

learn and apply skills in a meaningful context. In such contexts, students also have an opportunity to develop their ability to think and reason and to transfer knowledge and skills from one subject area to another. (emphasis added; pages 47-48)

143. In particular, the topics of inclusion, diversity (including gender diversity), and healthy relationships are addressed in a number of subjects across the Ontario curriculum, for example:

**Social Studies, Grades 1-6; History and Geography, Grades 7-8 (2018)
(Exhibit “12”)**

“Educators who have an awareness of a student’s development take each component into account, with an understanding of and focus on the following elements:

[...] social development – self-development (self-concept, self-efficacy, self-esteem); identity formation (gender identity, social group identity, spiritual identity); relationships (peer, family, romantic)” (page 5)

“In an environment based on the principles of inclusive education, all students, parents, caregivers, and other members of the school community – regardless of ancestry, culture, ethnicity, sex, physical or intellectual ability, race, religion, creed, gender identity/expression, gender, sexual orientation, socio-economic status, or other factors – are welcomed, included, treated fairly, and respected. Diversity is valued when all members of the school community feel safe, welcomed, and accepted.” (page 47)

“When leading discussions on topics related to diverse religious, ethnocultural, or socio-economic groups or the rights of citizenship, teachers should ensure that all students – regardless of culture, religious affiliation, gender, class, or sexual orientation – feel included and recognized in all activities and discussions.” (page 48)

Learning Expectations

Grade 1, A3. Understanding Context: “demonstrate an understanding that they and other people have different roles, relationships, and responsibilities, and that all people should be treated with respect, regardless of their roles, relationships, and responsibilities” (page 78)

Grade 2, A3.1: “identify and describe different types of families (e.g., *families with one parent, two parents, no children; same-sex families; blended and multigenerational families; immigrant families; families where the parents come from different religious or ethnocultural groups*) [...]” (page 80).

Grade 5, B1.2: “create a plan of action to address a social issue of local, provincial/territorial, and/or national significance (e.g., *homelessness, child poverty, bullying in schools, availability of physicians in remote communities, lack of employment opportunities within some regions*) [...] specifying the actions to be taken by the appropriate level (or levels) of government as well as by citizens. (pages 118-119)

Grade 5, B3.1: “describe the major rights and responsibilities associated with citizenship in Canada (e.g., *rights: equal protection under the law, freedom of speech, freedom of religion, the right to vote; responsibilities: to respect the rights of others, to participate in the electoral process and political decision making, to improve their communities*) (page 121)

Grade 6, A3.10: “identify and describe fundamental elements of Canadian identities (e.g., *inclusiveness; respect for human rights; respect for diversity; multiculturalism; parliamentary democracy; constitutional monarchy; bilingualism; the recognition of three founding nations; universal health care; recognition of First Nations, Métis, and Inuit as Indigenous peoples and original inhabitants of what is now Canada; the importance of treaties and treaty rights*)

Glossary

diversity. The presence of a wide range of human qualities and attributes within a group, organization, or society. The dimensions of diversity include, but are not limited to, ancestry, culture, ethnicity, gender identity, language, physical and intellectual ability, race, religion, sex, sexual orientation, and socio-economic status. (page 214)

equity. Fair, inclusive, and respectful treatment of all people. Equity does not mean treating all people the same, without regard for individual differences. See also equality. (page 215)

human rights. Rights that recognize the dignity and worth of every person, and provide for equal rights and opportunities without discrimination, regardless of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status, disability, or other similar factors. (page 217)

The Arts (2009) (Exhibit “6”)

“At the same time, the creation of various forms of art, inspired by styles from diverse cultures, provides opportunities for students to explore issues relating to their self-identity. Students should be made aware of the historical, cultural, and political contexts of both the traditional and non-traditional gender and social roles represented in the material they are studying. Attention should be drawn to the ways in which minority groups are represented.” (page 49)

Learning Expectations

Grade 1, B1.2: “demonstrate an understanding of the element of character by adopting thoughts, feelings, and gestures relevant to the role being played (e.g., [...] *express different points of view after reading a picture book about issues of belonging and discrimination; work with a partner to create a short scene that shows the importance of acceptance, understanding, and inclusion*)”

Grade 5, D1.3: “use elements of design in art works to communicate ideas, messages, and understandings (e.g., *a poster that presents solutions to stereotyping, bias, or bullying, using angle of view [...]*)”

Grade 6, A2.1: “construct personal interpretations of dance pieces that depict stories, issues, and themes, and explain their interpretations, using dance terminology (e.g., [...] *write a response journal entry on a dance piece performed by peers about a social issue [emotional or physical bullying, friendship, safety, fairness, family, inclusion, equity]*)”

Grade 7, A1.2 “use dance as a language to communicate messages about themes of social justice and/or environmental health (e.g., *possible solutions to bullying, poverty, racism, pollution, land claims, homelessness, war, deforestation, oppression, colonization*)”

Language Curriculum (2007) (Exhibit “8”)

“As students read and reflect on a rich variety of literary, informational, and media texts, they develop a deeper understanding of themselves and others and if the world around them. If they see themselves and others in the texts they read and the oral and media works they engage in, they are able to feel that the works are genuinely for and about them and they come to appreciate the nature and value of a diverse, multicultural society.” (page 3)

"Learning resources that reflect the broad range of students' interests, backgrounds, cultures, and experiences are an important aspect of an inclusive language program. In such a program, stories contain heroes and protagonists of both sexes from a wide variety of racial and cultural backgrounds. Students are made aware of the historical, social, and cultural contexts for both the traditional and non-traditional gender and social roles represented in the materials they are studying." (page 28)

Learning Expectations

Grade 1, 2.4: "choose appropriate words to communicate their meaning accurately and engage the interest of their audience (e.g. [...] *use inclusive language that conveys respect for all people*)"

Grade 5, 2.4: "use appropriate words and phrases from the full range of their vocabulary, including inclusive and non-discriminatory language, and stylistic devices suited to the purpose, to communicate their meaning accurately and engage the interest of their audience"

Grade 5, 2.7: "make revisions to improve the content, clarity, and interest of their written work, using a variety of strategies (e.g. [...] *check that language is inclusive and non-discriminatory*)"

