

**Jurisdiction Scan Regarding Parental Notification or Consent Requirements when Children Request in Schools That They are
Address by New Pronouns
August 18, 2023**

Content provided by Jurisdiction is in black. Content added by SPP is in blue font.

Jurisdiction	Legislation or Policy	Is parental consent or notification required?	Public and stakeholder reaction	Additional information
B.C.	<p>13(1)(b)</p> <p><u>SOGI Resource Guide.</u> 13(1)(b)</p> <p>13(1)(b) <u>Right to Thrive,</u> 13(1)(b)</p> <p>13(1)(b) _____ 13(1)(b)</p>	<p>SOGI Resource Guide: P 8: Address confidentiality, in particular with regards to parent communication. Parent communication typically falls under educator discretion, especially in younger years. Clear written expectations can support school staff in knowing how to proceed so that school and family are working together whenever possible, while remembering that the responsibility is always to have students' safety come first.</p> <p>P14: Student Dialogue</p> <ul style="list-style-type: none"> If a student does not have support at home, they should have the right to confidentiality from the school regardless of age, although informed consent will look different depending on the age of the student. <p>Student support team</p> <ul style="list-style-type: none"> Ensure that all staff have the level of information that they need to know. This may include Indigenous Support Workers or Indigenous Education Principals, education assistants, secretarial staff, supervisory staff, and custodians as well as teachers and administrators. Ideally it would include parents or family in some way. <p>The Right to Thrive P 54 ... while the B.C. government has changed the requirements to make it easier for young people over age 12 to legally change their gender, youth under age 19 still require approval from their legal guardian to do this.</p>		
Alberta	13(1)(b)			

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	<p>13(1)(b)</p> <ul style="list-style-type: none"> • 13(1)(b) <p>13(1)(b)</p> <ul style="list-style-type: none"> • 13(1)(b) <p><u>Vital Statistics Act</u> 13(1)(b)</p> <p>13(1)(b)</p> <p>("Guidelines for Best Practices"). This resource was archived in 2022 but is still available online for informational and</p>	<p>13(1)(b)</p>	<p>13(1)(b)</p> <p>13(1)(b)</p> <ul style="list-style-type: none"> • 13(1)(b) <ul style="list-style-type: none"> • 13(1)(b) 	

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	<p>research purposes. The Guidelines for Best Practices addressed how to respect an individual's right to self-identification as follows:</p> <ul style="list-style-type: none"> ○ For the purpose of accommodating the diverse needs of students and staff in a school, an individual's self-identification is the sole measure of their sexual orientation, gender identity or gender expression. ○ All individuals have the right to be addressed by their chosen name and to choose pronouns that align with their gender identity and/or gender expression. This is true whether or not the individual has obtained legal documentation of a change of name or gender expression. ○ In keeping with the principles of self-identification, it is important to: <ul style="list-style-type: none"> ▪ inform students of limitations regarding their chosen name and gender identity or gender expression in relation to official school records that require legal name designation; and ▪ protect a student's personal information and privacy, including, where possible, having a student's explicit permission before disclosing information related to the student's sexual orientation, gender identity or gender expression to peers, parents, guardians, or other adults in their lives. 			

