

Overview of Bill 24 Amendments to the *School Act*

Below is a summary of the changes to the *School Act* through Bill 24: *An Act to Support Gay-Straight Alliances*. **Please note: This summary is for information purposes and does not constitute legal advice.**

Support for Gay-Straight Alliances/Queer-Straight Alliances (GSA/QSA) (s. 16.1)

Section 16.1 is amended to clarify the roles and responsibilities of school authorities and principals around student organizations, including GSAs and QSAs.

Specifically, section 16.1 clarifies that:

- principals shall immediately grant permission for the establishment of a student organization or the holding of an activity at the school;
- principals shall within a reasonable time from the date the principal receives the request designate a staff member to serve as the staff liaison;
- students have the right to name a student organization a GSA/QSA;
- students have the right to include GSA/QSA in the name of an activity;
- the principal is responsible for ensuring that notification, if any, respecting a voluntary student organization or an activity is limited to the fact of the establishment of the organization or the holding of the activity; and
- the Minister of Education can initiate an investigation or inquiry if a school authority does not comply with this section of the *School Act* (s. 16.11).

Statutory Responsibility for Principals (s. 20)

Section 20 is amended to clarify that principals will have a legal responsibility to provide a welcoming, caring, respectful and safe learning environment that respects diversity and fosters a sense of belonging.

Private Schools (s. 28)

Section 28 is amended to make the following sections of the *School Act* apply to private school operators:

- Section 20: a principal has a responsibility to provide a welcoming, caring, respectful and safe learning environment that respects diversity and fosters a sense of belonging;
- Section 16.11: the Minister of Education can initiate an investigation or inquiry if a private school operator does not comply with section 16.1 of the *School Act*;
- Sections 45.1, 45.2 and 45.3: Accredited private school operators, unless exempted, will be obliged to provide a welcoming caring, respectful and safe learning environment that respects diversity and fosters a sense of belonging. In addition, they will be required to maintain policies that address their obligation to provide students and staff with such an environment (including a distinct portion that addresses their responsibilities under s. 16.1) as well as creating and maintaining a student code of conduct.

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Board Responsibility to Provide a Welcoming, Caring, Respectful and Safe Learning Environment (s. 45.1)

All school authorities (public, separate, Francophone, charter and accredited private schools, unless exempted) must develop policies that address their responsibility to provide students and staff with a welcoming, caring, respectful and safe learning environment that respects diversity and fosters a sense of belonging.

Policies and codes of conduct under section 45.1 of the *School Act* must now:

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

A policy established under section 45.1 of the *School Act* must contain a distinct portion that addresses responsibilities under section 16.1. This portion:

- 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 undermine the promotion of a welcoming, caring, respectful and safe learning environment that respects diversity and fosters a sense of belonging;
- must not require a principal to obtain the approval of the superintendent or school authority or to follow other administrative processes before carrying out functions under s. 16.1;
- must include the text of 16.1(1) indicating that permission for the establishment of a student organization or the holding of an activity be granted immediately;
- must include the text of 16.1(1) indicating that the school principal must within a reasonable time from the date that the principal receives the request 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;
- must include the text of 16.1(4) indicating that the principal shall immediately inform the school authority 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;
- must include the text of 16.1(3) and (3.1) indicating that the students may select a respectful and inclusive name for the organization or activity and that the principal shall not prohibit or discourage students from choosing a name that includes “gay-straight alliance” or “queer straight alliance” for an organization or activity;

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- must include the text of 16.1(6) to provide that the principal is responsible for ensuring that notification, if any, respecting a voluntary student organization or an activity must be limited to the fact of the establishment of the organization or the holding of the activity;
- must provide that notification, if any, must be otherwise consistent with the usual practices relating to other student organizations and activities; and
- must set out the name of the legislation – either the *Freedom of Information and Protection of Privacy Act* or the *Personal Information Protection Act* – that governs the disclosure of personal information by the school authority.

Board Responsibility to Create and Maintain a Student Code of Conduct (s. 45.1)

A student code of conduct must 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;
- 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; and
- 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.

Public Availability of Welcoming, Caring, Respectful and Safe Learning Environment Policies and Student Codes of Conduct (s. 45.1)

School authorities will be required to publish their policies and student codes of conduct on their website. Making policies publicly available will ensure that school authorities provide transparency and accountability to the students and communities they serve.

Section 45.1(6) requires that policies and codes of conduct must be:

- made available throughout the year in a prominent location on a publicly accessible website maintained by or on behalf of the school authority;
- displayed in a place clearly visible to students in each school the website link to the policy and code of conduct on the publicly accessible website;
- provided on request to an individual;
- by June 30 of each year, reviewed, the review be confirmed by a resolution and posted or reposted on the publicly accessible website.

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In addition, school authorities must comply with any further requirements respecting a policy or code of conduct established by the Minister by order. An order of the Minister under this subsection must be made publicly available.

Compliance (s. 45.1)

If a school authority does not establish a policy and code of conduct under s. 45.1, or if in the opinion of the Minister, the policy and/or code of conduct do not meet the requirements of that section, then the Minister can:

- establish a policy or code of conduct for, or add to or replace a part of a policy or code of conduct of, a school authority; and
- impose any additional terms or conditions the Minister considers appropriate.

An order of the Minister under this subsection must be made available in a timely manner by the school authority in a prominent location on a publicly accessible website maintained by or on behalf of the school authority.

Two new subsections are created under 45.1 that:

- allow the Lieutenant Governor in Council to exempt an accredited private school or a class of accredited private schools from the operation of all or part of section 45.1 (s. 45.2); and
- clarify that the Minister of Education can initiate an investigation or inquiry if a school authority does not comply with this section of the *School Act* (s. 45.3).

Notice to Parents (s. 50.1)

Section 50.1 of the *School Act* is amended to specify that:

- for greater certainty, parental notification around courses of study, educational programs or instructional materials, or instructional exercises does not apply to student participation in voluntary student organizations, including GSAs and QSAs.

This clarifies policy that is already in place through the [Guide to Education](#). Requirements for notice to parents remain in place 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.

Coming into Force

Most of these amendments come into force immediately, with the exception of all of the amendments relating to section 45.1.

- As of April 1, 2018, obligations to adhere with s. 45.1 by school authorities will come into force. School authorities will have until June 30, 2018 to post their policies in a prominent location on a publicly accessible website maintained by or on behalf of the school authority.

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- As of April 1, 2018, the Minister of Education will have the authority to deem a policy – in whole or in part – upon a school authority.