Parents for Diversity

equity empathy accountability

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Table of Contents

INTRODUCTION 2
AREAS FOR CONSULTATION 3
1. IMPROVING STUDENT PERFORMANCE IN SCIENCE, TECHNOLOGY, ENGINEERING AND MATH 3

Parents for Diversity Position Statement 3
Context and Background 3
Key Arguments 4
Bias 4
Streaming of Racialized and Indigenous Students 6

Conclusion 7

2. ENSURING STUDENTS GRADUATE WITH IMPORTANT LIFE SKILLS 7

Parents for Diversity Position Statement 7
Context and Background 8
Key Arguments 8
Learning about bias and discrimination is a key life skill 8
Importance of school in teaching bias and discrimination and learning to live in a diverse society as a key life skill 10
Learning about diversity increases social harmony and strengthens our democracy 10
Benefits for success in the workplace and the economy 11
Conclusion 12

3. BUILDING A NEW, AGE-APPROPRIATE HEALTH AND PHYSICAL EDUCATION CURRICULUM 12

Parents for Diversity Position Statement 12
Context and Background 13
Key Arguments 13
The 1998 Curriculum is Antiquated 14
Students Must Learn about Consent 14
Students Must Learn about Consent and Cyber-Safety 15
The Interim Health Curriculum Must be Consistent with Human Rights Law 16
The Interim Health Curriculum Must be Consistent with the Education Act 18

Conclusion 18

4. DEVELOPING THE FIRST EVER PARENT BILL OF RIGHTS 19

Parents for Diversity Position Statement 19
Context and Background 19
Key Arguments 19
A Parents' Bill of Rights of Rights is Not Necessary 19
A Parents' Bill of Rights should not be used to opt out of learning about LGBTQ2S issues 20
It is unclear what a Parents' Bill of Rights is intended to achieve 21

Conclusion 21

INTRODUCTION

Parents for Diversity is a collective of parents that works with families, educators, and school boards to think critically about what it means to create diverse and inclusive schools, where students have the right to learn in an environment that is free from discrimination.

Our vision is that within their learning environment, each child feels that they belong, are valued for who they are, and that they have equal access to rigorous, meaningful and joyful learning.

We are committed to achieving inclusive and non-discriminatory learning environments that allow children to fulfill their true potential in this world. We advocate for schools and families to promote diversity and inclusion and to take meaningful steps to address and eradicate discrimination.

Parents for Diversity delivers workshops for parents and educators on discrimination and unconscious bias that explore human rights laws and policies. We also develop tools and resources for parents and educators to learn about these issues. In addition, our members are involved in speaking engagements in Ontario and Quebec on a range of issues related to diversity and human rights in education.

In what follows, Parents for Diversity outlines key considerations, from a parent perspective, on what approaches the Government of Ontario can take to improve the education of our children. This is especially important in a province that is comprised of rich cultural, racial, religious, identities and abilities.

Parents for Diversity welcomes the opportunity to consult with the Government of Ontario on how to implement the issues raised in this submission. It is important for this government to consult with parents on education reform, in particular parents from under-represented groups, such as Indigenous, racialized, and LGBTQ2S groups.

AREAS FOR CONSULTATION

1. IMPROVING STUDENT PERFORMANCE IN SCIENCE, TECHNOLOGY, ENGINEERING AND MATH

Parents for Diversity Position Statement

The Government of Ontario must ensure that a diverse range of students improve their performance in Science, Technology, Engineering and Math (STEM). Unfortunately, there are several obstacles that affect the ability of Indigenous students and racialized students, in particular Black students, from performing in STEM. Parents for Diversity is concerned with two obstacles, namely (1) bias amongst educators, and (2) streaming of students (grouping students based on perceived ability and/or potential)[1] into Applied vs. Academic programs. These two problems coexist to limit the opportunities for racialized and Indigenous students to perform in STEM.

Context and Background

There is a lack of diversity in STEM education and careers. The following groups continue to be under-represented in STEM: women, and racialized and Indigenous individuals.[2] Paradoxically, there is increasing diversity within the overall Canadian population, especially within Ontario. Data from Statistics Canada show that Ontario's racialized and Indigenous populations have grown at rates significantly higher than that of the overall provincial population and are expected to continue in that direction.[3]

Orientation towards STEM education begins at a young age and careers in STEM typically require a post-secondary education. To gain exposure to STEM, children and youth must be on a path to university or college. Unfortunately, there is evidence today that Black, Latino and Indigenous children are more likely to be "streamed" into Applied high school courses rather than the Academic (university-track) courses[4] and therefore are less likely to pursue post-secondary education.

The Education, Statistics and Analysis Branch (ESAB) of the Ministry of Education found that of students who were in Grade 9 mathematics in the 2009-10 school year, less than

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[1] James, C.E. & Turner, T. (2017). *Towards Race Equity In Education: The Schooling of Black Students in the Greater Toronto Area*. Toronto, Ontario, Canada: York University, pg. 41 [James & Turner 2017].
[2] Museus, Samuel D. (2011). *Racial and Ethnic Minority Students' Success in STEM Education*, ASHE Higher Education Report: Volume 36, Number 6, pg. vii.
[3] Quan, D. (2017). *Unlocking student potential through data: Final report*. Toronto, Ontario, Canada: Ontario Ministry of Education, pg. 17 [Quan].
[4] Onstad, K. (2018, October). Class Divide. *The Walrus, volume 15 (issue 8)*, 26.

half of the Applied-stream students went on to post-secondary education compared with almost three-quarters of the academic-stream students.[5]

