

2017 Bill 24

Third Session, 29th Legislature, 66 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 24

AN ACT TO SUPPORT GAY-STRAIGHT ALLIANCES

THE MINISTER OF EDUCATION

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 24

2017

AN ACT TO SUPPORT GAY-STRAIGHT ALLIANCES

(Assented to _____, 2017)

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

Amends RSA 2000 cS-3

1 The *School Act* is amended by this Act.

2 Section 16.1 is amended

(a) in subsection (1)

(i) by repealing clause (a) and substituting the following:

(a) immediately grant permission for the establishment of the student organization or the holding of the activity at the school, and

(ii) in clause (b) by adding “subject to subsection (4), within a reasonable time from the date that the principal receives the request” **before** “designate”;

(b) in subsection (3) by adding “or activity” **after** “the organization”;

(c) by adding the following after subsection (3):

(3.1) For greater certainty, the principal shall not prohibit or discourage students from choosing a name that includes “gay-straight alliance” or “queer-straight alliance”.

Explanatory Notes

1 Amends chapter S-3 of the Revised Statutes of Alberta 2000.

2 Section 16.1 presently reads:

16.1(1) If one or more students attending a school operated by a board request a staff member employed by the board for support to establish a voluntary student organization, or to lead an activity intended to promote a welcoming, caring, respectful and safe learning environment that respects diversity and fosters a sense of belonging, the principal of the school shall

- (a) permit the establishment of the student organization or the holding of the activity at the school, and*
- (b) designate a staff member to serve as the staff liaison to facilitate the establishment, and the ongoing operation, of the student organization or to assist in organizing the activity.*

(2) For the purposes of subsection (1), an organization or activity includes an organization or activity that promotes equality and non-discrimination with respect to, without limitation, race, religious belief, colour, gender, gender identity, gender expression, physical disability, mental disability, family status or sexual orientation, including but not limited to organizations such as

(d) by adding the following after subsection (5):

(6) The principal is responsible for ensuring that notification, if any, respecting a voluntary student organization or an activity referred to in subsection (1) is limited to the fact of the establishment of the organization or the holding of the activity.

3 The following is added after section 16.1:

Application of investigation, inquiry provisions

16.11 For greater certainty, sections 40 and 41 apply in respect of a contravention of, or failure to comply with, section 16.1.

4 Section 20 is amended by renumbering clause (a) as clause (a.1) and by adding the following before clause (a.1):

(a) provide a welcoming, caring, respectful and safe learning environment that respects diversity and fosters a sense of belonging;

gay-straight alliances, diversity clubs, anti-racism clubs and anti-bullying clubs.

(3) The students may select a respectful and inclusive name for the organization, including the name “gay-straight alliance” or “queer-straight alliance”, after consulting with the principal.

(4) The principal shall immediately inform the board and the Minister if no staff member is available to serve as a staff liaison referred to in subsection (1), and if so informed, the Minister shall appoint a responsible adult to work with the requesting students in organizing the activity or to facilitate the establishment, and the ongoing operation, of the student organization at the school.

(5) If a staff member indicates to a principal a willingness to act as a staff liaison under subsection (1),

- (a) a principal shall not inform a board or the Minister under subsection (4) that no staff member is available to serve as a staff liaison, and*
- (b) that staff member shall be deemed to be available to serve as the staff liaison.*

3 Application of investigation, inquiry provisions.

4 Section 20 presently reads:

20 A principal of a school must

- (a) provide instructional leadership in the school;*
- (b) ensure that the instruction provided by the teachers employed in the school is consistent with the courses of study and education programs prescribed, approved or authorized pursuant to this Act;*

5 Section 28 is amended

(a) in subsection (7) by adding “16.11, 20(a),” after “Sections 16.1,”;

(b) by adding the following after subsection (7):

(8) Notwithstanding section 17, section 20(a) applies to the principal of a private school.

(9) Sections 45.1, 45.2 and 45.3 apply to an accredited private school and its operation, and a reference in those provisions to a board is deemed to include a reference to the operator of an accredited private school.

6 Section 36(1)(d) is amended by adding “45.3,” after “45.1,”.

- (c) *evaluate or provide for the evaluation of programs offered in the school;*
- (d) *ensure that students in the school have the opportunity to meet the standards of education set by the Minister;*
- (e) *direct the management of the school;*
- (f) *maintain order and discipline in the school and on the school grounds and during activities sponsored or approved by the board;*
- (g) *promote co-operation between the school and the community that it serves;*
- (h) *supervise the evaluation and advancement of students;*
- (i) *evaluate the teachers employed in the school;*
- (j) *subject to any applicable collective agreement and the principal's contract of employment, carry out those duties that are assigned to the principal by the board in accordance with the regulations and the requirements of the school council and the board.*

5 Section 28(7) presently reads:

(7) Sections 16.1, 50.1 and 50.2 and section 123, in respect of appeals referred to in section 50.2, apply to a private school and its operation, and a reference in those provisions to a board is deemed to include a reference to the operator of a private school.