Grade 6, 2.4: "use appropriate words and phrases from the full range of their vocabulary including inclusive and non-discriminatory language, and stylistic devices appropriate to the purpose and context, to communicate their meaning accurately and engage the interest of their intended audience"

Grade 6, 2.5: "identify their point of view and other possible points of view; determine, when appropriate, if their own view is balanced and supported by the evidence; and adjust their thinking and expression if appropriate (e.g., *revise writing focusing on the use of inclusive language, such as police officer instead of policeman*)"

Grade 6, 2.7: "make revisions to improve the content, clarity, and interest of their written work, using a variety of strategies (e.g. [...] *check that language is inclusive and non-discriminatory*)"

Grade 7, 2.4: "use appropriate words, phrases, and terminology from the full range of their vocabulary, including inclusive and non-discriminatory language, and a range of stylistic devices, to communicate their meaning accurately and engage the interest of their intended audience"

Grade 8, 2.4: “use appropriate words, phrases, and terminology from the full range of their vocabulary, including inclusive and non-discriminatory language, and a range of stylistic devices, to communicate their meaning effectively and engage the interest of their intended audience”

Glossary

diversity: In reference to a society, the variety of groups of people who share a range of commonly recognized physical, cultural, or social characteristics. Categories of groups may be based on various factors or characteristics, such as gender, race, culture, ethnicity, sexual orientation, ability/disability, age, religion, and socio-economic level.

inclusive language: Language that is equitable in its reference to people, thereby avoiding stereotypes and discriminatory assumptions (e.g., police officer includes both males and females, whereas policeman refers only to males). See also non-discriminatory language.

non-discriminatory language: Language that conveys respect for all people and avoids stereotyping based on gender, race, religion, culture, social class, sexual orientation, ability, or age. See also inclusive language.

144. These examples demonstrate that topics such as gender identity, sexual orientation, bullying, and effective communication are addressed at various points in the Ontario curriculum.

H. Similarities and differences between the 2018 Interim HPE Curriculum and the 2015 HPE Curriculum

i. Similar mandatory learning expectations, different teacher supports

145. Although the 2015 HPE Curriculum contained additional non-mandatory examples and sample teacher prompts to illustrate the learning expectations, several of the mandatory learning expectations are identical or substantially similar in both curricula. In the chart below, the mandatory language in the learning expectations is bolded, and the non-mandatory examples are not bolded:

| <u>Grade</u> | <u>Previous HPE Curriculum</u> | <u>Interim HPE Curriculum</u> |
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| By the end of Grade 1, students will: | <p>identify body parts, including genitalia (e.g., <i>penis, testicles, vagina, vulva</i>), using correct terminology (page 93)</p> <p>demonstrate the ability to recognize caring behaviours (e.g., <i>listening with respect, giving positive reinforcement, being helpful</i>) and exploitive behaviours (e.g., <i>inappropriate touching, verbal or physical abuse, bullying</i>), and describe the feelings associated with each (page 94)</p> | <p>identify the major parts of the body by their proper names. (page 83)</p> <p>demonstrate the ability to recognize caring behaviours (e.g., <i>listening with respect, giving positive reinforcement, being helpful</i>) and exploitive behaviours (e.g., <i>inappropriate touching, verbal or physical abuse, bullying</i>), and describe the feelings associated with each (page 81)</p> |
| By the end of Grade 2, students will: | <p>explain the importance of standing up for themselves, and demonstrate the ability to apply behaviours that enhance their personal safety in threatening situations (e.g., <i>speaking confidently; stating boundaries; saying no; respecting the right of a person to say no and encouraging others to respect that right also; reporting exploitive behaviours, such as improper touching of their bodies or others' bodies</i>) (page 109)</p> <p>describe how to relate positively to others (e.g., <i>cooperate, show respect, smile, manage anger, pay attention to what people say and to their facial expressions and body language</i>), and describe behaviours that can be harmful in relating to others (e.g., <i>verbal abuse, including both online and face-to-face name calling, insults, and mocking; deliberately ignoring someone, or ignoring the feelings they express; physical violence, including pushing, kicking, and hitting</i>) (page 110)</p> | <p>explain the importance of standing up for themselves, and demonstrate the ability to apply behaviours that enhance their personal safety in threatening situations (e.g., <i>speaking confidently; stating boundaries; saying no; reporting exploitive behaviours, such as improper touching of their bodies or others' bodies</i>) (page 96)</p> <p>describe how to relate positively to others (e.g., <i>cooperate, show respect, smile, manage anger</i>), and describe behaviours that can be harmful in relating to others (e.g., <i>verbal abuse, including name calling, insults, and mocking; deliberately ignoring someone; physical violence, including pushing, kicking, and hitting</i>) (page 97)</p> |
| By the end of Grade 3, students will: | explain how the portrayal of fictional violence in various media (e.g., <i>television dramas, video games, Internet, movies</i>) can create an unrealistic view of the consequences of real violence (e.g., | explain how the portrayal of fictional violence in various media (e.g., <i>television dramas, video games, Internet, movies</i>) can create an unrealistic view of the consequences of real violence (e.g., |

