

Alberta Education Policy AE-08

Parental Choice in Matters of Gender Identity, Human Sexuality, and Sexual Orientation

Purpose

HLG believes all children have the right to be safe and to receive appropriate care and support, whether at home, in school, or in the community. HLG also respects the critical role parents play in ensuring the education of their children and is committed to creating a learning atmosphere characterized by transparency in parental communications

Definitions

Child – a person who is under the age of 18 years.

Consent Education – curriculum content in the Alberta Education program of studies that aims to teach students about healthy relationships, bodily autonomy and the importance of clear communication and consent in all interactions, including sexual activity.

Gender Identity – a reference to a person's sense of one's own gender.

Human Sexuality Education – a significant component of the Alberta Education curriculum, taught in Physical Education and Wellness (Grades 3-9), Health and Life Skills (Grades 7-9), Career and Life Management (High School) and Career and Technology Studies (High School).

Incidental or Indirect References - brief, unplanned mentions of topics like gender identity, sexual orientation or sexuality that arise naturally during lessons but are not the focus of instruction.

Independent Student – a student who is 18 years of age or older, or 16 years of age and living independently as determined by a board under section 6 of *the Education Act* or is a party to an agreement under section 57.2 of the Child, Youth and *Family Enhancement Act*.

Opt-In – a *requirement* for parents to proactively sign their children up for participation in instructional settings where programs of study, instructional materials, instruction or exercises include subject matter that deals primarily and explicitly with gender identity, sexual orientation or human sexuality.

Parent – the parent/guardian of a student enrolled in Calgary Academy, and as defined in section 1(2) of the *Education Act*;

Parental Consent - permission or agreement given by a parent or legal guardian for a child to participate in certain identified activities.

Primary and Explicit References – a direct reference to instructional content or materials dealing with gender identity, sexual orientation or human sexuality, including those references to learning outcomes identified by Alberta Education in its programs of study.

Principal – the head of school operations.

Sexual Orientation – a reference to the emotional, romantic or sexual attraction that a person may feel toward another person.

School Community – the parents, students, staff, Board members and others most invested in the success and well-being of the school.

Student – a person who is enrolled in a school or required under section 7 of the Education Act to attend school but does not include a child younger than 6 years of age who is enrolled in an early childhood services program.

Guidelines

1. Calgary Academy will ensure parents are informed about school matters and classroom content that includes subject matter dealing primarily and explicitly with human sexuality, sexual orientation, or gender identity.
2. The principal is responsible for communicating with all staff and all parents the requirements of the Education Act, as they apply in this circumstance, to supporting students and families navigating complex conversations around gender identity, sexual orientation and human sexuality.
3. Regarding Gender Identity Related Preferred Names and Pronouns:
 - a) If a student under the age of 18 requests that school staff use a new gender identity - related preferred name or pronoun, the school principal or designate must notify the parent.
 - b) For students who are 16 or 17 years of age, school staff may use the new preferred name or pronouns when referring to the student, but only after parental notification has occurred.
 - c) For students under 16 years of age, school staff shall use the new preferred name or pronouns when referring to the student only once parental notification has occurred and only after parental consent has been provided.
 - i) Parental consent shall be indicated in the form and manner identified by the principal, and which may include written, email or other electronic communication between the principal or designate and the parent.

- d) Where a staff member perceives that parental notification about a student's wish to use a new gender identify-related preferred name or pronoun is reasonably expected to cause psychological or emotional harm to the student, the staff member or Principal or designate shall make every effort to enable the student to access counselling services.
 - i) In exceptional cases where there are reasonable and probable grounds to believe that the welfare or security of a student is endangered, the terms of the Child, Youth and Family Enhancement Act continue to apply. Staff members are to consult with the principal or designate.
 - e) For parents requiring help in supporting their child/children, the principal or designate may recommend support services that could include Alberta's Family Resource Networks (FRN's) administered by Children and Family Services or other counselling resources.
 - f) Notifying parents for students 16 years of age or older who are considered "Independent Students" under the Education Act is not required, as the Independent Student assumes all the rights, responsibilities and benefits under the Education Act that would otherwise belong to their Parent.
 - g) Where staff in the school were already using a gender-related preferred name or pronoun to refer to a student before the implementation date of this policy, the principal is not required to notify parents or to obtain parental consent for the student to continue using the preferred name or pronoun.
 - h) Student participation in voluntary organizations intended to promote a welcoming, caring, respectful and safe learning environment that respects diversity and fosters a sense of belonging, is unaffected by the notification requirements named above.
4. Regarding parental opt-in requirement when subject matter deals primarily and explicitly with gender identity, sexual orientation or human sexuality:
- a) As early as possible in the school year and not any later than 30 days before the onset of instruction in any of the related themes, teachers in the school shall, under the direction of the principal, notify parents and provide them the opportunity to opt their child/children in, where courses, programs of study, instructional materials, instruction, or exercises include subject matter that deals primarily and explicitly with gender identity, sexual orientation or human sexuality. The requirement to opt in applies to parents of all children under the age of 18 years, except those 16 years and older identified as independent students under the Act.

