

Private Citizen – Draft Court Challenge (Oakes Test) to Inclusive Education Policy and GSA Law (Bills 10 and 24)

Reference: Updated Draft - [Court Challenge to Inclusive Education Policy and GSA Law \(Bills 10/24\)](#) dated March 2018.

Honourable MLA,

FYI - on the 4th of this month, I mailed a hard copy of the referenced [Oakes Test/Court Challenge](#) analysis to the Premier, Minister of Education, UCP Leader and UCP Shadow Minister of Education. The covering letter read:

Premier Notley, Minister Eggen, Mr. Kenney and Mr. Smith,

Back in May-June of 2016, I wrote a number of times to my MLA – Honourable Greg Clark (Calgary-Elbow) about concerns with Bill 10 – *An Act to Amend the Alberta Bill of Rights to Protect Our Children*. On June 21, 2016, MLA Clark closed off our correspondence writing (in part):

As I'm sure you are aware, as a Canadian citizen, you have the right to challenge any law in court. I do not share your view in this matter and I will not be taking any action in the legislature to amend or repeal Bill 10. If you wish to contact me on other issues in the future, I would be happy to respond, but I will not be engaging further with you on this issue.

With passage of time and continued research into Alberta *Inclusive Education Policy*, Bill 10, and Bill 24 – *An Act to Support Gay-Straight Alliances*, my concerns have only intensified and been refined. It is one thing to advise that every citizen has the right to challenge any law (or public policy) in court; however, the average Canadian does not have the financial resources needed to challenge the laws and policy through the courts for some 7-10 years to achieve the desired legal clarity and remedy.

On the other hand, there remains considerable time before the May 2019 election, during which your parties (NDP and UCP) could publically clarify and/or legally redress pertinent concerns or declare by election platform your intentions to remedy stakeholder rights imbalances and policy oversight omissions. My bottom-line request, please have your staff invest time to review the enclosed *Oakes Test* analysis. I will be sending an electronic copy of the enclosed to most Alberta MLAs and school trustees.

The referenced document (use either executable hyperlink) respectfully and significantly expands the discourse on *Inclusive Education* policies and legislation well beyond political talking points and media sound bites.

My request - please read or have someone on your staff review my research and analysis.

Thank you very much, sincerely,

Carman Bradley