

## Ontario's new 2019 Health and Physical Education Curriculum

In August 2018, the Ontario Minister of Education issued a Directive requiring all elementary public school teachers (grades 1 to 8) to cease using the 2015 Health and Physical Education (HPE) Curriculum and revert to the 2010 version until a new HPE Curriculum could be developed. This meant that up-to-date information related to HIV and HIV stigma, sexual orientation, gender identity, same-sex relationships, and issues of consent from the 2015 HPE Curriculum was no longer included in mandatory teaching material.

The Directive was challenged in court, and HALCO and the Canadian HIV/AIDS Legal Network **intervened**<sup>1</sup>. The Ontario Superior Court of Justice (Divisional Court) released its **decision**<sup>2</sup> in February 2019, which confirmed that the *Canadian Charter of Rights and Freedoms* (Charter) and the *Ontario Human Rights Code* require that sexual health education be taught in an inclusive way. However, the Court ultimately found that the Directive did not breach the Charter.

On August 21, 2019, the Ontario government released the 2019 HPE Curriculum for elementary schools. While we have serious concerns with some aspects of the curriculum, including with the timing of introduction of discussion of gender identity, we are very pleased to see that key HIV information, including content about the harms of HIV stigma, remains. For example, the assertion that “[o]ne of the best things you can do to stop HIV is to stop the stigma that is associated with having the infection” is still included. We are extremely pleased to see that the curriculum also newly incorporates updated science underlying the **U=U message**<sup>3</sup>, with the statement “HIV treatment can reduce the amount of HIV in someone’s body to the point where it cannot be transmitted.”

We will be providing further information about other aspects of the new curriculum at a later date.

Ontario’s new 2019 Elementary HPE curriculum is available at the Ministry of Education online here: <http://www.edu.gov.on.ca/eng/curriculum/elementary/2019-health-physical-education-grades-1to8.pdf>.

(HALCO - August 2019)

<sup>1</sup> <https://www.halco.org/wp-content/uploads/2019/02/Sex-Educ-Statement-2019Jan8.pdf>

<sup>2</sup> <https://www.canlii.org/en/on/onscdc/doc/2019/2019onsc1308/2019onsc1308.html>

<sup>3</sup> <https://www.catie.ca/en/positiveside/summer-2017/uu>