

2024 Bill 27

First Session, 31st Legislature, 3 Charles III

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 27

EDUCATION AMENDMENT ACT, 2024

THE MINISTER OF EDUCATION

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 27

2024

EDUCATION AMENDMENT ACT, 2024

(Assented to _____, 2024)

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

Amends SA 2012 cE-0.3

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

2 The preamble is amended

(a) by adding the following after the 4th recital:

WHEREAS the education of children and students is
important to Alberta's prosperity and social well-being;

(b) by adding the following after the 15th recital:

WHEREAS the Government of Alberta is committed to
ensuring strong learning opportunities regardless of
whether those opportunities are in-person, online or in a
home education program;

WHEREAS the Government of Alberta recognizes that
in-person learning opportunities are important for
students' well-being and success and is committed to
preserving access to in-person learning;

WHEREAS the Government of Alberta recognizes that
students have a right to education;

WHEREAS the Government of Alberta believes that
in-person learning should be prioritized during an

Explanatory Notes

1 Amends chapter E-0.3 of the Statutes of Alberta, 2012.

2 The preamble presently reads in part:

WHEREAS the role of education is to develop engaged thinkers who think critically and creatively and ethical citizens who demonstrate respect, teamwork and democratic ideals and who work with an entrepreneurial spirit to face challenges with resiliency, adaptability, risk-taking and bold decision-making;

WHEREAS the Government of Alberta recognizes public schools, separate schools, Francophone schools, private schools, charter schools, early childhood services programs and home education programs as being valued and integral in providing choice in education to students and parents;

emergency and that shifts from in-person learning to at-home learning should be strictly limited;

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

- (a) “at-home learning” means teacher-directed education programming provided by a board, a Francophone regional authority, an operator of a charter school or a person responsible for the operation of a private school to a student on a temporary basis at the student’s residence or at a location other than the student’s regularly attended school;

4 The following is added after section 3:

Right to education during emergencies

3.1(1) Every student has a right to education consistent with the requirements of the regulations during

- (a) a public health emergency confirmed under section 29(2.1) of the *Public Health Act*,
- (b) a state of public health emergency declared under section 52.1 of the *Public Health Act*,
- (c) a local state of public health emergency declared under section 52.2 of the *Public Health Act*,
- (d) a state of emergency declared under section 18(1) of the *Emergency Management Act*,
- (e) a state of local emergency declared under section 21 of the *Emergency Management Act*, or
- (f) an emergency prescribed in an order of the Minister under section 11.1(3).

(2) A board must provide in-person learning or at-home learning during an emergency described in subsection (1) in accordance with the regulations.

3 Adds definition.

4 Right to education during emergencies; parental notification and consent during emergencies.

Parental notification and consent during emergencies

3.2(1) Subject to subsection (2) and the regulations, if, during an emergency described in section 3.1(1), health measures established by a board that relate to the emergency are intended to apply to the body of a student, the board, before the intended health measures are applied to the body of the student, shall,

- (a) in the case of a student who is under 16 years of age, seek the consent of the student's parent, or
- (b) in the case of a student who is 16 years of age or older, notify the student's parent and seek the consent of the student or the parent.

(2) Subsection (1)

- (a) applies to health measures prescribed by an order of the Minister under section 11.1(3)(b) in addition to those established by a board, and
- (b) does not apply to
 - (i) routine health measures such as hand washing, cleaning or hygiene, and
 - (ii) any other health measures exempted by an order of the Minister under section 11.1(3)(c).

5 The following is added after section 11:

Regulations and orders

11.1(1) The Minister may make regulations

- (a) respecting in-person learning and at-home learning;
- (b) respecting notification and consent relating to health measures;
- (c) respecting the wearing of face masks or other face coverings;

5 Regulations and orders.

- (d) respecting policies that a board must establish and implement respecting in-person learning or at-home learning;
- (e) defining, for the purposes of this Part, any term used but not defined in this Part.

(2) A regulation made under this section may be general or specific in its application, including, without limitation, during an emergency.

(3) The Minister may, by order, do the following:

- (a) prescribe emergencies for the purposes of section 3.1(1)(f);
- (b) prescribe, for the purposes of section 3.2(2)(a), health measures that relate to an emergency and are intended to apply to the body of a student;
- (c) exempt, for the purposes of section 3.2(2)(b)(ii), health measures that relate to an emergency and are intended to apply to the body of a student.