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| | <i>physical trauma, chronic disability, family stress, death) (page 124)</i> | <i>physical trauma, chronic disability, family stress, death) (page 111)</i> |
| By the end of Grade 4, students will: | describe various types of bullying and abuse (e.g., social, physical, verbal), including bullying using technology (e.g., via e-mail, text messaging, chat rooms, websites), and identify appropriate ways of responding (page 140) | describe various types of bullying and abuse (e.g., social, physical, verbal), including bullying using technology (e.g., via e-mail, text messaging, chat rooms, websites), and identify appropriate ways of responding (page 128) |
| By the end of Grade 5, students will: | <p>identify people (e.g., parents, guardians, neighbours, teachers, crossing guards, police, older students, coaches, elders) and supportive services (e.g., help lines, 9-1-1, Telehealth, public health units, student services) that can assist with injury prevention, emergencies, bullying, and abusive and violent situations (page 155)</p> <p>demonstrate the ability to deal with threatening situations by applying appropriate living skills (e.g., personal skills, including self-monitoring and anger management; interpersonal skills, including conflict resolution skills; communication skills, including assertiveness and refusal skills) and safety strategies (e.g., having a plan and thinking before acting; looking confident; being aware of their surroundings and of people's body language, tone of voice, or facial expressions; seeking help; drawing on cultural teachings, where appropriate, to analyse situations and develop responses)</p> <p>explain how a person's actions, either in person or online, can affect their own and others' feelings, self-concept, emotional well-being, and reputation (e.g., negative actions such as name calling, making homophobic or racist remarks, mocking</p> | <p>identify people (e.g., parents, guardians, neighbours, teachers, crossing guards, police, older students, coaches, elders) and supportive services (e.g., help lines, 9-1-1, Telehealth, public health units, student services) that can assist with injury prevention, emergencies, bullying, and abusive and violent situations (page 143)</p> <p>demonstrate the ability to deal with threatening situations by applying appropriate living skills (e.g., personal skills, including self-monitoring and anger management; interpersonal skills, including conflict resolution skills; communication skills, including assertiveness and refusal skills) and safety strategies (e.g., having a plan and thinking before acting; looking confident; being aware of surroundings; seeking help; drawing on cultural teachings, where appropriate, to analyse situations and develop responses) (page 145)</p> <p>explain how a person's actions (e.g., negative actions such as name calling, making homophobic or racist remarks, mocking appearance or ability, excluding, bullying, sexual harassment; positive actions such as praising, supporting, including) can affect the feelings, self-concept,</p> |

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| | <p><i>appearance or ability, excluding, bullying, sexual harassment [including online activities such as making sexual comments, sharing sexual pictures, or asking for such pictures to be sent]; positive actions such as praising, supporting, including, and advocating</i>) (page 160)</p> <p>describe emotional and interpersonal stresses related to puberty (e.g., <i>questions about changing bodies and feelings, adjusting to changing relationships, crushes and more intense feelings, conflicts between personal desires and cultural teachings and practices</i>), and identify strategies that they can apply to manage stress, build resilience, and enhance mental health and emotional well-being (e.g. <i>being active, writing feelings in a journal, accessing information about their concerns, taking action on a concern, talking to a trusted peer or adult, breathing deeply, meditating, seeking cultural advice from elders</i>) (page 158)</p> <p>Identify the parts of the reproductive system, and describe how the body changes during puberty (page 156)</p> <p>Describe the processes of menstruation and spermatogenesis, and explain how these processes relate to reproduction and overall development (page 156)</p> | <p>emotional well-being, and reputation of themselves and others (page 146)</p> <p>describe physical, emotional, and interpersonal changes associated with puberty; (page 147)</p> <p>Identify factors (e.g., trust, honesty, caring) that enhance healthy relationships with friends, family, and peers; (page 147)</p> <p>Identify strategies to deal positively with stress and pressures that result from relationships with family and friends; (page 147)</p> <p>Describe the secondary physical changes at puberty (e.g., growth of body hair, changes in body shape); (page 147)</p> <p>Describe the processes of menstruation and spermatogenesis (page 147)</p> |
| By the end of Grade 6, students will: | <p>apply personal skills and interpersonal skills (e.g., <i>self-awareness and self-management skills, including anger management; communication skills, including listening skills and assertiveness skills</i>) to promote positive interaction and avoid or manage conflict in social</p> | <p>apply personal skills and interpersonal skills (e.g., <i>self-awareness and self-management skills, including anger management; communication skills, including listening skills and assertiveness skills</i>) to promote positive interaction and avoid or manage conflict in social situations (e.g., <i>classroom groups,</i></p> |

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| | <p>situations (e.g., class-room groups, groups of friends, sports teams, school clubs) (page 174)</p> <p>making informed decisions that demonstrate respect for themselves and others and help to build healthier relationships, using a variety of living skills (e.g., personal and interpersonal skills; critical and creative thinking skills; skills based on First Nation, Metis and Inuit cultural teachings, such as medicine wheel teachings connected to the four colour or seven grandfather teachings, or other cultural teachings) (page 175)</p> | <p>groups of friends, sports teams, school clubs) (page 161)</p> <p>apply a problem-solving/decision-making process to address issues related to friends, peers, and family relationships (page 163)</p> |
| By the end of Grade 7, students will: | <p>describe benefits and dangers, for themselves and others, that are associated with the use of computers and other technologies (e.g., benefits: saving time; increased access to information; improved communication, including global access; dangers: misuse of private information; identity theft; cyberstalking; hearing damage and/or traffic injuries from earphone use; financial losses from online gambling; potential for addiction), and identify protective responses (page 194)</p> <p>assess the impact of different types of bullying or harassment, including the harassment and coercion that can occur with behaviours such as sexting, on themselves and others, and identify ways of preventing or resolving such incidents (e.g., communicating feelings; reporting incidents involving themselves or others; encouraging others to understand the social responsibility to report incidents and support others rather than maintaining a code of silence or viewing reporting as</p> | <p>describe benefits and dangers, for themselves and others, that are associated with the use of computers and other technologies (e.g., benefits: saving time; increased access to information; improved communication, including global access; dangers: misuse of private information; identity theft; cyberstalking; hearing damage and/or traffic injuries from earphone use; financial losses from online gambling; potential for addiction), and identify protective responses (page 180)</p> <p>assess the impact of different types of bullying or harassment (e.g., intimidation, ostracism, pressure to conform, gang activities) on themselves and others, and identify ways of preventing or resolving such incidents (e.g., communicating feelings; reporting incidents involving themselves or others; encouraging others to understand the social responsibility to report incidents and support others rather than maintaining a code of silence or viewing reporting as "ratting"; seeking help from support</p> |

