

Seeking Clarity Regarding UCP Positions on Inclusive Education Policy and Bills 10/24 Legislations

References:

- A. [Letter](#) to Rachel Notley, David Eggen, Jason Kenny and Mark Smith, 4 March 2018.
- B. Electronic copy – [Draft Court Challenge \(Oakes Test\) to Inclusive Education Policy and GSA Law \(Bills 10 and 24\)](#), March 2018.
- C. Justice Centre for Constitutional Freedoms (JCCF) [Injunction Against Bill 24](#), 4 April 2018.
- D. [Court of Queen’s Bench Alberta Response to JCCF Injunction](#), 27 June 2018.

Honourable Mr. Smith,

In March 2018, at Ref. A, I wrote you and enclosed a hard copy analysis (Ref. B) of current Alberta *Inclusive Education Policy* and Bill 10/Bill 24 legislations. In April 2018, the Justice Centre for Constitutional Freedoms filed for an injunction (Ref. C) against elements of Bill 24. Two months later, the Court of Queen’s Bench Alberta ruled against the injunction application (Ref. D).

I am in the process of researching and drafting an update (similar to [Follow-up Report #7](#)) to be sent to some 800 clergy and 450 school trustees across Alberta on the continuing issues related to *Inclusive Education Policy* and Bills 10/24. Presently, I wish to focus on these five general areas of concern:

- eroded parental rights declared in the Alberta Bill of Rights and Family Law Act;
- non-existent oversight and no visibility of what takes place in political/ideological activist GSAs;
- exacerbating sexuality confusion among youth and placing more children at risk;
- ideologically biased instruction and counselling; and
- unwarranted impairment of community/district-based democratic school board oversight.

Please clarify UCP policy by responding to the following list of questions grouped by concern:

1 – Eroded Parental Rights declared in the Alberta Bill of Rights and Family Law Act. Bill 10 amended the Bill of Rights *Preamble*, under title: *Recognition and declaration of rights and freedoms*, to include “(g) the right of parents to make informed decisions respecting the education of their children.” The Family Law Act under title: *Powers, responsibilities and entitlements of guardianship*, states at s.21(6):

(c) to make decisions about the child’s education, including the nature, extent and place of education and any participation in extracurricular school activities;

(d) to make decisions regarding the child’s cultural, linguistic, religious and spiritual upbringing and heritage; and

(e) to decide with whom the child is to live and with whom the child is to associate.

Notwithstanding the above declared rights and freedoms, the reality is that:

(1) *Inclusive Education Policy*,¹ promoted and endorsed by the NDP Government and Alberta Teachers’ Association (ATA), allows students (K-12) to self-identify while at school along a sexuality continuum of some 56 identities without parental awareness and approval;

¹Alberta Education, [Inclusive Education Policy](#), 2015-16 *Guide to Education: ECS to Grade 12*, p.25; and Alberta Government, [Guidelines for Best Practices: Creating Learning Environments that Respect Diverse Sexual Orientations, Gender Identities and Gender Expressions](#), 2016.

(2) Bill 10 ([by all party agreement](#)) allows students (K-12) to join a GSA without parental awareness and approval;

(3) the ruling at [Ref. D](#) overturned JCCF's application against provisions of Bill 24. Key injunction issues with the School Act (2018) include s.50.1(4) – a new clause under *Parental Notice* stipulating no need for parental notice for establishment and operation of GSAs; and s.16.1(6) – a concealment clause restricting any notification regarding GSAs (if/when given) to only reveal the fact of the club's existence or the holding of an activity [see also Concern 2 below]; and

(4) the UCP has adopted a policy which declares that Alberta teachers (the vast majority of whom are members of the ATA) know better what's best for a child than the parents. Teachers are to be empowered to "[respond to each child's unique individual circumstances](#)" (statement of Mr. Smith) and somehow arbitrarily decide when parents have the need to be informed of their child's secret self-identity and/or secret membership in a GSA. The onus and voluntary notice initiative is to be carried out by the very teachers who in many cases fervently complain at union bargaining time that large class sizes prevent them from paying adequate attention to their students. Furthermore, Greg Jeffery, president of the ATA argues that the decision around GSA membership notification should not be left to teachers.²

1(a) In light of the above, what is the practical/tangible value of the new (March 2015) declaration in the Bill of Rights that parents have a human right and fundamental freedom "*to make informed decisions respecting the education of their children*"?

