

81. As a further example, on January 27, 2015, the Peel District School Board wrote to the then Minister of Education to “share [...] concerns raised by our parent communities and school councils regarding the recent parent survey”. The letter is attached hereto as **Exhibit “20”**. The specific concerns raised in the letter included that the parent survey was based on “unrealistic timelines” and a “limited sample”. The Peel District School Board suggested “in the future, a longer, more comprehensive, more inclusive and transparent consultation process with parents.”

82. Various MPPs wrote to the then Minister of Education to share concerns of their constituents regarding the consultation process. For example:

- (a) On July 17, 2015, the MPP for Kitchener Centre shared concerns expressed to her by the Muslim Parents Action Committee KW that “there was not sufficient opportunity for parental consultation”, attached hereto as **Exhibit “21”** (personal information has been redacted);
- (b) On August 4, 2015, the MPP for Lambton-Kent-Middlesex wrote, “Parents across Ontario are rightly concerned about both the forced and rushed nature of the new curriculum, and deserve to be heard”, attached hereto as **Exhibit “22”**; and
- (c) On August 5, 2015, the MPP for Elgin-Middlesex-London wrote, “A large group of parents in my riding feel that the new curriculum is age-inappropriate and believe further consultation is necessary before implementation this coming September”, attached hereto as **Exhibit “23”**.

83. Various associations wrote letters expressing concerns about the consultation process. For example, OAPCE wrote a letter to the then Deputy Minister to “express our concerns about the recent survey consultation”, noting that “the timelines, process and survey content may not have provided an accurate or inclusive result”. The letter is attached hereto as **Exhibit “24”**. The letter states that OAPCE parents “all have the same feeling of having been denied the opportunity to provide our input in this consultation process”. As a further example, on March 6, 2015, the Canadian Polish Congress wrote a letter to members of Provincial Parliament expressing their concern over curriculum changes and requesting “further input from all of Ontario's constituents”. The letter is attached hereto as **Exhibit “25”**.

84. Parents also wrote to the Ministry directly to express concerns about the consultation process. For example, on June 28, 2015, one parent “with a child currently in the system” wrote to the then Premier stating that “I feel as though I have been left without a voice in this situation”. On March 24, 2015, another parent wrote to the then Minister of Education that they were “disappointed by the lack of opportunity for open and transparent dialogue on the development of the revised sex education material.” The letters are attached hereto as **Exhibits “26”** and **“27”** respectively (personal information has been redacted). On August 16, 2016, over 330 parents in the Waterloo region also wrote to the then Minister of Education expressing concerns that “Ontario families were never allowed the voice they were promised” in the consultation process. The letter is attached hereto as **Exhibit “28”** (personal information has been redacted).

85. The Ministry was also aware of media reports, editorials, and publicly-expressed opinions indicating concern with the 2015 HPE Curriculum. Between February 2015 and

May 2016, as part of its ongoing media monitoring, the Ministry became aware of approximately 250 media reports, editorials, and publications or expressions of opinion about the 2015 HPE Curriculum, a list of which is attached hereto as **Exhibit “29”**.

86. Included in this list are the following media reports:

- (a) A *Canadian Press* article dated February 24, 2015 reporting on public protests, attached hereto as **Exhibit “30”**;
- (b) A *Globe and Mail* article dated April 14, 2015 reporting on public protests, attached hereto as **Exhibit “31”**;
- (c) A *Toronto Star* article dated September 8, 2015 reporting on reduced student attendance at Thorncliffe Park school in Toronto, attached hereto as **Exhibit “32”**;
- (d) A *Hamilton Spectator* article dated October 2, 2015 reporting on protests by parents and children at Stoney Creek’s Lake Avenue elementary school, attached hereto as **Exhibit “33”**;
- (e) A *Toronto Star* article dated December 2, 2015 reporting on reduced enrolment in Toronto’s public elementary schools, attached hereto as **Exhibit “34”**; and
- (f) A *Globe and Mail* article dated May 24, 2016 reporting on reduced enrolment in Toronto’s public elementary schools, attached hereto as **Exhibit “35”**;

87. These media reports informed the Ministry of significant community concerns being expressed about the 2015 HPE Curriculum, including: the age-appropriateness of certain learning expectations in certain grades; concerns that parents had not adequately been consulted; concerns that the curriculum interfered with religious

beliefs; and concerns that the curriculum undermined the primary role of parents in educating their children in sensitive matters such as sexual health.

88. Both the 2018 Interim HPE Curriculum and the 2015 HPE Curriculum acknowledge that the topics addressed in the HPE curriculum are sensitive in nature and are connected to family, religious, and/or cultural values:

Some topics within the Healthy Living strand can be challenging to teach because of their personal nature and their connection to family, religious, or cultural values. These topics can include but are not limited to topics covered in the Growth and Development section of the 1998 curriculum, as well as topics such as mental health, body image, substance abuse, violence, harassment, child abuse, gender identity, sexual orientation, illness (including HIV/AIDS), and poverty. These topics must be addressed with sensitivity and care. It is important that both teachers and learners have a comfort level with these topics so that information can be discussed openly, honestly, and in an atmosphere of mutual respect.

