

## ER24-01

### Opposing the Alberta Government's Proposed Policies Re: "Preserving Choice for Children and Youth"

Sponsor: Bisset School Council

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#### **Issue:**

The policies proposed by the provincial government are lacking direct input from communities, schools, parents, students, physicians, and mental health professionals grounded in the interest of supporting children and youth who identify as 2SLGBTQIA+. While the title of the policy suggests the government intends to protect student choice, in fact it is removing student autonomy in the classroom and interfering with their ability to receive an education that supports their well-being and their understanding of one another. The resulting message communicated to 2SLGBTQIA+ students by the provincial government is that their identities do not deserve to be recognized or understood in the classroom. At a time when the provincial government should be focusing on reducing the harassment and bullying experienced by 2SLGBTQIA+ students, they are instead working to silence them and further stigmatize them. These proposed policies create unsafe classroom spaces where students' ability to express themselves and be understood by their peers and educators will be restricted. The ASCA has already released a statement calling "*...for a halt to this legislation until broad consultation is meaningfully achieved and incorporated.*" While this is an important first step, the ASCA must continue to oppose these proposed policies in all official capacities, and advocate for the following:

- No requirement for parental consent for a student to use a different name or pronouns in class. When teachers respect the student's choice, it demonstrates acceptance and support for their well-being. Accepting this choice does not result in a legal name change for the student in any capacity. The student must have the autonomy to decide how they would like their name/pronoun change reflected in the classroom, and if their family should be informed or not. This is an act of respect and inclusion, which the government must not interfere.
- No requirement for the Ministry of Education to review third-party resource materials or presentations related to gender identity. Schools already have access to professional curriculum consultants that support the implementation of gender related learning resources in the classroom. These individuals are vetted and approved by the school board when they are hired. Adding another level of politically motivated bureaucracy demonstrates an overreach of the provincial government with the goal of reducing inclusion of SOGI related content in classrooms.
- Parents or caregivers should have to opt out if they prefer their child not take part in sexual education or in formal instruction on gender identity, sexual orientation, or human sexuality. Declining one of these subjects should not inherently be interpreted as declining all of them. Parents or guardians should have the ability to decline each subject individually.
- No requirement for school administration to notify the parents or caregivers of children and youth aged 16 or 17 to alter their name or pronouns used at school. Doing so could put these children at risk of physical and/or emotional abuse, psychological stress, and could result in them becoming unhoused if their parents refuse to support them. Youth are also at an increased risk of self harm when they are not accepted at home or in the classroom.
- No segregation of transgender students within school sports. Requiring a student to declare if they are transgender in order to determine what sports team they are permitted to play on is unnecessary and harmful. Doing so could result in verification of gender becoming a requirement when a child joins a sports team. Children and youth must not be subjected to genital inspections or any other form of investigation in order to ascertain their perceived gender by school authorities. To do so would psychologically harm children and educators as

well. Transgender students who play sports have not asked for this separation and it is a demonstration of government overreach for them to be inserting themselves into this discussion.

In addition:

- Proper funding of student access to a Psychologist trained to support 2SLGBTQIA+ students who are struggling with acceptance at home and in the classroom. Working with them to determine if and when it is safe to inform their parents or caregivers of any changes they are making with their name or pronouns. This support must be culturally informed.
- Stronger policies to support educators in preventing targeted harassment and bullying of 2SLGBTQIA+ students at school and to support the children and families who have experienced harassment.
- Stronger policies of accountability to prevent educators and school staff from discriminating and perpetuating harmful stereotypes against 2SLGBTQIA+ students.
- Programming that will better inform all parents and caregivers on the intersectional identities of children and youth, and how to support them as they grow. Breaking down barriers and contributing to a culture of acceptance and inclusivity both at school and in the community at large.

### **Background:**

On February 1, 2024, the Premier of Alberta announced proposed policies that the government would be bringing forward in the fall of 2024. The policies involving education are as follows:

As it relates to Alberta's education system, the following reforms will be implemented:

- Parents must be notified and opt in to any instance when a teacher provides formal instruction on subject matter involving gender identity, sexual orientation, or human sexuality.
- All third-party resource materials or presentations related to gender identity, sexual orientation or human sexuality available in Alberta classrooms must be pre-approved by the Ministry of Education to ensure they are age-appropriate.
- Parents must consent for their child aged 15 and under to alter their name or pronouns used by school teachers, administration and other educational staff.
- Parents must be notified for their child aged 16 or 17 to alter their name or pronouns used by school teachers, administration and other educational staff.

Alberta's government is also developing a counselling pilot project to help youth identifying as transgender and their families work through often difficult and complex issues and discussions.

### **Women, girls, and transgender athletes**

Finally, as it relates to women, girls and transgender female athletes, Alberta's government will work with sporting organizations in the province to ensure biologically born female athletes are able to compete in a biological female-only division without having to compete against transgender female athletes while also expanding co-ed or other gender-neutral divisions for athletic competitions to ensure that transgender athletes are able to meaningfully participate.

