

**GOVERNMENT OF ALBERTA
DEPARTMENT OF EDUCATION**

MINISTERIAL ORDER (# _____)

I, David Eggen, Minister of Education, pursuant to section 45.1(8) of the **School Act**, make the Order in the attached Appendix.

DATED at Edmonton, Alberta on _____, 2018.

MINISTER OF EDUCATION

APPENDIX

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SCHOOL ACT

IN THE MATTER OF THE ESTABLISHMENT OF A WELCOMING, CARING,
RESPECTFUL AND SAFE LEARNING ENVIRONMENT POLICY UNDER SECTION
45.1 OF THE SCHOOL ACT
«*Legal_Entity_Name*»

WHEREAS:

- A A board has the responsibility to ensure that each student enrolled in a school operated by the board and each staff member employed by the board is provided with a welcoming, caring, respectful and safe learning environment that respects diversity and fosters a sense of belonging pursuant to section 45.1(1) of the **School Act**;
- B A board shall pursuant to section 45.1(2) of the **School Act** establish, implement and maintain a policy respecting the board's obligation under section 45.1(1) of the **School Act** to provide a welcoming, caring, respectful and safe learning environment that includes the establishment of a code of conduct for students that addresses bullying behavior;
- C A board shall pursuant to section 45.1(6)(a) of the **School Act** make the policy and code of conduct available throughout the year in a prominent location on a publicly accessible website maintained by or on behalf of the board;
- D Pursuant to section 28(9) of the **School Act**, sections 45.1, 45.2 and 45.3 of the **School Act** apply to an operator of an accredited private school as if it were a board as defined in the **School Act**.
- E On December 15, 2017 all boards and accredited private school operators subject to section 45.1 the **School Act**, including «*Legal_Entity_Name*», were informed of their responsibility to comply with section 45.1 of the **School Act** and were asked to make the policy and code of conduct available in a prominent location on a publicly accessible website maintained by or on behalf of the board on or before June 30, 2018;
- F In the opinion of the Minister, the policy or code of conduct developed and adopted under section 45.1(2) of the **School Act** by the required date by «*Legal_Entity_Name*» fails to meet the requirements under section 45.1 of the **School Act**.

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- 1 Pursuant to section 45.1(8) of the **School Act**, I hereby order as follows:
 - (a) the policy and code of conduct attached as Schedule “A” is established for the «*Legal_Entity_Name*».
 - (b) the direct link to this Order shall be posted on «*Legal_Entity_Name*»’s website homepage in a timely manner and shall be labeled *Safe and Caring Policy*.
 - (c) all previous versions of «*Legal_Entity_Name*»’s policy and code of conduct for section 45.1 of the **School Act** shall be removed from «*Legal_Entity_Name*»’s website in a timely manner.
 - (d) that the letter attached in Schedule “B” shall be provided to the parent or legal guardian of each student that is enrolled in a school operated by «*Legal_Entity_Name*» and that confirmation of this action be provided to the Minister in a timely manner.
 - (e) that this Order remain posted on such website until June 30, 2019 or until this Order is repealed, whichever date is earlier.
- 2 This Order is effective on date of signing and shall remain in effect until June 30, 2019, or until repealed, whichever date is earlier.

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SCHEDULE “A”

Safe and Caring Policy and Code of Conduct

Welcoming, Caring, Respectful and Safe Learning Environments

«Legal_Entity_Name» is committed and obligated to ensuring each student enrolled in a school operated by «Legal_Entity_Name» and each staff member employed by «Legal_Entity_Name» is provided with a welcoming, caring, respectful and safe learning environment that respects diversity and fosters a sense of belonging.

«Legal_Entity_Name» recognizes and affirms the rights of all staff members and enrolled students as provided for in the *Alberta Human Rights Act* and the *Canadian Charter of Rights and Freedoms*. Staff and students will not be discriminated against for reasons of race, age, ancestry, place of origin, colour, religious beliefs, gender, gender identity, gender expression, physical or mental disability, marital status, source of income, family status and sexual orientation as provided for in the *Alberta Human Rights Act* or the *Canadian Charter of Rights and Freedoms*.

Support for Student Organizations

1. Students may ask any «Legal_Entity_Name» staff member for help in creating a voluntary student organization or leading an activity intended to promote a welcoming, caring, respectful and safe learning environment that respects diversity and fosters a sense of belonging.
2. If such a request is made to a «Legal_Entity_Name» staff member, the staff member shall immediately advise the principal of the school of the request and the principal of the school shall immediately grant permission for the establishment of the student organization or the holding of the activity at the school.
3. Within a reasonable time from the date that the principal receives the request, the principal shall 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.
 - The principal shall immediately inform the board and the Minister if no staff member is available to serve as a staff liaison. The principal will ensure that the Minister-appointed responsible adult has access to the school and the resources required to facilitate the establishment and the ongoing operation of the student organization and organizing any activities.
4. The students may select a respectful and inclusive name for the organization or activity, including the name “gay-straight alliance” or “queer-straight alliance,” after consulting with the principal. The principal shall not prohibit or discourage students from choosing a name that includes “gay-straight alliance” or “queer-straight alliance.”
5. 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 is otherwise consistent with the usual practices relating to notifications of other student organizations and activities.
6. «Legal_Entity_Name» is an organization bound by the *Personal Information Protection Act*. Disclosure of any personal information, including a student’s participation in a voluntary student organization or activity as outlined in this policy, must be in accordance with the «Legal_Entity_Name»’s responsibilities under the provisions of the *Personal Information Protection Act*.