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| | <p><i>"ratting"; seeking help from support services; learning skills for emotional regulation; using strategies for defusing tense or potentially violent situations) (page 198)</i></p> <p>explain the importance of having a shared understanding with a partner about the following: delaying sexual activity until they are older (e.g., choosing to abstain from any genital contact; choosing to abstain from having vaginal or anal intercourse; choosing to abstain from having oral-genital contact) the reasons for not engaging in sexual activity; the concept of consent and how consent is communicated; and, in general, the need to communicate clearly with each other when making decisions about sexual activity in the relationship; (page 195)</p> <p>Identify common sexually transmitted infections (STIs), and describe their symptoms (page 196)</p> | <p><i>services; learning skills for emotional regulation; using strategies for defusing tense or potentially violent situations) (page 182)</i></p> <p>describe age-appropriate matters related to sexuality (e.g., the need to develop good interpersonal skills, such as the ability to communicate effectively with the opposite sex) (page 184)</p> <p>use effective communication skills (e.g., refusal skills, active listening) to deal with various relationships and situations (page 184)</p> <p>explain the term abstinence as it applies to healthy sexuality (page 184)</p> <p>Identify the methods of transmission and the symptoms of sexually transmitted diseases (STDs), and ways to prevent them (page 184)</p> |
| By the end of Grade 8, students will: | <p>demonstrate the ability to assess situations for potential dangers (e.g., getting into a car with a stranger or an impaired, unlicensed, or inexperienced driver; dependencies or coercion in dating relationships; joining gangs; participating in violence; attending a party where alcohol or drugs are being used; using cosmetic procedures or treatments such as piercing, tattooing, crash diets, or tanning that involve potential health risks; exposure to infectious diseases through direct contact, sneezing, or coughing), and apply strategies for avoiding dangerous situations (page 217)</p> <p>explain how stress affects mental health and emotional well-being, and demonstrate an understanding</p> | <p>demonstrate the ability to assess situations for potential dangers (e.g., getting into a car with a stranger or an impaired, unlicensed, or inexperienced driver; dependencies or coercion in dating relationships; joining gangs; participating in violence; attending a party where alcohol or drugs are being used; using cosmetic procedures or treatments such as piercing, tattooing, crash diets, or artificial tanning that involve potential health risks), and apply strategies for avoiding dangerous situations (page 198)</p> <p>explain how stress affects mental health and emotional well-being, and demonstrate an understanding</p> |

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| <p>of how to use a variety of strategies for relieving stress and caring for their mental health (e.g., <i>engaging in physical activity, listening to music, resting, meditating, talking with a trusted individual, practising smudging</i>) (page 218)</p> <p>analyse the impact of violent behaviours, including aggression, anger, swarming, dating violence, and gender-based or racially based violence, on the person being targeted, the perpetrator, and bystanders, and describe the role of support services in preventing violence (e.g., <i>help lines, school counsellors, social workers, youth programs, shelters, restorative justice pro-grams, gay-straight student alliances</i>) (page 219)</p> <p>demonstrate an understanding of aspects of sexual health and safety, including contraception and condom use for pregnancy and STI prevention, the concept of consent, and matters they need to consider and skills they need to use in order to make safe and healthy decisions about sexual activity (e.g., <i>self-knowledge; abstinence; delaying first intercourse; establishing, discussing, and respecting boundaries; showing respect; need for additional information and support; safer sex and pleasure; communication, assertiveness, and refusal skills</i>) (page 218)</p> <p>identify and explain factors that can affect an individual's decisions about sexual activity (e.g., <i>previous thinking about reasons to wait, including making a choice to delay sexual activity and establishing personal limits; perceived personal readiness; peer pressure; desire; curiosity; self-concept; awareness and acceptance of gender identity and sexual orientation; physical or</i></p> | <p>of how to use a variety of strategies for relieving stress and caring for their mental health (e.g., <i>engaging in physical activity, listening to music, resting, meditating, talking with a trusted individual, practising smudging</i>) (page 198)</p> <p>analyse the impact of violent behaviours, including aggression, anger, swarming, dating violence, and gender-based or racially based violence, on the person being targeted, the perpetrator, and bystanders, and describe the role of support services in preventing violence (e.g., <i>help lines, school counsellors, social workers, youth programs, shelters, restorative justice programs</i>) (page 200)</p> <p>identify symptoms, methods of transmission, prevention, and high-risk behaviours related to common STDs, HIV, and AIDS; (page 201)</p> <p>identify methods used to prevent pregnancy; (page 201)</p> <p>explain the importance of abstinence as a positive choice for adolescents (page 201)</p> <p>identify the physical, emotional, interpersonal, and spiritual aspects of healthy sexuality (e.g., <i>respect for life, ethical questions in relationships, contraception</i>) (page 201)</p> <p>apply living skills (e.g., <i>decision-making, problem-solving, and refusal skills</i>) to respond to matters related to sexuality, drug use, and healthy eating habits (page 201)</p> |
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| <i>cognitive disabilities and possible associated assumptions; legal concerns; awareness of health risks, including risk of STIs and blood-borne infections; concerns about risk of pregnancy; use of alcohol or drugs; personal or family values; religious beliefs; cultural teachings; access to information; media messages), and</i> identify sources of support (e.g., a health professional [doctor, nurse, public health practitioner], a community elder, a teacher, a religious leader, a parent or other trusted adult, a reputable website) (page 215) | identify sources of support (e.g., parents/guardians, doctors) related to healthy sexuality issues (page 201) identify local support groups and community organizations (e.g., public health offices) that provide information or services related to health and well-being (page 201) |
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146. Some of the learning expectations in the 2015 HPE Curriculum were articulated with more specificity (and supplemented by more detailed examples and sample teacher prompts) than the corresponding learning expectations in the 2018 Interim HPE Curriculum. For example, in the 2015 HPE Curriculum, at page 215, students in Grade 8 were expected to learn to:

identify and explain factors that can affect an individual's decisions about sexual activity (e.g., previous thinking about reasons to wait, including making a choice to delay sexual activity and establishing personal limits; perceived personal readiness; peer pressure; desire; curiosity; self-concept; awareness and acceptance of gender identity and sexual orientation; physical or cognitive disabilities and possible associated assumptions; legal concerns; awareness of health risks, including risk of STIs and blood-borne infections; concerns about risk of pregnancy; use of alcohol or drugs; personal or family values; religious beliefs; cultural teachings; access to information; media messages), and identify sources of support regarding sexual health (e.g., a health professional [doctor, nurse, public health practitioner], a community elder, a teacher, a religious leader, a parent or other trusted adult, a reputable website)

