



# Exemption Conditions for Sexuality Education

It is the responsibility of EMSB schools and school board to process, on a case-by-case basis, all requests to exempt students from participating in activities or content in sexuality education prescribed by the Minister under section 461, paragraph 3 of the Education Act (EA), in accordance with the exemption conditions stipulated by the Minister, by virtue of these same provisions.

Therefore, provided below, are conditions for exemption requests for all parents of EMSB students as indicated by the Ministry of Education of Quebec.

## **There are TWO exemption conditions:**

- 1) The activity or the content could cause the student psychological harm.
- 2) The activity or the content could infringe upon a fundamental right or freedom guaranteed by the Canadian and Québec charters.

The *Charter of Human Rights and Freedoms* can be consulted at the following address:

<http://legisquebec.gouv.qc.ca/en/showdoc/cs/C-12> .

The *Canadian Charter of Rights and Freedoms* can be consulted at the following address:

<https://www.canada.ca/en/canadian-heritage/services/how-rights-protected/guide-canadian-charter-rights-freedoms.html> .

## **Procedure for Parents to follow in the event of an exemption:**

### **A. Parents must request a meeting with an administrator.**

A parent\* who wants his/her child to be exempted from activities or content must first meet with the principal or vice-principal of the school, in order to voice his/her concerns and reservations about a specific activity or content taught in the Sexuality Education Program. If the parent is not able to meet with the principal in person, other methods can be agreed upon (i.e. telephone conversation, etc.). The meeting may result in a mutually satisfactory solution. However, it is important to note that the principal does not make a decision at this stage.

\*The parent is the person having parental authority or, unless that person objects, the person having custody de facto of the student.



**B. Written request for exemption (if necessary, after the meeting) :**

Following the meeting with an administrator, parents who still want to have their child exempt must make their wishes known in writing before the activity or the content identified. The written request must indicate, in addition to the activity or content, one of the reasons for exemption stipulated by the Minister (as stated above).

The parent must submit a justified request for exemption, with the form provided, for **every activity or content in sexuality education** from which he or she wishes to exempt his or her child during the current school year.

An exemption request can only concern **one child**.

The exemption request cannot be submitted for sexuality education as a whole and it cannot cover more than one school year (e.g. cover all the activities or content of a specific theme offered throughout elementary or secondary school).

If a parent wishes to submit a request for exemption, the period of time between the written request and the presentation of the sexuality education content to the students must be sufficient to allow the principal and school board the time to process the exemption request and to obtain, when appropriate, the clarifications deemed necessary. Exemption from content or an activity must be submitted at least 15 days prior to the scheduled activity or content that a parent is requesting their child be exempted from.

**A parent's written request for exemption must be justified with:**

- The sexuality education activity or content that is the subject of his or her request;
- The reason for the request, that is, the reason that this activity or content could cause the student psychological harm or could infringe upon a fundamental right or freedom guaranteed by the charters, identifying, in the latter case, the fundamental right or freedom in question;
- How this activity or content could cause the student psychological harm or, depending on the case, how this activity or content could infringe upon the right or freedom in question.



### **Request for Exemption: Form**

The parent who requests to have their child exempt, must complete the [request for exemption in Sexuality Education](#) form found on the EMSB website, entitled, Request for exemption in Sexuality Education and submit it to [exemptions@emsb.qc.ca](mailto:exemptions@emsb.qc.ca) along with all supporting documentation. All supporting documents must be received before requests are reviewed.

*In support of a request for exemption based on psychological harm:*

- A parent must provide a written opinion produced by a professional, within the meaning of the Professional Code (CQLR, chapter C-26), who is competent in the matter, which confirms the risk of psychological harm. However, if the principal of the school already possesses information about the student's situation that establishes the serious nature of the reason, the parents must provide an affidavit which attests that the activity or the content which may cause the student psychological harm and explains the nature of the anticipated psychological harm (on the form provided).

*In support of a request for exemption based on the infringement upon a fundamental freedom or right guaranteed by the Canadian and Québec charters:*

- A parent must provide a written affidavit which attests that the activity or the content identified in the parent's exemption request infringes upon a freedom or a right guaranteed by the charters, specifying the right or freedom in question and how his or her child's right or freedom would be infringed upon if the child were to take part in the activity or receive the content in sexuality education.

*In the affidavit*, the parent identifies the facts that motivate his or her request, swears under oath that all the facts alleged are true and signs the affidavit in the presence of a person who is authorized to administer the oath.

Persons with the authority to administer oaths include:

- Clerks of the Court of Québec, the Superior Court and the Court of Appeal, as well as administrative justices of the peace
- Lawyers and notaries
- Commissioners for Oaths appointed by the Minister of Justice

To find the Commissioners for Oaths appointed by the Minister of Justice as well as their contact information, see the website: [www.assermentation.justice.gouv.qc.ca](http://www.assermentation.justice.gouv.qc.ca).



## **The Decision**

An exemption is granted if it is considered that it would be more harmful for the student to participate in an activity or receive content than to be exempted from it. Any decision rendered shall be made in the interests of the child and respect his or her rights. In this regard, article 33 of the Civil Code of Québec stipulates that “every decision concerning a child shall be taken in light of the child’s interests and the respect of his rights. Consideration is given, in addition to the moral, intellectual, emotional and physical needs of the child, to the child’s age, health, personality and family environment, and to the other aspects of his situation”.

If the school board deems that the parent has met these conditions and that the serious nature of the reason has been established, the school board shall grant the requested exemption and notify the parent making the request of this decision. All decisions shall be provided to the parent making the request, in writing.

Without an exemption decision by the School Board, activities or content in Sexuality Education will be mandatory.