(4) The *Regulations Act* does not apply to an order made under subsection (3).

6 Section 18(1) is amended by adding the following after clause (d):

- (d.1) approve any learning and teaching resources referred to in section 18.1;
- (d.2) approve any external party using or providing learning and teaching resources referred to in section 18.1;

7 The following is added after section 18:

Learning and teaching resources re gender identity, sexual orientation or human sexuality

18.1(1) In this section,

6 Adds to Ministerial authority.

7 Learning and teaching resources re gender identity, sexual orientation or human sexuality.

- (a) “external party” means a person or organization other than
 - (i) a board or an employee of a board,
 - (ii) a student,
 - (iii) a student organization established under section 35.1, or
 - (iv) a staff liaison designated, or responsible adult appointed, under section 35.1;
- (b) “learning and teaching resources” means any resource used in a school to engage in learning or teaching, but does not include a resource
 - (i) created by a student, or
 - (ii) accessed by a student independently, including through a school library.

(2) A board shall not use or permit the use or provision of learning and teaching resources that deal primarily and explicitly with gender identity, sexual orientation or human sexuality unless the learning and teaching resources are approved by the Minister.

(3) Where the use or provision of learning and teaching resources referred to in subsection (2) is by an external party, a board shall not permit that use or provision unless both the learning and teaching resources and external party are approved by the Minister.

(4) The Minister may establish approval criteria or requirements respecting learning and teaching resources and external parties for the purposes of this section.

8 Section 30(1) is amended

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

- (b) in Part 1, sections 3, 3.1, 3.2, 5, 6, 7, 9(2) and (4) and 11.1;

8 Section 30(1) presently reads in part:

30(1) The following provisions and any regulations made under them apply to a registered or accredited private 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 the

- (b) **in clause (c) by striking out** “sections 16, 17, 18, 28.1, 29 and 30” **and substituting** “sections 16, 17, 18, 18.1, 28.1, 29 and 30”;
- (c) **in clause (d) by striking out** “sections 31, 32 and 35.1” **and substituting** “sections 31, 32, 33.2 and 35.1”;
- (d) **in clause (e) by striking out** “sections 56, 58.1, 58.2, 66 and 70” **and substituting** “sections 56, 58.1, 58.11, 58.12, 58.2, 66 and 70”.

9 The following is added after section 33.1:

Responsibilities re parental notification and consent for preferred name and pronouns

33.2(1) In this section, “new preferred name or pronouns” means a name or pronouns that

- (a) vary from the name or pronouns that teachers, teacher leaders and other school staff have regularly used when referring to the student, and
- (b) the student prefers for reasons related to the student’s gender identity.

(2) Subject to subsection (4), if a student requests that a new preferred name or pronouns be used by teachers, teacher leaders and other school staff when referring to the student in school, the board shall,

- (a) in the case of a student who is under 16 years of age,
 - (i) notify the student’s parent of the request, and
 - (ii) seek the parent’s consent for teachers, teacher leaders and other school staff to use the new preferred name or pronouns when referring to the student in school,

or

- (b) in the case of a student who is 16 or 17 years of age, notify the student’s parent of the request.

person responsible for the operation of a private school or a member of the governing body of the operator of a private school, as the case may be:

(b) in Part 1, sections 3, 5, 6, 7 and 9(2) and (4);

(c) in Part 2, sections 16, 17, 18, 28.1, 29 and 30;

(d) in Part 3, sections 31, 32 and 35.1, section 42, except subsection (3), in respect of appeals referred to in section 58.2, and Division 7;

(e) in Part 4, sections 56, 58.1, 58.2, 66 and 70;

9 Responsibilities re parental notification and consent for preferred name and pronouns.

(3) A teacher, teacher leader or other school staff member shall not use a new preferred name or pronouns when referring to a student in school

- (a) until the student's parent is notified under subsection (2)(a)(i) or (b), and
- (b) unless the parent's consent is obtained under subsection (2)(a)(ii), if applicable.

(4) Where

- (a) notifying the student's parent or seeking the parent's consent is reasonably expected to cause emotional or psychological harm to the student, or
- (b) the student requests access to assistance,

the board shall ensure that the student is provided with counselling or other assistance before notifying the student's parent.

