

**DATE:** November 5, 2024

**TO:** Board of Trustees

**FROM:** Trustee Trisha Estabrooks

**SUBJECT:** Advocacy for 2SLGBTQIA+ rights

**REFERENCE** [HFA.BP Sexual Orientation, Gender Identity and Gender Expression Policy](#)  
[HFA.AR Sexual Orientation and Gender Identity](#)  
[EPSB Parents' Guide to Teaching Sexual Health](#)  
[AEBB.BP Wellness of Students and Staff](#)  
[EPSB Letter to Premier Danielle Smith, February 15, 2024](#)  
[Alberta Human Rights Act](#)

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### **ISSUE**

On January 31, 2024, Alberta Premier Danielle Smith posted a [video](#) where she laid out a number of proposed policies focusing on transgender and non-binary youth, including changes to Alberta's education system. She formally announced the policies at a [news conference](#) on February 1.

On February 15, 2024, the Board of Trustees wrote to Premier Smith, opposing the proposed policies and offering to share how the Division's policies and practices are benefiting students and families.

On October 1, 2024, Premier Smith released another [video](#) reiterating the UCP's plan to bring forward legislation implementing new "parental choice" during the fall session of the Alberta Legislature.

### **BACKGROUND**

Edmonton Public Schools has a number of policies that promote welcoming, inclusive, safe and healthy working and learning environments for students, staff and families, regardless of a person's actual or perceived sexual orientation, gender identity, or gender expression.

In the spring of 2024, the Board of Trustees reaffirmed our commitment to safe spaces for students, staff and families with revisions to our Sexual Orientation, Gender Identity and Gender Expression policy. That policy includes the belief that all sexually diverse and/or gender diverse students, staff and families have the right to self-identification and determination, and that they must be treated fairly, equitably and with dignity and respect.

Currently, school divisions have the autonomy to create sexual orientation, gender identity and expression (SOGIE) policies they believe best represent the students, families and staff they serve.

Sexual health education is part of the Alberta provincial curriculum for Kindergarten to Grade 12 students. The Division adheres to the [curriculum and programs of study for K-12 students](#). The

curriculum, as approved by Alberta Education, is age-appropriate and conducive to a healthy learning environment.

Within our school division, parents and guardians are notified when the Alberta human sexuality curriculum will be taught in the classroom and given an option to request an exemption for their child or children from this instruction. There is no academic penalty for a student not participating.

The Board recognizes that a parent is a child's first teacher and that parents play an important role in conversations about sexual health. The Board believes teaching children and teens about sexual health is a responsibility parents, schools and the community share.

### **Key points of the proposed "parental choice" legislation**

On February 1, 2024, Premier Smith announced the following proposed reforms related to Alberta's education system:

- Parents must be notified and opt in to any instance when a teacher provides formal instruction on subject matter involving gender identity, sexual orientation or human sexuality.
- All third-party resource materials or presentations related to gender identity, sexual orientation or human sexuality available in Alberta classrooms must be pre-approved by the Ministry of Education to ensure they are age-appropriate.
- Parents must consent for their child aged 15 and under to alter their name or pronouns used by school teachers, administration and other educational staff.
- Parents must be notified for their child aged 16 or 17 to alter their name or pronouns used by school teachers, administration and other educational staff.

On October 1, 2024, Premier Smith reiterated her government's plan to proceed with legislation requiring parental "opt-in" consent for classroom instruction on gender and sexuality and provided the following additional context related to 16 and 17-year-olds choosing to use a different name or pronoun at school:

"In those extremely rare circumstances where a teacher feels that a child might be at risk should the parents be notified of a desired name or pronoun change, Alberta Education will provide a protocol to ensure the protection of that child throughout the parental notification process."

Premier Smith has not shared details of this protocol publicly or with the Division.

### **RELATED FACTS**

- All members of a school community have the right to learn and work in an environment free of discrimination, prejudice, and harassment. This right is guaranteed under the *Canadian Charter of Rights and Freedoms*, the *Alberta Human Rights Act*, and the *Education Act*. In Edmonton Public schools, it is also supported by a [Board policy](#) and Division [administrative regulation](#) on sexual orientation and gender identity in schools, and a Board policy outlining [welcoming, inclusive, safe and healthy learning and working environments](#).

- Division policy includes the belief that all sexually diverse and/or gender diverse students, staff and families have the right to self-identification and determination and that they be treated fairly, equitably and with dignity and respect.
- Dr. Kristopher Wells, former Canada Research Chair for the public understanding of sexual and gender minority youth, has stated that the proposed policies would be some of the most extreme anti-trans and anti-2SLGBTQ policies, not only in Canada, but in the world. <https://www.macewan.ca/c/documents/dr-kristopher-wells-statements.pdf>
- Sexual health education is part of the Alberta provincial curriculum for Kindergarten to Grade 12 students. Parents and guardians can opt their children out of sexual education without penalty.
- The Division's SOGIE policies have been used as models by other school divisions.
- The Board offered to meet directly with Premier Smith to share our policies and how they have been working for our school division. The Premier, Minister of Education and no other member of government has met with the Board or staff.
- Edmonton Public Schools is a member of the Alberta Schools Boards Association (ASBA) and the Public School Boards' Association of Alberta (PSBAA).