Key Arguments

According to a 2005 Ontario Human Rights Commission report, subtle forms of discrimination in the education system can manifest in a number of ways including:

- how educators treat racialized students;
- whether racialized students are encouraged to pursue technical versus academic streams; and
- low teacher expectation of racialized students.[6]

These concerns were reiterated a decade later in a *Report on the Consultations into the Well-Being of Black Youth in Peel Region*, which found that Black youth in the Peel Region experience isolation and marginalization in the public education system, in large part because teachers have low expectations of Black students (compared to their expectation of Asian and White students) and because of streaming of Black students away from math, science and the academic track to university studies.[7]

Parents for Diversity believes that bias among educators results in low expectations against racialized, in particular Black students, and Indigenous students. It leads educators to encourage these students to pursue Applied courses rather than Academic courses. Consequently, these students are less likely to have opportunities to perform in STEM.

Bias

In order to improve student performance in STEM, the Ministry of Education must first address bias against Indigenous students and racialized students, in particular Black students. According to the Ministry of Education, bias is "[a]n opinion, preference, prejudice, or inclination that limits an individual's or a group's ability to make fair, objective, or accurate judgements."[8]

Racial bias is particularly problematic when it comes to the education of children. A 2018 national study analyzed for the first time stereotypes held by White adults who work or volunteer with children across the United States, in particular their reported

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[5] Quan, *supra*, pg. 60.
[6] Ontario Human Rights Commission. (2005). *Policy and Guidelines on Racism and Racial Discrimination*, Toronto, Ontario, Canada: OHRC, pg. 22.
[7] James, C.E. & Turner, T. (2015). *Fighting an Uphill Battle: Report on the Consultations into the Well-Being of Black Youth in Peel Region*, Mississauga, Ontario, Canada: F.A.C.E.S. of Peel Collaborative, pgs. v and 30-31.
[8] Ontario Ministry of Education, (2014) *Equity and Inclusive Education in Ontario Schools: Guidelines for Policy Development and Implementation*, (2014), Toronto, Ontario, Canada, Ontario Ministry of Education, pg. 84.

attitudes toward adults, teenagers and children from a range of racial and ethnic backgrounds, including Black and Hispanic/Latinx, Native American, Asian and Arab groups. The study found that:

> [R]acial bias has been shown to result in differential treatment and poorer outcomes for those from stigmatized racial/ethnic groups across a range of settings including … teaching methods and classroom practices, academic expectations and judgement of ability and attainment, school discipline …[9]

Ontario's Education Equity Action Plan sets out the province's roadmap to identifying and eliminating discriminatory practices, systemic barriers and bias from schools and classrooms so that all students can realize their potential to succeed.[10] Unfortunately, bias by some teachers in Ontario schools against racialized students and Indigenous students is a growing concern. Similar to the above study, the provincial government itself recognizes that "[s]ystemic barriers are caused by embedded biases in policies, practices and processes, and may result in differential treatment."[11] As one report found:

> [S]chool personnel develop particular images of Black students that in turn contribute to the differential treatment of these students. This bias in turn leads to poor educational outcomes for Black students through the under-estimation of their abilities to achieve the same outcomes as their White and other racialized counterparts.[12]

Parents for Diversity believes that unless racial bias amongst educators is addressed, racialized students will continue to underperform in STEM, and there will be limited opportunities for them to pursue higher education in order to participate in STEM fields. In order to address bias amongst educators, it is important that the Ministry of Education continue to take proactive steps to address biased attitudes that hinder the ability for students to participate in STEM. *Ontario's Education Equity Action Plan* already proposes the following:

- Provide in-depth professional development for school board leaders on implicit biases;[13]
- Provide resources and professional development supports to teachers and school leaders to combat Islamophobia, anti-Semitism, racism, homophobia and transphobia.[14]

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[9] Priest N, Slopen N, Woolford S, Philip JT, Singer D, Kauffman AD, et al. (2018) Stereotyping across intersections of race and age: Racial stereotyping among White adults working with children. PLoS ONE 13(9): e0201696, pg. 2.
[10] Ontario, (2017) *Ontario's Education Equity Action Plan*, Toronto, Ontario, Canada, Ontario Ministry of Education, pg. 4.
[11] *Ibid*. pg. 10.
[12] James & Turner 2017, *supra*, pg. 40.
[13] *Ibid*. pg. 5.
[14] *Ibid*. pg. 22.

- Implement a continuous cycle of assessment to detect discriminatory biases in ministry policies and practices.[15]

The Ministry of Education must also take proactive steps to increase the representation of educators and school administrators, including teachers and principals, by hiring and retaining Indigenous teachers and racialized teachers. Parents for Diversity believes that all students benefit by having teachers who reflect the diversity of Ontario's population. Indigenous and racialized teachers are role models for Indigenous and racialized students, and can set high expectations for them to succeed. Indigenous and racialized teachers are also important for breaking down biases amongst other educators as well as among non-Indigenous and non-racialized students. All these factors can contribute to improved participation and performance of Indigenous and racialized students in STEM.