1(b) In light of the above, what is the practical/tangible value of the Family Law Act powers, responsibilities and entitlements, s.21(6) (c), (d) and (e), regarding parental oversight of their child's sexual development, extracurricular activities and associations?

1(c) Does the UCP support the state (i.e. *Education Alberta*) encouraging/empowering a student (K-12) down a transgender path without parental awareness and approval? Should the state knowingly endorse, advise or passively observe a student attending a gender clinic and/or taking hormone treatment to block puberty or change gender without ensuring the child's parental knowledge and/or approval?

1(d) Is there any age at which the UCP believes parental approval is required for a child to secretly self-identify and live as a Sexual Minority student while at school?

1(e) Is there not a need to establish a legal age (such as 16 or 17 years-old) applicable for independent self-determination of sexual orientation or gender identity and attendance in a GSA without parental approvals?

1(f) Given the UCP policy of assigning emergency parental notification responsibility to teachers, who in the student's many transitory associations, i.e. English, math, drama, social studies, science, physical education instructors etc. (not to mention teacher changes over 12 grade-levels and student movements between various schools) is likely to recognize in timely manner the need to override a student's secret sexual self-identity and/or the non-disclosure regulations for GSA membership on the basis of staff intuition? What type of teacher is sufficiently experienced and qualified (e.g. [trained in transgender medical and psychological sciences, autism, anorexia, body dysphoria etc.](#)) to recognize when parents need to get involved over the student's wish? Indeed, on what legal, policy,

²James Wood, Calgary Herald, "[Calgary school boards says teachers should not notify parents about kids' GSA membership](#)," Nov 8, 2017

or medical basis will teachers' exercise this discretionary responsibility to either remain silent about their concerns or take action to over-ride a student's desire for non-disclosure? This UCP policy is a regrettable political-based "compromise" which leaves parents in the dark and on the sidelines until an emergency crisis is discovered/declared and sets teachers against teachers in a tug-o-war over deciding the need for intervention, as was tragically evidenced in the death of Larry King [read [Murder in the 8th Grade](#), *Newsweek*, 28 July 2008].

1(g) What is the state-parent arbitration/litigation mechanism available to parents who: (1) discover that their child (K-12) has secretly self-identified with the Sexual Minority and is attending a GSA, one or both decisions for which they disapprove; and/or (2) discover their child has suffered self-damage or attempted suicide related to a secret self-identity at school or secret attendance in a GSA/GSA Network?

2 – Non-Existent Oversight, No Visibility of What Takes Place in Political/Ideological Activist GSAs.

Bill 10 law identifies the sole adult staff member involved in GSA "clubs" as a designated or volunteer liaison person, to "*facilitate the establishment, and the ongoing operation, of the student organization or to assist in organizing the activity.*"³ This facilitator/liaison person is not a club supervisor or overseer, nor a qualified counsellor, nor a specialist in Sexual Minority mental, emotional and physical health issues. By law, legitimate GSA club operations and activities are any pursuit "*to promote a welcoming, caring, respectful and safe learning environment that respects diversity and fosters a sense of belonging.*"⁴ Bill 10 was heralded in the Alberta legislature and the media, as creating just another student club, of no more regulatory oversight consequence than that for a chess or book club. MLA David Eggen declared any attempt to increase GSA supervision beyond the institutional scrutiny afforded a chess club as discrimination, stating: "*If we make different rules and different laws for different people, different groups, then we can only seek to a take step backwards as a society.*"⁵ Reality is the NDP and ATA see GSA clubs as ideological and political organizations. The ATA publication [GSAs and QSAs in Alberta Schools: A Guide for Teachers](#), declares there will be GSA-executed political activism in our schools under the mantra of "*an anti-oppression education mandate.*"⁶ GSA law, ATA guidance, and *Inclusive Education Policy*, have the common end goal of moving all Alberta students "*beyond tolerance*"⁷ to "celebration" of LGBTQ orientations, identities, lifestyles and sexual morals. The ATA [Guide for Teachers](#) instructs how to organize GSAs with the following characteristics:

- *School wide visible presence characterized by social, educational and political activities 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)*
 - *Local community LGBTQ Pride Week*
 - *Elementary School Sexual Minority Affirmation Day*
- *Focus on school climate and organizational change through outreach activities:*
 - *showing LGBTQ-themed movies*
 - *inviting guest speakers*
 - *holding joint meetings with other school groups*
 - *writing articles for the school newspaper or website*

³ Alberta School Act s.16.1(1)(b).

⁴ Alberta School Act s. 16.1(1).

⁵ Alberta Hansard, December 3, 2014, p.359.

⁶ Alberta Teachers' Association, [GSAs and QSAs in Alberta Schools: A Guide for Teachers](#), 2nd revised ed., p.31.

⁷ Ibid.

- *creating a bulletin board display about LGBTQ history*⁸
- *Build networks and coalitions with other school and community-based groups (Alberta GSA Network)*
- *Execute an anti-oppression educational mandate across intersections of difference (race, gender, class, ability, sexual orientation, gender identity, gender expression)*
- *Strive to move classmates beyond tolerance*⁹

According to the initiators of GSA legislation, the ATA, and persistent media hype, a key need for GSAs is to prevent LGBTQ student suicide¹⁰ – “save lives.” It is remarkable, given the investment made in the talking point and narrative of acute “Sexual Minority oppression” (i.e. homophobic harassment and bullying at school and home), causing depression, cognitive dissonance and suicide ideation, that Bills 10/24 make no requirement for increased qualified professional psychological screening and counselling resources in schools (see also Concern 3). Equally paradoxical, *Education Alberta* under the NDP Government treats risk of heterosexual student suicide as strictly a matter between student, parents and Alberta Health Services.¹¹ These incongruities expose the progressive-left political and ideological bases for the legislations and *Inclusive Education* agenda, and betray any notion of sincere concern about managing student suicide (straight or LGBTQ). In the politics of GSAs, the ATA, the Sexual Minority lobby, and the left-leaning political parties (leaving the UCP aside) see two groups as primarily responsible for LGBTQ student under performance, lack of a sense of belonging, harassment, and suicidal ideation.¹² The two groups are:

- classmates holding different, contrary, even disapproving opinions and beliefs; and
- disagreeing, disapproving, and/or uncooperative parents.

Progressive politicians and Sexual Minority activists label these classmates and parents as “homophobes.” Eradication of homophobia, conversion of homophobes, and isolation of LGBTQ students from homophobes, are self-evident objectives in GSA laws and *Inclusive Education Policy*. To end the so-called “oppression” of LGBTQ students, the ATA intends GSAs to be mobilized as unbridled activist organizations in our schools to fulfil a self-declared “*an anti-oppression education mandate,*”¹³ i.e. tyrannize dissenting opinion – particularly social conservative values and beliefs.

2(a) Does the UCP believe GSA oversight should be restrained to that normally afforded a school chess, dance, vocal or dart club?

2(b) Does the UCP believe GSAs can be safely established and operated at any grade-level (K-12) and with the only adult present (on occasion) being a volunteer or appointed staff liaison?

2(c) Does the UCP believe it is safe to empower students (K-12) to form activist clubs without any requirement to declare a club constitution (rules, purpose, staff oversight etc.), to gain school approval, and/or to make a club constitutional document available for public access?

