



Discussion Paper in Brief

Education Act Modernization

Have Your Say on the Future of Education
in the Northwest Territories.

Government of
Northwest Territories



English

French

Cree

Tłicho

Chipewyan

South Slavey

North Slavey

Gwich'in

Inuvialuktun

Inuktitut

Inuinnaqtun

Francophone Affairs Secretariat: 867-767-9343

Table of Contents

HAVE YOUR SAY 2

Why are we modernizing the *Education Act*? 3

EDUCATION SYSTEM STRUCTURE AND GOVERNANCE 4

Overlapping Roles and Responsibilities 5

Role of Indigenous Governments 5

French First Language School Boards 5

Funding the Current Education System 6

LANGUAGE AND CULTURE 7

French Language Instruction 7

Indigenous Language Instruction 7

Culture and Land-Based Learning 7

Challenges and Considerations 7

EDUCATION PROGRAMMING 8

Curriculum and Resource Development 8

Inclusive Schooling 8

Challenges and Considerations 9

Information Sharing and Student Records 9

Challenges and Considerations 9

Safe and Caring Schools 10

Challenges and Considerations 10

School Calendar and Closures 10

Challenges and Considerations 10

Pupil-Teacher Ratio 10

EDUCATION STAFF 11

Teacher Certification 11

School Counsellors and

Child and Youth Care Counsellors 11

NEXT STEPS 12



Have Your Say

The Government of the Northwest Territories (GNWT) is working to modernize the *Education Act* in the life of the 19th Legislative Assembly as a way to increase student education outcomes to the same level as the rest of Canada.

The Department of Education, Culture and Employment (ECE) wants to hear from residents and stakeholders about how the Junior Kindergarten to Grade 12 (JK-12) education system can better meet the needs of students across the Northwest Territories.

To start conversations, ECE has written a Discussion Paper for public comment. The following Discussion Paper in Brief provides the key points of information, in less detail. The full-length Discussion Paper, with all the issues presented in greater detail, can be found on the Department of Education, Culture and Employment website (www.gov.nt.ca/EdAct).

The Discussion Paper highlights:

- Issues with the current *Education Act*;
- Potential areas for improvement; and
- Discussion questions for stakeholders to consider and to help ECE understand the type of education system residents of the NWT want in the future.

The 4 main issues in the Discussion Paper are:

1. Education System Structure and Governance
 - Including the role of the Minister; education bodies; Indigenous governments; and Francophone school boards
2. Language and Culture
 - Including language of instruction; and culture and land-based learning

3. Education Program

- Including curriculum and resource development; inclusive schooling; information sharing and student records; school safety; school calendars; school closures; and parent-teacher ratios

4. Education Staff

- Including teacher certification; and school counsellors and child and youth care counsellors

Each section of the Discussion Paper and this Discussion Paper in Brief can be read and thought about on its own or alongside the other sections of the Paper.

Based on what ECE hears from the public, proposals for improvement and change to the *Education Act* will be developed. The findings from this engagement process will be reported back to the public in the late summer of 2021.

You can share your thoughts and opinions through an online survey, by sending in a written submission, or by participating in one of the online town halls that will be held during the months from March through June.

Find out more about how to share your thoughts and opinions at www.gov.nt.ca/EdAct.



Why are we modernizing the Act?

The GNWT wants to increase student outcomes to the same level as the rest of Canada, and to close the gap in student outcomes that exists between Indigenous and non-Indigenous students and between students in Yellowknife and smaller communities.

ECE has a number of initiatives underway to help improve student outcomes as part of the 10-year Education Renewal and Innovation (ERI) Framework, as well the recently released Action Plan to Improve Student Outcomes (Action Plan). The goal of modernizing the *Education Act* is to ensure that system-wide improvements to the education system can occur as part of these broader efforts.