Streaming of Racialized and Indigenous Students

Parents for Diversity is deeply concerned that low expectations of some teachers towards racialized and Indigenous students has led to a disproportionate amount of these students being streamed into Applied courses.[16]

Studies have found that students who take Applied math in grade 9 are less likely to be successful on EQAO tests, less likely to graduate, and less likely to pursue post-secondary education (even though Applied courses are intended to be a pathway to college). In addition, Black students are twice as likely as White students to be in Applied courses.[17]

According to a report by York University:

> [F]or Black students, streaming operates in ways that cause them to be placed in courses below their level of ability—a practice that reflects the lower expectations educators and other school staff have of them. The resulting over-representation of Black students in Applied and Essentials programs of study reflects the assumption that Black students do not have the capacity to succeed, or do not belong, in Academic courses.[18]

Since the above findings suggest that Applied-stream students are less likely to pursue post-secondary education, and racialized and Indigenous students are more likely to find themselves in Applied streams, the under-representation of racialized and Indigenous students in STEM will continue. Parents for Diversity believes there is a risk in designating individuals as Academic vs. Applied at a young age because it may undermine their confidence and prevent them from fulfilling their academic potential.

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[15] *Ibid*. pg. 35.
[16] Kinnon, E. (2016), *(In)Equity and Academic Streaming in Ontario: Effects on Students and Teachers and How to Overcome These*, Toronto, Ontario, Canada: York University.
[17] People for Education. (2017) Streaming, identity-based data, and hiring in Ontario schools.
[18] James & Turner 2017, pg. 41.

A 2015 study of a high school in the Toronto District School Board found that encouraging struggling Grade 9 students to follow the more difficult academic courses actually improved pass rates.[19] Evidence seems to indicate that, if given the opportunity, students will rise to the challenge rather than avoid it. Not providing youth with an opportunity to be challenged can have a serious impact on their future.

As young as Grade 9, students (with the aid of their teachers) are asked to decide to follow the Academic or Applied path. At this young age, it is not possible for youth to understand the options that are available to them. Nor is it possible for them to understand the disadvantages that come along with choosing the Applied path. Furthermore, streaming at such a young age does not take into account the intellectual "late bloomers". Not all adolescents develop their cognitive abilities at the same rate. Many students may not have realized their full academic potential due to socio-economic factors rather than cognitive ability.

Higher growth among racialized and Indigenous populations should translate into higher growth of representation of these groups in the STEM fields, beginning with STEM education and orientation of these groups towards post-secondary paths.

Conclusion

All students, regardless of their race, gender, ethnicity or background, should be exposed to the STEM fields and encouraged to explore them. In order to ensure that Indigenous and racialized students can perform in STEM, the Government of Ontario must take proactive steps to address bias amongst educators who have low expectations of these students. The government must also eliminate the practice of streaming which has resulted in more racialized and Indigenous students pursuing Applies courses. This diminishes their opportunities in STEM.

2. ENSURING STUDENTS GRADUATE WITH IMPORTANT LIFE SKILLS

Parents for Diversity Position Statement

Students need to learn the skills to live and thrive in a diverse society and contribute to the development of inclusive communities and workplaces. Ensuring that students graduate with important life skills requires learning about bias and other forms of discrimination, and how to counteract them; learning how to judge others based on objective factors, rather than group membership; and understanding the benefits of a diverse team in the workforce and elsewhere. Learning essential life skills, such as cultural competency and critical thinking, in school will permit all students to achieve

[19] Rushowy, K. (2015, October 7). "End streaming in schools, report to Toronto trustees recommends", *The Toronto Star*.

their potential and contribute their talents to their community and the province's economy. It is also key for the continued success of our peaceful democracy.

Context and Background

Parents for Diversity uses the term "diversity" to refer to the identity factors outlined as protected grounds of discrimination in the Ontario *Human Rights Code* such as sex, gender identity and expression, sexual orientation, race, ethnic origin and disability.[20]

Ontario is Canada's most culturally diverse population, with 13 million residents speaking more than 200 languages.[21] In addition:

- The 2016 census found that 29.3 per cent of Ontarians identified as visible minorities and 2.8 per cent were Indigenous;[22]
- By 2036, 48 per cent of Ontario's population will be racialized;[23]
- In 2012, 15.4 per cent of Ontarians age 15 or older had a disability;[24] and
- In 2014, 3 per cent of Canadians identified as gay, lesbian or bisexual (note that some other estimates are much higher, but this is the official Statistics Canada number).[25]

Key Arguments

Learning about bias and discrimination is a key life skill

The Ontario Human Rights Legal Support Centre defines discrimination as "unequal or different treatment or harassment that causes harm" in areas covered by Ontario's *Human Rights Code*.[26] As discussed above in Section 1, bias, which is a form of discrimination, has the negative effect of limiting an individual's or a group's ability to make fair, objective, or accurate judgements. Discrimination and bias are problematic because when an individual discriminates or makes decisions based on bias, they limit other people's equal opportunity to succeed, and their ability to fully participate in the social, economic, and political institutions of our society. As discussed in the previous section, this is evident with respect to low expectations some teachers have towards racialized and Indigenous students. These biases have resulted in poorer educational opportunities for these students, which can limit their ability to fully participate in society.

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[20] *Human Rights Code*, R.S.O. 1990, c. H.19, s. 1 [the "*Human Rights Code*"].
[21] Government of Ontario. (2017) *OPS Inclusion & Diversity Blueprint*, pg. 4 [*OPS Diversity Blueprint*].
[22] Ontario Ministry of Finance, *2016 Census Highlights: Factsheet 9*; Statistics Canada, *Focus on Geography Series, 2016 Census*.
[23] *OPS Diversity Blueprint*, *supra*.
[24] Statistics Canada, *Table 1: Number and percentage with and without disabilities, aged 15 years or older, Canada, provinces and territories, 2012*.
[25] Statistics Canada. (2015) *Same-sex couples and sexual orientation... by the numbers*.
[26] Human Rights Legal Support Centre, *What is Discrimination?*

Discrimination and bias also create divisions between different groups in our communities which can lead to intolerance and violence, constructing ideas about "us vs. them". Unconscious bias can be particularly challenging to address because people are often unaware of, and unwilling to recognize their own biases.

