

EXPLANATORY NOTES
BILL
No. 137

An Act to amend *The Education Act, 1995* respecting parents rights

**Clause
of Bill**

1 *The Education (Parents' Bill of Rights) Amendment Act, 2023*

2 *The Education Act, 2014 - SS 1995, c E-0.2*

3. **Existing Provision**

Citizenship education

184(1) Subject to the regulations, every school shall provide for the display of the flag of Canada outside and inside the school building.

Explanation

The proposed amendment will add the flag of Saskatchewan as a requirement to be displayed outside and inside the school building.

4. **Existing Provision**

New Section

Explanation

The proposed amendment to the definition of pupil to be inclusive of all children who attend school. The proposed amendment to the definition of school to have consistency in the sector, and to include registered independent schools.

5. **Existing Provision**

New Section

Explanation

197.2(a) will establish the rights of parents and guardians to act as the primary decision maker for their minor children.

197.2(b) will establish the right of the parents and guardians to be informed about

their child's attendance, behaviour and academic achievement.

197.2(c) will establish the right of the parents and guardians to be consulted about their child's classes and academic achievements.

197.2(d) will establish the right of the parents and/or guardians to have access to the child's school file.

197.2(e) will establish the right of the parents and/or guardians to be informed of all classes that are available to their child, and to make decisions on what classes the child will in enroll in.

197.2(f) will establish the right of the parents and/or guardians to be informed of the code of conduct and other administrative policies of the school.

197.2(g) cross references sections 153 and 1547 of the Act related to disciplinary action and investigation of the child's conduct in the school. The proposed amendment consolidates the rights of the parent's and guardians into one section of the Act.

197.2(h) cross references subsection 155(3) of the Act related to expulsion and the request for a review and reconsideration of the expulsion of their child after one year. The proposed amendment consolidates the rights of the parent's and guardians into one section of the Act.

197.2(i) cross references subsections 160(4) and 161(7) of the Act related to a parent or guardian's right to be informed of their child's attendance problems. The proposed amendment consolidates the rights of the parent's and guardians into one section of the Act.

197.2(j) cross references sections 178 and 178.1 as it relates to the parent or guardian's right to request a consultation or a review of their child's capacity to learn. The proposed amendment consolidates the rights of the parent's and guardians into one section of the Act.

197.2(k) cross references sections 182 and 183 of the Act related to a parent or guardian's right to excuse their child from participating in opening exercises. The proposed amendment consolidates the rights of the parent's and guardians into one section of the Act.

197.2(l) cross references section 190 of the Act as it relates to the right of the parent or guardian to provide consent for the provision of medical or dental exams or treatment. The proposed amendment consolidates the rights of the parent's and guardians into one section of the Act.

197.2(m) will establish the right of the parents and/or guardians to be informed of the content of sexual health classes, and the dates on which the content will be presented to their child. This section also establishes the right of the parents and/or guardians to withdraw their child from the presentation of sexual health content, with written notice to the principal.

197.2(n) establishes the right of the parents and/or guardians to provide consent for their child to change their gender-related preferred name or gender identity at school, if the child is under the age of 16, in accordance with the new section 197.4.

197.2(o) establishes the right of the parents and/or guardians to be a member of the school community council or the conseil d'école of the school.

6. Existing Provision

New Section

Explanation

197.4(1) establishes that consent from the parents/guardians is required to use a child's gender related preferred name or gender identity.

197.4(2) establishes that if it is reasonable that the child may suffer physical, emotional or mental harm in obtaining consent from their parent/guardian, the principal will direct the child to the appropriate school resources to support and assist the child in developing a plan for the child to address the request with their parent/guardian.

197.4(3) establishes that these sections will operate notwithstanding sections 2, 7, and 15 of the *Canadian Charter of Rights and Freedoms*.

197.4(4) establishes that these sections will operate notwithstanding sections 4, 5, and 13 of *The Saskatchewan Human Rights Code, 2018*.

197.4(5) establishes that no actions or proceedings based on a claim for loss or damages as it relates to this section or any policy or regulation related to this section shall be commenced against the Crown in the right of Saskatchewan, a member or former member of the Executive Council, a board of education, the conseil scolaire, the Saskatchewan Distance Learning Corporation or a registered independent school, or any employee of the Crown in the right of Saskatchewan, a board of education, the conseil scolaire, the Saskatchewan Distance Learning Corporation or a registered independent school.

197.4(6) establishes that every claim for loss or damage resulting from the enactment of this section or a policy or regulation related to this section is extinguished.

7. Existing Provision

New Section

Explanation

New section 370(1)(bbb.1) establishes the right of the Lieutenant Governor in Council to make regulations related to sections 197.2, 197.3 and 197.4.

8. Existing Provision

Coming into force

372 This Act comes into force on proclamation.

Explanation

To establish that the amendments will come into force upon Royal Assent.

Prepared by the Ministry of Education