⁸ Alberta Teacher’s Association, *Gay-Straight Student Alliances in Alberta Schools – A Guide for Teachers*, 2006, p. 19.

⁹ Alberta Teachers’ Association, *GSAs and QSAs in Alberta Schools: A Guide for Teachers*, 2nd revised ed., p.31.

¹⁰ Alberta Teachers’ Association, *GSAs and QSAs in Alberta Schools: A Guide for Teachers*, 2nd revised ed., pp. 12-14.

¹¹ Eva Ferguson, Calgary SUN, “[CBE takes heat for response to junior high students’ messages about suicide.](#)” 21 Jan 2018.

¹² Alberta Teachers’ Association, *GSAs and QSAs in Alberta Schools: A Guide for Teachers*, 2nd revised ed., pp. 12-14.

¹³ Alberta Teachers’ Association, *GSAs and QSAs in Alberta Schools: A Guide for Teachers*, 2nd revised ed., p.31.

2(d) Does the UCP believe students (K-12) should be empowered to conduct events (e.g. [Drag King/Queen dances](#)) or activities (e.g. [conduct indoctrination exercises](#)) in school classrooms, gyms and corridors aimed at eradicating homophobia, ending heteronormativity, and/or promoting Sexual Minority orientations, identities and lifestyles, among fellow students without school principal or school board review, approval, and implementation oversight?

3 - Exacerbating Sexuality Confusion Among Youth and Placing More Children at Risk. The American Youth Risk Behavior Surveillance, Selected Sites (YRBSSS),¹⁴ determined that 2.5% of students, grades 9-12, were unsure of their sexual identity. Rainbow Health Ontario found 3% of teens were questioning or unsure about their sexual orientation.¹⁵ Indeed, the percentage of wavering children, i.e. sexually confused individuals who could develop along a heterosexual path or a Sexual Minority path dependent upon various influences,¹⁶ is likely much greater in Grades K-8. In total for Alberta, excluding (K-8), the number of waverers attending high school likely exceeds 20,700 children.¹⁷

3(a) - Does the UCP acknowledge the existence of sexually confused or sexually wavering students in the Alberta school system, perhaps more youth than all self-identified LGTQ students combined?

3(b) - Is the UCP indifferent to whether a child develops along a heterosexual path or down a bisexual, transsexual, queer, or homosexual path?

3(c) Does the UCP recognize that *Inclusive Education Policy* and GSA laws have the impact of denigrating heteronormative values and beliefs held by a large number of Alberta students and their parents? Moreover, does the Party care about the hostile impact of these institutional (state enforced) laws and policy on traditional social conservative beliefs and family morals/values?

3(d) Does the UCP acknowledge that GSA affirmative action legislation and the related *Inclusive Education Policy* will result in more Alberta youth following a Sexual Minority path than would otherwise be the case?

3(e) The political-left origins and ideologically biased nature¹⁸ of GSA laws and *Inclusive Education Policy* have tragically blinded many from recognizing and addressing the role intrinsic Sexual Minority health risks¹⁹ play in LGBTQ student under performance at school, higher frequency of depression, and suicide ideation. These inherent health risks and life style challenges have nothing to do with homophobic harassment or bullying by other students or uncooperative parents. Moreover, no mention is made in the laws, legislative debates, or in ATA publications, of harassment between and within Sexual Minority affinity groups - the very groups that will populate these unregulated and unsupervised GSAs. In addition, some 90% of people (straight or LGBTQ) who take

¹⁴ CDC, [Youth Risk Behavior Surveillance, Selected Sites \(YRBSSS\), United States 2001-2009](#), viewed 30 Nov 2017.

¹⁵ Rainbow Health Ontario, "[What We Found in the Toronto Teen Survey!](#)," viewed 19 Dec 2017.

¹⁶ Health Agency of Canada, *Canadian Guidelines for Sexual Health Education*, 2008, p. 5. *Sexuality is influenced by the interaction of biological, psychological, social, economic, political, cultural, ethical, legal, historical, religious, and spiritual factors.*

¹⁷ Alberta student population (690,844 in 2015/2016) times 3 percent.