- i) If practical in the circumstance, the opportunity to opt in should be provided to parents as early as possible in the school year and then again, if necessary, 30 days before the onset of related instruction.
 - ii) As part of the notification process, teachers responsible for the subject matter instruction shall describe the intended learning outcomes, permit the viewing of pertinent resources and identify the date at which instruction in the topic is set to begin.
- b) The principal and teachers shall understand and communicate to parents that the opt-in requirement for parents relates to direct curriculum references and learning outcomes as identified by Alberta Education, in the following areas:
- Physical Education and Wellness (Grades 3, 4, 5, 6)
 - Physical Education and Wellness (Grades 7-9)
 - Health and Life Skills (Grades 7, 8, 9)
 - Career and Life Management (High School)
 - Career and Technology Studies (High School) – Reproduction and Readiness for Parenting
 - Career and Technology Studies (High School) – Developing Maturity and Independence
- i) For indirect or incidental references to the topics in 4.a) above (Example-. anatomy and physiology of human reproduction in Biology 30), parental consent is not required.
- ii) Students learn about "consent" at several grade levels, but only one learning outcome (Grade 6 Physical Education and Wellness- Any Sexual Activity always requires consent) will require parents to opt-in.
- c) The early notice to parents must permit parents time and opportunity to review and/or inquire about the learning content of the respective themes in sufficient detail to permit the parent to make an informed decision about whether or not they wish their child/children to participate and if so, whether with full or partial participation.
- d) A parent's decision to opt in their child must be communicated to the teacher responsible for the subject area instruction by no later than two weeks before the intended instruction is set to commence. A student may not participate unless the parent has opted them in.

- i) To establish informed consent from the parent, the teacher shall initiate a request for a written or electronic opt-in response, in the form and manner identified for this purpose by the principal.
 - ii) The parent's response may indicate consent for full participation or partial participation.
 - iii) Where the parent consents to partial participation, the parent and the teacher shall work together to establish expectations accordingly.
- 5. Where a parent has not provided opt-in consent for their child/children, the teacher will permit the student, without academic penalty, to leave the classroom where the instruction is occurring. The principal or designate shall work with the teacher and the student to establish an alternative supervised learning opportunity.
- 6. The school principal shall be responsible for ensuring that only Ministry-approved learning and teaching resources are used by teachers in instructional topics related to gender identity, sexual orientation and human sexuality.
 - a) Teachers and principals will find lists of approved learning and teaching resources updated quarterly on the Alberta Education website www.New.LearnAlberta.ca.
 - b) Where a teacher wishes to use an identified local resource that deals with gender identity, sexual orientation or human sexuality, it must first be submitted for Ministerial approval and approval will be subject to review criteria set out in the Alberta Education Provincial Resource Review Guide.
 - c) Where an external group or party is recommended for supporting school instruction in topics related to gender identity, sexual orientation or human sexuality, the external party must first be approved under the Alberta Education External Party Review Guide where criteria include developmentally appropriate instructional approaches, commitment by the party to conduct itself in a developmentally appropriate way and the use of approved learning and teaching resources.
 - d) Notwithstanding 6.b) above, the Minister's approval is not required for materials that deal primarily and explicitly with gender identity, sexual orientation or human sexuality where these materials are used for religious instruction.

References

Alberta Human Rights Act

Education Act

Child, Youth and Family Enhancement Act

Personal Information Protection Act

Alberta Education: www.LearnAlberta.ca (Learning Outcome Fact Sheet)

Alberta Education: Provincial Resource Review Guide

Alberta Education: External Party Review Guide