



ALBERTA
EDUCATION

Office of the Minister

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APR 14 2016

Ms. Cathy Bouchard
Provincial President
The Catholic Women's League of Canada
364, 5140 - 62 Street
Red Deer AB T4N 6R1

Dear Ms. Bouchard:

Thank you for your letter on behalf of the over 9,880 members of the Catholic Women's League of Alberta Mackenzie Provincial Council. I appreciate you sharing your comments regarding our government's efforts to ensure lesbian, gay, bisexual, transgender and queer (LGBTQ) students, staff and family members feel safe and supported within all of Alberta's schools.

As Minister of Education, I am pleased to have this opportunity to provide you and your membership some information and address your concerns, as well as to share information about other concerns that have been raised.

Changes to legislation

All school boards in Alberta must comply with applicable legislation, including the *School Act*, the *Canadian Charter of Rights and Freedoms* and the *Alberta Human Rights Act*.

When the *Alberta Human Rights Amendment Act* became law in December 2015, it added gender identity and gender expression as prohibited grounds of discrimination under the *Alberta Human Rights Act*.

The *School Act* was also recently changed in order to ensure all students have a welcoming, caring, respectful and safe learning environment. As a result of the *Act to Amend the Alberta Bill of Rights to Protect Our Children*, formerly Bill 10, the *School Act* now requires school authorities to allow students to form groups that promote a safe and caring school. These groups may include diversity clubs, social justice clubs or gay-straight alliances/queer-straight alliances (GSAs/QSAs). Students themselves have told us the changes made in these areas to support LGBTQ students have the potential to save lives. The stakes are very high.

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All school authorities are expected to create the necessary policies to ensure compliance with the amended *School Act* and other legislation.

No changes to curriculum or parental rights under Section 50.1 of the *School Act*

The policies I asked school jurisdictions to create do not impact Alberta curriculum or Section 50.1 of the *School Act*, which 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.

Purpose of the Guidelines for Best Practices: Creating Learning Environments that Respect Diverse Sexual Orientations, Gender Identities and Gender Expressions

In response to requests from school authorities, Alberta Education created a set of guidelines to help school authorities develop their policies and comply with amended legislation. The goal is to support LGBTQ students in order to help ensure all students are given a safe and caring learning environment.

These guidelines were created as a resource to be used by educators as they work to accommodate their students. The guidelines are not legally binding and are intended only to provide examples of best practices for supporting students with diverse gender identities and gender expressions.

While the guidelines focus specifically on supporting LGBTQ students, Alberta Education has a wide variety of resources available to support safe and caring schools at <https://education.alberta.ca/safe-and-caring-schools/>.

Why we need to specifically address supports for LGBTQ students

A recent Canadian Trans Youth Health Survey revealed that many transgender youth experience discrimination based on gender identity, and also experience mental health challenges. The survey also revealed that trans youth reported a low connectedness to school, but those who felt they had a caring school environment were twice as likely to report good or excellent mental health. This survey and other research referenced in the guidelines show the importance of specifically addressing respect toward LGBTQ students in school policies and/or procedures. The survey is available at www.saravyc.ubc.ca/2015/05/05/being-safe-being-me-results-of-the-canadian-trans-youth-health-survey.

A 2014 study funded by the Canadian Institutes of Health Research and published in the *International Journal of Child, Youth and Family Studies* found that having GSAs and anti-homophobic policies in place within schools has a positive impact for both LGBTQ and straight students. The report suggests supportive policies and programs change the environment of the school, which makes it a more positive place for all students, regardless of their sexual orientation or gender identity. The report is available at journals.uvic.ca/index.php/ijcyfs/article/view/12856.

When our children feel unsafe or unwelcome at school, they may miss opportunities to learn. They may also miss opportunities to fully participate in their school community. Making friends, joining teams and taking part in extracurricular activities are an important social and emotional part of school life.

Healthy, nurturing relationships contribute to healthy brain development. Children are more likely to succeed when all members of the school community work together to foster a sense of belonging – regardless of race, religion, national origin, sexual orientation, gender identity or gender expression.

Safety concerns

The guidelines explain that students should be able to access washrooms that correspond with their gender identity and that non-gendered washrooms be available. Schools are advised to have strategies to ensure all areas of the school are safe for students and that privacy is maintained for all.

Our province's two largest school boards, the Calgary Board of Education and Edmonton Public Schools, have had numerous strategies in place that put the safety of students at the forefront while providing accommodation for those with diverse gender identities and gender expressions.