147. The 2018 Interim HPE Curriculum, at page 201, states that students in Grade 8 are expected to learn to:

identify the physical, emotional, interpersonal, and spiritual aspects of healthy sexuality (e.g., *respect for life, ethical questions in relationships, contraception*);

apply living skills (e.g., *decision-making, problem-solving, and refusal skills*) to respond to matters related to sexuality, drug use, and healthy eating habits;

identify local support groups and community organizations (e.g., *public health offices*) that provide information or services related to health and well-being;

identify sources of support (e.g., *parents/guardians, doctors*) related to healthy sexuality issues”.

ii. Differences in the grade in which certain learning expectations are placed

148. In some cases, the mandatory learning expectations in the 2015 HPE Curriculum also appear in the 2018 curriculum in a substantially similar form, but are placed in a different grade. In the chart below, the mandatory content (as opposed to the examples) is bolded:

| <u>Previous HPE Curriculum</u> | <u>Interim HPE Curriculum and Secondary HPE Curriculum</u> |
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| <u>Grade 2: Outline the basic stages of human development (e.g., infant, child, adolescent, adult, older adult) and related bodily changes, and identify factors that are important for healthy growth and living throughout life</u> (page 108) | <p><u>Grade 3: Outline characteristics in the development and growth of humans from birth to childhood</u> (page 112)</p> <p><u>Grade 3: Describe basic changes in growth and development from birth to children</u> (e.g., change to teeth, hair, feet, and height) (page 112)</p> <p><u>Grade 4: Describe the four stages of human development (infancy, childhood, adolescence, and adulthood) and identify the physical, interpersonal, and emotional changes appropriate to their current stage</u> (page 132)</p> |
| <u>Grade 3: Describe how visible differences (e.g., skin, hair, and eye colour, facial features, body size and</u> | <u>Grade 2: Distinguish the similarities and differences between themselves and others</u> (e.g., in terms of body size or gender) |

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| <p>shape, physical aids or different physical abilities, clothing, possessions) and invisible differences (e.g., learning abilities, skills and talents, personal or cultural values, gender identity, sexual orientation, family background, personal preferences, allergies and sensitivities) make each person unique, and identify ways of showing respect for differences in others (page 124)</p> | <p>(page 98)</p> <p>Grade 2: describe how to relate positively to others (e.g., cooperate, show respect, smile, manage anger), and describe behaviours that can be harmful in relating to others (e.g., verbal abuse, including name calling, insults, and mocking; deliberately ignoring someone; physical violence, including pushing, kicking, and hitting) (page 97)</p> |
| <p>Grade 3: Identify the characteristics of healthy relationships (e.g., accepting differences, being inclusive, communicating openly, listening, showing mutual respect and caring, being honest) and describe ways of overcoming challenges (e.g., bullying, exclusion, peer pressure, abuse) in a relationship (page 121)</p> | <p>Grade 4: Identify the characteristics of healthy relationships (e.g., showing consideration of others' feelings by avoiding negative communication) (page 132)</p> <p>Grade 5: Identify factors (e.g., trust, honesty, caring) that enhance healthy relationships with friends, family, and peers (page 147)</p> <p>Grade 5: Identify strategies to deal positively with stress and pressures that result from relationships with family and friends (page 147)</p> |
| <p>Grade 4: Describe the physical changes that occur in males and females at puberty (e.g., growth of body hair, breast development, changes in voice and body size, production of body odour, skin changes) and the emotional and social impacts that may result from these changes (page 141)</p> | <p>Grade 5: Describe physical, emotional, and interpersonal changes associated with puberty (page 147)</p> |
| <p>Grade 5: Identify the parts of the reproductive system, and describe how the body changes during puberty (page 156)</p> | <p>Grade 6: Identify the major parts of the reproductive system and their functions and relate them to puberty (page 163)</p> <p>Grade 6: Relate the changes at puberty to the reproductive organs and their functions (page 163)</p> |
| <p>Grade 6: Assess the effects of stereotypes, including homophobia and assumption regarding gender roles and expectations, sexual orientation, gender expression, race, ethnicity or culture,</p> | <p>Grade 9: Demonstrate an understanding of factors (e.g., acceptance, stigma, culture, religion, media, stereotypes, homophobia, self-image, self-awareness) that can influence a person's understanding of</p> |

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| <p>mental health, and abilities, on an individual's self-concept, social inclusion, and relationships with others, and propose appropriate ways of responding to and changing assumptions and stereotypes (page 177)</p> <p>Grade 8: Demonstrate an understanding of gender identity (<i>e.g. male, female, two-spirited, transgender, transsexual, intersex</i>), gender expression, and sexual orientation (<i>e.g., heterosexual, gay, lesbian, bisexual</i>), and identify factors that can help individuals of all identities and orientations develop a positive self-concept (page 216)</p> | <p>their gender identity (<i>e.g., male, female, two-spirited, transgender, transsexual, intersex</i>) and sexual orientation (<i>e.g., heterosexual, gay, lesbian, bisexual</i>), and identify sources of support for all students. (page 104, 2015 Secondary School HPE Curriculum)</p> <p>*See paragraph 149 below.</p> |
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149. Express references to “sexual orientation” and “gender identity” are also in the curriculum expectations for the Grade 9 Healthy Active Living Course (page 104). Attached hereto as **Exhibit “62”** is the Health and Physical Education curriculum for grades 9 to 12. Although the Grade 9 course is not mandatory, I know from reviewing Ministry files that between 84%-85% of all Grade 9 students in 2015-2016 and 2016-2017 were enrolled in this course. All students must earn one credit in Grade 9-12 health and physical education in order to graduate with an Ontario Secondary School Diploma.

I. Laws and policies in place to ensure a safe and inclusive learning environment

150. School boards are required to provide safe, inclusive, and accepting learning environments for all students. Laws, ministry programs and policies directed at supporting equity and diversity and at eliminating bullying and discriminatory conduct in

schools continue to protect students, including LGBTQ2S+ students. These laws and policies are not affected by the change in the curriculum used.

151. Attached hereto as **Exhibit “63”** is Ontario’s Equity and Inclusive Education Strategy (“the Strategy”), which was launched in 2009. The Strategy helps the education community understand, identify, and remove discriminatory biases and systemic barriers in order to support student achievement and well-being. Barriers identified in the Strategy included sex, sexual orientation, gender, gender identity, and their intersection (page 11).