When addressing all topics, but especially ones that can be challenging to talk about, it is important to give students an opportunity to explore all sides of the issue to promote understanding. Facts need to be projected objectively and students given the information they need to make informed decisions. Topics that can be challenging to talk about are best taught through discussion rather than direct instruction. It is important to set ground rules so that the discussion takes place within a setting that is accepting, inclusive, and respectful of all.

2018 Interim HPE Curriculum, pages 30-31 (**Exhibit “4”**)

See also 2015 HPE Curriculum, page 36, which contains a substantially identical quote (**Exhibit “18”**)

89. Both the 2018 Interim HPE Curriculum and the 2015 HPE Curriculum also acknowledge that parents are the “primary educators” when it comes to learning about “values, appropriate behavior, and ethnocultural, spiritual, and personal beliefs and traditions”, and that “teachers should inform parents about what their children are learning”:

Parents play an important role in their children's learning. Studies show that students perform better in school if their parents are involved in their

education. By becoming familiar with the health and physical education curriculum, parents can better appreciate what is being taught in each grade and what their children are expected to learn. This awareness will enhance parents' ability to discuss their children's work with them, to communicate with teachers, and to ask relevant questions about their children's progress. Knowledge of the expectations will also help parents to understand how their children are progressing in school, to interpret teachers' comments on student progress, and to work with teachers to improve their children's learning. [...]

Parents are the primary educators of their children with respect to learning about values, appropriate behaviour, and ethnocultural, spiritual, and personal beliefs and traditions, and they act as significant role models for their children. It is therefore important for schools and parents to work together to ensure that home and school provide a mutually supportive framework for young people's education. [...]

See 2018 Interim HPE Curriculum, pages 9-10 (**Exhibit "4"**) and 2015 HPE Curriculum, page 13 (**Exhibit "18"**)

As a part of good teaching practice, teachers should inform parents about what their children are learning and when various topics are to be addressed. Such practices allow parents to work in partnership with the school, providing opportunities for discussion and follow-up at home and for reinforcing the student's learning in a family context.

See 2018 Interim HPE Curriculum, page 9 (**Exhibit "4"**)

See also 2015 HPE Curriculum, pages 13-14, which contains a substantially identical quote (**Exhibit "18"**)

90. The 2018 Interim HPE Curriculum also notes the importance of engaging parents and community members from diverse communities, and encouraging their participation in and support of school activities:

School-community interactions should reflect the diversity of both the local community and the broader society. A variety of strategies can be used to communicate with and engage parents and community members from diverse communities, and to encourage their participation in and support of school activities, programs, and events. Family and community members should be invited to take part in teacher interviews, the school council, and

the parent involvement committee, and to attend and support activities such as plays, concerts, co-curricular activities and events, and various special events at the school. Schools may consider offering assistance with childcare or making alternative scheduling arrangements in order to help caregivers participate. Students can also help by encouraging and accompanying their families, who may be unfamiliar with the Ontario school system. Special outreach strategies and encouragement may be needed to draw in the parents of English language learners and First Nation, Métis, or Inuit students, and to make them feel more comfortable in their interactions with the school.

See 2018 Interim HPE Curriculum, page 57 (**Exhibit “4”**)

See also 2015 HPE Curriculum, pages 67-68, which contains a substantially identical quote (**Exhibit “18”**)

91. There is evidence that enrolment in publicly-funded elementary schools declined in the 2015-2016 school year. Attached hereto as **Exhibit “36”** is a page from the Ministry’s website containing 2015 enrolment data for Ontario Schools. Enrolment in publicly-funded elementary schools declined in the 2015-2016 school year, after having increased in each of the previous four school years:

Elementary and Secondary School Enrolment, 2005–06 and 2011–12 to 2015–16

	2005–06	2011–12	2012–13	2013–14	2014–15	2015–16
Public	949,435	918,341	922,741	927,978	932,976	930,343
Roman Catholic	461,576	425,275	423,857	424,987	426,376	427,330
Total	1,411,011	1,343,616	1,346,598	1,352,965	1,359,352	1,357,673

92. By contrast, enrolment in private elementary schools increased in 2015:

Private School Enrolment, 2005–06 and 2011–12 to 2015–16

	2005–06	2011–12	2012–13	2013–14	2014–15	2015–16
Elementary	50,865	49,100	51,165	49,009	52,022	55,515
Secondary	20,678	18,840	20,707	20,506	23,475	23,995
Combined	48,041	46,598	48,379	54,626	54,110	54,409
Total	119,584	114,538	120,251	124,141	129,607	133,919

F. The Government's commitment to further and enhanced public consultation

93. As noted above at paragraphs 11-16, the Government has announced that the next HPE curriculum, which is intended to come into effect in September 2019, will be age-appropriate and informed by thorough consultation open to all Ontarians. To this end, the Government is conducting a broad and robust public consultation process that will focus on engaging parents, guardians, and interested individuals.

94. On July 16, 2018, the Minister stated in the Legislative Assembly:

In that spirit, Speaker, I would like to share with you today that, contrary to what was reported last week, we are going to stand firmly in support of students and the realities they face in 2018. We know they need to learn about consent. We know they need to learn about cyber safety. We know they need to learn about gender identity and appreciation. But we also know that the former Liberal government's consultation process was completely flawed, and that's where we're going to focus, and we're going to respect parents and allow them a chance to once and for all have their voices heard in a very fulsome, thoughtful, inclusive consultation.