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Saskatchewan	<p>Deepening the Discussion: Gender and Sexual Diversity</p> <p>3. Healthy Physical and Social Environments. Safe school environments for all students, including students who are perceived to be gender or sexually diverse, are reinforced when:</p> <ul style="list-style-type: none"> staff ask gender-variant youth what name they would prefer to be called, what pronouns they would prefer people to use with them, to whom they have disclosed information about their identity, who is and is not supportive, and to whom they would like help disclosing information about their identity (PHAC, 2011). 			<p>One of the documents referenced in Deepening the Discussion is: Public Health Agency of Canada, Questions and Answers: Gender Identity in Schools (linked in Deepening the Discussion)</p> <p>There are many terms to discuss gender identities. What are the proper terms and how do I know when to use them?</p> <p>Ensure that you use the appropriate language in regards to the pronouns and names of all transitioning students. Refer to a gender variant youth using the name and pronouns they have chosen to fit their gender identity instead of by their birth name which can make them vulnerable to harassment, ridicule and violence from fellow students.</p> <p>What do I do if a student discloses a gender variant identity to me?</p> <p>Current research indicates that gender variant individuals consciously select people to disclose to who they trust and who they believe will be supportive and sympathetic to their gender identity. Maintaining the trust and confidentiality of the gender variant youth is, therefore, paramount. For example, when a student discloses their gender identity, ask them what name they would prefer to be called, what pronouns they would prefer you to use with them, talk to them about who they have disclosed to, who is and is not supportive, and who they would like help disclosing to. Do not talk to anyone about their identity, including parents/caregivers, to whom they have not already disclosed their gender identity.</p>
Manitoba	<p>Manitoba has this policy: Supporting Transgender and Gender Diverse Students in Manitoba Schools (gov.mb.ca) that provides guidelines regarding sex designation and use of preferred</p>	<p>Supporting Transgender and Gender Diverse Students in Manitoba Schools</p> <p>In some cases, students will choose to transition even when their parents/guardians refuse to affirm</p>	13(1)(b)	

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<p>13(1)(b)</p>	<p>name/pronouns. In this matter it is also relevant the Vital Statistics Act</p> <p>SUMMARY</p> <ul style="list-style-type: none"> Changes to Manitoba's Vital Statistics Act C.C.S.M. c. V60 (gov.mb.ca) allow youth under the age of majority (18) to change their sex designation. However, a change of name requires application by a custodial parent or legal guardian in accordance with the notice and consent provisions set out in The Change of Name Act C.C.S.M. c. C50 (gov.mb.ca) . <p>13(1)(b)</p>	<p>their gender identity and/or expression. In these situations, schools must carefully balance the need for parents/guardians to be informed about their child's experiences with the student's right to live freely in their affirmed gender. Communication with parents/guardians may be further complicated on occasions when the school needs to inform the child's family of events or incidents related to the child's gender identity or expression.</p> <p>Confidential information about a student must not be shared even with the parents/guardians without the student's consent, unless there are overarching safeguarding reasons for sharing the information.</p>		

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	13(1)(b)			

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Ontario	13(1)(b) The Equity and Inclusive Education in Ontario Schools: Guidelines for policy development and Implementation 13(1)(b)	13(1)(b)	13(1)(b)	
Quebec	13(1)(b)		13(1)(b)	13(1)(b)

¹ October 13, 2022: <https://www.cbc.ca/news/canada/windsor/school-board-policy-gender-identity-1.6614533>

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New Brunswick	<p>NB recently updated our Policy 713 – Sexual Orientation and Gender Identity.^{13(1)(b)}</p> <p>The Human Rights Commission Guideline regarding New Brunswick’s <i>Human Rights Act</i> states on page 6 that in accomodation services for facilities available to the public (e.g. schools) it is discriminatory to “refuse to refer to a trans customer or client by their preferred name or pronoun”.</p>	<p>Under 16, parents must provide consent (see section 6.3 of the policy)</p> <p>6.3 Self-identification 6.3.1 School personnel will consult with a transgender or non-binary student who is 16 and over to determine their preferred first name and pronoun(s). The preferred first name and pronoun(s) will be used consistently in ways that the student has requested. 6.3.2 Transgender or non-binary students under the age of 16 will require parental consent in order for their preferred first name to be officially used for recordkeeping purposes and daily management (EECD, school district, and school software applications, report cards, class lists, etc.). If it is not possible to obtain consent to talk to the parent, the student will be directed to the appropriate professional (i.e. school social worker, school psychologist) to work with them in the development of a plan to speak with their parents if and when they are ready to do so. If it is not in the best interest of the child or could cause harm to the student (physical or mental threat), the student will be directed to the appropriate school professional for support.</p>	<p>13(1)(b)</p> <p>13(1)(b)</p> <p>Reported in media: In opposition:</p> <ul style="list-style-type: none"> Students have staged walkouts² The union for school psychologists <ul style="list-style-type: none"> says it wasn’t consulted and won’t be “complicit in harm by deadnaming and misgendering” students.”^{2,3} filed two grievances.³ Two cabinet ministers have resigned; other officials in Higgs’s Progressive Conservative Party are seeking to oust him as leader.² Prime Minister Trudeau stated “Right now, trans kids in New Brunswick are being told they don’t have the right to be their true selves, that they need to ask permission,” he said this month. “Trans kids need to feel safe, not targeted by politicians. We need to stand against this.”² Anglophone East and South district education councils passed local 	<p>13(1)(b)</p> <p>NB Advocate’s report was released on August 15. The revised policy grants parents an effective “veto” on their child’s identity until they’re 16, and that violates children’s rights to privacy, equality and accommodation, said Lamrock, who is a lawyer.⁶</p> <p>One of the changes requires children under 16 to have parental consent before they can officially change their preferred first names or pronouns at school. Lamrock says that refusing to use the preferred names and pronouns of students is a violation of their rights under the Human Rights Act and the Charter of Rights and Freedoms.⁷</p> <p>Lamrock recommended that for children under Grade 6, the principal make a plan for the child to speak to their parents, but this would not be mandatory. He said the principal should be in charge of deciding whether the child should</p>