152. Attached hereto as **Exhibit “64”** is a document entitled “Equity and Inclusive Education in Ontario Schools: Guidelines for Policy Development and Implementation” (“the Guidelines”), released by the Government in 2014. These Guidelines are designed to help Ontario school boards review and/or continue to develop, implement, and monitor equity and inclusive education policies that support student achievement and well-being, in accordance with the principles and commitments set out in the Ministry’s policy directives (page 8). The Guidelines recognize that in reviewing, revising, or refining their board equity and inclusive education policies, each board has the flexibility to take into account local needs and circumstances such as geographical considerations, demographics, cultural needs, and the availability of board and community support and resources (page 14). Below are some examples that the Guidelines provide:

Thunder Bay Catholic District School Board provides Grade 7 and 8 students with an opportunity to experience Aboriginal arts through story telling, music, visual arts, interpretive movement, and drama. The program concludes with a symposium where students share stories, art, and dance created during the program. Aboriginal artists and community elders participate in the development and delivery of the program. (page 23)

The Greater Essex County District School Board has developed a comprehensive diversity training program called "Diversity Matters: An Educator's Guide to Respecting Diversity in the Classroom" as part of its New Teacher Induction Program. This mandatory workshop consists of modules designed to help teachers meaningfully address the changing needs of Ontario's increasingly diverse classrooms. (page 32)

The Conseil des écoles publiques de l'Est de l'Ontario believes that recognition of diverse Canadian traditions encourages the creation of a dynamic and inclusive school community. Recognition of and respect for the diverse religions and cultures within the board through an interfaith calendar support the board and schools in making decisions on religious accommodation and increase the participation of students and parents in school activities. (page 29)

The York Catholic District School Board asks for one staff member at each school to volunteer as an Equity/First Nation, Métis, and Inuit representative. This person works with the principal, other staff, and the school community to address equity issues and coordinate activities to mark important cultural days or events, including Black History Month, Stand Up Against Poverty Day, and World HIV/AIDS Day [...]. (page 21)

153. Attached hereto as **Exhibit "65"** is a document entitled "Foundations for a Healthy School: Promoting well-being is part of Ontario's Achieving Excellence vision", released by the Government in 2014. The document is intended to support the integration of healthy schools policies, programs and initiatives into school and school board planning and implementation processes by focusing on five interconnected areas: Curriculum, Teaching & Learning; School & Classroom Leadership; Student Engagement; Social & Physical Environments; and Home, School, & Community Partnerships,

154. The Ministry issues policy directives to school boards and school authorities in the form of Policy/Program Memoranda (or "PPMs"), which outline the Ministry's expectations regarding the implementation of ministry policies and programs.

155. Attached hereto as **Exhibit "66"** is PPM 119, entitled "Developing and Implementing Equity and Inclusive Education Policies in Ontario Schools". PPM 119

identifies three core priorities for the education system: 1) high level of student achievement; 2) reduced gaps in student achievement; and 3) increased public confidence in publicly funded education. PPM 119 recognizes that “[a]n equitable, inclusive education system is fundamental to achieving these core priorities” (page 1). The purpose of PPM 119 “is to provide direction to school boards on the review, development, implementation, and monitoring of equity and inclusive education policies to support student achievement and well-being” (page 2). PPM 119 notes that “such factors as race, sexual orientation, physical or mental disability, gender, and class can intersect to create additional barriers for some students” (page 2).

156. PPM 119 defines inclusive education as “Education that is based on the principles of acceptance and inclusion of all students. Students see themselves reflected in their curriculum, their physical surroundings, and the broader environment, in which diversity is honoured and all individuals are respected” (page 9).

157. PPM 119 requires all publicly-funded school boards to develop, implement, and monitor an equity and inclusive education policy (page 3). The policy must be comprehensive and cover the prohibited grounds of discrimination set out in the *Ontario Human Rights Code*, R.S.O. 1990, c. H 19, including sex, sexual orientation, gender identity, and gender expression (page 4). PPM 119 also states that when reviewing or developing their policy, boards are expected to consult widely, including with students, parents and guardians (page 4).

158. School boards in Ontario also have a wide range of equity and inclusive education policies, guidelines and plans that reflect the Ministry of Education’s Equity and Inclusive Education Strategy. The policies encompass areas such as: data collection

methods, equitable financial and human resource allocation, employment practices, leadership and relationships in the school board communities, language and literacy, counselling supports, professional development, and human rights accommodations, among others. The policies also highlight principles of: fairness, non-discrimination, equity, anti-racism, anti-oppression, acceptance and inclusion. **Exhibits “67” – “73”** are examples of various school boards’ equity and inclusion policies.

159. The Ministry of Education is aware that many school boards in Ontario have specific policies, guidelines and accommodation procedures related to gender identity and gender expression, such as use of preferred gender pronouns and use of washroom and changing facilities that corresponds to a person’s gender identity and gender expression. For example, the Hastings and Prince Edward District School Board has created a Resource Guide entitled “Resource Guide to Support Gender Identity and Gender Expression”, attached hereto as **Exhibit “74”**, which include the following guidelines:

HPEDSB will support actions, activities and campaigns that are trans-positive, create awareness about and see to end transphobia, gender stereotypes, and gender-based discrimination and violence.

Everyone has the right to be addressed by a name and pronoun corresponding to their gender identity. This is true whether they have obtained a legal name or sex designation change (e.g. a student’s preferred name and change of gender can be used in the student information system, on class lists or timetables). School staff may need to make manual changes to report cards and diplomas to ensure that the preferred name and pronouns appear on these documents.

Everyone has a right to access safe restroom facilities and the right to use a washroom that best corresponds to their gender identity and gender expression, regardless of sex assigned at birth. Requiring people to prove their gender by requiring a doctor’s letter, for example, is not acceptable. A person’s self-identification is the sole measure of the person’s gender.

