2014 Bill 202

Third Session, 28th Legislature, 63 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 202

SAFE AND INCLUSIVE SCHOOLS STATUTES AMENDMENT ACT, 2014

MS BLAKEMAN				
First Reading				
Second Reading				
Committee of the Whole				
Third Reading				
Royal Assent				

BILL 202

2014

SAFE AND INCLUSIVE SCHOOLS STATUTES AMENDMENT ACT, 2014

(Assented to , 2014)

WHEREAS the Canadian Charter of Rights and Freedoms and the Alberta Human Rights Act set out the common values and beliefs of Albertans;

WHEREAS an inclusive education is fundamental to prepare students for their role as engaged, productive and responsible citizens in a diverse society;

WHEREAS all young people, regardless of sexual orientation or gender identity, deserve a safe and supportive learning environment in which to achieve their full potential and the presence of gay-straight alliance groups will reduce the risk of bullying and suicide for all students; and

WHEREAS other Canadian jurisdictions have recognized the need to enact similar legislation to protect the human rights and dignity of young persons in schools;

THEREFORE HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

Alberta Human Rights Act

Amends RSA 2000 cA-25.5

- 1(1) The Alberta Human Rights Act is amended by this section.
- (2) Section 11.1 is repealed.

Explanatory Notes

Alberta Human Rights Act

- **1**(1) Amends chapter A-25.5 of the Revised Statutes of Alberta 2000.
- (2) Section 11.1 presently reads:

Education Act

Amends SA 2012 cE-0.3

- 2(1) The Education Act is amended by this section.
- (2) Section 16(1) is amended by striking out "the common values and beliefs of Albertans" and substituting "the Canadian Charter of Rights and Freedoms and the Alberta Human Rights Act".
- (3) Section 33 is amended by adding the following after subsection (2):
 - **(2.1)** A policy established under subsection (2) must accommodate students who want to establish and lead activities and organizations that
 - (a) promote the awareness and understanding of a positive school environment that is inclusive, welcoming and

- 11.1(1) A board as defined in the School Act shall provide notice to a parent or guardian of a student where courses of study, educational programs or instructional materials, or instruction or exercises, prescribed under that Act include subject-matter that deals primarily and explicitly with religion, human sexuality or sexual orientation.
- (2) Where a teacher or other person providing instruction, teaching a course of study or educational program or using the instructional materials referred to in subsection (1) receives a written request signed by a parent or guardian of a student that the student be excluded from the instruction, course of study, educational program or use of instructional materials, the teacher or other person shall in accordance with the request of the parent or guardian and without academic penalty permit the student
 - (a) to leave the classroom or place where the instruction, course of study or educational program is taking place or the instructional materials are being used for the duration of the part of the instruction, course of study or educational program, or the use of the instructional materials, that includes the subject-matter referred to in subsection (1), or
 - (b) to remain in the classroom or place without taking part in the instruction, course of study or educational program or using the instructional materials.
- (3) This section does not apply to incidental or indirect references to religion, religious themes, human sexuality or sexual orientation in a course of study, educational program, instruction or exercises or in the use of instructional materials.

Education Act

- **2**(1) Amends chapter E-0.3 of the Statutes of Alberta 2012.
- (2) Section 16(1) presently reads:
 - 16(1) All courses or programs of study and instructional materials used in a school must reflect the diverse nature and heritage of society in Alberta, promote understanding and respect for others and honour and respect the common values and beliefs of Albertans.
- (3) Section 33 presently reads:
 - 33(1) A board, as a partner in education, has the responsibility to
 - (a) deliver appropriate education programming to meet the needs of all students enrolled in a school operated by the board and to enable their success,

- respectful for all students regardless of sexual orientation or gender identity, and
- (b) use the name "gay-straight alliance" or any other name that is consistent with the principles set out in clause (a).
- (2.2) For greater certainty, neither a board nor a principal shall refuse to allow a student to use the name "gay-straight alliance" or a similar name for an organization described in subsection (2.1).