Individuals make dozens of judgments about people every day that can be clouded by discrimination and bias. Students, at an early age, need to be taught to make judgments based on rational factors such as another person's behaviour, rather than stereotypes or unfounded assumptions, or even illegal factors. In order for students to be able to make fair, reasoned decisions in all spheres of their life, they need to understand concepts such as privilege, bias, and individual and systemic discrimination. They also need to learn the skills to address these issues, which they will face throughout their lives, either as victim, bystander or perpetrator.

Too often, diversity is seen as something for racialized individuals, LGBTQ2S people or for persons with disabilities to pay attention to; however, understanding and fighting discrimination is not only the responsibility of those who are directly affected. It is everyone's responsibility.

Teaching students to celebrate diversity also teaches compassion and empathy for others who may have different experiences, rather than only demonstrating these feelings toward those with whom they identify because of similar experiences. Learning about others enriches the education of everyone. As noted in the Durham District School Board *Compendium of Action for Black Student Success*:

> By teaching students at an earlier age about Black history and different cultures, the stigmas and stereotypes can be crushed from an earlier age. To be ignorant is not to have knowledge and by giving the students the knowledge it allows for a safer environment for Black students in schools.[27]

Students will one day become voters, employers and community members. Therefore, teaching diversity involves learning about the history and contributions of all members of Canadian society, in particular Indigenous, racialized, LGBTQ2S, persons with disabilities, and women so that they can make more objective decisions in their personal and professional lives. Supporting the development of critical thinking skills and how to apply them to prevent discrimination will help to achieve society's objectives of ensuring that all individuals have equal opportunities to succeed, unaffected by discrimination and bias.

[27] Durham District School Board, *Black Student Compendium of Action Companion Resource, Equity and Diversity Strategic Framework 2018-2021*, p. 3.

Importance of school in teaching bias and discrimination and learning to live in a diverse society as a key life skill

School should not be limited to learning to read, write and to do math. School is a key place to learn cultural competency and critical thinking skills with respect to diversity and discrimination. Parents for Diversity understands cultural competency to refer to a set of attitudes, behaviours and skills that enables a person to work successfully in a cross-cultural setting.[28] For students to learn cultural competency skills, they must understand the contributions of Indigenous, racialized, LGBTQ2S and people with different abilities to Canadian society. They must also learn to look at stereotypes critically and how to be aware of their own biases.

To minimize the polarization being experienced in many Western democracies, it is essential that individuals of different backgrounds understand each other's perspectives and empathize with each other. Often, our families and social networks are in our own image. Schools are where our children interact with others of different backgrounds and identities, and where lifelong relationships, social norms and beliefs about others are developed.

Currently, there is significant variability between schools and individual classrooms in terms of how much attention is given to the life skills and knowledge required to live in a diverse world. Schools can be both a place where stereotypes are reinforced or where critical thinking and cultural competence are learned.

There are already educational philosophies and programs that actively promote values of open-mindedness, caring for others, and critical thinking, such as International Baccalaureate programs or Round Square Schools. Similarly, UNESCO promotes intercultural education, as discussed further below. These approaches encourage curiosity, interaction with and learning about individuals, cultures and communities that are different from oneself.[29] They can be adopted in full or, at a minimum, provide inspiration for local programs. As is outlined briefly below, these approaches are essential for our democracy and economic growth in Ontario.

Learning about diversity increases social harmony and strengthens our democracy

As noted above, the skills to live in a diverse society, such as Ontario, are essential life skills for our students and the prosperity of our province and country as a whole. UNESCO has outlined the benefits of intercultural education for our democracy:

> In order to strengthen democracy, education systems need to take into account the multicultural character of society, and aim at actively contributing to peaceful coexistence and positive interaction between different cultural groups. There have traditionally been two approaches: multicultural education and Intercultural Education. Multicultural education

[28] uOttawa, "Cultural Competence: Definition," *Society, the Individual and Medicine*.
[29] Round Square, *Internationalism*.

> uses learning about other cultures in order to produce acceptance, or at least tolerance, of these cultures. **Intercultural Education aims to go beyond passive coexistence, to achieve a developing and sustainable way of living together in multicultural societies through the creation of *understanding* of, *respect* for and *dialogue* between the different cultural groups**.[30]

The above also applies to other identity factors besides culture, such as sexual orientation, gender identity and expression, or disability. It is important for schools to teach the skills to navigate and embrace our society's many forms of diversity. This is crucial for our democracy and for social peace.

Benefits for success in the workplace and the economy

In addition to benefitting our democracy, teaching students the life skills to operate successfully in a diverse environment benefits both workplaces and the broader economy.

A diverse and inclusive workforce has been shown to improve business performance. According to a study by Deloitte Australia and the Equal Opportunity and Human Rights Commission, employees who think their organization is committed to, and supportive of diversity and who feel included, report better business performance in terms of ability to innovate, (83% uplift) responsiveness to changing customer needs (31% uplift) and team collaboration (42% uplift).[31]

Companies are recognizing the importance of diversity and inclusion when it comes to business performance, innovation and increased profitability. A 2018 report by McKinsey & Company examined the correlation between diversity in the leadership of large companies and financial performance. It found that companies with the most ethnically/culturally diverse boards of directors worldwide are 43 per cent more likely to experience higher profits.[32] Students that develop learning skills on diversity, bias and discrimination will have a competitive advantage in these increasingly diverse workplaces.

