

**EDUCATION AND EARLY CHILDHOOD LEARNING
BRIEFING NOTE FOR THE DEPUTY MINISTER
FOR DECISION**

Status:	<input checked="" type="checkbox"/> New	<input type="checkbox"/> Updated	
Initiated by:	<input type="checkbox"/> Minister	<input checked="" type="checkbox"/> DM	<input type="checkbox"/> ADM/ED <input type="checkbox"/> Branch
Division/Branch:	Student Achievement and Inclusion / Learning and Outcomes		
AIMS Log Number:	26		
Date:	June 26, 2023		

ISSUE: *Supporting Transgender and Gender Diverse Students in Manitoba Schools* (2017) Guidelines

RECOMMENDATION(S):

- The department review and update the *Supporting Transgender and Gender Diverse Students in Manitoba Schools* (2017) guidelines to reflect current inclusive language and enhance clarity to align with the vision that all Manitoba students succeed, no matter where they live, their background, or their individual circumstances.

RELEVANT BACKGROUND:

- On June 7, 2023, New Brunswick's Department of Education and Early Childhood Development introduced an update of Policy 713: Sexual Orientation and Gender Identity (**Appendix A**), which will take effect July 1, 2023. These changes have generated nationwide media coverage and debate.
- Groups opposing the policy changes include the New Brunswick Association of School Psychologists, the Canadian Civil Liberties Association, 2SLGBTQIA+ advocacy groups, and the protest of eight New Brunswick Progressive Conservative MLAs including six cabinet ministers.
- On June 15, 2023, the New Brunswick legislature voted in favour of a Liberal opposition motion calling for "full consultations" and a report on the policy changes to be completed in August by the Child and Youth Advocate. Before the vote, the Premier stated "gender dysphoria is popular and trendy, and eroding the role of the family in a child's upbringing". Following these comments, the province's Ministers for Social Development and Postsecondary, Training and Labour resigned from cabinet in protest.
- 23(1)(a) Action4Canada has lobbied New Brunswick MLA's to make Policy 713 revisions the "first step", demanding a ban on hormone therapy, which can be part of gender transitioning, and to keep "Pride out of schools". Action4Canada has charters across the country, including four in Manitoba (Portage-Lisgar, Steinbach, Virden, Winnipeg) and has been actively involved in efforts to remove 2SLGBTQIA+ content from public and school libraries in recent months.

ANALYSIS:

- A jurisdictional scan (**Appendix B**) shows that New Brunswick is the only province with an official policy on sexual orientation and gender identity. Eight provinces/territories have guidelines to support existing legislation or policies that ensure diversity and inclusion in schools. Three have no provincial guidelines in place (Ontario, Yukon, Nunavut). New Brunswick is one of three provinces (Quebec, Nova Scotia) to

- require a student to be above a certain age or have parental permission to use preferred pronouns and name as the student requests.
- In Manitoba, gender identity, gender expression and sexual orientation are protected rights under the Manitoba Human Rights Code, in addition to the Canadian Charter of Rights and Freedoms. Manitoba’s Public Schools Act requires every school board to establish a written policy concerning respect for human diversity, and to ensure that the policy is fully implemented in each school in the division or district.
 - Manitoba curriculum aligns with existing legislation, along with supporting policies and resources including, *Supporting Transgender and Gender Diverse Students in Manitoba Schools* (2017).
 - To remain current and effective, *Supporting Transgender and Gender Diverse Students in Manitoba Schools* (2017) would benefit from a review and update to include current language inclusive of non-binary and other gender diverse identities, and to clarify guidelines surrounding preferred pronouns and name changes, extra-curricular and sport participation, access to washroom and change room facilities and other emerging issues.

23(1)(a), 23(1)(f)

KEY MESSAGES:

- The Manitoba government is committed to creating and fostering safe and inclusive learning environments for all children and students in Manitoba. Manitoba's K to 12 education and early learning and child care systems are based on the philosophy of inclusion, where every individual feels accepted, valued, and safe.
- This vision can only be realized by supporting and respecting the well-being and belonging of the entire learning community, including 2SLGBTQQIA+ children, students, families, staff, teachers and early childhood educators. This includes embracing gender diversity and recognizing each person’s unique identity, as well as ensuring access to age-appropriate curriculum.