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7. Included for additional clarity and as required by section 45.1 of the *School Act*, below is the text of sections 16.1 (1), (3), (3.1), (4) and (6) of the *School Act*.

Support for student organizations

- 16.1(1) If one or more students attending a school operated by a board request a staff member employed by the board for support to establish a voluntary student organization, or to lead an activity intended to promote a welcoming, caring, respectful and safe learning environment that respects diversity and fosters a sense of belonging, the principal of the school shall
- (a) immediately grant permission for the establishment of the student organization or the holding of the activity at the school, and
 - (b) subject to subsection (4), 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.
- (3) The students may select a respectful and inclusive name for the organization or activity, including the name “gay-straight alliance” or “queer-straight alliance”, after consulting with the principal.
- (3.1) For greater certainty, the principal shall not prohibit or discourage students from choosing a name that includes “gay-straight alliance” or “queer-straight alliance”.
- (4) The principal shall immediately inform the board 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.
- (6) The principal is responsible for ensuring that notification, if any, respecting a voluntary student organization or an activity referred to in subsection (1) is limited to the fact of the establishment of the organization or the holding of the activity.

Student Code of Conduct

Purpose

«Legal_Entity_Name» is committed to providing to students and staff a welcoming, caring, respectful and safe learning environment that respects diversity and fosters a sense of belonging and positive sense of self.

Acceptable Behaviour

Students will:

- be diligent in pursuing the student's studies;
- attend school regularly and punctually;
- co-operate fully with everyone authorized by the board to provide education programs and other services;
- comply with the rules of the school;
- account to the student's teachers for the student's conduct;
- respect the rights of others;
- ensure that the student's conduct contributes to a welcoming, caring, respectful and safe learning environment that respects diversity and fosters a sense of belonging; and
- positively contribute to the student's school and community.

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Unacceptable Behaviour

Students will refrain from, report and not tolerate bullying or bullying behaviour directed towards others in the school, whether or not the behaviour occurs within the school building, during the school day or by electronic means. Bullying behaviours are a form of aggression and can be physical, verbal, social or cyber.

“Bullying” means repeated and hostile or demeaning behaviour by an individual in the school community where the behaviour is intended to cause harm, fear or distress to one or more other individuals in the school community, including psychological harm or harm to an individual’s reputation.

The following are examples of unacceptable behaviours may include:

- behaviours that interfere with the learning of others and/or the school environment or that create unsafe conditions;
- acts of bullying, harassment or intimidation/discrimination;
- acts of violence, physical aggression or threatening behaviour;
- retribution against any person in the school who has intervened to prevent or report bullying or harassment, or to stop an incident that might cause harm to others;
- illegal activity, such as possession or use of weapons, possession or use of alcohol, drugs or other forms of intoxicants on school property or at any other school related function (i.e. graduation, field trips); and
- theft or damage of property.

Consequences for Unacceptable Behaviour

School staff responses to unacceptable behaviour will take into account a student’s age, maturity and individual circumstances. Students engaging in unacceptable behaviour will receive support to behave in appropriate ways that contribute to the positive learning environment of the school. Equally as important is that students affected by inappropriate behaviour will also be supported by the school.

School staff responses may include:

- logical consequences;
- targeted interventions focused on skill-building in areas such as managing emotions, focusing attention, resolving conflict or problem-solving;
- restorative processes;
- mentoring;
- peer-support networks;
- behaviour plan;
- regular check-ins with teachers, administrators or school counselors;
- suspension from an activity, school, one or more class periods, courses or education programs, or riding the school bus; and
- expulsion from school.

References: *School Act* (current as of September 1, 2018), sections 12, 16.1, 20, 24, 25, 45.1
Alberta Human Rights Act (current as of June 11, 2018)
Canadian Charter of Rights and Freedoms
Alberta Bill of Rights (current as of March 19, 2015)
Alberta Education <https://education.alberta.ca/bullying-prevention/what-is-bullying/>

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SCHEDULE "B"

Dear Parent/Guardian:

As you may be aware, all public, separate, Francophone, charter and accredited private school authorities must create policies that create a welcoming, caring, respectful and safe place to learn. As of June 30, 2018, these policies had to be publicly available on a website maintained by the school authority.

I am writing to let you know that «Legal_Entity_Name» has not posted a compliant policy as required by the *School Act*. I have therefore established, by Ministerial Order, a Safe and Caring Policy and Code of Conduct for «Legal_Entity_Name» pursuant to section 45.1(8) of the *School Act*. Failure by the «Legal_Entity_Name» to comply will include funding being withheld for the 2019-2020 school year.

«Legal_Entity_Name» is an Accredited Funded Private School, which means the school authority must continue to meet legislated and policy requirements to continue to receive funding from Alberta Education.

If you have any questions about this correspondence, please contact Paul Lamoureux, Executive Director, Field Services, Alberta Education, at SafeCaring@gov.ab.ca.

Sincerely,

David Eggen
Minister of Education