A diverse workforce can also affect the quality of product development. For example, a lack of diversity in the data used to develop facial recognition technology has resulted in less accurate results for individuals with darker skin and women.[33] Without a diverse team developing that technology (i.e. the absence of black employees), the developers did not consider how important diverse images were in the product development. Again, students who are able to identify such bias and address it are

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[30] UNESCO, *UNESCO Guidelines in Intercultural Education,* p. 18 [emphasis added in bold].
[31] Deloitte and the Equal Opportunity and Human Rights Commission. (2013) *Waiter, is that inclusion in my soup? A new recipe to improve business performance*, pg. 4.
[32] Vivian Hunt et al. (2018) *Delivering through Diversity*, McKinsey & Company, pg. 13.
[33] Buolamwini, J. and Gebru, T. (2018) *Gender Shades: Intersectional Accuracy Disparities in Commercial Gender Classification*. *Proceedings of Machine Learning Research,* 81:1–15.

going to be desirable additions to increasingly diverse workplaces because they will be able to avoid such costly errors.

In addition, racialized Canadians, members of the LGBTQ2S community and persons with disabilities may face higher than average unemployment rates, which can be related to discrimination.[34] This is a waste of talent and can hinder economic growth and prosperity. To fully benefit from the skills and contributions of these individuals, and allow them to reach their true potential, bias and discrimination in the workplace need to be addressed. To achieve this objective, every student in Ontario must benefit from an education that teaches about concepts such as bias, discrimination and instills cultural competency, and critical thinking skills.

Conclusion

Teaching students how to thrive in a diverse society is a critical life skill: it is crucial for their well-being, as well as for social progress and development. It is also essential for the health of our democracy and economy. Starting with an understanding of privilege, bias and discrimination and learning how these issues can be addressed to ensure that everyone receives an equal opportunity to succeed in Ontario is a fundamental building block that requires more attention in our province's schools. Focusing greater attention on cultural competency and critical thinking skills is an essential reform, and Parents for Diversity would welcome being a part of discussions on how to implement this recommendation.

3. BUILDING A NEW, AGE-APPROPRIATE HEALTH AND PHYSICAL EDUCATION CURRICULUM

Parents for Diversity Position Statement

Parents for Diversity supports a health and physical education curriculum ("health curriculum") that teaches students about consent and cyber-safety, as well as gender diversity and sexual orientation. It is imperative that the Government of Ontario develops a health curriculum that is consistent with its obligations under human rights legislation to provide a learning environment that is free from discrimination and that protects security of the person, as discussed below. The health curriculum must also be consistent with provincial legislation that requires school boards to promote student achievement and well-being and to promote a positive and inclusive school climate for all students, irrespective of their gender identity, gender expression or sexual orientation.

[34] See, for example, Turcotte, M. (2014). *Persons with disabilities and employment*. Ottawa, Ontario, Canada: Statistics Canada, pg. 2.

Context and Background

Since 2015, school boards across Ontario have been using the 2015 Health and Physical Education curriculum (the "2015 health curriculum"). In 2018, the new Ontario Government announced that it would repeal the 2015 health curriculum, and in August 2018, the Government of Ontario announced that the 2015 health curriculum would revert to a re-issued 2010 health curriculum (the "interim health curriculum") for the 2018-2019 school year.

The 2015 health curriculum is divided into a number of categories, including the following three strands: active living, movement competence and healthy living.[35] The healthy living strand includes a number of topics including human development and sexual health:

> Human development and sexual health education is more than simply teaching young people about the anatomy and physiology of reproduction. Sexual health, understood in its broadest sense, can include a wide range of topics and concepts, from sexual development, reproductive health, choice and sexual readiness, consent, abstinence, and protection, to interpersonal relationships, sexual orientation, gender identity and gender expression, affection and pleasure, body image, and gender roles and expectations.[36]

The parts of the interim health curriculum that deal with sexual education are largely the same as the 1998 health curriculum,[37] which replaces the 2015 human development and sexual health specific expectations/components described above. The 1998 health curriculum does not cover consent, cyber-safety, gender identity and expression, sexual orientation, or diverse family structures, among other issues.

Key Arguments

Parents for Diversity advocates for a health curriculum that reflects 21st century reality, and that teaches students about consent, cyber-safety and issues affecting LGBTQ2S people. Such a curriculum will contribute to a society of conscious and empathetic students who can apply objective, evidence-based learning to construct an informed understanding of their world, as discussed below.

Parents for Diversity is concerned about the decision to revert to the 1998 curriculum. The Ministry of Education must develop a health curriculum that addresses the following issues or revert to the 2015 health curriculum.

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[35] Ministry of Education. (2015) *The Ontario Curriculum, Grades 1-8: Heath and Physical Education*, pg. 38 [2015 health curriculum].
[36] *Ibid*. pg. 22.
[37] Hauen, J. (23 August, 2018) "The differences between Ontario's interim sex-ed curriculum and 2015's", Globe and Mail.

The 1998 Curriculum is Antiquated

The 1998 curriculum was developed during a period when social media did not exist, in the absence of issues related to sexting and online child pornography. Today, cell phone technology permeates the lives and classrooms of students and educators, and there is a growing concern about the linkages between technology and cyber-bullying, sexual exploitation and violence against students. As well, same-sex unions were not even legal when the 1998 curriculum was developed. A health curriculum must teach about sexual orientation, same-sex unions and families, who are recognized under law as equal members of our society. This is particularly important for the mental health and safety of LGBTQ2S students and children with LGBTQ2S family members.