Attached hereto as **Exhibit “75”** is Simcoe County District School Board’s Guidebook entitled “Creating Positive Spaces for Trans* Students”. Attached hereto as **Exhibit “76”** is Ottawa-Carleton’s District School Board’s Guide entitled “Gender Identity and Gender Expression: Guide To Support Our Students.” Attached hereto as **Exhibit “77”** is Thames Valley District School Board’s Guidelines entitled “TVDSB Guidelines for the Accommodation of Gender Diverse and Trans Students and Staff.” Attached hereto as **Exhibit “78”** is the Toronto District School Board’s Guidelines entitled “TDSB Guidelines for the Accommodation of Transgender and Gender Non-Conforming Students and Staff.” The change in the HPE curriculum does not affect any of these policies.

160. PPM 119 also directs school boards and schools to “use inclusive curriculum and assessment practices and effective instructional strategies that reflect the diverse needs of all students and the learning pathways that they are taking”. PPM 119 further directs school boards to use strategies to reduce achievement gaps, including “reviewing resources, instruction, and assessment and evaluation practices to identify and eliminate stereotypes, discriminatory biases, and systemic barriers” (page 6).

161. PPM 144 entitled “Bullying Prevention and Intervention”, attached hereto as **Exhibit “79”**, recognizes that a positive school climate, where all members of the school community feel safe, included, and accepted, is a crucial component of bullying prevention and identifies some characteristics of a positive school climate:

- Students, school staff members, and parents feel safe, and are safe, included, and accepted.

- All members of the school community demonstrate respect, fairness, and kindness in their interactions, building healthy relationships that are free from discrimination and harassment.
- Students are encouraged and given support to be positive leaders and role models in their school community.
- Open and ongoing dialogue takes place between the principal, staff members, parents, and students. All partners are actively engaged.
- The learning environment, instructional materials, and teaching and assessment strategies reflect the diversity of all learners, as well as their language of instruction (English; French as a first language; French as a second language).
- Every student is inspired and given support to succeed in an environment of high expectations.
- Bullying prevention and awareness-raising strategies for students and staff are reinforced through curriculum-linked programs. (page 2)

162. PPM 144 requires every board to establish a bullying prevention and intervention plan for the schools of the board. It also requires that boards must use the definition of bullying provided in the *Education Act* for the purposes of its policies on bullying prevention, which includes cyber-bullying, and explicitly states:

Principals must also suspend a student, and consider referring that student for expulsion, for any incident under subsection 306(1) of the *Education Act*, including bullying, that is motivated by bias, prejudice, or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, gender identity, gender expression, or any other similar factor (e.g., socio-economic status, appearance). (page 3)

163. PPM 144 also requires school boards, as part of the monitoring and evaluation of their policies, to conduct anonymous school climate surveys of students, staff, and parents at least once every two years. These surveys must include questions on bullying/harassment related to sexual orientation, gender identity, and gender expression, as well as questions on sexual harassment (page 8).

164. Attached hereto as **Exhibit “80”** is PPM 145, entitled “Progressive Discipline and Promoting Positive Student Behaviour”. PPM 145 addresses the importance of actively promoting and supporting appropriate and positive student behaviours, and that a whole-school approach should be taken to support positive school climates. PPM 145 confirms that the Ministry of Education is committed to supporting boards in building and sustaining a positive school climate that is safe, inclusive and accepting for all students.

The PPM defines “school climate”:

The school climate may be defined as the learning environment and relationships found within a school and school community. A positive school climate exists when all members of the school community feel safe, included, and accepted, and actively promote positive behaviours and interactions. Principles of equity and inclusive education are embedded in the learning environment to support a positive school climate and a culture of mutual respect. A positive school climate is a crucial component of the prevention of inappropriate behaviour. (page 2)

160. Principals are reminded about their obligation to suspend when bullying is related to sexual orientation, gender identity, gender expression amongst other things:

“Principals must also suspend a student, and consider referring that student for expulsion, for any incident under subsection 306(1) of the Education Act, including bullying, that is motivated by bias, prejudice, or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, gender identity, gender expression, or any other similar factor (e.g. socio-economic status, appearance).” (page 5, PPM 145)

165. PPM 145 recognizes the important role of teachers, administrators and other school staff in building and sustaining a positive school environment:

In addition to teachers and administrators, other school staff play an important role in supporting students and contributing to a positive learning and teaching environment. "In schools where respectful interactions are encouraged and modelled, prevention is occurring at all times." (Citations omitted; page 3)

166. PPM 145 also recognizes that a positive school climate "also includes the participation of the school community, including parents [which is defined as including guardians], and the broader community, which can have a positive impact on the success of all students in the school." (page 3)

167. PPM 145 further recognizes the role of student-led activities and organizations in building and sustaining a positive school climate and requires boards to support such student-led activities and organizations:

In accordance with subsection 303.1(1) of the Education Act, every board shall support students who want to establish and lead activities and organizations that promote a safe and inclusive learning environment, acceptance of and respect for others, and the creation of a positive school climate, including activities or organizations that promote gender equity; antiracism; the awareness and understanding of, and respect for, people with disabilities; or awareness and understanding of, and respect for, people of all sexual orientations and gender identities, including organizations with the name "gay-straight alliance" or another similar name. (page 3)

168. PPM 145 outlines the requirements for school boards in providing supports for students affected by inappropriate behavior and for those who engage in these types of incidents:

School boards must provide supports for all students who are affected by serious student incidents and all inappropriate behaviour, and for those who engage in these types of incidents, to assist them in developing healthy relationships,

making choices that support continuing their learning, and achieving success. Supports may be provided by employees of the board, through board programs and resource personnel, or through community-based service providers, including social service agencies and mental health services.

In responding to any incident, board employees who work directly with students must act in a timely, sensitive, and supportive manner. They are expected to support students – including those who disclose or report incidents and those who wish to discuss issues of healthy relationships, gender identity, and sexuality – by providing them with contact information about professional supports (e.g., public health units, community-based service providers, help phone lines) (page 10)

169. Ontario's Strategy, Guidelines and PPMs related to equitable and inclusive education require school boards to provide safe, inclusive, and accepting learning environments for all students. School boards, in turn, are given flexibility to develop, review, and refine their policies to meet the requirements of Ontario's Strategy, Guidelines, and PPMs, taking into account its local needs and circumstances.