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APPENDIX A: New Brunswick Policy 713 Sexual Orientation and Gender Identity

Policy 2020	Policy 2023 Revisions
<p>6.3.1 School personnel will consult with a transgender or non-binary student to determine their preferred first name and pronoun(s). The preferred first name and pronoun(s) will be used consistently in ways that the student has requested.</p>	<p>6.3.1 School personnel will consult with a transgender or non-binary student who is 16 and over to determine their preferred first name and pronoun(s). The preferred first name and pronoun(s) will be used consistently in ways that the student has requested.</p>
<p>6.3.2 Transgender or non-binary students under the age of 16 will require parental consent in order for their preferred first name to be officially used for recordkeeping purposes and daily management (EECD, school district, and school software applications, report cards, class lists, etc.). Before contacting a parent, the principal must have the informed consent from the student to discuss their preferred name with the parent. If it is not possible to obtain parental consent for the use of the preferred first name, a plan will be put in place to support the student in managing the use of the preferred name in the learning environment.</p>	<p>6.3.2 Transgender or non-binary students under the age of 16 will require parental consent in order for their preferred first name to be officially used for recordkeeping purposes and daily management (EECD, school district, and school software applications, report cards, class lists, etc.). If it is not possible to obtain consent to talk to the parent, the student will be directed to the appropriate professional (i.e. school social worker, school psychologist) to work with them in the development of a plan to speak with their parents if and when they are ready to do so. If it is not in the best interest of the child or could cause harm to the student (physical or mental threat), the student will be directed to the appropriate school professional for support.</p>
<p>6.1.5 All students will be able to participate in curricular, co-curricular, and extracurricular activities that are safe, welcoming, and consistent with their gender identity.</p>	<p>6.1.5 All students will be able to participate in curricular, co-curricular, and extracurricular activities that are safe and welcoming. <i>(eliminates gender identity)</i></p>
<p>6.4.1 All students will have access to washroom facilities that align with their gender identity. The washroom facilities will be available to all students in a non stigmatizing manner.</p>	
<p>6.4.2 All schools will have at least one, universal washroom facility that is accessible at all times.</p>	<p>Section 6.4.3 will be added and will read as follows: Private universal changing areas will be available in all schools.</p>

Appendix B: Provincial/Territorial Scan of Gender Diverse Policies

Province/Territory	Policy
British Columbia Manitoba Newfoundland and Labrador Northwest Territories Nova Scotia Prince Edward Island Quebec Saskatchewan	<ul style="list-style-type: none">• Students may change chosen name and pronouns based on students consent, for documents used for classroom management, with most requiring parental permission for report cards and require legal name change for legal documents.• Participation in sports and extra-curricular activities is based on self-identification of gender.• Students may use the washroom or change room that conforms to their gender identity and that a gender-neutral option should always be available.• Provinces require student consent to share identity and pronouns with parents and community. (Except Nova Scotia)• No age limit for self- identification of gender identity and pronouns, except:<ul style="list-style-type: none">○ Quebec – 14-years of age○ Nova Scotia – 12-years-of-age
Alberta Ontario Yukon Nunavut	<ul style="list-style-type: none">• No provincial guidelines surrounding gender diverse and transgender students.• Guidelines were previously in place in Alberta, which are archived in 2016 (no longer in use).
New Brunswick (2023 Updates)	<ul style="list-style-type: none">• Students can change chosen name and pronouns once they turn 16, or with parental consent, for classroom use and for any school documents. Without parent consent, the school will refer the student to a social worker or school psychologist.• All students will be able to participate in curricular, co-curricular and extracurricular activities that are safe and welcoming. (<i>eliminates “consistent with their gender identity” in 2023 revision</i>)• Students should use the washroom or change room that conforms to their gender identity and that a gender-neutral option should always be available. The 2023 revision adds that private universal changing areas should be available in all schools.