberta Education, please visit <https://education.alberta.ca/>.

Sincerely,

The Office of the Honourable David Eggen

Minister of Education

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

Sent: Sunday, April 23, 2017 9:06 PM

To: 'EDC Minister'

Subject: School Act Section 50.1

Dear Minister Eggen

Would you please answer these two questions or indicate that a nil response is the Ministry position.

1 – 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

2 - Will School Act Section 50.1 – the so-called “parental rights” clause, apply to 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*” once the new Education Curriculum is released? Please - Yes or No

Your caring response would be most appreciated.

Sincerely,

Carman Bradley

No response.

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

Sent: Thursday, June 08, 2017 1:28 PM

To: 'EDC Minister'

Subject: FW: School Act Section 50.1

Dear Minister Eggen

Would you please respond to my on-going request, last sent April 23, 2017.

Sincerely,

Carman Bradley

From: EDC Minister [<mailto:Education.Minister@gov.ab.ca>]

Sent: Thursday, June 08, 2017 1:29 PM

To: Bill 10 Court Challenge Org

Subject: Thank You For Your Email

On behalf of Minister Eggen, thank you for your email.

Please be advised that the Minister receives a large volume of correspondence; however, be assured that your email will be brought to his attention. For information regarding programs and services offered by Alberta Education, please visit <https://education.alberta.ca/>.

Sincerely,

The Office of the Honourable David Eggen

Minister of Education