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2SLGBTQ+ STUDENT RIGHTS, LEGISLATION, SCHOOL POLICIES, AND SOGI EDUCATION IN ALBERTA

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During the fall of 2023, there have been protests across Canada regarding the rights of 2SLGBTQ+ students and the use of sexual orientation and gender identity (SOGI) resources in classrooms. One side argues students have a right to self-identification and access to SOGI education, and the other arguing that parents should be informed if their child wants to change their pronouns and/or use a preferred name at school and that it is inappropriate to expose children to SOGI topics in school settings. As these topics have received more discussion and debate among students, parents, schools, media, and governments, misinformation has become rampant. The purpose of this report is to provide clarity about the legislation and policies that protect 2SLGBTQ+ students in Alberta and explain what SOGI resources are and how they are used in Alberta schools.



Federal and Provincial Human Rights Legislation

The rights of people who identify as 2SLGBTQ+ are protected under both federal and provincial legislation.



Canadian Human Rights Act

Under the Canadian Human Rights Act (1985, c H-6, s. 2), all individuals should have an opportunity equal with other individuals to make for themselves the lives that they are able and wish to have and to have their needs accommodated, consistent with their duties and obligations as members of society, without being hindered in or prevented from doing so by discriminatory practices based on race, national or ethnic origin, colour, religion, age, sex, **sexual orientation, gender identity or expression**, marital status, family status, genetic characteristics, disability or conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.

Moreover, the Act (1985, c H-6, s. 3) states that, the prohibited grounds of discrimination are race, national or ethnic origin, colour, religion, age, sex, **sexual orientation, gender identity or expression**, marital status, family status, genetic characteristics, disability and conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.

The Canadian Human Rights Act (1985, c H-6) recognizes that sexual orientation, gender identity, or gender expression should not hinder people from meeting their needs and living their lives; all people deserve to have equal opportunities in life and should be able to pursue these without being discriminated against.



Alberta Human Rights Act

As indicated in the Preamble to the Alberta Human Rights Act (2000, A-25.5), all persons are equal in: dignity, rights and responsibilities without regard to race, religious beliefs, colour, **gender, gender identity, gender expression**, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or **sexual orientation**.

This Act recognizes that differences in identity do not signify differences in humanity. Historically, 2SLGBTQ+ folks have not always been treated with dignity or experienced equal rights and responsibilities. People who identify as 2SLGBTQ+ deserve to be treated with the same dignity and humanity as people who do not identify as

2SLGBTQ+. Moreover, a person's identity cannot be used to minimize their rights or responsibilities. While the Act does not define what "responsibilities" entail, other human rights bodies such as UNICEF (n.d.), describe individuals as having a responsibility to "respect the rights of others" when exercising their own human rights (para. 2).

Additionally, Section 16 (1e) of the Alberta Human Rights Act (2000, A-25.5) indicates that the Alberta Human Rights Commission functions to research, develop and conduct educational programs designed to eliminate discriminatory practices related to race, religious beliefs, colour, **gender, gender identity, gender**

expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation.

The Act’s recognition of the need to “conduct educational programs designed to eliminate discriminatory practices” (2000, A-25.5, s. 16(1e)) related to gender identity, gender expression, and sexual orientation, suggests that education that discusses SOGI deserves a place within the classroom to promote inclusivity and a respect for all people. Some children experience bullying or harassment within schools because they belong to an identity group that has been historically marginalized. This Act is intended to protect those children from further discrimination.

For 2SLGBTQ+ youth and students, all these human rights policies work together to ensure they have the right to freely express their sexual orientation and gender identity without fear of discrimination. It is important that young people understand their rights so that they are able to identify spaces where their sexual orientation and gender identity are respected, and advocate for themselves in spaces they are not. These human rights acts are also referenced in Alberta education policies, acting as a foundation for the rights of students within classroom settings and protects students from discrimination within schools.



EDUCATION LEGISLATION AND POLICIES WITHIN ALBERTA

Education Act

As stated in the Preamble of the Education Act (2012, c E-0.3), “students are entitled to welcoming, caring, respectful and safe learning environments that respect diversity and nurture a sense of belonging and a positive sense of self.” Moreover, Section 32 of the Education Act (2012, c E-0.3) states that parents have the responsibility to “ensure that [their] conduct contributes to a welcoming, caring, respectful and safe learning environment.”

