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New Standards (or is it a Book Ban?) in Alberta K-12 Schools

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Order Commented On: Ministerial Order [030/2025](#) (Education and Childcare)

On July 4, 2025, Education and Childcare Minister Demetrios Nicolaides issued Ministerial Order [030/2025](#) prohibiting the inclusion of library materials with prescribed sexual content in K-12 schools. The Minister’s statement that this is about school standards and not a book ban, as reported by CBC News [here](#), is simply not reconcilable with the written terms of his Order, as explained in this post.

In May, the UCP government indicated it was heading towards a book ban when it made an example of 4 books which [depict sexual 2SLGBTQ+ content](#) and the Premier was quoted as stating: “Albertans deserve to know what's really being shown to children in some of our K-9 schools”. Partisan intrusion on programming in K-12 schools and a strange fixation on gender identity and sexual orientation has become a defining characteristic of this UCP government. ABlawg readers will recall that in the Fall 2024 sitting of the Legislature, the Education Minister introduced amendments to the *Education Act*, [SA 2012, c E-0.3](#), to exercise Ministerial control over curriculum materials on gender identity, sexual orientation, and human sexuality and restrict the liberty of youth to use gender affirming names or pronouns in school without parental notification/consent – see [UCP Grievance and Culture-War Politics Enter Schools](#). The policies underlying these legislative changes and now this Order are deeply troubling on many grounds, including the creation of significant limitations on access to materials that inform kids about consent to sexual activity, and exemptions granted to religious materials that are discriminatory on sexual orientation and gender identity. This post does not comment directly on these policies, but rather critically examines the drafting in sections 2 and 3 of Ministerial Order [030/2025](#) to question both the Minister’s assertion that this is not a book ban and the Order’s likely effectiveness.

Sections 2 and 3 of the Order are not about “standards”. Sections 2(a) and (b) prohibit the inclusion and access to materials that have “explicit sexual” and “non-explicit sexual” content in school libraries. Section 2(d) obligates a school division or operator to continually review its library materials to ensure compliance with the Order. Section 2(e) requires a school division or operator to publish a list of all school library materials. Sections 2(f) and (g) impose supervision obligations on school staff to monitor access to library materials. Section 3 obligates a school division or operator to remove all “explicit sexual content” from a school library by October 1, 2025. Prohibitions and removal are indicia of a ban: plain and simple.

These prohibitions are implemented using categories of what is defined as “school library materials” in section 1(j): “any materials, including books or electronic materials, that are accessible or available to children or students in a school library, but does not include learning and

teaching resources authorized or approved by the Minister, or selected and used by a teacher to support curricular outcomes”. Perhaps important to observe here is that the drafting of “school library materials” includes electronic access in a library – like accessing the internet on a mobile phone. As will be discussed further below, access to the internet is something the drafting of this Order addresses poorly.

The categories of “school library materials” subject to this Order are: (1) “explicit sexual content”; (2) “non-explicit sexual content”; and (3) “non-sexual content”. Section 2(a) of the Ministerial Order completely prohibits “explicit sexual content” from school library materials and requires all such materials to be removed by October 1, 2025. The problem with this is not the prohibition itself – although given where “explicit sexual content” is otherwise available the effectiveness and unintended consequence of how this prohibition is drafted does make its substantive merit questionable – but rather the implicit suggestion by this Order that a prohibition is necessary because school libraries have materials that meet the definition of “explicit sexual content” in section 1(d):

“explicit sexual content” means content containing a detailed and clear depiction of a sexual act. This includes, but is not limited to, a detailed and clear depiction of

- i. masturbation including touching of a person’s own genitals or anus with a finger, artificial sexual organ or other substitute for a sexual organ,
- ii. penetration of the penis into the vagina or anus,
- iii. contact of a sexual nature between the genitalia, mouth, hand, finger or other body part with the clothed or unclothed genitalia, pubic area, buttocks, anus, or if the person is female, the breast, of another person,
- iv. ejaculation onto another person, or
- v. the use of artificial sexual organs or substitutes for sexual organs on the clothed or unclothed genitalia, pubic area, buttocks, anus, or if the person is female, the breast, of another person,

but does not include non-sexual content, non-explicit sexual content or any depiction of any nature contained in religious texts or scriptures;...

The UCP government appears to be relying on excerpts from the same 4 books the Minister showcased in his May announcement as [reference materials](#) to justify the prohibitions in the Order. Records released via an access to information request show that staff in the Minister’s office relied at least in part on information about books banned in the US, including a database that is overinclusive of 2SLGBTQ+ content, to search what is in Alberta K-12 school libraries and locate these 4 books among others – see [Alberta used lists of America’s most banned books and a controversial database to identify ‘inappropriate’ material in schools](#). And while there is sexually explicit content in those materials, the prescribed definition of “explicit sexual content” in the Order, together with the Order that all such material be removed from the libraries, is suggestive that school libraries have shelves of pornographic material for students to access, and it is disingenuous of the Minister to suggest this. Indeed, as noted at the end of this post, school divisions in Alberta already follow established processes to ensure that library resources are age-appropriate, with mechanisms for community members to bring forward concerns.