This statement is attached hereto as **Exhibit "37"**.

95. On July 25, 2018, the Minister of Health and Long Term Care and Deputy Premier stated in the Legislative Assembly:

As we have indicated all along, what we want to do is listen to parents, such as the parents that you're speaking about, to make sure we hear from everyone so that we have a proper end-to-end consultation that is completely inclusive and that hears from everyone. We had only a very small sample of parents who participated in the last so-called consultation. We want it to be a thorough consultation that takes into account the views of everyone in Ontario.

This statement is attached hereto as **Exhibit "38"**.

96. On August 7, 2018, the Minister of Health and Long Term Care and Deputy Premier stated:

What we have said from the beginning, what we said during the course of the campaign is that we want to involve parents in the consultations with respect to the sex and health ed curriculum that's going to be taught in the schools. Parents were not consulted properly in the last iteration. We want to make sure that we have a thorough consultation. We want to hear from anybody who has something to say about the sex ed curriculum, so that we can make sure that it's updated, that it is current, that it covers all issues including cyberbullying, sexting, all of the other issues we want to have covered, to make sure that our students are going to be safe in our schools.

We're starting that consultation process in September and we want anybody who has something to say to be in touch with us and let us know what that is.

This statement is attached hereto as **Exhibit "39"**.

97. On August 13, 2018, prior to the issuance of the 2018 Interim HPE Curriculum, the Elementary Teachers' Federation of Ontario ("ETFO") issued a media released titled "ETFO denounces government Sex Ed decision, will advise teachers to teach all sections of the current curriculum." The media release stated that "The Elementary Teachers' Federation of Ontario (ETFO) has strongly denounced the Ontario

government's decision to repeal the updated 2015 sexual health curriculum and will advise its members to continue to exercise their professional judgement when it comes to teaching all sections of the current curriculum." The media release further stated that "ETFO will vigorously defend members who continue to follow the 2015 Health Curriculum". The media release, which is posted on ETFO's website, is attached hereto as **Exhibit "40"**.

98. On August 22nd, 2018, the Government issued a press release, attached hereto as **Exhibit "41"** and backgrounder, referred to above as **Exhibit "5"**, regarding parental consultation on Ontario's curriculum. The Government also announced that it would begin drafting a *Ministry of Education Parents' Bill of Rights*.

99. The press release also indicated that the Government expected teachers to develop their instruction based on the newly issued 2018 Interim HPE Curriculum, and that "We expect our teachers, principals and school board officials to fulfill their obligations to parents and children when it comes to what our students learn in the classroom".

100. The Ministry also launched a website on August 22, 2018 – ForTheParents.ca – to invite feedback on the education system in Ontario. When the website was first launched, it stated that it was "designed to give parents a portal to provide feedback about concerns related to the curriculum being taught in the classroom, while the consultation process is underway". At that time, the website contained two links. The first link, "I want to express concerns about the curriculum currently being taught in my child's classroom", took the user to an online submission form where the user could provide feedback and comments to the Ministry. The second link, "I have another issue I

want to address”, took the user to the Ontario College of Teachers webpage explaining the Complaints Process. Attached hereto as **Exhibit “42”** is a copy of the website homepage as it existed on August 22, 2018.

101. Between August 22, 2018 and September 22, 2018, there were approximately 25,000 submissions received by the Ministry through the website. Of these 25,000 submissions, very few included allegations of professional misconduct against a teacher, and only 13 of these included the contact information of the person making the submission. On October 5, 2018, the Deputy Minister of Education, Nancy Naylor, wrote a letter to the Chair of the Ontario College of Teachers advising that the Ministry would contact the 13 individuals who alleged professional misconduct and would refer them to the College’s own website for more information about the complaints process. Attached hereto as **Exhibit “43”** is a copy of the letter signed by Deputy Minister Naylor. Also attached hereto as **Exhibit “44”** is a copy of the letter that the Ministry sent to the 13 individuals (personal information has been redacted) on November 2, 2018.

102. On September 28, 2018, the Ministry refreshed the website to indicate that the consultations were now open, and to identify the different ways parents and other interested individuals could participate. The website states that “we invite everyone – parents, students, educators and interested individuals or organizations – to provide feedback on the education system in Ontario”. The website was further updated on October 19, 2018 to launch the online survey and provide information on telephone townhalls. The website continues to be refreshed periodically. Attached hereto as **Exhibit “45”** is a copy of the website as of November 5, 2018.

103. The website includes information about how to participate in the consultation process. As indicated on the website, feedback from the consultations will help shape decisions in the following areas:

- Improving student performance in Science, Technology, Engineering and Math (STEM);
- Preparing students with needed job skills, such as skilled trades and coding;
- Improving provincial standardized testing;
- Ensuring students graduate with important life skills, including financial literacy;
- Managing the use of technology in classrooms, such as cell phones;
- Building a new age-appropriate Health and Physical Education curriculum that includes subjects like mental health, sexual health education and the legalization of cannabis; and,
- Developing the first-ever Parents' Bill of Rights.