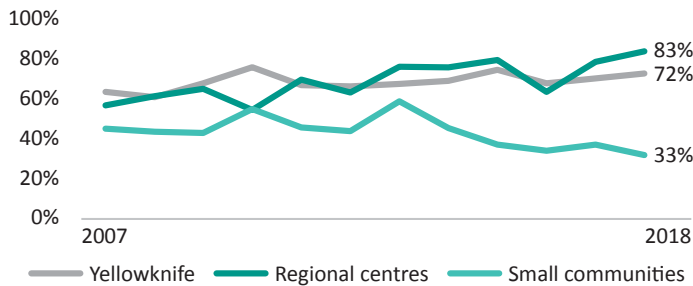


Fig. 1:

Gap for small communities persists all the way to graduation

Graduation rates for students in Yellowknife and regional centres are higher compared to small communities.

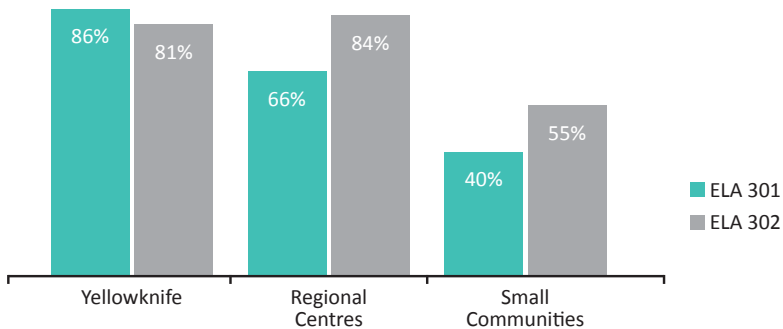


Fig. 2:

More support needed for student achievement in small communities

A higher percentage of students in Yellowknife and regional centres score “acceptable” or higher on Grade 12 English Language Arts Diploma Exams compared to students from small communities.

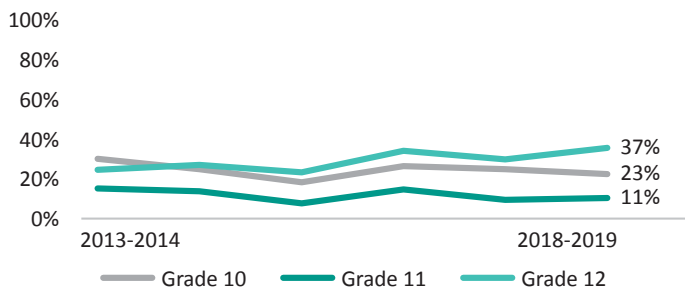


Fig. 3:

More individualized learning supports needed for students in Grades 10 to 12

This graph shows the percentage of students who are not advancing to the next grade. In some years, almost a third of students are remaining in Grades 10 and 12.

Education System Structure and Governance

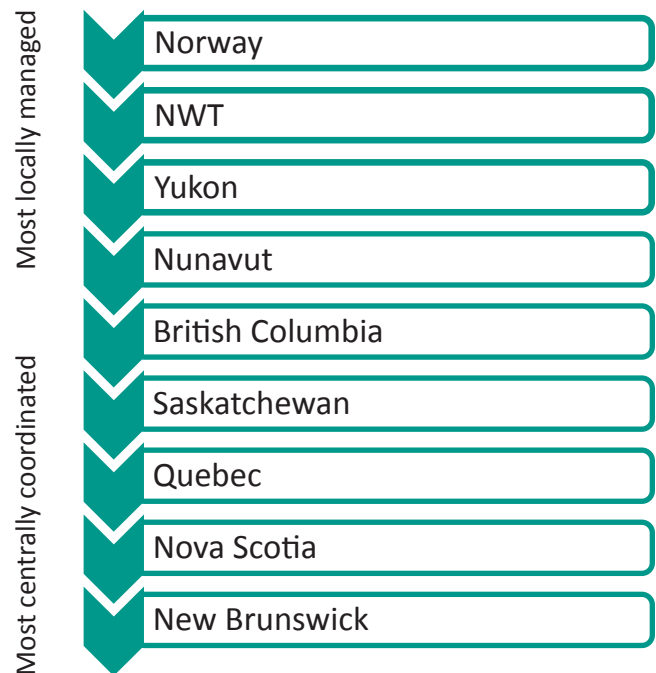
The education system in the NWT can be thought of simply with two key layers, the Department of Education, Culture and Employment (ECE) which is led by the Minister of ECE and sets the broad goals and rules, and the education bodies and schools which deliver education programs to students.

