

DATE: January 17, 2012
TO: Board of Trustees
FROM: Edgar Schmidt, Superintendent of Schools
SUBJECT: Section 11.1 of the *Alberta Human Rights Act* (Trustee Requests #148 and #149)
ORIGINATOR: Tanni Parker, Assistant Superintendent Student Learning Services
RESOURCE
STAFF: Carol Symons
REFERENCE: December 13, 2011 Board Meeting (#148 Trustees Ripley and Spencer, #149 Board of Trustees)

ISSUE

The following information was requested:

Have there been any cases that have appeared before the Alberta Human Rights Commission as a result of Section 11.1 of the *Alberta Human Rights Act*?

Have there been any attempts to question the constitutionality of Section 11.1 of the *Alberta Human Rights Act*?

Provide the information available to staff regarding addressing concerns about Section 11.1 of the *Alberta Human Rights Act*.

BACKGROUND

On September 1, 2010, Section 11.1 of the *Alberta Human Rights Act* came into effect. Administration prepared an information bulletin published on the District's external website to provide information related to addressing parents' concerns and complaints (Attachment I). This information was also shared with principals in the September 10, 2010, Need to Know News, as a camera ready document to share with parents.

CURRENT SITUATION

There have not been any cases that have appeared before the Alberta Human Rights Commission as a result of Section 11.1 of the *Alberta Human Rights Act*. To date, no complaints have been filed against the District under Section 11.1 of the *Alberta Human Rights Act*.

There are no reported attempts to question the constitutionality of Section 11.1 of the *Alberta Human Rights Act*.

KEY POINTS

- On September 1, 2010, Section 11.1 of the *Alberta Human Rights Act* came into effect.
- Administration established a process to deal with parent concerns and complaints. This information was shared with schools and parents in September 2010.

ATTACHMENTS & APPENDICES

ATTACHMENT I *Alberta Human Rights Act: Addressing concerns together*

CS:il

Alberta Human Rights Act

Addressing concerns together

What parents can do if they have a concern or complaint

Edmonton Public Schools is committed to honouring parents' wishes regarding exemptions under the Alberta Human Rights Act.

When you as a parent make a written request to your child's school regarding the new *Alberta Human Rights Act* provisions outlined in section 11.1, your child's teacher will ensure he or she does not take part in any instruction or exercises that involve subject matter that deals primarily and explicitly with religion, human sexuality or sexual orientation.

The teacher will also honour your request regarding how your child is to be exempted. The teacher will ensure your child does one of the following, as requested by you:

- leave the classroom or area where the instruction is taking place, or
- remain in the classroom or area where the instruction is taking place, but not participate in the instruction or use the instructional material.

If you have a concern or complaint regarding the provision or non-provision of notice, or about the way your request for exclusion has been dealt with by your child's teacher, you can take the following steps:

- Talk about your concerns directly with your child's teacher – this should usually clear up most misunderstandings.
- If this does not work, outline your concerns in writing and give the letter to your child's teacher.

- If you feel your concern still has not been addressed, you or your child's teacher can ask the school principal to get involved.
- The principal will talk to you and your child's teacher, separately or together, to better understand your concerns.
- If the principal is not able to resolve the problem, you, the teacher or the principal can ask the Superintendent of Schools for help.
- If the issue is referred to the Superintendent of Schools, he will ask the principal to provide him with the following:
 - Your written complaint;
 - The teacher's written analysis of your complaint; and
 - The principal's written summary of the steps he or she has taken to resolve the issue.
- The Superintendent will respond to your complaint in writing and will provide his response to you and the principal.

It is Edmonton Public Schools' expectation that most complaints regarding section 11.1 of the *Alberta Human Rights Act* can be quickly addressed by asking parents and teachers to discuss any concerns at the school level.