(5) No action lies against any of the following for anything done or omitted to be done in good faith when acting or purporting to act under this section:

- (a) the Crown;
- (b) a member or former member of the Executive Council;
- (c) a board, trustee, Francophone regional authority, operator of a charter school or person responsible for the operation of a private school;
- (d) any current or former employee of or individual currently or formerly engaged for services by
 - (i) the Crown,
 - (ii) a board,
 - (iii) a Francophone regional authority,
 - (iv) the operator of a charter school, or

- (v) the person responsible for the operation of a private school.

10 Section 53(2)(b) is amended by striking out “section 18 and any regulations under this Act” **and substituting** “sections 18 and 18.1 and any regulations under this Act”.

11 Section 58.1 is amended

- (a) **in subsection (1) by striking out** “or human sexuality”;
- (b) **in subsection (3) by striking out** “religion, religious themes or human sexuality” **and substituting** “religion or religious themes”.

12 The following is added after section 58.1:

Notice and consent re gender identity, sexual orientation or human sexuality instruction

58.11(1) A board shall, in accordance with the policies established under section 58.12, provide notice to, and seek the consent of, a parent of a student where courses, programs of study or instructional materials, or instruction or exercises, include subject-matter that deals primarily and explicitly with gender identity, sexual orientation or human sexuality.

(2) A board shall provide notice to the parent of a student at least 30 days before the start of a course, program of study or instruction, or the first use of instructional materials or an exercise, referred to in subsection (1).

(3) No board or teacher shall permit a student to take part in a course, program of study or instruction, or use instructional materials or an exercise, referred to in subsection (1) unless the parent of the student has, before the start of the course, program

10 Section 53(2)(b) presently reads:

(2) A board may

(b) subject to section 18 and any regulations under this Act, develop or acquire instructional materials for use in courses or programs or in schools, and

11 Section 58.1 presently reads in part:

58.1(1) A board shall provide notice to a parent of a student where courses, programs of study or instructional materials, or instruction or exercises, include subject-matter that deals primarily and explicitly with religion or human sexuality.

(3) This section does not apply to incidental or indirect references to religion, religious themes or human sexuality in a course, program of study, instruction or exercises or in the use of instructional materials.

12 Notice and consent re gender identity, sexual orientation or human sexuality instruction; parental notification and consent policies.

of study or instruction, or before the first use of the instructional materials or exercise, provided consent for the student to do so in accordance with the policies established under section 58.12.

(4) Where no consent has been provided under this section in respect of a student, the teacher shall arrange for alternate instruction or supervision for the student outside the classroom or place where the course, program of study or instruction will take place or the instructional materials or exercise will be used.

(5) This section does not apply to incidental or indirect references to gender identity, sexual orientation or human sexuality in a course, program of study, instruction or exercises or in the use of instructional materials.

(6) Nothing in this section shall be construed so as to require the provision of notice to, or the seeking of consent of, the parent of a student for any participation by the student in a student organization established, or activity held, under section 35.1.

Parental notification and consent policies

58.12(1) A board shall establish and implement policies respecting the provision of notice to, and the seeking of consent of, a parent of a student under section 58.11.

(2) The policies established under subsection (1) must

(a) address the following matters:

- (i) the form and manner of the provision of notice under section 58.11(2);
- (ii) the frequency and timing of the provision of notice under section 58.11(2);
- (iii) the form and manner of the seeking of consent under section 58.11(3), which must
 - (A) include sufficient detail to enable the parent of a student to make an informed decision under section 58.11(3), and
 - (B) provide the parent of a student with the option to consent to the student

- (I) taking part in all or part of a course or program of study or instruction, or
- (II) using all or part of instructional materials or an exercise

referred to in section 58.11;

- (iv) any matters specified by the Minister under subsection (3),

and

- (b) be made publicly available.

(3) The Minister may specify other matters that must be addressed in the policies established under subsection (1).

13 Section 58.2(1) is amended by striking out “section 58 or 58.1” and substituting “section 58, 58.1 or 58.11”.

14 This Act comes into force on Proclamation.

13 Section 58.2(1) presently reads:

58.2(1) If a board, teacher or other person fails to comply with section 58 or 58.1, that failure to comply is deemed to be a decision that may be appealed in accordance with section 42.

14 Coming into force.

RECORD OF DEBATE

Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To