

Policy 713



SEXUAL ORIENTATION AND GENDER IDENTITY

DEPARTMENT OF EDUCATION AND EARLY CHILDHOOD DEVELOPMENT

Effective: August 17, 2020

Revised: July 1, 2023; August 23, 2023, January 1, 2025

1. Purpose

This policy sets minimum requirements for school districts and public schools to create a safe, welcoming, inclusive, and affirming school environment for all students, families, and allies who identify or are perceived as 2SLGBTQIA+.

2. Application

This policy applies to the school environment, which includes:

- a) all students who are registered in public schools in New Brunswick;
- b) all school personnel, contract/casual employees, visiting professionals, student teachers, parents, volunteers, and visitors,
- c) school transportation: on school buses or other school system-organized transportation;
- d) school districts and school sponsored and endorsed events and activities;
- e) all school documents, classroom instruction, forms, report cards, classroom materials, and evaluations/tests; and
- f) all communications related to a school district or a school (e.g. meetings, phone calls, written correspondence, emails, social media messaging, and other instances that could have an impact on the school environment).

3. Definitions

2SLGBTQIA+ refers to the commonly used acronym that represents different identities within society. The acronym refers to an individual who identifies as: Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex, and asexual. The acronym ends with a plus symbol to reflect that in society there are many more identities that could be represented.

2SLGBTQIA+ Ally refers to an individual who acknowledges that 2SLGBTQIA+ people face discrimination and advocates for social justice.

Approved Professional refers to a social worker or a member of a profession that has established standards of practice or guidelines to assess the student's capacity.

Capacity refers to the ability of the student to understand the nature and impact of a decision, considering their age, development, maturity, and the gravity of the decision, and the student's ability to make and communicate that decision with appropriate seriousness and reflection.

Cisgender refers to an individual whose gender identity corresponds with their sex assigned at birth.

Chosen first name refers to a name that has been identified by a student to be used in place of their legal first name.

Chosen pronoun refers to a pronoun that has been identified by a student that aligns with their gender identity.

Formal use refers to the chosen first name and/or pronoun(s) that has been identified by a student to be used for official record-keeping purposes and daily management (EECD, school district, school software applications, report cards, etc.)

Gender Expression refers to how a person publicly expresses or presents their gender in the context of societal norms. Others perceive a person's gender through these attributes, which may include behaviour, outward appearance, body language, voice, chosen name and/or pronoun(s).

Gender Identity refers to an individual's internal and individual sense of their gender and may or may not align with societal expectations based on assigned sex at birth. A person's gender is not always fixed, can change over time, and is not related to sexual orientation.

Homophobia/transphobia refers to negative attitudes, feelings, discrimination, and behaviours towards individuals who identify or are perceived to be a member of the 2SLGBTQIA+ community.

Inclusive language refers to affirming and neutral expressions, and does not distinguish by gender (e.g. student, sibling, parent, guardian, caregiver, teacher, etc.).

Informal use refers to the chosen first name and/or pronoun(s) that has been identified by a student to be used in social interactions outside or inside the classroom and may include a class list.

Legal name refers to the name that appears on a birth certificate. The legal name will appear on high school diplomas and official transcripts.

Members of the school environment refer to all students who are registered in the public school system in New Brunswick, school personnel, contract and casual employees, visiting professionals, student teachers, parents, visitors, and volunteers.

Non-binary gender refers to a gender identity that is neither exclusively girl/woman or boy/man. This encompasses a range of gender experiences.

Parents refer to parents or guardians, as defined in the [Education Act](#).

Sexual orientation refers to an individual's psychological, emotional and/or sexual attraction towards another person.

Student(s) refer to pupils, as defined in the [Education Act](#).

School Personnel as defined in the [Education Act](#). for the purpose of this policy, school personnel also includes volunteers.

Transgender refers to an individual who does not identify either fully or in part with the gender associated with their sex assigned at birth.

4. Legal Considerations and Authority

EDUCATION ACT, SECTION 6

The Minister...

(b.2) may establish, within the scope of this Act, provincial policies and guidelines related to public education, ...

EDUCATION ACT

Subsection 13(1)(e) and 13(3), Roles of parents

Subsection 27(1), Duties of Teachers

Paragraphs 28(2)(c), 28(2)(e) and 28(2)(h), Duties of Principals

Paragraphs 33(1.1), Duties of Parent School Support Committees

Paragraphs 36.9(5)(a) and (b), Duties of the District Education Council

Subsection 48(2)(b), Duties of Superintendent

5. Goals/Principles

The Department of Education and Early Childhood Development (EECD) believes:

5.1.

All members of the school environment have the right to self-identify and express themselves without fear of consequences and with an expectation of dignity, privacy, and confidentiality.

5.2.

All members of the school environment have the right to learn and work together in an atmosphere that is respectful and free from harassment and discrimination.

5.3.

Having family involvement and support in a student's education and life is beneficial for their development and well-being. Involving families as much as possible is the goal of the public-education system.

5.4.

It is important that all students have a sense of belonging and connection to their school environment. Students should feel that they are supported by school personnel.