- (b) be accountable and provide assurances to students, parents, the community and the Minister for student achievement of learning outcomes.
- (c) provide, where appropriate, for the engagement of parents, students, staff and the community, including municipalities and the local business community, in board matters, including the board's plans and the achievement of goals and targets within those plans,
- (d) ensure that each student enrolled in a school operated by the board and each staff member employed by the board is provided with a welcoming, caring, respectful and safe learning environment that respects diversity and fosters a sense of belonging,
- (e) provide a continuum of specialized supports and services to students that is consistent with the principles of inclusive education,
- (f) collaborate with municipalities, other boards and community-based service agencies in order to effectively address the needs of all students and manage the use of public resources.
- (g) collaborate with post-secondary institutions and the community to enable smooth transitions for students from secondary to post-secondary education;
- (h) establish and maintain governance and organizational structures that promote student well-being and success, and monitor and evaluate their effectiveness,
- (i) ensure effective stewardship of the board's resources,
- recruit the superintendent and entrust the day-to-day management of the school division to the staff through the superintendent,
- (k) develop and implement a code of conduct that applies to trustees of the board, including definitions of breaches and sanctions, in accordance with principles set out by the Minister by order,
- (l) comply with all applicable Acts and regulations,
- (m) establish appropriate dispute resolution processes, and
- (n) carry out any other matters that the Minister prescribes.
- (2) A board shall establish, implement and maintain a policy respecting the board's obligation under subsection (1)(d) to provide a welcoming, caring, respectful and safe learning environment that includes the

(4) The heading preceding section 58 is repealed and the following is substituted:

Religious, patriotic instruction and sexual health education

- (5) Section 58 is amended
 - (a) in subsection (1) by adding the following after clause (d):
 - (d.1) prescribe sexual health education to be offered to its students;

establishment of a code of conduct for students that addresses bullying behaviour.

- (3) A code of conduct established under subsection (2) must
 - (a) be made publicly available,
 - (b) be reviewed every year,
 - (c) be provided to all staff of the board, students of the board and parents of students of the board,
 - (d) contain the following elements:
 - a statement of purpose that provides a rationale for the code of conduct, with a focus on welcoming, caring, respectful and safe learning environments;
 - (ii) one or more statements that address the prohibited grounds of discrimination set out in the Alberta Human Rights Act;
 - (iii) one or more statements about what is acceptable behaviour and what is unacceptable behaviour, whether or not it occurs within the school building, during the school day or by electronic means;
 - (iv) one or more statements about the consequences of unacceptable behaviour, which must take account of the student's age, maturity and individual circumstances, and which must ensure that support is provided for students who are impacted by inappropriate behaviour, as well as for students who engage in inappropriate behaviour,

and

- (e) be in accordance with any further requirements established by the Minister by order.
- (4) An order of the Minister under subsection (1)(k) or (3)(e) must be made publicly available.
- (4) The heading preceding section 58 presently reads:

Religious and patriotic instruction or exercises

- (5) Section 58 presently reads:
 - 58(1) A board may
 - (a) prescribe religious instruction to be offered to its students;
 - (b) prescribe religious exercises for its students;

(b) by repealing subsection (2) and substituting the following:

- (2) Where a teacher or other person providing religious or patriotic instruction or exercises or sexual health education receives a written request signed by a parent of a student that the student be excluded from religious or patriotic instruction or exercises or sexual health education, or any combination thereof, the teacher or other person shall, in accordance with the request of the parent, permit the student without academic penalty
 - (a) to leave the classroom or place for the duration of the instruction, exercises or education, or
 - (b) to remain in the classroom or place without taking part in the instruction, exercises or education.

- (c) prescribe patriotic instruction to be offered to its students;
- (d) prescribe patriotic exercises for its students;
- (e) permit persons other than teachers to provide religious instruction or exercises to its students.
- (2) Where a teacher or other person providing religious instruction or exercises or a teacher providing patriotic instruction or exercises receives a written request signed by a parent of a student that the student be excluded from religious instruction or exercises or patriotic instruction or exercises, or both, the teacher or other person shall, in accordance with the request of the parent, permit the student
 - (a) to leave the classroom or place where the instruction or exercises are taking place for the duration of the instruction or exercises, or
 - (b) to remain in the classroom or place without taking part in the instruction or exercises.

Record of Debate

STAGE	DATE	MEMBER	FROM	То	TOTAL	CUMULATIVE TOTAL