² June 28, 2023: <https://www.washingtonpost.com/world/2023/06/28/canada-deadnaming-blaine-higgs/#:~:text=The%20policy%2C%20which%20went%20into,no%20longer%20use%20%E2%80%94%20and%20misgendering.>

³ June 16, 2023 <https://www.cbc.ca/news/canada/new-brunswick/school-psychologist-social-worker-trans-students-pronouns-1.6879422>

⁶ August 15, 2023 <https://www.cbc.ca/news/canada/new-brunswick/new-brunswick-policy-713-review-advocate-1.6935967>

⁷ August 15, 2023 <https://atlantic.ctvnews.ca/n-b-child-advocate-says-lgbtq-policy-in-schools-violates-charter-rights-of-kids-1.6519952>

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			<p>versions of the policy to remove parental consent.⁴</p> <p>In support</p> <ul style="list-style-type: none"> • Gail Costello of Pride in Education said even if parents are understanding, the child should have control of when to tell them, because it's a personal journey and every child is different.⁵ • Tanasichuk said the majority of people who spoke up at the meeting said it's important to accept students' choices of names and pronouns. She said people also agreed that students should be consulted and their choices respected if they don't feel safe disclosing their gender expression to their parents.⁵ 	<p>be sent to a school psychologist or social worker for gender identity reasons.⁶</p>
Nova Scotia	13(1)(b)	13(1)(b)	13(1)(b)	
	<p>Guidelines for Supporting Transgender and Gender Non-Conforming Students.</p>	<p>Quoted from page 10 of the Guidelines for Supporting Transgender and Gender Non-Conforming Students</p>		
Prince Edward Island	PEI adopted a Minister's Directive on Guidelines for Respecting,	13(1)(b)	13(1)(b)	

⁴ August 9, 2023: <https://globalnews.ca/news/9885627/n-b-education-minister-teachers-provincial-policy-pronouns-decs/>

⁵ June 2, 2023: <https://ici.radio-canada.ca/rci/en/news/1984376/minister-may-bar-use-of-preferred-names-pronouns-in-school-unless-parents-consent>

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	<p>Accommodating and Supporting Gender Identity, Gender Expression and Sexual Orientation in our Schools on December 17, 2021. The directive can be found at the following link:</p> <p>https://www.princeedwardisland.ca/sites/default/files/publications/md_2021_06.pdf</p>	<p>6. Respecting a person’s right to self-identification</p> <p>Not all students with diverse gender identities, expressions and sexual orientations have ‘come out’ to their family, friends or the general public. This can be due to safety concerns or for other reasons. Gender identity and sexual orientation are personal information and it’s important to consider a student’s readiness to disclose their identity and respect their personal coming out process. In keeping with the principles of self-identification, it is important for staff to:</p> <ul style="list-style-type: none"> • protect a student’s personal information and privacy, including, having a student’s explicit permission before disclosing information related to the student’s sexual orientation, gender identity or gender expression to peers, parents/guardians or other adults in their lives. <p>7 Maintaining school records in a way that respects privacy and confidentiality</p> <ul style="list-style-type: none"> • Students are addressed by the name(s) and pronouns(s) that they have chosen to correspond to their gender identity; • When requested by the student, school staff ensure the consistent use of the student’s chosen name(s) and pronoun(s) on school-issued documents such as report cards and other school correspondence; and • Schools adopt practices to avoid inadvertently disclosing the student’s gender identity or expression when required to use or report a gender diverse student’s legal name. 	13(1)(b)	
Newfoundland and Labrador	<p>Safe and Caring Schools: Guidelines for LGBTQ Inclusive Practices</p>			