104. The website describes the three different ways to participate in the consultations.

105. The first is the Open Submission, which is attached hereto as **Exhibit "46"**. This allows users to provide their feedback on any aspect on the education system that they choose. Users may send the Ministry their views on some or all of the consultation areas outlined above, either by using a private and confidential online submission form, or by emailing a written submission to fortheparents@ontario.ca. The Open Submission form includes questions on a number of topics, including the following:

- How can we build a new age-appropriate Health and Physical Education curriculum that includes subjects like mental health, sexual health education and the legalization of cannabis?
- What steps could schools take to ban cellphone use in the classroom?
- Do you have any other feedback or ideas?

106. As of October 29, 2018, there have been 9,657 individual submissions to the submission form, and 240 written submissions received via email.

107. The second way to participate in the consultations is the Online Survey. A link to the survey is included in the website. Attached hereto as **Exhibit “47”** is a copy of the survey. As of October 29, 2018, 6,523 individuals have completed the survey.

108. The third way to participate in the consultations is the Telephone Town Halls (“tele-town halls”). Information about the tele-town halls is provided on the website. Users are directed to fill out an online form to pre-register for a telephone town hall session in their region. All sessions are scheduled for up to 90 minutes. Pre-registered individuals are contacted just prior to the tele-town hall using the telephone number provided when they registered so that they may be placed directly into the session. Individuals can also call into the tele-town hall via a toll-free number listed on the website. The tele-town halls are led by an independent, non-partisan and neutral moderator, whose role is to facilitate the discussion to ensure that diverse views are heard. All comments provided through the tele-town halls are anonymous. Attached hereto as **Exhibit “48”** is a copy of the sample script to be used by the independent moderator leading the tele-town hall. The script is flexible to allow the independent moderator to adapt to the unique nature of each tele-town hall and its participants.

109. The Ministry is holding multiple tele-town halls in each of the following regions across Ontario: Northwestern Ontario (including the surrounding area of Thunder Bay, Kenora); Southwestern Ontario (including the surrounding area of Windsor, Sarnia, London, Kitchener); Greater Toronto Area – West (including the surrounding area of Niagara, Peel, Halton, and Hamilton); Greater Toronto Area – North (York); Greater Toronto Area – East (Durham); Toronto; Central Ontario (including the surrounding area of Barrie, Peterborough); Northeastern Ontario (including the surrounding area of North

Bay, Sudbury, Sault Ste. Marie); Eastern Ontario (including the surrounding area of Kingston, Brockville, Cornwall); and Ottawa. Additional sessions are being held in French.

110. Eleven tele-town halls were held between October 19 and October 29, 2018, with more scheduled through to December 2018. As of October 29, 2018, the number of participants ranged from approximately 25 to 135 participants in each tele-town hall.

111. The consultations are currently ongoing. They will be used to inform the Government's decisions for the 2019-2020 school year. The closing date for the consultations is December 15, 2018.

112. The website currently includes multiple links for parents and others to provide comments while the consultation process is underway. The links "I want to express concerns about the curriculum currently being taught in my child's classroom" and "I want to share a story about an educator who has gone above and beyond to support student performance" take the user to an online submission form where the user can provide feedback and comments to the Ministry. The online submissions form is attached hereto as **Exhibit "49"**. The link "I have another issue I want to address" takes the user to the Ontario College of Teachers webpage that explains the College's complaints process, which is attached hereto as **Exhibit "50"**.

113. The website states, "All provincial education professionals (including teachers) in publicly funded or inspected private schools are expected to develop classroom programs based on the expectations outlined in these curriculum documents." The website also includes a link, "Read the Ontario curriculum", which takes the user directly to the provincial curriculum documents.

G. The 2018 Interim HPE Curriculum

114. Until the release of a revised elementary curriculum, all HPE classroom programs for Grades 1 to 8 will be developed based on the 2018 Interim HPE Curriculum.

i. The 2018 Interim HPE Curriculum must be taught inclusively

115. As discussed above at paragraphs 32 and 48 to 50, the 2018 Interim HPE Curriculum indicates that teachers must, wherever possible, implement the learning expectations in an inclusive way:

Whatever the specific ways in which the requirements outlined in the expectations are implemented in the classroom, they must, wherever possible, be inclusive and reflect the diversity of the student population and the population of the province. (page 16)

116. The 2018 Interim HPE Curriculum also indicates that it is “critical” that the classroom atmosphere is one where “students of all body shapes and sizes, abilities, gender identities and sexual orientations, and ethnocultural, racial, and religious backgrounds can feel accepted, comfortable, and free from harassment” (page 11).

117. The 2018 Interim HPE Curriculum also states that teachers are expected to “ensure that students feel comfortable emotionally and psychologically”, including “students of all cultures, abilities, genders, and sexual orientations”:

When considering student safety, including their physical safety, it is important to ensure that students feel comfortable emotionally and psychologically. For example, teachers should be aware of student comfort and safety when students are changing their clothing for physical education, forming groups, demonstrating physical tasks, and discussing health topics. They should also ensure that all students – students of all cultures, abilities, genders, and sexual orientations – feel included and recognized in all activities and discussions. (page 47)

118. The 2018 Interim HPE Curriculum informs teachers about the Ontario equity and inclusive education strategy, which “focuses on respecting diversity, promoting inclusive

education, and identifying and eliminating the discriminatory biases, systemic barriers, and power dynamics that limit the ability of students to learn, grow, and contribute to society". The curriculum notes that "all students, parents, and other members of the school community – regardless of ancestry, culture, ethnicity, sex, physical or intellectual ability, race, religion, gender identity, sexual orientation, socio-economic status, or other similar factors – are welcomed, included, treated fairly, and respected. Diversity is valued, and all members of the school community feel safe, comfortable, and accepted" (page 57).