Students Must Learn about Consent

Parents remain their children's primary educators and are responsible for teaching their children values and expected behaviors. However, not all parents play this role and there are some parents who fail to teach their children values and expected behaviours, or provide accurate information to enable their children to make informed decisions, such as respect for and acceptance of others. For this reason, it is imperative that schools and parents work together to ensure that students receive a sex and health education that is comprehensive, objective, and evidenced-based.

Parents for Diversity believes that when children do not learn consent and how to exercise autonomy over their bodies, they are placed at an increased risk of sexual exploitation and abuse. According to Statistics Canada, most victims of sexual offences are children and youth. In 2012, there were approximately 14,000 child and youth victims of sexual offences in Canada. Statistics Canada estimates that "[r]oughly one in five offences (21%) with a child or youth victim reported to police in 2012 was a sexual offence."[38] Unfortunately, there are too many incidents of sexual abuse.

Recent media reports revealed that for more than 30 years, three teachers at Bell High School in Ottawa sexually abused dozens of students. It appears that school board officials failed to notify police or carry out thorough investigations about these incidents.[39] Students are also involved in allegations of sexual abuse against their fellow classmates. The alleged sexual abuse scandal at St. Michael's College School has resulted in male students being charged with being involved in a gang sexual assault. Sexual assault allegations against other students continue to be uncovered. These incidents involve videos of explicit sexual violence as well as child pornography.[40]

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[38] Cotter, A. and Beaupré, P. (2014), *Police-reported sexual offences against children and youth in Canada*, 2012, Ottawa, Ontario, Canada: Statistics Canada, pg. 5.
[39] Ireton, J. (19 November, 2018) "'They could have stopped this': Sex abuse warnings at Ottawa high school went unheeded" CBC.
[40] Casey, L. and Thompson, N. (19 November, 2018), "St. Michael's College School: Police say there may be 'more incidents and more videos'" National Post.

A health curriculum that teaches consent, how to exercise autonomy over one's body, and how to practice safe sex is critical to ensuring student safety and well-being. A student that learns consent can develop the proper knowledge and awareness to communicate autonomy over their bodies, to say no, and to report incidents of sexual abuse when they arise. Students must also learn to respect the bodily integrity of other people, to understand what it means when someone says no, and what it means when someone provides consent.

Sex education requires more than teaching students about abstinence as set out in the interim health curriculum. It is about teaching students how to develop interpersonal skills that will enable them to identify unhealthy or dangerous sexual offers and practices, to communicate which sexual activities they want to explore and participate in, and to do so in a safe and informed manner.

Parents for Diversity believes that teaching consent at an early age can help prevent sexual exploitation and abuse in our society, and hopefully prevent the allegations of sexual abuse that have recently been reported at Bell High School and St. Michael's College School, and that continue to occur throughout Ontario. It can also address the shame attached to sexual abuse and foster open dialogue about sexual abuse and exploitation, when consent is taught to older students.

Therefore, we call on the government to reinstate the 2015 health curriculum or to develop a curriculum that teaches consent from a young age, similar to what is set out in the 2015 health curriculum.

Students Must Learn about Consent and Cyber-Safety

As part of their learning about consent, students need to learn about giving consent in the context of social media. Failing to teach students consent and cyber-safety can make students more vulnerable to risks of cyber-bullying, sexual abuse and exploitation. As parents with children, we believe that students must learn how to protect themselves on social media.

According to the *Education* Act, cyber-bullying includes:

> (a) creating a web page or a blog in which the creator assumes the identity of another person;
> (b) impersonating another person as the author of content or messages posted on the internet; and
> (c) communicating material electronically to more than one individual or posting material on a website that may be accessed by one or more individuals.[41]

[41] *Education Act*, R.S.O. 1990, c. E.2, s. 1 [the "*Education Act*"].

Cyber-bullying is a growing problem in our society. In 2013, for example, 17-year-old Rehtaeh Parsons died by suicide. She was allegedly sexually assaulted and an image of the assault was circulated on social media. Parsons became the victim of cyber-bullying, which destroyed her life and ultimately led to her death by suicide.[42]

Students need to learn about cyber-safety and the implications of using social media to communicate sexual images of other students, including the fact that possessing, accessing or distributing sexually intimate content can constitute child pornography. They need to understand that cyber-bullying can be damaging to a person's reputation and can cause long-term social and psychological damage.

Parents for Diversity calls on the Government of Ontario to develop a health curriculum that teaches about the risks of cyber-bullying, and about the importance of consent, including when it involves social media.

The Interim Health Curriculum Must be Consistent with Human Rights Law

The Government of Ontario must develop a health curriculum that is consistent with the *Canadian Charter of Rights and Freedoms*,[43] and the *Human Rights Code*.

Section 15 of the *Charter* states that every individual is equal under the law, regardless of their religion, race, national or ethnic origin, colour, religion, sex, age or mental or physical disability. The Supreme Court of Canada has found that sexual orientation is an analogous ground of protection under section 15 of the *Charter*.[44] The Ontario Court of Appeal has ruled that a school board "has a statutory mandate to provide an inclusive and tolerant educational environment, one that respects the principles of equality enshrined in s. 15 of the *Charter*."[45]

Under section 7 of the *Charter*, every individual has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

The *Human Rights Code*, includes sex, gender identity and expression, and sexual orientation as protected grounds. The Code prohibits discrimination based on a person's sexual orientation, against transgender people and other gender non-conforming people in schools. This means that schools are required to provide a learning environment that is free from discrimination and harassment.