School can act as a safe space for students who may not feel safe at home. School may be a space where 2SLGBTQ+ students feel their identity is recognized and respected and receive support from staff members. Parents also contribute to this sense of safety at school in their direct or indirect involvement in a child’s education through their attitudes about

school policies and participation in their children’s school life. For many students, watching the protests advocating for parental rights and banning SOGI education in schools made them feel unsafe. As debate continues about pronoun and name policies in Alberta schools, further discussion will need to be had as to whether policies that notify parents for name or pronoun changes will be in violation of the Education Act (2012, c E-0.3).



Government of Alberta Education Policies and Guidelines

The Government of Alberta (n.d.) states that “students, parents and school authorities have responsibilities for ensuring welcoming, caring, respectful and safe learning environments that respect diversity and nurture a sense of belonging and a positive sense of self” (para. 1). The Government of Alberta (n.d.) also promotes a “whole-school approach” in which students of any ability, disability, language, cultural background, **sexual orientation, gender identity, gender expression**, or age feel safe and welcome at school (Whole-school approach section, para. 3).



Part of creating a safe and welcoming environment may involve recognizing the diversity and identities of students and students' families. For some students, a change in name/pronoun policies would mean that schools are no longer a welcoming, safe space for them as they may not be able to express their identity freely. If students need to ask parents/guardians for permission to use a preferred name or pronoun at

school or if the school staff are required to inform parents/guardians about a change in their child's identity, students no longer have a confidential space in which they can discuss their identity with an adult they trust. A child's school may be a place in which a student feels that their rights, needs, and identity are respected, while their home may not.



Teaching Quality Standard

Alberta Education's Teaching Quality Standard (2023) is used as a foundation for teacher certification and ensures that teachers are following the guidelines outlined by the profession and the Minister of Education. One of the elements of the Teaching Quality Standard (Alberta Education, 2023) is the establishment of "inclusive learning environments where diversity is embraced and every student is welcomed, cared for, respected, and safe" (p. 4). Alberta Education (2021) defines inclusion as "a way of thinking and acting that demonstrates universal acceptance of, and belonging for, all children and students" (p. 27). The 2021-2022 Guide to Education: ECS to Grade 12 (Alberta Education, 2021) includes an Inclusive Education Policy that outlines a goal of inclusive classrooms, meaning that school authorities must ensure that all children and students (Kindergarten to Grade 12), regardless of race, religious belief, colour, **gender, gender identity,**

gender expression, physical disability, mental disability, family status or **sexual orientation,** or any other factor(s), have access to meaningful and relevant learning experiences that include appropriate instructional supports. (p. 27)

The recognition of the need for "meaningful and relevant learning experiences that include appropriate instructional supports" (Alberta Education, 2021, p. 27) suggests that students are entitled to educational supports that reflect their unique identities. SOGI education and SOGI 123 resources are examples of these supports that respect and acknowledge students of different genders, gender identities, gender expressions, and sexual orientations.

Alberta Code of Professional Conduct for Teachers and Teacher Leaders

The Alberta Code of Professional Conduct for Teachers and Teacher Leaders (Alberta Education, 2022) states, in part, that teachers

1. In relation to students

(a) the teacher or teacher leader shall respect the dignity and rights of all students and persons without prejudice as to the prohibited grounds of discrimination set out in the Alberta Human Rights Act and with regard to rights as provided for in the Canadian Charter of Rights and Freedoms, and be considerate of the circumstances of students and persons.

(b) the teacher or teacher leader is required to demonstrate a welcoming, caring, respectful and safe learning environment that respects diversity and nurtures a sense of belonging, which students are entitled to under the Act.

(c) the teacher or teacher leader shall teach or lead in a manner that does not intentionally contravene applicable

- (i) legislation, and
- (ii) policies of Alberta Education

(d) the teacher or teacher leader shall not

- (i) intentionally harm or abuse a student verbally, psychologically or emotionally, or
- (ii) harm or abuse a student physically or sexually.