119. The 2018 Interim HPE Curriculum also provides teachers with the following questions to ask themselves as they develop classroom programs to implement the HPE curriculum, including:

- Is instruction designed to ensure a positive experience in a safe environment for all students?
- Are activities being modified as required to ensure that all students are included?
- Are students' diverse backgrounds taken into account when health topics are introduced, to ensure that discussions have personal relevance and that topics are addressed with sensitivity?
- Are program activities and instruction differentiated to provide all students with relevant and engaging learning experiences, so that all students can experience success?
- Are the activities adaptable to meet diverse individual needs and abilities?
- Does instruction make use of real-life examples, field trips, and communication with parents, community members, and elders so that students' learning in health and physical education is reflected and reinforced in both home and community environments? (pages 42-43)

ii. Content in the 2018 Interim HPE Curriculum

120. The 2018 Interim HPE Curriculum includes content related to bullying (including cyberbullying), the safe use of technology, living skills and effective communication in

healthy relationships, sexual harassment and violence, sexually transmitted diseases, mental health, and gender identity. All of the HPE learning expectations must be implemented in a way that is inclusive and reflects the diversity of the student population and the population of the province.

a. Bullying (including cyberbullying)

121. The Glossary includes definitions for “bullying”, “homophobia” and “stereotype” as follows:

Bullying: A form of repeated, persistent, and aggressive behaviour directed at an individual or individuals that is intended to cause (or should be known to cause) fear and distress and/or harm to another person’s body, feelings, self-esteem, or reputation. Bullying occurs in a context where there is a real or perceived power imbalance. Bullying can occur in person or through the use of information and communication technologies (e.g., spreading rumours or hurtful images or comments by means of e-mail or text messaging, or on social media sites or personal websites).

Homophobia: a disparaging or hostile attitude or a negative bias, which may be overt or unspoken and which may exist at an individual and/or systemic level, towards people who are lesbian, gay, bisexual, or transgendered (LGBT) (page 213).

Stereotype: false or generalized, and usually negative, conception of a group of people that results in the unconscious or conscious categorization of each member of that group, without regard to individual differences. Stereotyping may be based on race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status, or disability, as set out in the Ontario Human Rights Code, or on the basis of other, similar factors (page 218).

122. The 2018 Interim HPE Curriculum includes a number of learning expectations and examples related to bullying, including cyberbullying:

By the end of Grade 1, students will:	<p>demonstrate an understanding of essential knowledge and practices for ensuring their personal safety (e.g., <i>knowing their home phone numbers; knowing how to contact 9-1-1; seeking help from a police officer, teacher, elder, or other trusted adult; knowing routines for safe pickup from school or activities</i>) (page 81)</p> <p>demonstrate the ability to recognize caring behaviours (e.g. <i>listening with respect, giving positive reinforcement, being helpful</i>) and exploitative 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>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> <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>
By the end of Grade 3, students will:	<p>use self-awareness and self-monitoring skills to help them understand their strengths and needs, take responsibility for their actions, recognize sources of stress, and monitor their own progress, as they participate in physical activities, develop movement competence, and acquire knowledge and skills related to healthy living (e.g., [...] <i>Healthy Living: identify some of the characteristics that make them unique, and think about things they may have done or said that acknowledged the unique characteristics of others in a positive way or that were disrespectful or hurtful to others</i>) (page 100)</p>
By the end of Grade 4, students will:	<p>describe various types of bullying and abuse (e.g., <i>social, physical, verbal</i>), including bullying using technology (e.g., <i>via e-mail, text messaging, chat rooms, websites</i>), and identify appropriate ways of responding (page 128)</p>
By the end of Grade 5, students will:	<p>identify people (e.g., <i>parents, guardians, neighbours, teachers, crossing guards, police, older students, coaches,</i></p>

	<p>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>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, emotional well-being, and reputation of themselves and others (page 146)</p> <p>apply relationship and social skills as they participate in physical activities, develop movement competence, and acquire knowledge and skills related to healthy living to help them interact positively with others, build healthy relationships, and become effective team members (e.g., [...] <i>Healthy Living: show respect for others by giving classmates encouragement and praise and by avoiding behaviours such as calling people names or excluding them; show respect for cultural diversity</i>) (page 151)</p>
By the end of Grade 6, students will:	<p>use a range of critical and creative thinking skills and processes to assist them in making connections, planning and setting goals, analysing and solving problems, making decisions, and evaluating their choices in connection with learning in health and physical education (e.g., [...] <i>Healthy Living: describe what can be done to challenge stereotypes and assumptions, and to encourage respect for and acceptance of differences and inclusion of all people in social activities</i>) (page 151)</p>
By the end of Grade 7, students will:	<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 services; learning skills for emotional regulation; using strategies for defusing tense or potentially violent situations) (page 182)</p> <p>communicate effectively, using verbal or non-verbal means, as appropriate, and interpret information accurately as they</p>

	participate in physical activities, develop movement competence, and acquire knowledge and skills related to healthy living (e.g., [...]; <i>Healthy Living: practise effective responses to someone who directs a homophobic or racial slur to them or to another student</i>) (page 187)
By the end of Grade 8, students will:	<p>demonstrate the ability to assess situations for potential dangers (e.g., <i>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</i>), and apply strategies for avoiding dangerous situations (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>

123. In particular, the Grade 4 learning expectations state that children will learn to “describe various types of bullying and abuse [...] including bullying using technology”, referencing examples such as “*e-mail, text messaging, chat rooms, websites*” (page 128).