## RECOMMENDATION

**That the Board of Trustees urge ASBA and PSBAA to advocate to Alberta's Premier and the Minister of Education that sexual education remain an "opt out" option for parents in Alberta and that school boards' autonomy be respected with regards to their own sexual orientation and gender identity and gender expression policies.**

## CONSIDERATIONS and ANALYSIS

The Division's current policy on sexual orientation, gender identity and gender expression is part of our mandate to provide a safe, welcoming and healthy school environment for students, staff and families. The current policy aligns with the rights guaranteed under the Canadian Charter of Rights and Freedoms, the *Alberta Human Rights Act* and the *Education Act*.

The policy changes being proposed by Premier Smith will contradict what our Board, and previous Boards of Trustees, have worked hard to ensure: the safety and well being of all children in Edmonton Public schools.

For transgender youth who choose a name different from the one given at birth, use of their chosen name in multiple contexts affirms their gender identity and reduces mental health risks, which are known to be high in this group. (source: [Behavior Among Transgender Youth - Journal of Adolescent Health](#))

In the vast majority of cases, a child's parent or guardian is their trusted adult. However, for a variety of reasons, there are cases when a parent or guardian is not able to provide the support a student needs, or cases when a student wishes support from a non-family member before sharing information about their identity. For these situations, it is critical to preserve the respectful, safe and caring spaces and

established relationships created in schools - and which are already required through the *Education Act*. Our current policies support this essential balance.

A [study published in the International Journal of Transgender Health in 2023](#) and cited by [Amnesty International](#) shows that trans, gender-diverse and non-binary people in Canada report higher rates of depression and suicidal ideation than their cisgender peers because of experiences of misgendering and gender-based discrimination.

“Channeling anti-2SLGBTQQIA+ hate into policy directly harms an already intersectionally marginalized group. Amnesty International Canada is deeply troubled that the government did not engage in meaningful consultations with 2SLGBTQQIA+ communities, advocates, community organizations and education and health care experts before implementing these policy changes.”  
- Amnesty International on Alberta’s proposed policies.

"New legislation is being proposed, supposedly with broad consultation including parents, that intends to safeguard parental rights. The information related to this consultation process is not readily available. Additionally, no broad consultation took place with school councils or with ASCA related to parental rights or concerns. ASCA calls for a halt to this legislation until broad consultation is meaningfully achieved and incorporated. The thousands of parents in Alberta engaged with their school councils and represented by ASCA deserve to have time and opportunity for input. Nothing about us, without us." - Alberta School Councils’ Association

“We are concerned about the chilling effect placed on classrooms and schools, impacting our ability to provide safe, caring and inclusive spaces for all students. We are concerned about how students may feel forced to suppress their identities and to be afraid of reaching out to teachers as an avenue for support. - Jason Schilling, President Alberta Teachers Association

“The draconian measures announced run directly counter to expert guidance and evidence, violate the constitutional rights of 2SLGBTQI+ people, and will lead to irreparable harm and suffering.” - Egale Canada, organization that advocates for 2SLGBTQI+ people

The other part of this motion asks that sexual education remains an “opt out” option in Alberta. The Division’s current application of the *Education Act*, allowing parents/guardians to opt out of sexual education, is a long-standing practice that works. The process is transparent, respects student well-being as well as parental choice. There are numerous research studies that show the teaching of sexual health education contributes to safer sex practices, fewer sexually transmitted infections and reduced teen pregnancies. (*source:*

<https://www150.statcan.gc.ca/n1/pub/82-003-x/2024001/article/00001-eng.htm#>)

“Because adolescents and young adults experience some of the highest rates of sexually transmitted infections (STIs) and unplanned pregnancies, it is important to ensure access to appropriate resources and related sexual health information to support more knowledgeable decision making and the adoption of healthy sexual behaviours. Sexual health is a key

component of overall health and well-being.” - Sex Information & Education Council of Canada. [Canadian Guidelines for Sexual Health Education](#).

Furthermore, the Division currently has a robust practice of vetting all resources and third parties used in teaching sexual health in our schools. Requiring government approval each time a guest speaker and/or resources are used in the classroom will create an unnecessary burden to staff who are already dealing with large class sizes and additional workload. The additional layer of required approval from the provincial government could lead to delays and reduced access to important resources to help support the teaching of sexual education.

The recommendation is directing advocacy to the Minister of Education through the two provincial associations of which the Board is a member. A coordinated provincial approach is required as the proposed changes will impact all students in Alberta. This recommendation allows school divisions to maintain their autonomy and individual policies that support students, while also upholding the fundamental human rights of all students.

Silence on the provincial government’s policies is not an option. The actions being proposed are regressive and will create harm for students, staff and families. Those most impacted by these proposed policies have asked us to use our voices in defending the rights they are entitled to.

#### **NEXT STEPS**

If approved, the Board of Trustees will bring forward an emergent position statement for consideration by members at the Fall General Meeting of the Alberta School Boards Association (ASBA.)

PSBAA council member Trustee Sherri O’Keefe will bring forward the recommendation for discussion at the November council meeting of the association.

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