Section 2(b) of the Ministerial Order prohibits access to “non-explicit sexual content” school library materials for students below grade 10, and section 2(c) permits access by students in grade 10 or above, if the material is “developmentally appropriate”. One significant problem with this partial prohibition is the drafting of the definition of “non-explicit sexual content” as: “means content containing a depiction of a sexual act that is not detailed or clear, but does not include non-sexual content or any depiction of any nature contained in religious texts or scriptures.” Ironically, this definition is also not “detailed or clear”. This drafting is far too vague and imprecise for a category that informs a legal rule, particularly when you consider that some schools in Alberta include students below and above grade 10. It is essential that school officials coherently understand what is being asked of them by the Minister. That is not the case here.

The category of materials that are “non-sexual content” is poorly defined in a circular manner to mean “content that is not sexual in nature” (section 1(g)). There is a list of examples, but these are also problematic because many of them would ordinarily be read as “sexual content”:

“non-sexual content” means content that is not sexual in nature, and includes but is not limited to

- i. a depiction of bodies, body parts, or physical contact related to medical conditions, examinations or treatment,
- ii. a depiction of bodies, body parts, or physical contact not of a sexual nature but related to biological functions or processes involving genitalia like puberty, menstruation, pregnancy or breastfeeding,
- iii. a depiction of sexual acts or any biological function or process that is for information and is not narrative, such as a depiction contained in technical or reference materials such as dictionaries or encyclopedias,
- iv. a depiction of non-sexual activities that may be related to sexual acts or romantic relationships, such as kissing or handholding, or
- v. indirect references to sexual acts or the implication or suggestion that sexual acts have occurred or are occurring;

This list of examples violates the drafting practice that a definition should not explicitly conflict with its ordinary meaning. In other words, the Minister should not be defining material that is ordinarily understood to be sexual content, as “non-sexual content”. In any case, it is difficult to understand why this category is defined at all in the Order, because no rule or obligation attaches to this “non-sexual content”.

One is left to wonder how carefully the drafting in this Order was reviewed before the Minister issued it. In addition to the drafting issues noted above, the so-called “explicit” and “non-explicit” sexual content is readily available on the internet as electronic materials accessible in a school

library so long as there is unblocked internet access. Does it matter if that material is accessed online outside the library but still on school property? It would no longer be “school library materials”, but presumably still accessible at school.

And when we think about where sexual content is described, what else might be caught by the prohibitions in this Order? What about judicial decisions – the law – on sexual assault? Search the word “penis” on [CanLII](#) and the second judicial decision on the list is *R. v J.J.R.D.*, [2006 CanLII 40088 \(ON CA\)](#). For what seems to be “explicit sexual content” defined by the Minister in his Order, see paragraphs [9](#), [18](#), and [19](#). It took me about 30 seconds to find this content on CanLII. This judicial decision by the Ontario Court of Appeal and any of the other thousands of judicial decisions that have similar content and are available electronically could now be prohibited material in Alberta’s K-12 schools. Or maybe this is “non-explicit sexual content” so only subject to a partial prohibition? Or maybe this is “non-sexual content”, such that it is not subject to the Order at all? Is law “technical or reference” material where a sexual act is presented as information and not narrative? The paragraphs referenced above seem more like a narrative than information. What is the difference between ‘information’ and a ‘narrative’? Maybe the Minister will include the law in his authorization list for school library materials?

In other words, so many questions are left unanswered here. And given that sexually explicit material is widely available outside of school libraries, what exactly is this Order getting at? As commentators noted back in May, the materials referenced by the Minister are targeted at 2SLGBTQ+ persons. The Minister seems so determined to be convincing that this Order is about “standards” and not book bans, that he relies on section 18(2)(b) of the *Education Act* to make this Order. Section 18(2) reads as follows:

The Minister may, by order, do the following:

- (a) subject to the right of a board to provide religious instruction, prohibit the use of a course, a program of study or a learning and teaching resource in schools;
- (b) adopt or approve goals and standards applicable to the provision of education in Alberta.

If the Minister’s objective was solely to enact standards on sexually explicit school library materials, this Order is a poor attempt at that. It reads much more like a book ban, and it is difficult to comprehend how section 18(2)(b) serves as a proper basis for sections 2 and 3 of this Order. These sections explicitly prohibit access to books and electronic materials, and the Minister should be relying on section 18(2)(a). Is that section a sufficient legal basis for what is essentially a book ban in school libraries? I’m not so sure. In any case, the Minister has not provided a compelling justification in this Order for why he is intruding into what is otherwise a matter for school authorities to decide on, and a topic for which Alberta K-12 school authorities already have established policies and procedures for – see [here](#) for a statement from the Board of Trustees of the Calgary Board of Education and Edmonton Public School Board.

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