### **RESPONSES (Official Statements):**

#### **Canadian Human Rights Commission (Charlotte-Anne Malischewski- Interim Chief Commissioner)**

"The Canadian Human Rights Commission is concerned that during debate over some recent legal and policy changes in Canada, what is being lost are the human rights, health, and safety of two-spirit, trans, non-binary, and gender diverse youth. [...] All children and youth in Canada have the right to live and to

learn free from discrimination related to their sex, gender, sexual orientation, gender identity and gender expression. This is recognized in federal, provincial, and territorial human rights codes, the Canadian Charter of Rights and Freedoms, and the UN Convention on the Rights of the Child. Canadian and international human rights law requires that all governments in Canada honour their obligations to put the best interests of the child first and foremost, and to protect the rights of children and youth, including members of 2SLGBTQQA+ communities. An integral part of respecting the rights of children and youth is recognizing young people's right to autonomy, development, education, and self expression. They have the human right to have their views taken seriously when decisions are made that affect their lives." ([Click here](#) to read the full statement)

### **University of Calgary & University of Alberta Law Faculties**

"Thirty-six individuals from the University of Calgary Faculty of Law and University of Alberta Faculty of Law have signed an open letter detailing how Alberta's transgender policies violate charter-protected rights. They call on the government to reverse course on these policies. The group believes Alberta's proposed restrictions would violate Section 2(b) (freedom of expression), Section 7 (life, liberty, and the security of the person), Section 12 (cruel and usual treatment), and Section 15 (equality rights) of the Charter, while also impeding Indigenous law." ([Click here](#) to read the full statement)

### **Alberta Psychiatric Association**

"The Alberta Psychiatric Association (APA) which is inclusive of the Alberta Medical Association's Sections of General Psychiatry and Child and Adolescent Psychiatry, wishes to express deep concern around recently announced policies that directly affect transgender individuals in the province of Alberta. These policies have the potential to lead to significant negative mental health outcomes amongst an identifiable, already marginalized population...." ([Click here](#) to read the full statement)

### **Office of the Child and Youth Advocate Alberta**

"It is crucial to remember that what is at stake in this conversation is the lives of vulnerable young people. We must centre their voices and ensure that we are prioritizing their safety and well-being in decisions that affect them. In doing so, we can help ensure their rights are upheld and their futures are bright." ([Click here](#) to read the full statement)

### **Social Workers Association of Alberta**

"The Social Workers Association of Alberta ("SWAA") agrees with medical organizations, like the United Nurses of Alberta (United Nurses of Alberta, 2024) that gender-affirming care is the best evidence-based, safe, and compassionate approach for the well-being of all trans and non-binary people, especially when working with and supporting young people." ([Click here](#) to read the full statement)

### **Edmonton 2 Spirit Society (E2S)**

"The Edmonton 2 Spirit Society (E2S) believes that the gender identity, sexual orientation, and human sexuality legislation proposed on January 31, 2024, by the UCP caucus in Alberta is in violation of Indigenous sovereignty, treaty rights, and traditional laws and culture of Indigenous Peoples. Under the medicine chest clause of Treaty 6, and as affirmed in case law, Indigenous peoples are entitled to the Aboriginal right to health. This important aspect of the treaty has yet to be realized, and this policy suite seeks to further deny Indigenous peoples access to our right to gender-affirming care as we determine necessary. We call on all our relations, including all Albertans, to oppose this legislation and to call their MLAs, MPs, and municipal and tribal governments to stand up for our 2SLGBTQQA+youth and adults." ([Click here](#) to read the full statement)

**Resources:**

1. [Government News – Feb 1, 2024](#)
2. [Video – Premier’s Announcement on Feb 1, 2024](#)
3. [Audio – Premier’s Announcement on Feb 1, 2024](#)
4. <https://www.ctvnews.ca/politics/trudeau-minister-says-alberta-s-trans-policy-proposal-equal-to-nato-moment-for-lgbtq2s-community-1.6751597>
5. [Social Workers Association of Alberta – Statement on Alberta Anti-Trans Policies](#)
6. [Alberta Teachers Association – We must resist anti-trans policies](#)
7. [Joint Statements About Premier Danielle Smith’s Trans & 2SLGBTQ+ Policy Proposals](#)
8. [United Nations Convention on the Rights of a Child](#)
9. [OHCR. \(1989.\). Convention on the Rights of the Child. The Office of the High Commissioner for Human Rights.](#)
10. [UNESCO. \(2017, September 21\). UN Declaration on the Rights of Indigenous Peoples \(UNDRIP\). UNESCO](#)
11. [United Nations \(n.d.\). Children and Youth | United Nations for Indigenous Peoples.](#)

**Recommendation #1:**

That the Alberta School Councils’ Association (ASCA) advocates to the Minister of Education and the Premier of Alberta to stop further development and implementation of the proposed policy “Preserving Choice for Children and Youth.”

**Recommendation #2:**

That the Alberta School Councils’ Association (ASCA) advocates to the Minister of Education and the Premier of Alberta to increase support of 2SLGBTQIA+ students and protect them from discrimination and bullying in the classroom.

**Recommendation #3:**

That the Alberta School Councils’ Association (ASCA) advocates to the Minister of Education and the Premier of Alberta to dedicate funding, resources, and programming that serve to better educate parents and caregivers on gender diversity and the importance of acceptance and inclusion.