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	<p>Some individuals may request to be addressed by their chosen name and/or chosen pronouns that align with their gender identity and/or gender expression. These individuals may not feel included in the use of the pronouns “he” or “she” and may prefer alternate pronouns such as “ze,” “zir,” “hir,” “they,” or “them” or might wish to express themselves or self-identify in other ways.</p> <p>District and school staffs make every effort to seek student consent or consult with the student prior to parent contact. This will ensure that district and school officials are fully informed, and provides for consideration of extenuating circumstances such as student safety or specific concerns of age of minority/maturity when determining the best practice in an individual case.</p> <p>2.4 At the beginning of the school year the school privately ask students who have requested such accommodations for chosen name and pronoun, how they want to be addressed in correspondence to the home or at meetings with the student’s parent(s)/ caregiver(s).</p>			
Northwest Territories	<p>Guidelines for Ensuring LGBTQ2S+ Equity, Safety and Inclusion in Northwest Territories Schools</p> <p>2. Respect an individual’s right to self-determination. Each person has the right to choose when, how, and to whom they disclose their sexual orientation, romantic orientation, gender identity and gender expression. No member of a school community should disclose this personal information to others, including parent(s)/guardian(s), without the individual’s explicit permission. Deliberately addressing a student or other member of the school community by the incorrect name(s) or pronoun(s) is a form of discrimination.</p>			

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	<p>3. Maintain school records in a way that respects privacy and confidentiality. When required to use or report a student's legal name or sex designation, school staff adopt practices that avoid the disclosure of the student's gender identity or gender expression. For example, although a student may use certain pronouns at school, they may not use these same pronouns at home, and care must be taken to ensure that school documents, such as report cards, respect their privacy and safety. It is best practice to discuss this with each student and to never make assumptions.</p>			
Nunavut	13(1)(b)			
Yukon	<p>The Yukon Education Act includes the following the following requirements: s. 169 Duties of Principals (w) at the beginning of each school year, the principal must ensure that there are initiatives in the school that promote equality and non-discrimination (i) which must include student activities relating to gender, gender identity, gender expression and sexual orientation, and (ii) which may include, without limitation, student organizations promoting equality and non-discrimination, such as a gender and sexuality alliance.</p> <p>The Sexual Orientation and Gender Identity (SOGI) policy, 13(1)(b)</p>	13(1)(b)	13(1)(b)	

