

A PRESENTATION TO THE CHARTER OF EDUCATION TASKFORCE CONCERNING THE ISSUES OF LESBIAN, GAY, TRANSGENDERED, BISEXUAL, QUESTIONING YOUTH IN OUR SCHOOLS

RATIONALE

I appreciate the opportunity to speak to you about LGBTQ issues. As an educator, I am passionately dedicated to working on social justice issues within the public school system. I have spent the last eight years designing curriculum and training teachers and student teachers on issues of oppression. As public educators, I feel that we need to work to ensure that we are affecting change, that teachers are feeling empowered, that students are safe, and that we are having an impact on the intimidation, harassment and violence we see in our society and is sadly reflected in our schools. School safety has become one of the most urgent issues in BC schools over the last five years.

A safe and caring school has been defined as “a place where positive relationships between school staff and students are fostered, and where meaningful involvement of both school and community members is promoted.” In a safe school all members would feel welcome and included without discrimination based on race, ethnicity, appearance, age, gender, gender identity, sexual orientation, physical or mental ability, socio-economic status, or religion. All members would be able to learn, work, participate and have opportunities to contribute in a meaningful way. (BC Safe schools, 1999)

All students have the right not to be discriminated against in school settings; however, for LGBT youth, this right is often violated. The most common forms of discrimination are verbal and physical harassment. But even in schools where attempts are made to minimize verbal and physical harassment, LGBT youth still experience the "oppression of silence". This silence may come in the form of avoidance in discussions of LGBT issues or in the absence of positive information or images of LGBT youth.

LGBTQ youth exist in all communities and settings and they have a right to education that is sensitive and appropriate to their needs. When LGBTQ youth are acknowledged and validated as part of the school community, they are socially connected. As stated in the BC Social Responsibility Program Standards, “Caring and a sense of belonging are necessary to create a safe learning environment. When students feel safe they connect with others in a positive way, they contribute to their school and community and they do better academically.”

In its report on school safety released in June of 2000, the Auditor General’s Office noted that discrimination based on sexual orientation was not being effectively addressed in schools because school staffs were uncomfortable with the topic. In a school climate where there is not clear and positive support for inclusiveness, relating to sexual orientation, a teacher may fear personal harassment or if LGBT may fear disclosure of his or her sexual orientation and may be discouraged from discussion of LGBT issues in the classroom. The Auditor General recommended that, “The Ministry of Education and school districts should provide teachers with suitable guidance for encouraging tolerance and respect for students of same-sex orientation.”

RECOMMENDATIONS

It is recommended that to create safe and inclusive schools for LGBTQ youth and adults in the BC Public education system, educational partners need to:

1. Develop and integrate into the curriculum and programs of study age-appropriate resources and information about lesbian, gay, bisexual and transgendered (LGBT) persons and issues.
2. Examine existing curricula for homophobic and heterosexist bias in order to ensure safe, caring and inclusive educational environments for LGBT students.

3. Provide in-service training to teachers, administrators, school counselors and non-instructional school staff on LGBT youth issues and concerns.
4. Establish district committees that include lesbian, gay, bisexual and/or transgendered persons and/or perspectives to carry out curriculum review and development, in-service programs and other programs to ensure safe, caring and inclusive educational environments for LGBT students and staff.
5. Provide ongoing and sustainable funding to ensure that the BC Safe Schools program continues.
6. Ensure school districts clearly identify and list sexual orientation and gender identity as grounds of prohibited discrimination in its policies on discrimination and teacher and student conduct.
7. Encourage each school district to examine its policies to ensure they are inclusive of groups that have been marginalized because of sexual orientation and/or gender identity.
8. Provide the funding necessary to enable school libraries to provide age-appropriate materials referring to sexual orientation and/or families with same-gender parents.
9. Support student leadership programs that address homophobia and heterosexism such as Gay/Straight Alliances.
10. Take steps to recruit and retain members of diverse and underrepresented communities of LGBT persons in teaching, administrative and non-instructional staff positions.
11. Establish policies to ensure non-disclosure of a student's sexual orientation or transgender identity to other students, teachers, parents, guardians or other persons, unless expressly consented to by the student.
12. Protect teacher's rights in their employment against discrimination on the basis of sexual orientation or gender identity.

The School Act clearly states: that schools must keep students safe and provide equal access to education for all students.

BC Human Rights Act, explicitly prohibits discrimination on the grounds of sexual orientation and has been interpreted to include protection for the rights of transgendered people.

Canadian Charter of Rights and Freedoms

Section 15(1) of the Charter states:

Every individual is equal before and under the law and has the right to equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Although Section 15(1) of the Charter does not explicitly make reference to sexual orientation in its equality provisions, the Courts have recognized sexual orientation as analogous to the other personal characteristics listed. While s. 1 of the Charter provides that its freedoms and guarantees are subject to such reasonable limitations as can be demonstrably justified in a free and democratic society, where the inherent dignity of all persons in the context of education is at issue, and discrimination on the basis of sexual orientation should not be viewed as justifiable.