It is within this framework that we consider the interim health curriculum. Parents for Diversity is concerned that a curriculum that does not teach about sexual orientation or same-sex relationships, but teaches about heterosexual relationships, and that no

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[42] Rehtaeh's Story on Rehtaeh Parsons Society.
[43] *Canadian Charter of Rights and Freedoms*, Part 1 of the *Constitution Act*, 1982, being Schedule B to the *Canada Act 1982* (UK), c 11. [the "*Charter*"].
[44] *Egan v. Canada*, [1995] 2 S.C.R. 513.
[45] *E.T. v. Hamilton-Wentworth District School Board*, 2017 ONCA 893, para. 40.

longer teaches about gender identity and expression violates the *Charter* as well as the *Human Rights Code*. It discriminates against LGBTQ2S students and silences their voices and experiences.

Parents for Diversity believes that LGBTQ2S students who do not see themselves represented in the health curriculum, can experience increased feelings of isolation and exclusion. These students may not have access to information about safe sex, healthy relationships, and positive self-identity from their schools. Consequently, they may be at a heightened risk of exposure to sexually transmitted infections, shaming, sexual abuse and exploitation, harassment and violence.[46]

In addition, failure to teach students about the experiences of LGBTQ2S students undermines their dignity, stigmatizes them, and isolates them because what once was an acceptable approach to teaching a health curriculum may now be viewed as inappropriate. It can also impact how LGBTQ2S issues are raised outside the health curriculum. For instance, learning materials that feature same-sex families or gender non-conforming people may be deemed inappropriate or offensive. These practices can shame LGBTQ2S children and their families and can foster intolerance and exclusion, which is inconsistent with the *Charter* and the *Human Rights Code*.

Parents for Diversity is concerned about the impact of the health curriculum on LGBTQ2S students and their families across Ontario. We stand with Becky McFarlane, the mother of a 10-year-old girl in Grade 6 at a Toronto school, whose family identifies as queer.[47] She describes the provincial government's decision to repeal the 2015 health curriculum as creating "an incredibly dangerous environment for kids" and that "[t]he only thing worse than not reflecting the diverse experiences of people who live in this province is making a decision to reflect them and then taking it away".[48]

As parents, we believe that all students, including gender conforming and heterosexual students, benefit from a curriculum that teaches about gender diversity and sexual orientation. Students learn to accept differences, understand the challenges LGBTQ2S students face with respect to their identity or sexual orientation, and how they can support their peers in dealing with issues such as coming out and transitioning. This type of health curriculum encourages a broader appreciation and open discussion about the diversity in our society and how to accept people, irrespective of their gender identity and expression or sexual orientation.

[46] See for example, CBC, (13 July, 2018), LGBT advocates, NDP target rollback of sex-ed curriculum at Toronto event, CBC.
[47] Teotonio, I. "Mother at centre of sex-ed court challenge says rollback 'dangerous' for kids" (4 September, 2018)Toronto Star.
[48] *Ibid*.

The Interim Health Curriculum Must be Consistent with the Education Act

The Government of Ontario must develop a health curriculum in a manner consistent with the *Education Act*, in particular the obligations of school boards to promote positive and inclusive school environments for all students.

Section 169.1(1) of the *Education Act* sets out the duties and powers of a school board, which include responsibility for student achievement and effective stewardship of resources. As part of this duty, every school board is required to not only promote student achievement and well-being,[49] a school board must also:

> [P]romote a positive school climate that is inclusive and accepting of all pupils, including pupils of any race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability.[50]

The Ministry of Education has promulgated a number of policies to promote diversity and inclusion. The 2014 revised *Equity and Inclusive Education in Ontario Schools: Guidelines for Policy Development and Implementation* sets the Ministry of Education's vision for equity and inclusive education as follows:

> Equity and inclusive education aims to understand, identify, address, and eliminate the biases, barriers, and power dynamics that limit students' prospects for learning, growing, and fully contributing to society. Barriers may be related to sex, sexual orientation, gender identity, gender expression, race, ethnic origin, religion, socio-economic background, physical or mental ability, or other factors. It is now recognized that several factors may intersect to create additional barriers for some students. These barriers and biases, whether overt or subtle, intentional or unintentional, need to be identified and addressed.[51]

Based on the above, the Government of Ontario recognizes the challenges faced by LGBTQ2S students in the education system. In order to foster a school climate of acceptance and inclusion, the Government must ensure that it develops a health curriculum that allows all students to feel like they belong, that their voices and identities matter, and that their rights are being protected. This requires teaching about LGBTQ2S students, families and communities in the health curriculum.

Conclusion

The Government of Ontario must revert to the 2015 health curriculum which teaches consent, cyber-safety, gender diversity and sexual orientation. In doing so, the government will act in a manner that is consistent with human rights legislation to

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[49] *Education Act*, *supra*, s. 169.1(1)(a).
[50] *Ibid*. s. 169.1(1)(a.1).
[51] Ministry of Education. (2014), *Equity and Inclusive Education in Ontario Schools: Guidelines for Policy Development and Implementation*, pg. 6.

provide learning environments that are free from discrimination, and protects the right to life, liberty and security of the person. It would also be consistent with the *Education Act* and related policies to promote inclusive and accepting schools.