5.5.

School personnel will create a culture whereby 2SLGBTQIA+ students see themselves and their lives positively reflected in the school environment.

5.6.

It is important to collaborate with community stakeholders to support the needs of all 2SLGBTQIA+ members of the school environment.

5.7.

Support groups such as Gender and Sexuality Alliances (GSA) are important and provide a safe space for students. Gender and Sexuality Alliance and school personnel will work together to create a safe and inclusive school environment for 2SLGBTQIA+ students.

6. Requirements/Standards

6.1. SUPPORTIVE SCHOOL ENVIRONMENT

- 6.1.1.** The school principal will ensure that all members of the school environment are aware of the requirements set out in this policy.
- 6.1.2.** School personnel will ensure that the school environment respects students' right to self-identify, and appropriate measures are in place to protect personal information and privacy.
- 6.1.3.** School personnel will ensure that students legal name on official records are used only for the purpose for which it has been collected and is not disclosed without student's informed consent.
- 6.1.4.** When applicable, the school principal or a designated member of the school environment will ensure that a 2SLGBTQIA+ student has a support plan based on their individualized needs.
- 6.1.5.** EECD and school districts will provide professional learning opportunities to school personnel to understand and support the needs of 2SLGBTQIA+ students.

- 6.1.6. Homophobic/transphobic language, behaviour, or discrimination towards a member of the school environment will not be tolerated and will be immediately reported to the principal. All allegations will be taken seriously and dealt with in a timely and effective manner as per [Policy 703 – Positive Learning and Working Environment](#).
- 6.1.7. All students will be able to participate in curricular, co-curricular, and extracurricular activities that are safe, welcoming, and consistent with their gender identity.
- 6.1.8. EECD, school districts, and school personnel will ensure that classroom materials and activities contain positive, age-appropriate, and accurate information related to sexual orientation and gender identities.
- 6.1.9. EECD, school districts, and schools will strive to use inclusive language when communicating with members of the school environment. This includes classroom instruction, classroom materials, school and school district newsletters, forms, social media, emails, phone calls, and meetings.

6.2. SUPPORTIVE ALLIANCES

- 6.2.1. All schools will have a designated member of the school environment to act as an advocate and a resource for students who identify as 2SLGBTQIA+ and their families.
- 6.2.2. The school principal and school personnel will support the establishment of a Gender Sexuality Alliance and will support any events and activities organized by the group.
- 6.2.3. Gender Sexuality Alliance membership does not require parental consent and privacy and confidentiality will be respected.

6.3. SELF IDENTIFICATION

- 6.3.1. All students have the right and presumed capacity to self-identify and communicate their chosen first name and/or pronoun(s). Members of the school environment will use the chosen first name and/or pronoun(s) consistently.
- 6.3.2. The expectation is that families are fully involved and aware. When a student is uncomfortable providing informed consent, the school will respect the student's wishes and work with them to create a support plan to make their parent(s) aware when they are ready.
- 6.3.3. Students 16 years of age and older may communicate how their chosen first name and/or pronoun(s) will be formally and/or informally used in the school environment. Parental awareness is encouraged but not required.
- 6.3.4. Students under 16 years of age may communicate how their chosen first name and/or pronoun(s) will be formally and/or informally used in the school environment. Parental awareness is encouraged for informal use but not required. Parental consent is required for formal use.

6.3.5. In rare cases where the principal or school personnel have concerns that a student does not have the capacity and whose parent are not aware, an approved professional may assess the student's capacity. The student has the right to request an assessment and it must be done in a reasonable timeframe.

6.4. UNIVERSAL SPACES

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.

6.4.2. All schools will have at least one universal washroom facility (private) that is safe and accessible at all times.

6.4.3. All students will have access to changing areas (private) that align with their gender identity. The changing areas will be available to all students in a non-stigmatizing manner. These facilities will be safe and accessible at all times.

7. Guidelines/Recommendations

7.1.

Where possible, schools are encouraged to provide more than one universal washroom facility that is accessible at all times.

7.2.

Superintendents will make reasonable efforts to support students who request to transfer schools due to reasons relating to their sexual orientation, gender identity, and gender expression.

7.3.

Where possible, student should have access to accommodations that align with their gender identity when travelling off school property. School personnel will use best efforts to accommodate all students on field trips, co-curricular and curricular activities, travelling for competition, or events at another school, etc.

8. District Education Council (DEC) Policy Making

A District Education Council may develop policies and procedures that are consistent with, or more comprehensive than, this provincial policy. Their policy must be posted on the school district website and shared with all members of the school environment at the beginning of every school year.

9. References

[*Canadian Charter of Rights and Freedom*](#)

[*Human Rights Act*](#)

[*Education Act*](#)

[*Right to Information and Protection of Privacy Act*](#)

[*Policy 703 – Positive Learning and Working Environment*](#)

[*New Brunswick LGBTQ Inclusive Education Resource*](#)

10. Contacts for Additional Information

Department of Education and Early Childhood Development

Policy and Legislative Affairs

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Original signed by

Minister