¹⁸ An emotional MLA Blakeman addressed the legislature after the Bill 10 vote: "Mr. Speaker, it is hard to contain my joy." She went on to say of the PC majority government: "I'm really glad that the government was brave enough to take that step, and I will give you credit for being brave. That one wasn't easy, and it wasn't a gimme. I didn't think you'd be able to go there." Alberta Hansard, March 10, 2015, p.541.

¹⁹ Centers for Disease Control and Prevention, website - [Gay and Bisexual Men's Health](#), viewed 30 Nov 2017. CDC, [Youth Risk Behavior Surveillance, Selected Sites \(YRBSSS\), United States 2001-2009](#), viewed 30 Nov 2017.

their lives by suicide have clinical depression, mental disorders and/or substance abuse disorders.²⁰ Clearly, straight suicide has nothing to do with so-called “homo/trans/bi/queerphobia.” In November 2007, the *American Foundation for Suicide Prevention* in partnership with the *Suicide Prevention Resource Center* and the *Gay and Lesbian Medical Association* convened a conference to address the need for better understanding of suicidal behavior and suicide risk in LGBT populations. The two dozen invited participants, including suicide and mental health researchers, clinicians, educators, and policy advocates, discussed findings from relevant research and their implications for reducing suicidal behavior in the target populations. Their report was published in the *Journal of Homosexuality* (2011) under the title “*Suicide and Suicide Risk in Lesbian, Gay, Bisexual, and Transgender Populations: Review and Recommendations.*” On the topic of suicide deaths they write: “Each of these studies has concluded that same-sex sexual orientation is not disproportionately represented among suicide victims.”²¹ Note that risk of suicide among elementary school-aged youth is so low that statistics are not kept.

Does the UCP recognize that the *one-size-fits* all grades (K-12) and all school-types legislative solution for GSAs and for *Inclusion Education Policy*:

- (1) puts school children (especially K-9) at greater vulnerability to ideological/political-based influences and therefore greater chance of following a Sexual Minority development path along with the associated health risks, than would otherwise be the case (see all previous/subsequent concerns);
- (2) masks the very real need for suicide screening, counselling and prevention resources for all students within Alberta high schools; and
- (3) falsely assumes that a random teacher/coach or GSA liaison is qualified to adjudicate matters of human sexuality and suicide, which are, according to the Alberta Family Law Act, the purview of parents and their selected medical professionals?

4 – Ideologically Biased Instruction and Counselling. Alberta’s “*affirmative action*” legislation on behalf of LGBTQ student “inclusivity” requires that there is no normative sexual development “model” from which “tolerance” is to be promoted and demonstrated. No effort is permitted to “fix” or “change” a student’s self-identity (K-12). Heterosexual development is to be given no advantage, no inherent benefit, no normative standing, and no promotion in the education of our children. Moving *beyond tolerance*²² of the Sexual Minority orientations, identities, lifestyles and ideology, to *celebration* is a “zero-sum” indoctrination dynamic. The natural merits and reasons for the statistical dominance of heterosexuality in society cannot be advanced, even evidenced, while simultaneously attempting to affirm/promote the virtues of homosexuality, bisexuality, queerism²³ or transgenderism. Affirmative action legislation by indoctrination tactic and impact strategy must of necessity advance one group or ethos at devaluation of another.

4(a) How will neutral, unbiased counselling be assured under *Inclusive Education Policy* - guidance intended to *promote/celebrate* Sexual Minority orientations, identities, morals and lifestyles?

²⁰ Dr. Ann P. Haas et al., “[Suicide and Suicide Risk in Lesbian, Gay, Bisexual, and Transgender Populations: Review and Recommendations](#),” *Journal of Homosexuality*, 58:10-51, 2011, p. 20.