Requirement of all schools to adhere to legislation

Section 16.1 of the *School Act*, which addresses a school's requirement to allow students to form GSAs if they ask to do so, applies equally to private, public, separate, charter and Francophone school authorities. Section 45.1 of the *School Act* assigns responsibility to public school authorities to create policies that ensure each student and staff member is provided with a welcoming, caring, respectful and safe learning environment that respects diversity and fosters a sense of belonging. The *School Act* is available online at www.qp.alberta.ca/documents/Acts/s03.pdf.

Respect for Catholic views and values

Our government fully supports Catholic education. Minority faith education rights are guaranteed under the *Constitution of Canada*. They are also ensured through provincial legislation in Section 17 of the *Alberta Act, 1905*, which guarantees the constitutional right of the

minority religious group, either Protestant or Roman Catholic, to establish a separate school district. The Government of Alberta and the *School Act* recognize one publicly funded system of education in Alberta whose primary mandate is to provide education programs to students through public schools and separate schools.

Sharing confidential information with parents

As Minister of Education, and as a teacher, I fully appreciate and respect the role of parents in their child's education. We know parents play a critical role in providing quality education that enriches the lives of all Albertans.

The guidelines intend to address only those situations where a child may feel more comfortable approaching their teacher first to discuss gender identity and gender expression.

It is important to consider that some LGBTQ students may not have disclosed their sexual orientation, gender identity or gender expression beyond the school community for a variety of reasons, including safety. For this reason, school authorities may make decisions on a case-by-case basis about the best interest of the student.

Pronouns, descriptors and titles

In regard to the use of pronouns and descriptors such as *male, female, girl* and *boy*, the guidelines indicate that all individuals have the right to be addressed by their chosen name and to choose pronouns that align with their gender identity and/or gender expression. While this means that a transgender student can choose to be referred to by an alternative pronoun, it also means that other students have the right to continue being referred to as *he, she, him* or *her*, if that is what they choose.

In order to ensure that all families are welcomed and supported as valued members of the school community, the guidelines suggest that school forms, websites, letters, and other communications use non-gendered and inclusive language such as *parents/guardians, caregivers, families, partners, student* or *their* instead of *Mr., Ms., Mrs., mother, father, him, her*, etc. They also suggest that when acknowledging or communicating with families, staff use language appropriate for each family. These suggestions have no impact on any individual's ability to continue to use the language that they choose in identifying themselves or their family members.

Overnight accommodations

The question of how activities that involve the need for overnight accommodations will be handled is also addressed in the guidelines, which indicate that these situations be dealt with on a case-by-case basis, and that school staff should make every reasonable effort to provide solutions that are inclusive, respectful and acceptable to the student.

Guideline impacts on gender-specific activities

The guidelines encourage school authorities to reduce gender-segregated activities to the greatest extent possible. When segregated activities are made available, the guidelines suggest that students who are trans and gender-diverse should have the right to participate in these activities in ways that are safe, comfortable and congruent with their gender identity or gender expression.

Best practice suggests that if sports teams are divided by gender, students should be given the opportunity to participate on the team that reflects their gender identity and expression. The Alberta Schools' Athletic Association policy handbook (www.asaa.ca/sites/default/files/2015-16policyhandbookrev.pdf) provides further advice that may be helpful.

Next steps

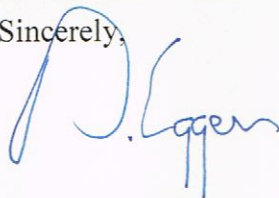
I asked school authorities to provide me with their policy documents on or before March 31, 2016, and most authorities met the deadline. Alberta Education staff will be reaching out to school authorities that have not yet submitted policies to assist them as required.

We will continue working with school authorities as they implement policies that promote inclusive, welcoming, caring, respectful and safe learning environments. Ensuring safe and caring schools extends beyond the March 31 deadline. Policies are only effective if they are lived out in practice, and we will continue to help school authorities every step of the way.

Additional questions regarding these legislative requirements for school authorities may be directed to Alberta Education's Field Services Sector at 780-427-6272 (dial 310-0000 first for toll-free access from anywhere in Alberta).

I trust this information is helpful and has provided some clarification to you and your membership. I am happy to hear that your organization will continue to support all Catholic school boards and their efforts to align their existing policies with the required legislation. Our goal remains to make every school in Alberta safe and caring environments for all students, staff and families. This is important work, and I really appreciate you sharing your comments with me.

Sincerely,



David Eggen
Minister