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United States	<p>Washington Post July 2022: At least 18 states, along with D.C. and Puerto Rico, have issued school guidance in some form focused on inclusion and treatment of transgender and gender nonconforming students, said Melanie Willingham-Jaggers, executive director of GLSEN, which advocates for LGBTQ issues in schools.⁸</p> <p>August 2023: Parents in some Florida school districts will have to sign a consent form before school-aged children can be called another name, including nicknames or a name aligning with their gender identity.⁹</p>	<p>Washington Post: But where stronger rules are in place, school leaders have come under increasing fire for their perceived secrecy. Critics argue they have no business cutting families out of a critical part of children’s lives. The practice has prompted lawsuits in Massachusetts, Florida, Wisconsin, Kansas, Virginia and Maryland. Many of the legal actions point to an especially controversial practice: requesting teachers use new trans names in class but revert to the original “dead” names when talking with parents.⁸</p>	<p>The Defense of Freedom Institute for Policy studies released “Pills and Pronouns: School Districts Require Parental Consent for Over the Counter Medicine But Not New Names and Pronouns” February 23, 2023.</p> <p>This report reviewed policies in the 20 largest school districts by enrollment as well as districts in selected major cities, and only looked at policies regarding name and pronoun usage in the classroom, not modifying documents issued by the school. 18 districts had policies that allowed a change to names and pronouns without parental consent.</p>
England	<p>New guidance for schools was expected to be published in July, but cannot find an announcement regarding the publication or a document on the government website.</p> <p>“Under the new plans, headteachers are expected to be told that parents must always be consulted if a child wants to be called another name, or wear a different uniform. It has also been suggested that schools will not be able to use the child’s new preferred pronouns until parents give their consent.”¹⁰</p>		
Australia	<p>Queensland Trans@School: A guide for schools, educators and families of trans and gender diverse children and young people.</p> <p>As the majority of students are under the age of 18, it is difficult (or sometimes impossible) for them to legally change their name on primary legal documents, such as their passport or birth certificate, without parental consent. Therefore, requiring a student to legally change their identity documents prior to changing school records could amount to discrimination. Parental disapproval should not prevent day-to-day use of the student’s correct name and pronoun. However, this situation will need careful management by school administration, especially if the student has not disclosed their</p>	<p>Teachers in Queensland are being forced to call their students two different names if they change their gender or pronouns, a leaked email has revealed.</p> <p>The Sunshine State email said that, under the Human Rights Act, teachers are required to use a child’s preferred pronouns and names in the classroom.</p> <p>However, they are expected to use their birth name in official communication with their parents. This has led to concerns teachers could have to keep secrets from the parents of children who don’t want their identities to be known. School staff and parents across the state are said to be concerned over the issue.¹¹</p>	

⁸ July 18, 2022: <https://www.washingtonpost.com/education/2022/07/18/gender-transition-school-parent-notification/>

⁹ August 9, 2023: <https://www.wmfe.org/education/2023-08-09/florida-schools-roll-out-consent-forms-student-nicknames>

¹⁰ July 17, 2023 <https://www.theguardian.com/society/2023/jul/17/teachers-in-england-will-have-to-tell-parents-if-children-question-their-gender>.

¹¹ April 18, 2023 <https://www.dailymail.co.uk/news/article-11985519/Queensland-teachers-call-students-TWO-different-names-change-pronouns.html>

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	gender identity to one or both parents.		
France	<p><i>Regarding new gender neutral pronoun</i></p> <p>... it's no surprise that when the online edition of Le Robert, the famous French dictionary, chose to include the gender-neutral pronoun "iel" – a combination of the French pronouns "il" (he) and "elle" (she) that corresponds to the singular "they" in English – a furious controversy erupted.¹²</p>	<p><i>Regarding inclusive writing:</i></p> <p>In a decree sent to schools across France, the country's education ministry aimed to end the use of midpoints that designate both masculine and feminine endings to words. As the <i>Telegraph</i> reported, in the French language, nouns reflect the gender of the object they are referring to and the masculine ending is usually dominant. The education ministry's decree seeks to end the use of the midpoint in words, stating that it create confusion in learning the language. In the decree, H��l��ne Carr��re d'Encausse, perpetual secretary of the French Academy and Marc Lambron, current director of the French Academy, stated that the use of gender-neutral language in schools "harmful to the practice and intelligibility of the French language." "With the spread of inclusive writing, the English language—already quasi-hegemonic across the world—would certainly and perhaps forever defeat the French language," Elimas said according to the <i>Telegraph</i>.¹³</p> <p>Prominent podcasters—such as Lauren Bastide, host of the popular show <i>La Poudre</i>—even use it while speaking. But it has also angered pundits and legislators alike, who contend that the method is not only clunky and grammatically incorrect but—in classrooms especially—confusing and could alienate children with special needs.¹⁴</p>	

¹² December 8, 2021 <https://theconversation.com/no-need-to-iel-why-france-is-so-angry-about-a-gender-neutral-pronoun-173304>

¹³ May 10, 2021 <https://www.newsweek.com/france-bans-gender-neutral-language-schools-citing-harm-learning-1590092>

¹⁴ July 4, 2021 <https://foreignpolicy.com/2021/07/04/france-gender-language-ecriture-inclusive-aux-armes-citoyennes/>