(e) the teacher or teacher leader shall not disclose information received about a student in confidence or in the course of performing the teacher's or teacher leader's professional duties except

- (i) as required by law, or
- (ii) where

(A) in the teacher's or teacher leader's judgment, it would be in the best interests of the student to disclose the information, and

(B) the disclosure of the information is permitted by law. (p. 2)

Moreover, the Alberta Code of Professional Conduct for Teachers and Teacher Leaders (Alberta Education, 2022) also mentions the relationship between teachers and parents, stating in part, that



2. In relation to parents of students, the teacher or teacher leader shall

- (a) respect parents and be considerate of their circumstances,
- (b) treat information received from and about parents with discretion,
- (c) be respectful in communications with and about parents, (p. 3)

This Code reinforces the use of the Alberta Human Rights Act and Alberta Education’s policies as a guide for student and teacher conduct and affirms the need for a welcoming and safe learning environment that includes all students.



Edmonton Public School Board

The Edmonton Public School Board (2020) states, in part that

- The Board believes that all sexual and gender minority students, staff, and families have the right to:

be treated fairly, equitably, and with dignity and respect;

have their confidentiality protected and respected;

self-identification and determination;

freedom of conscience, expression, and association;

be fully included and represented in an inclusive, positive, and respectful manner by all school personnel;

have equitable access to the same supports, services, and protections provided to heterosexual students and families;

have avenues of recourse (without fear of reprisal) available to them when they are victims of harassment, prejudice, discrimination, intimidation, bullying, and/or violence; and

have their unique identities, families, cultures, and communities included, valued and respected within all aspects of the school environment. (p. 1-2)

This policy recognizes the rights of 2SLGBTQ+ students, respects the importance of students being able to identify as they are, and states the need for all students to be treated equally regardless of sexual and gender orientation. The identification of sexual and gender minority students recognizes that these students have not always had these rights and that moving forward, these rights will be protected by the board. While this policy specifically identifies sexual and gender minority students, all students and teachers should expect to be granted these rights when they come to school.



School Board Policies on Name and Pronoun Changes

Policies for students using a preferred name, changing their pronouns, and the privacy of these choices vary across school boards, charters, and independent schools in Alberta. For example, the Edmonton Public School Board (2018) states that “a student or staff member has the right to be addressed by a name and pronoun that corresponds to his or her consistently asserted gender identity” (p. 4). If an independent student (1) or a parent/guardian request for a preferred name or pronoun to be used, the school will change the student’s official record to indicate the name and sex or gender

that is preferred (Edmonton Public School Board, 2018). After this change is made in official school records, the student’s preferred name and sex or gender will then be used on all school forms and records, as well as documents like class lists, timetables, student files, and identification cards. The Edmonton Public School Board (2018) notes that staff should “recognize the confidentiality of the sexual orientation and gender identity of all students and protect them from unwanted disclosure of such information” (p. 2), though this does not clarify how staff approach student disclosures or situations where a student’s parent/guardian do not agree with the student’s sexual orientation or gender identity.

Similarly, the Calgary Board of Education (CBE) (2023) recognizes that students should be able to self-identify as they wish but describes the specific ways in which student name requests have been accommodated.



1 An independent student is defined by Section 1(1) (n) of the Education Act (2012, c E-0.3) as “a student who is (i) 18 years old or older, or (ii) 16 years of age or older and (A) living independently as determined by a board in accordance with section 6 [of the Education Act], or (B) a part to an agreement under section 57.2 of the Child, Youth and Family Enhancement Act.”