124. The 2018 Interim HPE Curriculum expressly states that “the 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).

125. The 2018 Interim HPE Curriculum also expressly states that teachers “should be able to examine their own biases and seek out support for presenting material with which they are not comfortable” (page 56).

b. Safe use of technology

126. The 2018 Interim HPE Curriculum includes a number of learning expectations and examples related to the safe use of technology:

By the end of Grade 3, students will:	apply their understanding of good safety practices by developing safety guidelines for a variety of places and situations outside the classroom (e.g. [...] <i>guidelines for safe Internet use</i> [...]) (page 110)
By the end of Grade 4, students will:	identify risks associated with communications technology (e.g., <i>Internet and cell phone use, including participation in gaming and online communities and the use of text messaging</i>), and describe precautions and strategies for using these technologies safely (page 128)
By the end of Grade 7, students will:	describe benefits and dangers, for themselves and others, that are associated with the use of computers and other technologies (e.g., <i>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</i>), and identify protective responses (page 180)

127. The 2018 Interim HPE Curriculum expressly notes that “all students must be made aware of issues of privacy, safety, and responsible use, as well as the potential for abuse of this technology, particularly when it is used to promote hatred” (page 64).

c. Living skills, effective communication and healthy relationships

128. The 2018 Interim HPE Curriculum includes a number of learning expectations and examples related to effective communication and healthy relationships, including “stating boundaries”, “active listening”, and “decision-making, problem-solving, and refusal skills”:

By the end of Grade 1, students will:	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)
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; reporting exploitive behaviours, such as improper touching of their bodies or others' bodies</i>) (page 96)</p> <p>communicate effectively, using verbal or non-verbal means, as appropriate, and interpret information accurately as they participate in physical activities, develop movement competence, and acquire knowledge and skills related to healthy living (e.g., [...]; <i>Healthy Living: effectively communicate their objections or refusal to participate if someone is doing something that they do not like</i>) (page 87)</p>
By the end of Grade 4, students will:	<p>identify the characteristics of healthy relationships (e.g., showing consideration of others' feelings by avoiding negative communication) (page 132)</p> <p>identify the challenges (e.g., conflicting opinions) and responsibilities in their relationships with family and friends. (page 132)</p>
By the end of Grade 5, students will:	<p>demonstrate the ability to deal with threatening situations by applying appropriate living skills (e.g., <i>personal skills, including self-monitoring and anger management; interpersonal skills, including conflict resolution skills; communication skills, including assertiveness and refusal skills</i>) and safety strategies (e.g., <i>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</i>) (page 145)</p> <p>identify factors (e.g., trust, honesty, caring) that enhance healthy relationships with friends, family, and peers (page 147)</p>
By the end of Grade 6, students will:	apply personal skills and interpersonal skills (e.g., <i>self-awareness and self-management skills, including anger</i>

	<p><i>management; communication skills, including listening skills and assertiveness skills</i>) to promote positive interaction and avoid or manage conflict in social situations (e.g., classroom groups, groups of friends, sports teams, school clubs) (page 161)</p> <p>communicate effectively, using verbal or non-verbal means, as appropriate, and interpret information accurately as they participate in physical activities, develop movement competence, and acquire knowledge and skills related to healthy living (e.g., [...] <i>Healthy Living: describe what verbal and non-verbal signals could be used to send messages to others about how you feel about them</i>) (page 151)</p>
By the end of Grade 7, students will:	<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>
By the end of Grade 8, students will:	<p>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 (page 201)</p> <p>apply 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)</p>

129. The Glossary defines “active listening” as “A communication skill in which the listener focuses closely on the speaker’s verbal and nonverbal messages and summarizes these messages to confirm understanding” (page 209).

d. Sexual harassment, abuse and violence

130. The 2018 Interim HPE Curriculum includes a number of learning expectations and examples related to sexual harassment, abuse and violence, with specific reference to concepts including “inappropriate touching”; “verbal or physical abuse”; “proper

terminology to name their body parts, so [students] can explain where they may be hurt or sore”; “dating violence” and “gender-based violence”:

By the end of Grade 1, students will:	<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> <p>identify the major parts of the body by their proper names. (page 83)</p> <p>use adaptive, management, and coping skills to help them respond to the various challenges they encounter as they participate in physical activities, develop movement competence, and acquire knowledge and skills related to healthy living (e.g., [...] <i>Healthy Living: be able to use proper terminology to name their body parts, so they can explain where they may be hurt or sore</i>) (page 72)</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; reporting exploitive behaviours, such as improper touching of their bodies or others' bodies</i>) (page 96)</p>
By the end of Grade 3, students will:	<p>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., <i>physical trauma, chronic disability, family stress, death</i>) (page 111)</p>
By the end of Grade 5, students will:	<p>identify people (e.g., <i>parents, guardians, neighbours, teachers, crossing guards, police, older students, coaches, elders</i>) and supportive services (e.g., <i>help lines, 9-1-1, Telehealth, public health units, student services</i>) that can assist with injury prevention, emergencies, bullying, and abusive and violent situations (page 143)</p> <p>explain how a person's actions (e.g., <i>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</i>) can affect the feelings, self-concept, emotional well-being, and</p>

	reputation of themselves and others (page 146)
By the end of Grade 8, students will:	<p>demonstrate the ability to assess situations for potential dangers (e.g., <i>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</i>), and apply strategies for avoiding dangerous situations (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>

e. Promoting and maintaining mental health and learning coping skills

131. The 2018 Interim HPE Curriculum includes a number of learning expectations and examples related to promoting and maintaining mental health and learning coping skills:

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., <i>physical trauma, chronic disability, family stress, death</i>) (page 111)
By the end of Grade 5, students will:	identify strategies to deal positively with stress and pressures that result from relationships with family and friends (page 147)
By the end of Grade 7, students will:	demonstrate an understanding of linkages between mental illness and problematic substance use, and identify school and community resources (e.g., <i>trusted adults at school, guidance counsellors, public health services, community</i>

	<p><i>elders, help lines</i>) that can provide support for mental health concerns relating to substance use, addictions, and related behaviours (page 181)</p> <p>use self-awareness and self-monitoring skills to help them understand their strengths and needs, take responsibility for their actions, recognize sources of stress, and monitor their own progress, as they participate in physical activities, develop movement competence, and acquire knowledge and skills related to healthy living (e.g., [...] <i>Healthy Living: describe ways in which they can monitor and stay aware of their own physical, emotional, and psychological health</i>) (page 100)</p> <p>use adaptive, management, and coping skills to help them respond to the various challenges they encounter as they participate in physical activities, develop movement competence, and acquire knowledge and skills related to healthy living (e.g., [...] <i>Healthy Living: describe how to access different sources of support when dealing with issues connected to substance use or mental health</i>) (page 170)</p>
By the end of Grade 8, students will:	<p>explain how stress affects mental health and emotional well-being, and demonstrate an understanding 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>use adaptive, management, and coping skills to help them respond to the various challenges they encounter as they participate in physical activities, develop movement competence, and acquire knowledge and skills related to healthy living (e.g., [...] <i>Healthy Living: identify the type of support that is available to help with the various physical, emotional, cultural, social, and psychological issues that can arise in connection with sexuality and sexual health</i>) (page 186)</p>

132. The Interim HPE Curriculum expressly states that the “focus” of these concepts “is on promoting and maintaining mental health, building an understanding of mental illness, and reducing stigma and stereotypes”, and that “learning about mental health

and emotional well-being helps students understand and manage the risk and protective factors that are in their control so that they will be better able to build and maintain positive mental health” (page 33).

133. The Glossary defines the terms “mental health” and “mental illness” as follows:

Mental health: All aspects of a person’s well-being that affect his or her emotions, learning, and behaviour. It is important to note that mental health is not merely the absence of mental illness. (page 213)

Mental illness: Any emotional, behavioural, or brain-related condition that causes significant impairment in functioning as defined in standard diagnostic protocols such as the American Psychiatric Association’s Diagnostic and Statistical Manual (DSM). (Adapted from Ministry of Children and Youth Services, *A Shared Responsibility: Ontario’s Policy Framework for Child and Youth Mental Health*, 2009, 22.) (page 213)

f. Sexually transmitted diseases

134. The 2018 Interim HPE Curriculum includes learning expectations and examples in Grades 7 and 8 related to the transmission of sexually transmitted diseases:

By the end of Grade 7, students will:	identify the methods of transmission and the symptoms of sexually transmitted diseases (STDs), and ways to prevent them (page 184)
By the end of Grade 8, students will:	identify symptoms, methods of transmission, prevention, and high-risk behaviours related to common STDs, HIV, and AIDS (page 201)

135. The curriculum also includes a Grade 5 learning expectation that students are expected to “explain how a person’s actions [...] can affect the feelings, self-concept, emotional well-being, and reputation of themselves and others”. The teacher prompt

expressly refers to stigma that may result from “something invisible like having [...]

HIV/AIDS”:

Teacher prompt: “Negative actions that hurt the feelings of others can also result in stigma. When someone appears to be different from us, whether it is because of something visible like a physical disability or something invisible like having an illness such as schizophrenia or HIV/AIDS, we may view him or her in a stereotyped manner and make assumptions. Stereotypes can have a strong, negative impact on someone’s self-concept and well-being. On the other hand, you can also make a big difference in a positive way with your actions. Give an example of an action that can affect someone’s feelings, self-concept, or reputation in a positive way.” *Student:* “Actions that can have a positive effect include asking someone who has been left out to be a partner, praising someone for their accomplishments, recognizing someone’s talent or skill, and making sure everyone gets a turn.” (page 146)

g. Recognizing similarities and differences

136. Although the learning expectations and examples in the 2018 Interim HPE Curriculum do not expressly refer to the terms “gender identity” and “gender expression”, they do refer to recognizing “similarities and differences”, to homophobia (which is defined as including transphobia), and to the impact of negative actions (e.g. name-calling and mocking) versus positive actions (e.g. supporting and including) on the feelings and self-concept of others:

By the end of Grade 2, students will:	distinguish the similarities and differences between themselves and others (e.g., in terms of body size or gender); (page 98)
By the end of Grade 3, students will:	use self-awareness and self-monitoring skills to help them understand their strengths and needs, take responsibility for their actions, recognize sources of stress, and monitor their own progress, as they participate in physical activities, develop movement competence, and acquire knowledge and skills related to healthy living (e.g., [...] <i>Healthy Living: identify</i>

	<i>some of the characteristics that make them unique, and think about things they may have done or said that acknowledged the unique characteristics of others in a positive way or that were disrespectful or hurtful to others)</i> (page 100)
By the end of Grade 5, students will:	<i>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, emotional well-being, and reputation of themselves and others</i> (page 146)

137. The 2018 Interim HPE Curriculum expressly states, "It is also critical to student success to create an atmosphere in which students of all body shapes and sizes, abilities, gender identities and sexual orientations, and ethnocultural, racial, and religious backgrounds can feel accepted, comfortable, and free from harassment" (page 11). The 2018 Interim HPE Curriculum also expressly states that "all students, parents, and other members of the school community – regardless of ancestry, culture, ethnicity, sex, physical or intellectual ability, race, religion, gender identity, sexual orientation, socio-economic status, or other similar factors – are welcomed, included, treated fairly, and respected" (page 57).

138. The Glossary also provides definitions for "sexual orientation", "gender", "gender-based violence", and "gender identity" as follows:

Sexual orientation: a person's sense of sexual attraction to people of the same sex, the opposite sex, or both sexes (page 217).

Gender: A term that refers to those characteristics of women and men that are socially constructed. See also gender identity and sex. (page 212).

Gender-based violence: Any form of behaviour – including psychological, physical, and sexual behaviour – that is based on an individual's gender and is

intended to control, humiliate, or harm the individual. This form of violence is generally directed at women and girls and is based on an attitude or prejudice, which can be conscious or unconscious and which exists on the individual and institutional level, that aims to subordinate an individual or group on the basis of sex and/or gender identity. (page 212).

Gender identity: A person's sense of self, with respect to being male or female. Gender identity is different from sexual orientation, and may be different from birth-assigned sex. (Refer to the Ontario Human Rights Commission's Policy on Discrimination and Harassment because of Gender Identity, at www.ohrc.on.ca.) (page 212).

139. As discussed further below at paragraph 149, the topics of gender identity is expressly referred in the Grade 9 Healthy Active Living Course learning expectations.

iii. Comparison of the 2018 Interim HPE Curriculum with other Provinces

140. In conducting its work with respect to the Ontario curriculum, the Ministry of Education is aware of how other provinces implement their curricula, including how and in which grades HPE topics are included in the curricula of other provinces. Attached hereto as **Exhibit "51"** is a chart showing whether and in which grades certain topics are explicitly mentioned in the K-9 HPE curricula of Ontario, the other provinces, and the Northwest Territories. Attached hereto as **Exhibits "52" to "61"** are the provincial curricula referred to in the chart at **Exhibit "51"**, as follows:

- **Exhibit "52"** – Physical and Health Education Curriculum of British Columbia
- **Exhibit "53"** – Health and Life Skills Curriculum of Alberta
- **Exhibit "54"** – Health Education Curriculum of Saskatchewan
- **Exhibit "55"** – Physical Education/Health Education Curriculum of Manitoba
- **Exhibit "56"** – Health Curriculum of Newfoundland
- **Exhibit "57"** – Health Education Curriculum of New Brunswick
- **Exhibit "58"** – Health Education Curriculum of Nova Scotia
- **Exhibit "59"** – School Health Program Curriculum of Northwest Territories
- **Exhibit "60"** – Health Curriculum of Prince Edward Island
- **Exhibit "61"** – Sexuality Education Curriculum of Quebec

iv. The HPE Curriculum is only one part of the Ontario curriculum

141. The HPE curriculum is only one part of the Ontario curriculum. HPE is one of nine subjects taught in Ontario's elementary schools.

142. The HPE curriculum is intended to be integrated with the rest of the Ontario curriculum. The Ontario Curriculum provides opportunities for students to learn and use related content and/or skills in multiple subjects. Teachers may exercise their professional judgment to combine learning expectations from different parts of the Ontario curriculum and teach them together. As noted in the 2018 Interim HPE Curriculum,

In health and physical education, students use a range of language skills: they build subject-specific vocabulary; they use words and their bodies to communicate feelings and share and interpret information; and they read about current health issues and research new information. Teachers can also use reading material about health and physical education in their language lessons. Similarly, health and physical education lessons can be used as a vehicle for instruction in critical literacy. Students can interpret product information on food labels and critique media messages related to gender stereotypes, body image, or alcohol use. Students can also analyse and adapt fitness plans with reference to criteria such as ability levels, individual interests, resource requirements, and personal goals.

In integrated learning, students are provided with opportunities to work towards meeting expectations from two or more subjects within a single unit, lesson, or activity. By linking expectations from different subject areas, teachers can provide students with multiple opportunities to reinforce and demonstrate their knowledge and skills in a range of settings. There are clear connections, for example, between the expectations in health and physical education and those in other subject areas, such as language, science, and social studies. Health and physical education can be used to provide other ways of learning and making connections. [...]

Integrated learning can also be a solution to problems of fragmentation and isolated skill instruction – that is, in integrated learning, students can