6 Section 36(1) presently reads:

7 Section 45.1(3) and (4) are repealed and the following is substituted:

(3) A policy established under subsection (2) and a code of conduct established under subsection (2) must

- (a) affirm the rights, as provided for in the *Alberta Human Rights Act* and the *Canadian Charter of Rights and Freedoms*, of each staff member employed by the board and each student enrolled in a school operated by the board, and
- (b) contain one or more statements that staff members employed by the board and students enrolled in a school operated by the board will not be discriminated against as provided for in the *Alberta Human Rights Act* or the *Canadian Charter of Rights and Freedoms*.

(4) A policy established under subsection (2) must contain a distinct portion that addresses the board's responsibilities under section 16.1, and the distinct portion of the policy

- (a) must not contain provisions that conflict with or are inconsistent with this section or section 16.1, and in particular must not contain provisions that would

36(1) The following provisions and any regulations made under them apply to a charter school and its operation, and a reference in those provisions or those regulations to a board or a trustee is deemed to include a reference to a society or company that operates a charter school or a member of the governing body of that society or company, as the case may be:

- (a) sections 1, 2 and 3;*
- (b) Part 1;*
- (c) Part 2 except sections 21(3), 28 and 29;*
- (d) in Part 3, sections 45.1, 49, 50, 50.1, 50.2, 52, 54, 56, 57, 60, 75, 77, 78, 79, 80 and 81, section 82 except subsections (1)(a) and (2), sections 83 to 85 and section 86 except clauses (b) and (c);*

7 Section 45.1 presently reads in part:

- (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:*
 - (i) 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;*

- (i) undermine the promotion of a welcoming caring, respectful and safe learning environment that respects diversity and fosters a sense of belonging, or
 - (ii) require a principal to obtain the approval of the superintendent or board or to follow other administrative processes before carrying out functions under section 16.1,
 - (b) must include the text of section 16.1(1), (3), (3.1), (4) and (6),
 - (c) must provide that the principal is responsible for ensuring that notification, if any, respecting a voluntary student organization or an activity referred to in section 16.1(1)
 - (i) is limited to the fact of the establishment of the organization or the holding of the activity, and
 - (ii) is otherwise consistent with the usual practices relating to notifications of other student organizations and activities,
- and
- (d) must set out the name of the legislation that governs the disclosure of personal information by the board.
- (5)** A code of conduct established under subsection (2) must contain the following elements:
- (a) a statement of purpose that provides a rationale for the code of conduct, with a focus on welcoming, caring, respectful and safe learning environments;
 - (b) 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;
 - (c) 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

(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 (3)(e) must be made publicly available.

students who are impacted by inappropriate behaviour, as well as for students who engage in inappropriate behaviour.

(6) In addition to meeting the requirements under subsections (3), (4) and (5), a board shall do the following:

- (a) make the policy and code of conduct available throughout the year in a prominent location on a publicly accessible website maintained by or on behalf of the board;
- (b) display in a place clearly visible to students in each school the Uniform Resource Locator of the policy and code of conduct on the publicly accessible website;
- (c) on request, provide a copy of the policy or code of conduct to an individual;
- (d) by June 30 of each year, review the policy and code of conduct, confirm the review by a board resolution and post or repost the policy and code of conduct on the publicly accessible website after review;
- (e) comply with any further requirements respecting a policy or code of conduct established by the Minister by order.

(7) An order of the Minister under subsection (6)(e) must be made publicly available.

(8) If a board does not establish a policy or a code of conduct under subsection (2), or in the opinion of the Minister a policy or a code of conduct established under subsection (2) does not meet the requirements under subsections (3), (4), (5) or (6), as applicable, the Minister may, by order, do one or both of the following:

- (a) establish a policy or code of conduct for, or add to or replace a part of a policy or code of conduct of, a board;
- (b) impose any additional terms or conditions the Minister considers appropriate.

(9) An order of the Minister under subsection (8) must be made available in a timely manner by the board in a prominent location on a publicly accessible website maintained by or on behalf of the board.

(10) The *Regulations Act* does not apply to an order of the Minister under this section.

8 The following is added after section 45.1:

Exemption from section 45.1

45.2 The Lieutenant Governor in Council may exempt an accredited private school or a class of accredited private schools from the operation of all or part of section 45.1.

Application of investigation, inquiry provisions

45.3 For greater certainty, sections 40 and 41 apply in respect of a contravention of, or failure to comply with, section 45.1.

9 Section 50.1 is amended by adding the following after subsection (3):

(4) For greater certainty, this section does not apply with respect to the establishment or operation of a voluntary student organization referred to in section 16.1 or the organizing or holding of an activity referred to in section 16.1.

8 Exemption from section 45.1; application of investigation, inquiry provisions.

9 Section 50.1 presently reads:

50.1(1) A board shall provide notice to a parent of a student 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.

(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 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 permit the student, without academic penalty,

(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

10 The following provisions of this Act come into force on April 1, 2018:

- (a) section 5(b) to the extent that it enacts section 28(9) of the *School Act*;
- (b) section 7;
- (c) section 8 to the extent that it enacts section 45.2 of the *School Act*.

(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 or human sexuality in a course of study, educational program, instruction or exercises or in the use of instructional materials.

10 Coming into force.