The CBE (2023) notes that requests for a name change tend to follow three forms, although the response varies on a case-by-case basis. A student can ask for a preferred name to be used by staff in school settings, but this preferred name is not added to the Student Information System (SIS) and their legal name remains on class lists, report cards, and other school documents. A student can request an “Also Known As (AKA) name” which should always be used to refer to the student (CBE, 2023, p. 11). This AKA name is added to the SIS and the AKA name is added to most school documents, though a student’s legal name remains in the Official Student Record. Lastly, a student who is 18 years old can legally change their name and students under the age of 18 need written parental permission to legally change their name with Alberta Vital Statistics. A school can change a student’s legal name in the Official Student Record if Alberta Vital Statistics documentation is produced. According to CBE (2023), “school staff members are always encouraged to work collaboratively with parents/guardians about the learning and well-being of their children” (p. 10), though a student’s privacy is to be respected and confidentiality maintained if requested by the student. CBE (2023) also suggests that the system SOGI team should be consulted if there are any questions related to disclosure, confidentiality, or if a student and their parent/guardian disagree about a student’s gender identity, gender expression, or sexual orientation.



Alberta school boards have different preferred name/pronoun policies, meaning that some students may be able to use a preferred name in school with varying degrees of disclosure to parents while students in other districts are not. Having clearly defined policies and protocols for preferred pronouns and names is important for both students and parents. These policies inform students about what options they have if they choose to use a preferred name or pronoun as well as the confidentiality and privacy of these choices. Consequently, these policies will inform students how safe they are to change their name and/or pronouns. For parents, clear policies outline what steps are taken within the school and what their role with the school might look like if their child chooses to use a preferred name/pronoun.

SOGI EDUCATION IN ALBERTA

What is SOGI-Inclusive Education?

SOGI stands for Sexual Orientation and Gender Identity. Every person has a sexual orientation and a gender identity, meaning that SOGI is a discussion that everyone is a part of, not only those who identify as 2SLGBTQ+.

SOGI 1 2 3 is a flagship program developed by the ARC Foundation that provides SOGI-inclusive educational resources for teachers and parents to access. It is not a curriculum or lesson plan, but rather a set of educational resources that can be used by educators to promote inclusivity in their classrooms (SOGI 1 2 3 Alberta, n.d.-b). Some of the resources that SOGI 123 provides include lists of age-appropriate books that highlight SOGI, guidelines for how to integrate SOGI discussions in the classroom, parent resources for how to discuss SOGI with their children, and links to resources such as the PRISM Toolkit for Safe and Caring Discussions About Sexual and Gender Minorities (Alberta Teachers' Association, 2016).

According to SOGI 1 2 3 Alberta (n.d.-b):

SOGI-inclusive education is about treating everyone with dignity and respect. All students need to see themselves and their families reflected in lessons, language, and practices. Like other forms of inclusion in schools, the goal of SOGI-inclusive education is for everyone to understand the diverse society that we live in and to feel safe, valued, and respected. (para. 1)



HOW IS SOGI 1 2 3 BEING USED IN ALBERTA?

SOGI 1 2 3 resources are currently active within six school divisions in Alberta and have been integrated into these divisions over the past five years from Kindergarten to Grade 12 (SOGI 1 2 3 Alberta, n.d.-c). Since SOGI 1 2 3 resources are not part of the Alberta curriculum, each school district has different policies surrounding SOGI 1 2 3 resource use and individual classrooms vary in terms of how SOGI 1 2 3 resources are used and the extent to which they are taught (SOGI 1 2 3, n.d.-a).



There are many misconceptions about what SOGI 1 2 3 education is and how it is being used in the classroom. SOGI is not sexual education; Section 58.1 of the Education Act (2012, c E-0.3) ensures that parents are notified if human

sexuality or religion is going to be primarily and explicitly taught in classrooms and they have the option to submit a written request to remove their child from the classroom during these lessons. The Education Act (2012, c E-0.3) also states that Section 58.1 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.” A description of what is taught in the Alberta K-6 curriculum in regard to these topics is outlined on the new [LearnAlberta](#) website.

SOGI education teaches children about the diversity within society and “the importance of treating everyone with dignity and respect” (SOGI 1 2 3, n.d.-a, What will my child learn section, para. 1). One example of a recommendation from SOGI 1 2 3 Alberta (n.d.-a) is to use inclusive language when referring to students, such as “Good morning, everyone” rather than “Good morning, boys and girls” (First steps for inclusive language section, para. 1). This use of inclusive language signals to students that all are welcome and

acknowledged in the classroom, regardless of their identity. SOGI education does not pressure or force children to change their gender identity. It aims to create inclusive and supporting environments that are safe for students who are exploring gender identity/transitioning.