4. DEVELOPING THE FIRST EVER PARENT BILL OF RIGHTS

Parents for Diversity Position Statement

Parents for Diversity does not support the proposal to establish a Parents' Bill of Rights. It is unclear what would be included in such a bill, whose interests such a bill is truly meant to protect, and whether such a bill is even necessary, given the existing laws, policies and procedures in place that protect the rights and interests of parents. Furthermore, a Parents' Bill of Rights should not be used as a tool for parents to withdraw their children from learning about LGBTQ2S issues.

Context and Background

In August, 2018 the Government of Ontario announced its consultations on education reform, which would "create a Ministry of Education Parents' Bill of Rights to be implemented through the Ontario College of Teachers".[52] The government has not provided much information on what would be included in a Parents' Bill of Rights. It is our understanding that no other province in Canada has adopted a Parents' Bill of Rights.[53]

Key Arguments

A Parents' Bill of Rights of Rights is Not Necessary

Parents for Diversity believes that a Parents' Bill of Rights is unnecessary given existing structures already in place that protect parents, including legislation, policies and procedures.

Parents already have rights that ensure they can actively participate in their child's school community and provide input into decisions that will affect their child's school and learning. Parents can participate in school council to improve student

[52] Government of Ontario, (22 August, 2018), "Ontario's Government for the People Respecting Parents by Holding Unprecedented Consultation into Education Reform.
[53] Labelle A. (27 November, 2018) "Parents' bill of rights is the wrong choice for Ontario", Ottawa Citizen [Labelle].

achievement and to enhance the accountability of the education system to parents.[54] They can also participate in their parent involvement committees (PIC).[55]

Ontario Regulation 612/00: *School Councils and Parent Involvement Committees* under the *Education Act* [Regulation 612/00], confirms the advisory role of school councils, establishes their right to express views on issues that are important to them, and require school boards and principals to solicit views from school councils and report back to school councils on any advice received. Regulation 612/00 also establishes the requirement that all school boards in Ontario have a PIC. In contrast to school councils which concern themselves with an individual school, PICs provide advice at the board level and actively support the school councils of their board by supporting their role in fostering parent engagement in their children's learning and sharing information. School Councils and PICs are two distinct but complementary mechanisms which provide parents with the right and the opportunity to be engaged in and potentially influence decisions that could affect their child's educational success.[56]

Mechanisms also exist to allow parents to register concerns related to educators working with their children. Specifically, parents and the public can register concerns regarding members of the Ontario College of Teachers (OCT) with respect to professional misconduct, incompetence or incapacity. When a complaint is filed with the OCT it has a commitment to respond.[57]

Parents for Diversity believes that this combination of rights and recourse mechanisms provide parents with sufficient avenues to support their child's educational success.

A Parents' Bill of Rights should not be used to opt out of learning about LGBTQ2S issues

Second, Parents for Diversity opposes a Parents' Bill of Rights to the extent that it would be used to legitimize the perspective of parents who believe they should be able to withdraw their child from school when they do not support the curriculum being taught. This is particularly problematic when parents want to remove their children from classes where the subject-matter deals with LGBTQ2S issues.

Faith-based organizations in the United States[58] have attempted to use Parents' Bill of Rights to prevent their children from learning about LGBTQ2S issues, a practice that should not be welcome in Ontario schools. As one Ontario parent has stated,

> After living in the most conservative parts of the United States, I've seen how a parents' bill of rights can be used to undermine teachers, defund public schools

[54] O. Reg. 612/00: *School Councils and Parent Involvement Committees* under *Education Act*, R.S.O. 1990, c. E.2, s. 2(1) [Regulation 612/00].
[55] *Ibid*. s. 27(1).
[56] Ministry of Education, Parent Involvement Committees.
[57] Ontario College of Teachers, Complaints and Discipline.
[58] Candi Cushman, (2013) "Parents' Bill of Rights" Focus on the Family.

> and harm children, especially those who identify as lesbian, gay, bisexual, transgender (LGBT) or who are questioning their orientation or gender identity.[59]

As argued above, Parents for Diversity believes that preventing students from learning a curriculum that teaches LGBTQ2S issues is harmful to all students. It fosters a school climate of intolerance and exclusion, which is inconsistent with Ontario's laws and policies that are meant to promote diverse and inclusive learning environments.

Should the Government of Ontario decide to implement a Parents' Bill of Rights, it must take into account the views of all parents, including parents who are racialized, Indigenous, identify as members of the LGBTQ2S community, and those with disabilities.

It is unclear what a Parents' Bill of Rights is intended to achieve

Lastly, Parents for Diversity cannot support a proposal for a Parents' Bill of Rights in light of the fact that the Ministry of Education has not released enough information about what a Parents' Bill of Rights is meant to achieve, or to allow for meaningful public engagement. In order to have a meaningful consultation on this proposal, Parents for Diversity would urge the Ministry of Education to release further information about the proposed Parents' Bill of Rights, including a listing of the proposed rights it would include and the desired outcomes, at which point it could seek feedback from the public.

Conclusion

A Parents' Bill of Rights is not necessary when there are existing structures in place that allow parents to exercise their rights over the education of their children. Parents for Diversity opposes any Parents' Bill of Rights that would be used to allow parents to withdraw their children from learning about issues such as gender diversity and sexual orientation. By committing to an open, transparent and meaningful consultation process on the objectives of a proposed Parents' Bill of Rights and specific measures it could include, the Ministry of Education can help to ensure the views of all parents, including those of Parents for Diversity, are considered before any concrete action is taken on this proposal.

[59] Labelle, *supra*.