

## **Questions and (Some) Answers in Regard to Ontario's Health and Physical Education Curriculum (Sex Ed Component)**

***Please Note:** While preparing resources for our constituency on the matter of the Ontario Health and Physical Education Curriculum, we quickly discovered that much information about the preparation of the curriculum, the consultation process, submission deadlines or requirements is not readily available.*

*If there is no hyperlink to a source in this Q&A, the information provided comes from either a conversation with a parents' association, or a telephone conversation with a representative from the Ministry of Education, a school board or a school.*

*We apologize if the information below is not as conclusive as is the case with our other resources. We determined that it was more beneficial to provide you with relevant information that was provided to us, even if we could not provide you with a conclusive source document to support it.*

### **1. Who determines the curriculum for public school?**

Education is a provincial governance matter. As such, the Ministry of Education of Ontario determines the curriculum for education. This is intended to ensure consistent, province-wide programming<sup>1</sup> in accordance with the *Education Act* which sets out the roles and responsibilities of many players, including the Minister of Education, school boards, teachers and parents.<sup>2</sup>

### **2. How is a curriculum developed and revised?**

In 2003, a curriculum review schedule was established.<sup>3</sup> Every seven years a course curriculum will undergo review. Generally the review process is expected to take approximately three years. Therefore each year, the Ministry of Education reviews a number of subject areas within the overall education curriculum.

Reviews are to be extensive and the Ministry of Education states that it considers the following:

- Studying research in the subject area
- Comparison with other jurisdictions
- Focus groups comprised of educators from all Ontario school boards
- Technical content analysis conducted by subject experts<sup>4</sup>

Part of the revision is also to include consultation with various organizations and parents.<sup>5</sup>

Typically, before curriculum goes to the classroom, it is to be available on the Ministry's website for feedback.

### **3. What claim do I have, as a parent, on my child's education?**

The *Universal Declaration of Human Rights*, of which Canada is a party, states that ,

(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.<sup>6</sup> [our emphasis]

Recognition of a parent's right to choose their child's education honours the inherent dignity and equal and inalienable rights of an individual.<sup>7</sup> Furthermore, the United Nation's *International Covenant on Civil and Political Rights*, which Canada acceded to in 1976, states that

The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.<sup>8</sup> [our emphasis]

The fact that Canada is a party or has acceded to the above-mentioned human rights documents communicates that the government recognizes parents' vested interest in the education of their children.

While the *Universal Declaration* states that elementary education is compulsory, the content of such education remains unspecified. Further, it does not suggest that the state has a sole or even primary claim on the content of education. In fact, it suggests the opposite when it explicitly states that "[p]arents have a prior right to choose the kind of education" their child receives.<sup>9</sup>

Moreover, parents have recognized freedoms of religion and conscience, applicable to the decisions that they make in regard to their children's education, that are guaranteed by *The Charter of Rights and Freedoms* and human rights legislation and case law.

For example, in the 1996 Supreme Court of Canada decision *Ross v. Moncton District School Board*, the court ruled that school boards have an obligation to provide a welcoming environment for all students. In the 2002 *Chamberlain v. Surrey School District*, the Supreme Court found that all parents, including religious parents, have a right to participate in the public decision-making process about their children's education.

#### **4. Can I contribute to the design of my child's curriculum? Should I?**

While it is the government's responsibility to ensure that a public education system exists, the government should invite parents to contribute to the creation and revision of curriculum.

It seems, given the international commitments made and the direct interest of parents in the education of their children, that it should be highly unlikely that the Minister would choose to develop and revise curriculum apart from parental consultation. In fact, in Ontario's *Reach Every Student, Energizing Education* policy document, it states time and again the importance of parent involvement. For example,

Ultimately, our schools are called to partner with Ontario's parents to help students become the best they can be individually.<sup>10</sup>

It also has a section on 'Parent Engagement', which states that,

Explicit initiatives to enhance parent engagement will be an integral part of our strategy to strengthen schools and build public confidence.<sup>11</sup>

In British Columbia for example, a *Statement of Education Policy Order* explicitly identifies that parents "have the right and responsibility to participate in the process of determining the educational goals, policies and services provided for their children."<sup>12</sup> Please note that curriculum is developed provincially and both curriculum and policy for its development vary by province.