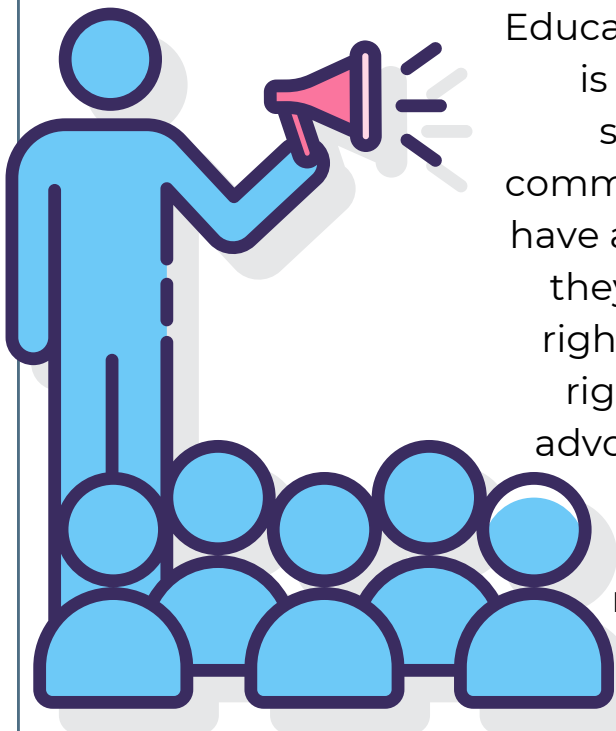
Students in Grades 4 and 5 may learn that “no one should feel limited by stereotypes, or be teased because of them” (SOGI 1 2 3, n.d.-b., p. 3). Parents are encouraged to discuss any questions they may have about SOGI education and/or the Alberta curriculum with teachers and educators. Teachers are experts on what is being taught in their classrooms and can provide accurate information on the curriculum being taught and if/what supplemental resources may be used to teach SOGI in schools. SOGI 1 2 3 resources are also available for parents to review online if they want to learn more.

SOGI 1 2 3 recognizes the importance of individual students being acknowledged by their chosen pronouns. SOGI education does not say that students cannot describe themselves as a “boy” or a “girl” or that they cannot refer to their parents as “mom” or “dad.” Recognizing a student’s pronouns or the diversity of families does not mean minimizing any persons’ or families’ experience.

SOGI 1 2 3 provides lessons that vary depending on the age of students. For example, students in kindergarten and Grade 1 may learn that families are diverse and may not all look the same (SOGI 1 2 3, n.d.-b).



WHY IS THIS IMPORTANT?



Education about student rights and SOGI education is key for fostering greater understanding in students, teachers, parents, and the wider community. For students, knowing what rights they have at school can provide clarity about the respect they deserve. When students are aware of their rights, they can recognize situations where their rights are not respected or protected and can advocate for themselves. Awareness of particular school policies and protocols also helps students identify spaces where they do or do not feel safe in sharing their identity. Moreover, the integration of SOGI programming can help ensure that all students feel safe and

seen in classrooms. For teachers, gaining clarity about 2SLGBTQ+ student rights and understanding SOGI education may help them to create a safe space in their classrooms for all students and equip them to answer questions and concerns from students and parents. For parents, awareness of the pronoun and name policies that guide schools, as well as gaining more accurate knowledge about what SOGI education looks like in classrooms may encourage them to ask questions about policies and the use of SOGI 1 2 3 in their children's classrooms. These policies and types of education are not meant to usurp parents, but rather to ensure the safety and wellbeing of their children. On the community level, it is important that people receive accurate information about 2SLGBTQ+ student rights, legislation, and education. In a time where misinformation can spread easily, evidenced-based knowledge is key to developing an informed perspective, having respectful conversations about these topics, and respecting the rights of 2SLGBTQ+ students.

ABOUT THE AUTHOR



Olivia Neufeldt (she/her) is a graduate student studying Family Ecology and Practice at the University of Alberta. Her BA in Psychology and graduate coursework has focused on understanding the various connections between people and the environments they find themselves in.

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