



Freedom To Create. Spirit To Achieve.

# **Section 11.1**

# ***Alberta Human Rights Act***

## **Information Session**

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**Government of Alberta** ■  
Education

# *Alberta Human Rights Act*

- Bill 44 (Human Rights, Citizenship and Multiculturalism Amendment Act, 2009) was introduced by Minister Lindsay Blackett, Minister of Culture and Community Spirit, on April 28, 2009 and passed on June 1, 2009.
- It amended the Human Rights, Citizenship and Multiculturalism Act. The amendments include:
  - The legislation was renamed the Alberta Human Rights Act.
  - The Alberta Human Rights and Citizenship Commission was renamed the Alberta Human Rights Commission.
  - Sexual Orientation was included as a protected ground.
  - The definition of “marital status” was broadened.
- These amendments came into force on October 1, 2009.

For more information:

[http://www.albertahumanrights.ab.ca/publications/bulletins\\_sheets\\_booklets/sheets/history\\_and\\_info/amendments\\_human\\_rights\\_legislation.asp](http://www.albertahumanrights.ab.ca/publications/bulletins_sheets_booklets/sheets/history_and_info/amendments_human_rights_legislation.asp)

# Section 11.1 *Alberta Human Rights Act*

- It came into force on September 1, 2010.
- It applies to
  - Public school boards
  - Separate school boards
  - Charter school boards
  - Francophone Regional authorities

# Section 11.1 *Alberta Human Rights Act*

- It requires boards to provide parents with notice where “courses of study, educational programs or instructional materials, or instruction or exercises ... include subject matter that deals **primarily and explicitly** with religion, human sexuality or sexual orientation.”
- Where a parent makes a written request, teachers shall exempt the student, without academic penalty, from such instruction, course of study, educational program or use of instructional material.
- These requirements do not apply to **incidental or indirect** references to religion, religious themes, human sexuality or sexual orientation.
- To view the legislation in its entirety  
[http://www.qp.alberta.ca/570.cfm?frm\\_isbn=9780779745043&search\\_by=link](http://www.qp.alberta.ca/570.cfm?frm_isbn=9780779745043&search_by=link)

# Implementation

- Alberta Education has worked closely with education stakeholders (including the Alberta School Boards Association and the Alberta Teachers' Association) to prepare school boards and teachers for the implementation of the requirements in section 11.1 of the Act.
- The information respecting the implementation of section 11.1 was included in the *Guide to Education*.

# ***Guide to Education***

## ***Determining When to Provide Notice to Parents***

- Alberta Education did a review of the Programs of Study to identify those courses that contain outcomes that deal **primarily and explicitly** with religion, human sexuality or sexual orientation.
- The following courses have been identified as containing outcomes that require notification under section 11.1:
  - Aboriginal Studies 10 – Theme II: Aboriginal Worldviews → religion
  - Career and Life Management (CALM) → human sexuality
  - Career and Technology Studies (CTS) - Reproduction & Readiness for Parenting (HCS3050) → human sexuality
  - Career and Technology Studies (CTS) - Developing Maturity & Independence (HSS1040) → human sexuality
  - Health (Grades 4, 5 and 6) → human sexuality
  - Health and Life Skills (Grades 7, 8 and 9) → human sexuality
  - Religious Ethics 20 → religion
  - Religious Meanings 20 → religion
  - World Religions 30 → religion
- Notification under section 11.1 **may also be** required for locally developed/acquired courses that contain subject matter that deals primarily and explicitly with religion, human sexuality or sexual orientation.

# ***Guide to Education***

## ***Determining When to Provide Notice to Parents cont...***

- Depending upon the choices teachers make in how outcomes are taught and the instructional materials that will be used, other courses or programs of study may also require notification to parents under section 11.1.
- Considerations should include:
  - **Primarily and explicitly**
  - **Indirect or incidental**

# ***Guide to Education***

## ***Determining When to Provide Notice to Parents cont...***

Section 11.1 will not affect the ability of boards and teachers to address bullying or disciplinary issues, including those related to religion, human sexuality or sexual orientation.



# ***Guide to Education***

## ***How to provide notice to parents***

- Notice versus consent  
Notification to parents under section 11.1 should be in writing and allow the parent enough time to request that their child be exempted from the instruction or exercise at issue. Section 11.1 does not require teachers or boards to obtain parental consent before providing the instruction or exercise.
- Types of Notice
  - General notice.
  - Notice for a course.
  - Notice for an outcome.
- Sample notice form available in Appendix 6.

# ***Guide to Education***

## ***Exclusion from instruction, exercise or use of instructional material***

- Parent request must be in writing.
- Request should indicate whether the student should leave the classroom or stay in the classroom but not participate.
- Sample exemption form available in Appendix 6.

# ***Guide to Education***

## ***How to handle concerns or complaints from parents***

- Encourage parents to discuss concerns with the teacher.
- If the matter cannot be resolved encourage parents to contact the school Principal.
- If the matter cannot be resolved at the school level it may be addressed at the board level through the board appeal procedure under section 123 of the *School Act*.

# Questions?