²¹ Dr. Ann P. Haas et al., *Journal of Homosexuality*, “[Suicide and Suicide Risk in Lesbian, Gay, Bisexual, and Transgender Populations: Review and Recommendations](#),” 58:10-51, 2011.

²² Alberta Teachers’ Association, [GSAs and QSAs in Alberta Schools: A Guide for Teachers](#), p.31.

²³ [Urban Dictionary](#); [Wiktionary](#); and [Wikipedia](#).

4(b) Where will a safe space and counselling capability exist for waverers and LGBTQ self-identified students who seek psychotherapy or counselling to develop along a heterosexual path or who see GSA clubs as not meeting their support needs or interests?

5 - Unwarranted Impairment of Community/District-Based Democratic School Board Oversight.

Bills 10/24 create unregulated student clubs of one or more students empowered to act as Sexual Minority political activists in all Alberta schools – public, Catholic and other faith-based, private, metropolitan, rural, elementary, secondary, and charter. In addition, these legislations (e.g. Bills 10/24 through School Act s.16.1 and s.45.1 and s.45.3) eliminate all local school board and school principal discretionary powers regarding implementation of GSA laws and *Inclusive Education Policy*, including club organization/activity oversight and management. The laws end school board democratic responsiveness to parents and local/district communities regarding:

- (1) concerns over their children’s exposure at school to GSA-based political/ideological activism in furtherance of the Sexual Minority agenda, including the eradication/silencing of disagreeing opinion/beliefs, and the ending of heteronormativity;
- (2) concerns over their children’s safety related to unknown or disapproved GSA club/GSA Network membership and activities; and
- (3) concerns over the impact of certain facets of *Inclusive Education Policy*.

5(a) Who in the *teacher-facilitator-principal-superintendent-school board* chain has authority to tell a GSA club what they can and cannot do?

5(b) Who in the chain (at 5(a)) has authority to decide when enough GSA-driven or one-off affirmative actions, ideological/political demonstrations, and/or LGBTQ pride events, have been completed to sufficiently: (1) satisfy LGBTQ students’ sense of belonging; (2) accommodate the ATA declared “anti-oppression education mandate;”²⁴ and/or (3) move “straight” students thinking far enough “beyond tolerance”²⁵ to suit the Sexual Minority students?

5(c) Does the UCP assert, as does the NDP, that implementation of unregulated GSA activism and *Inclusive Education Policy* should be the same regardless of the nature of the school - public, Catholic and other faith-based, private, metropolitan, rural, elementary, secondary, and charter?

5(d) Should parents, trustees, and school boards be allowed a say in what types of activities and activism (described at Concern 2 above) take place in their schools and districts?

5(e) Will the UCP explain how GSA laws and *Inclusive Education Policy* are not designed to impose compulsory celebration of a certain social ethos, i.e. obligatory approval of Sexual Minority orientations/identities/behaviors/lifestyles in all schools and amongst all students?

6 – In Summary. For decades Alberta’s **social conservative** parents, couples, and single adults, have been the voting base of the political right.

6(a) What evidence can the UCP offer to assuage the belief that this social conservative voter base has been proverbially thrown under the bus by all political parties, the Alberta Government, and the Alberta Court of Queen’s Bench?

²⁴ Alberta Teachers’ Association, [GSAs and QSAs in Alberta Schools: A Guide for Teachers](#), 2nd revised ed., p.31.

²⁵ Ibid.

6(b) What evidence can the UCP offer to counter the conclusion that Bills 10/24 and *Inclusive Education Policy*: (1) invalidate long established parental rights and responsibilities; (2) curtail school board democratic responsiveness to parents on topics related to their children's sexual development; and (3) put more Alberta children at risk?

Again, I respectfully request clarity on the UCP positions regarding the above "social conservative" concerns related to Bills10/24 and *Inclusive Education Policy*.

Please also note that I have made no attempt to address the significant constitutional concerns regarding excessive infringement of freedoms of religion and speech.

Sincerely

Carman Bradley

www.Bill10CourtChallenge.Org