It makes sense that parents want to be involved with the future education of their children in a direct way ensuring that what their children are being taught at school is consistent with what they are being taught at home.

#### **5. How can I contribute to the design of my child's curriculum?**

From what we've been able to gather, there is no formal process for parents to make submissions to the Ministry of Education in order to participate in the review, revision and any changes to curriculum. There is a feedback opportunity once the curriculum has already been drafted, (with the exception of those who have been asked directly to participate in the development process). The best way to engage in your child's curriculum proactively (if you have not been asked to participate in the drafting process) is by writing the Minister of Education a personal letter, not by speaking with a teacher or administrator.

While it may be more convenient to speak with a school board, superintendent, teacher or principal, they are not responsible for the design of curriculum. If you make a submission to a school board, the board will, if acting in accordance with Ministry policy, simply forward your submission to the Curriculum Branch at the Ministry of Education. The most direct route for individual parents to request amendments to their child's curriculum is through the Minister of Education. Correspondence directed to the Minister will be noted as to content and any expressed concerns, then forwarded to the appropriate branch of the Ministry for consideration.

The Ministry of Education will consider submissions from parents, parent groups and organizations which represents a greater number of people. The number of people represented is considered in the 'political' decision component of curriculum

development. Getting involved with a parent organization may be a beneficial option for your voice to be better heard.

### **6. How was Ontario's Sex-Ed Curriculum designed?**

It seems that Ontario's *Health and Physical Education* curriculum was designed like all other pieces of curriculum and followed the above process.

The fact that parents felt like they were not consulted was not unwarranted. The way that the administration of curriculum design works requires parents to be reactive to the process rather than proactive. It also requires parents to be self-informed as to how the process is unfolding (i.e. the Ministry is not proactive about informing parents that they are engaged in a review of curriculum).

Additionally, for every class a student takes there is a separate curriculum. If an average student has 6-8 classes and if a parent(s) has 2 – 3 children in different grades, that means the difficulty of keeping up with curriculum (which is always in different stages of revision) for each child could be overwhelming.

The Ontario Sex-Ed curriculum that was pulled was ultimately produced and then pulled as a result of the consultation process being indirect and relatively inaccessible for parents.

### **7. What is the current status of Ontario's Health and Physical Education curriculum for grades 1-8?**

We understand that before Ontario's Health and Physical Education Curriculum became public, it underwent a 3 year revision process. That revision process resulted in the draft which was published on the Ministry's website.

Once the document became public and numerous parents and parent organizations, in addition to other faith based organizations, threatened to boycott the public school system, the Ministry of Education pulled the section in the curriculum dealing with Human Development and Sexual Health and defaulted to the 1998 edition for that portion of the curriculum.<sup>13</sup> However, the current edition on the Ministry of Education's website is only an Interim edition. The Ministry of Education is still due to revise the curriculum and is expected to release the details explaining the consultation process in the fall of 2010.

### ***8. What should I do as a concerned parent?***

As a parent, it would be best to write the Minister of Education, Leona Dombrowsky or the Premier, Dalton McGuinty, addressing your concerns, and copying your Member of Provincial Parliament and the Official Education Critic, Rosario Marchese.

Your letter should outline your position on the curriculum, including any changes you would like to see made to the curriculum. Again, there is no formal process for parents to make independent contributions nor is there a need for parents to wait for the Ministry of Education to announce when they will reopen the consultation process. Ultimately, if parents wish to write the Minister of Education to make a submission to influence change in curriculum, there is no reason why they should not do so.

Lastly, please join the EFC Update weekly newsletter. While advising you of a variety of matters involving the Canadian evangelical community, we will also be periodically providing you with resources and updates on this matter as it proceeds.

To sign up, visit [www.theefc.ca](http://www.theefc.ca) and click on “EFC Update Sign Up” on the left-hand menu bar.