170. Attached hereto as **Exhibit "81"** is PPM 128, entitled "The Provincial Code of Conduct and School Board Codes of Conduct". It sets clear provincial standards of behavior applying to students on school property, school buses, at school-related events or activities, or in other circumstances that could have an impact on the school climate. The standards also apply to all individuals involved in the publicly-funded school system, including principals, teachers, other school staff, parents, volunteers, and community groups. PPM 128 states that all members of the school community must "respect and treat others fairly, regardless of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status, or disability" (page 5).

J. School boards have indicated that the 2018 Interim HPE Curriculum will be taught in an inclusive way

171. On September 13, 2018, the Toronto District School Board (TDSB) sent a letter to parents and guardians regarding the 2018 Interim HPE Curriculum, which stated that “while the wording may be different than the 2015 curriculum, the 2010 curriculum [i.e. the 2018 Interim HPE Curriculum] still contains many critically important topics”. The letter indicated that the TDSB was “confident our teachers will continue to deliver the provided curriculum in ways that meet the Ministry direction, and create a learning environment for students that is safe, inclusive and focused on their success and well-being”. The letter is attached hereto as **Exhibit “82”**.

172. The TDSB also issued a “Guide to the Revised Ontario Health and Physical Education Curriculum”, referred to in the letter. The Overview to the Guide describes the similarities between the two curriculum documents, and states that the 2018 Interim HPE Curriculum “still contains many critically important topics”:

While the wording may be different than the 2015 curriculum, the 2010 curriculum still contains many critically important topics. In some cases, these topics are now covered under “prompts” as opposed to “expectations,” but they remain in the curriculum. As a result, educators will continue to have discussions about diverse families, online safety, consent, etc.

Here are some examples:

- (M)ental health, body image, substance abuse, violence, harassment, child abuse, gender identity, sexual orientation, illness (including HIV/AIDS), and poverty will continue to be discussed within an open, caring, sensitive way and in an atmosphere of mutual respect (page 30).
- Teachers can also have a decisive influence on students by [...] taking advantage of “teachable moments” to address immediate relationship issues that may arise among students. (T)he study of healthy relationships, particularly with respect to bullying/harassment and violence

prevention, should include a focus on sexist, racist, and homophobic behaviour (page 56).

- (A)ll students must be made aware of issues of privacy, safety, and responsible use, as well as of the potential for abuse of this technology, particularly when it is used to promote hatred (page 64).
- (A)pply living skills (e.g., decision –making, assertiveness, and refusal skills) in making informed decisions and analyse the consequences of engaging in sexual activities and using drugs (page 201.)

173. The Guide contains multiple charts outlining the “key topics and expectations” in each grade, as well as charts comparing the learning expectations contained in the 2018 Interim HPE Curriculum with those contained in the 2015 HPE Curriculum. The Guide states that TDSB staff “is committed to teaching the re-issued 2010 curriculum including topics such as online-safety, sexual orientation, mental health, gender identification and consent, with our continued comprehensive safety and well-being approach, in a professional and respectful manner that is both developmentally and age appropriate”. The Guide is attached hereto as **Exhibit “83”**.

174. The Limestone District School Board in the Kingston area released a statement regarding the 2018 Interim HPE Curriculum on August 30, 2018, attached hereto as **Exhibit “84”**, which states that the 2018 Interim HPE Curriculum “contains many critically important topics” and that “staff will continue to support our students on important topics such as gay marriage, gender identity, online safety, and sexual consent”:

It is important to note that while the wording may differ from the 2015 curriculum, the 2010 document contains many critically important topics. In some cases, these topics are now covered under “prompts” as opposed to “expectations,” but they remain in the curriculum.

[...] All staff will continue to support our students on important topics such as gay marriage, gender identity, online safety, and sexual consent. Many of these topics are supported by other curricular areas, the Safe and Accepting Schools legislation as well as the Ontario Human Rights Code. As always, we will work with our students, families and community partners to ensure we are responsive to the needs of our students.

We know that education is fluid, and that teaching is not confined to subjects and scheduled blocks of time. In fact, in day-to-day interactions with students, “teachable moments” often occur outside of the classroom, in hallways and on the schoolyard. We will continue to help our students develop healthy relationships, free of racism, bullying and homophobia, supported through our equity and inclusion principles.

[...] Please be assured that we will continue to support our students’ emotional, mental and physical needs in a safe and inclusive environment.

175. The Peel District School Board sent a memo to all elementary teachers, vice-principals, and principals regarding the 2018 Interim HPE Curriculum on August 30, 2018, attached hereto as **Exhibit “85”**, which states:

It should be noted that creating a safe, inclusive, and welcoming school and classroom environment is not only clearly articulated in the [2018 Interim HPE Curriculum], but also legislated and support through the following:

- Canadian Charter of Rights and Freedoms
- Ontario Human Rights Code
- Ontario Education Act
- Safe and Accepting Schools Policies
- Equity and Inclusive Education in Ontario Schools: Guidelines for Policy Development and Implementation, 2014
- Ontario’s Equity and Inclusive Education Strategy
- [Peel District School Board] policies and procedures

Our classrooms and schools will continue to reflect and support equity and diversity and actively create and provide an inclusive and welcoming learning environment.

8594

176. The Ottawa-Carleton District School Board released an update regarding the 2018 Interim HPE Curriculum on September 13, 2018, attached hereto as **Exhibit "86"**, which states "Our classrooms and schools will continue to reflect and support equity and diversity, and actively create and provide an inclusive, safe and caring learning environment for all students and staff. For example learning resources will continue to reflect diversity and representation of our families and communities; schools will continue to support clubs and activities such as the Rainbow Youth Forum; and the OCDSB Gender Identity and Gender Expression Guide will continue to serve as a resource for supporting students".

AFFIRMED BEFORE ME at the City)
of Toronto, in the Province of Ontario)
this 5th day of November, 2018.)

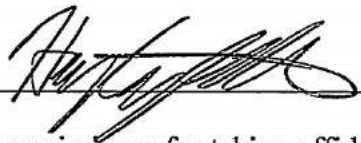


Name: Hayley Pitcher
A Commissioner, etc. LSO 68538H



MARTYN BECKETT

This is Exhibit "1" referred to in the
affidavit of Martyn Beckett
affirmed before me, this 5th
day of November, 2018


A commissioner for taking affidavits