Examples of school division/district policies, procedures or guidelines

Division/District	Link to document	Content regarding notification or consent
<p>Good Spirit School Division No. 204 Saskatchewan</p>	<p>319 Gender Sexual Diversity (Updated January 2023)</p>	<p>GENDER AND SEXUAL DIVERSITY 2.2. Safety Next to the family, schools play one of the most important roles in the lives of students. Recognizing the importance of caregiver support, the school counsellor/teacher or administration team should work together with individual students and their parents to ensure that all students receive the necessary support with respect to sexual orientation and/or gender identity. A School staff should not disclose 2SLGBTQIA+ student’s gender and/or sexual identity unless student permission has been granted and/or there is a specific “need to know”. School Counsellors will work with students to establish a plan to disclose their gender and/or sexual identity with caregivers.</p>
<p>Lloydminster RCSSD No. 89 Saskatchewan</p>	<p>AP 309 – Accommodating and Respecting Gender Identity and Expression</p>	<p>4. Because gender identity and/or gender expression issues are complex, delicate and highly personal, a parent/guardian, or independent student who wishes to an accommodation request on the basis of gender identity and/or gender expression is required to work with the school on the process for accommodation.</p>
<p>Ottawa-Carleton District School Board Ontario</p>	<p>Procedures 696.SCO Fostering Gender Identity, Gender Expression, and Sexual Orientation Inclusive Schools</p>	<p>4.14 All persons have a right to privacy, which includes privacy about their Gender Identity, Gender Expression, and Sexual Orientation. Schools must keep a student’s Transgender/gender diverse status and Sexual Orientation confidential unless there is consent from the student. 4.15 Schools must not: a) disclose a student’s sex assigned at birth, or legal name for those students already presenting and expressing their self-identified gender; b) share a student’s Sexual Orientation, Trans, or gender diverse status, including preferred names or pronouns, with parents, guardians or anyone else without the explicit permission of the student. 4.16 Notwithstanding the above, schools must inform students that parents/guardians have the right to access the student's Ontario Student Record. Changes that have been made regarding the student's preferred name, pronouns, or Gender Identity may appear on those documents. 4.17 In the event of a safety risk to the student, the OCDSB will involve the parent/guardian following the appropriate policies and procedures. In such a situation, the OCDSB will, where possible, consult with the student first to determine an appropriate way to reference the student’s identity and use best efforts to keep the parent/guardian informed without revealing unnecessary, confidential information about the student’s Gender Identity, Gender Expression, or Sexual Orientation.</p>
<p>Renfrew County District School Board Ontario</p>	<p>RCDSB Gender Identity and Gender Expression Guideline</p>	<p>Page 8 The District will change a student’s OSR / RCDSB Student Record to reflect a legal change of name if requested by the student or parent/guardian, upon receipt of a birth certificate or a Change of Name certificate. The Principal will work in conjunction with office staff to follow up as necessary. Report cards, diplomas, or any other document shall be issued in the student’s preferred name, at the student’s request. Changes to official records do not require consent from parents/guardians; however, legal guardians of a student have the right to access the student’s records. Schools are encouraged to work with students to support their decision-making and ensure their safety and wellbeing. Page 9 Regardless of age or grade, schools must keep a student’s gender identity and gender expression status confidential unless the student gives explicit consent to inform the parent(s)/guardian(s), or there is a specific ‘need to know’ (e.g. to fulfill a specific accommodation request). The school administrator will determine this based on the information available.</p>

Attachment A

13(1)(b)

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Appendix B

1. Do you have anything in legislation or policies that address if/when parents need to be notified or need to provide consent when a student informs their school they want to change their pronouns? If the policy is available online, please provide a link or the name of the document so I can link it in my report..

13(1)(b)

13(1)(b)

2. Are the parents notified or provide consent, and is there an age at which that would change? E.g. up to 12 a parent has to provide consent but over 12 they are notified instead.

13(1)(b)

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3. When the change to legislation and/or policy was implemented, what was the response? Positive, negative, both? I was told there may have been court challenges in at least one province. If that was in your province, is the court case ongoing? If it has been completed, what was the outcome?

13(1)(b)

4. Has anyone else been asked to do the same type of scan, and if so can you share it? .

13(1)(b)