## Additional Resources

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### **Contact Information:**

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| <p><b>Hon Leona Dombrowsky</b>, MPP (Prince Edward--Hastings)<br/><b>Minister of Education</b><br/>22nd Floor, Mowat Block<br/>900 Bay Street<br/>Toronto, Ontario M7A 1L2<br/>Tel: 416-325-2600<br/>Fax: 416-325-2608<br/><a href="mailto:ldombrowsky.mpp@liberal.ola.org">ldombrowsky.mpp@liberal.ola.org</a></p> | <p><b>Hon Dalton McGuinty</b>, MPP (Ottawa South)<br/><b>Premier</b><br/>Room 281, Main Legislative Building,<br/>Queen's Park<br/>Toronto, Ontario M7A 1A1<br/>Tel: 416-325-1941<br/>Fax: 416-325-3745<br/><a href="mailto:dmcguinty.mpp.co@liberal.ola.org">dmcguinty.mpp.co@liberal.ola.org</a></p> |
| <p>Your Member of Provincial Parliament –<br/>Contact information can be found at<br/><a href="http://www.ontla.on.ca">http://www.ontla.on.ca</a>.</p>  | <p><b>Rosario Marchese</b>, MPP (Trinity-Spadina)<br/><b>Critic, Education</b><br/>Room 116, Main Legislative Building,<br/>Queen's Park<br/>Toronto, Ontario M7A 1A5<br/>Tel: 416-325-9092<br/>Fax: 416-325-4976<br/><a href="mailto:rmarchese-co@ndp.on.ca">rmarchese-co@ndp.on.ca</a></p>           |

For tips on letter writing, visit [www.theefc.ca/takeaction!](http://www.theefc.ca/takeaction!)

To view the Ontario Curriculum, visit  
<http://www.edu.gov.on.ca/eng/curriculum/elementary/health.html>

## End Notes

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<sup>1</sup> “Getting Started – Frequently Asked Questions for Parents”, Ministry of Education, Ontario, website: <http://www.edu.gov.on.ca/eng/parents/faq-parents.html#schools3>, accessed September 7, 2010.

<sup>2</sup> “Who’s responsible you’re your child’s education?”, Ministry of Education, Ontario, website: <http://www.edu.gov.on.ca/eng/document/brochure/whosresp.html#govtact>, accessed September 7, 2010.

<sup>3</sup> “The Ontario Curriculum”, Ministry of Education, Ontario, see “How Often are curriculum documents revised? What is the review process” under the “Frequently Asked Questions” section, website: <http://www.edu.gov.on.ca/eng/curriculum/elementary/#display>, accessed September 7, 2010.

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*

<sup>6</sup> *The Universal Declaration of Human Rights*, article 26, website: <http://www.hrweb.org/legal/udhr.html>, accessed September 7, 2010.

<sup>7</sup> *Ibid.*, Preamble.

<sup>8</sup> *International Covenant on Civil and Political Rights*, article 18, s. 4, website: <http://www2.ohchr.org/english/law/ccpr.htm>, accessed September 7, 2010.

<sup>9</sup> *Supra*, note 6.

<sup>10</sup> *Reach Every Student, Energizing Ontario Education*, Ontario, Winter 2008, p. 2, website: <http://www.edu.gov.on.ca/eng/document/energize>, accessed September 7, 2010.

<sup>11</sup> *Ibid.*, p. 13

<sup>12</sup> *Statement of Education Policy Order*, BC Ministry of Education, Governance and Legislation Branch D-96, October 15, 2009, website: [http://www.bced.gov.bc.ca/legislation/schoollaw/d/oic\\_1280-89.pdf](http://www.bced.gov.bc.ca/legislation/schoollaw/d/oic_1280-89.pdf), accessed September 7, 2010.

<sup>13</sup> *Release of Interim Curriculum Policy Document on Health and Physical Education*, Ontario, website <http://www.news.ontario.ca/edu/en/2010/06/release-of-interim-curriculum-policy-document-on-health-and-physical-education.html>, accessed September 7, 2010.