The Minister is primarily responsible for the administration of the Act and the establishment of curriculum and standards for education. In practice this work is undertaken on behalf of and in collaboration with the Minister by the Department of Education, Culture and Employment (ECE).

The *Education Act* currently distributes duties among education bodies and ECE with often overlapping responsibilities. The lines of authority between the Minister, Divisional Education Councils (DEC) and District Education Authorities (DEAs) can therefore be unclear. Currently, the Minister is in some cases taking on the role or authority where there is a lack of clear direction; for example, there is a gap in the Act regarding student assessment, which calls into question how far the Minister’s authority extends.

In the NWT, the delivery of education is primarily managed at the local level. Education bodies have significant decision making authority in comparison to most other Canadian jurisdictions. Internationally, Norway is the only comparable country that provides greater local authority to manage education. Over the years we have learned that there are both benefits and challenges associated with our particular system of local management. Developing a new *Education Act* gives us the opportunity to capitalize on those benefits, while addressing the challenges and inefficiencies that hinder our ability to support student success.

This infographic shows the different styles of coordination that can be seen within a sampling of education systems, on a scale from most local to most centrally-coordinated.



Overlapping Roles and Responsibilities

The *Education Act* currently distributes responsibilities among local District Education Authorities (DEAs), regional Divisional Education Councils (DECs), and ECE. These responsibilities often overlap, resulting in situations where it is unclear which organization is responsible for providing a service, has the authority to make a decision, or should be held accountable for an outcome.

Role of Indigenous Governments

The *Education Act* does not currently include a process for allowing decision-making powers to be transferred to Indigenous governments in support of self-government implementation. Self-governments and negotiating groups have increasingly expressed interest in taking on a greater degree of involvement and decision making in the education system. This includes a desire for flexible approaches that will support the gradual move

toward full self-government implementation. The GNWT recognizes that full exercise of jurisdiction is a substantial undertaking and that there is a need to support options that build capacity based on the unique circumstances of communities. A modern *Education Act* needs to support self-government implementation, including the exercise of jurisdiction and taking on of responsibilities for education programs by Indigenous self-governments.

French First Language School Boards

As of August 2020, admission of students to French first language schools is governed by regulation under the *Education Act*. The regulations determine who is eligible for admission by Commission scolaire francophone des Territoires du Nord-Ouest (CSFTNO). The process for admitting children of non-rights holders has been significantly revised over the past several years. Incorporating this process into a new *Education Act* – as was the approach taken in British Columbia, for example – would give some degree of certainty to all parties.



Funding the Current Education System

The GNWT provides annual contributions to education bodies for their operations in accordance with the NWT School Funding Framework. In addition to providing schools with a base level of funding, the Framework allocates funding based on several factors, including student enrolment, staff salaries (i.e. Collective Agreements), the location of the school, and the consumer price index.

Funding is also distributed in a targeted fashion where required, such as to cover the unanticipated costs required to reopen schools during the COVID-19 pandemic.

Annual contribution funding is separated into four categories:

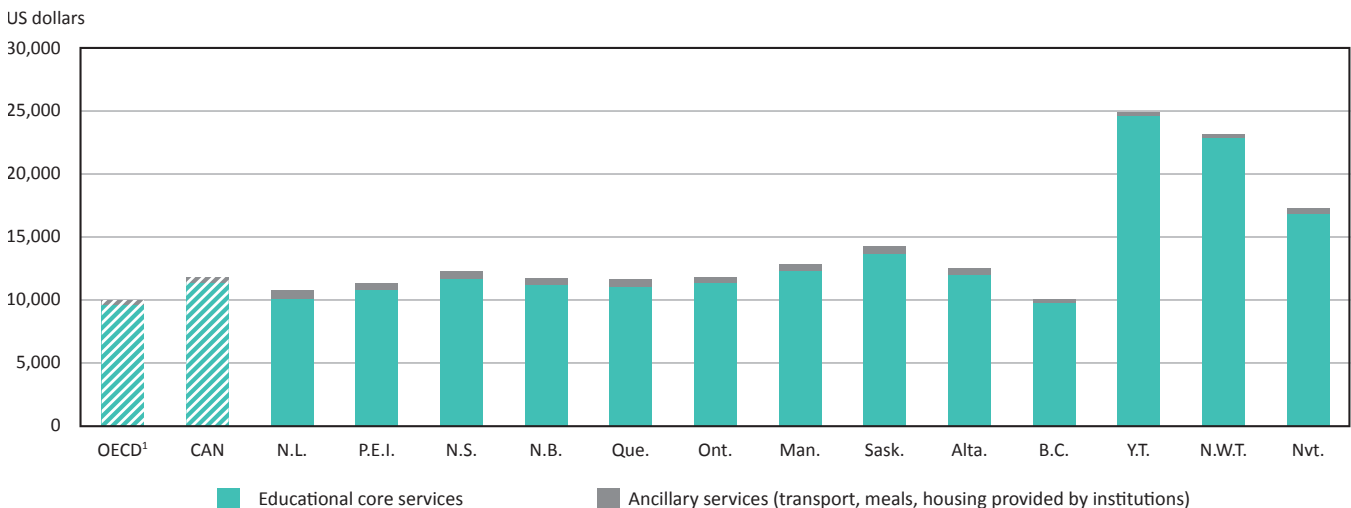
1. Administration and School Services
2. Territorial Schools Operations
3. Inclusive Schooling
4. Indigenous Languages and Education

The two Yellowknife education authorities receive reduced funding from the GNWT because they finance part of their operating budget through collecting local property taxes.

This chart outlines spending for primary/secondary education, per student, by province and territory. Note that for Nunavut, data is unavailable.

The NWT spends twice the Canadian average on education per student. This is due in part to our small population, large landmass, high cost of living, and the governance system set out in the *Education Act*.

Core and ancillary expenditure per student in primary/secondary education, in US dollars, OECD, Canada, provinces and territories, 2016/2017



1. Primary and Secondary education measure also includes post-secondary non-tertiary.

Note: The bars representing Canada and the OECD are filled with a diagonal line pattern to make them easier to find.

Sources: Table B.1.2.2, and *Education at a Glance 2020 OECD Indicators*.

Language and Culture

The current *Education Act* allows for language instruction to take place in any of the NWT Official Languages as first language instruction, immersion and/or second language instruction. Right now, the primary language of instruction in most NWT schools is English, with French or an Indigenous language taught as the second language. There are also French first language, French immersion and Indigenous language immersion programs.

French Language Instruction

As of the current 2020-21 school year, there are 15 NWT schools that provide French as a second language (i.e. core French).

- Ten schools provide French immersion instruction, and five schools offer intensive and post-intensive French programs.
- Two schools provide French first language instruction

Indigenous Language Instruction

As 2020-2021, 42 out of 49 NWT schools offer Indigenous language programming as a second language. Four schools offer Indigenous immersion programming in the primary grades.

Indigenous language instruction is most often delivered through 30-minute periods held 3 times per week.

Culture and Land-Based Learning

The legislation also provides for the delivery of culture based school programs taught, where possible, by school staff hired from the local community. The JK-12 Indigenous Languages and Education Policy (ILE Policy) requires education bodies to provide quality Indigenous language instruction and relevant culture based school programs that centre and promote the Indigenous worldviews, cultures and languages of the community in which the school is located.

To ensure the Indigenous Language Education Policy is being followed, and to provide training and supports to Indigenous language instructors, Regional Indigenous Language and Education (RILE) Coordinators in each region work with their respective superintendent(s) and principal(s).

Challenges and Considerations

- **Legislative:** There is a lack of regulatory guidance for establishing and sustaining Indigenous language immersion programs.
- **Program:** There is a shortage of developed programs and resources in the NWT's nine official Indigenous languages, and a lack of capacity for translating existing curriculum or developing culturally relevant materials.
- **Teaching:** There are challenges employing Indigenous language instructors including availability, training and qualifications.



Education Programming

Curriculum and Resource Development

Learning: Tradition and Change in the Northwest Territories, the 1982 report that led to the development of the 1988 *Education Act*, laid out the following roles within a decentralized system:

- The Department of Education was to be given authority over the development of curriculum;
- An intermediary body was to be responsible for the creation of the “teaching materials and resources” to supplement curricula; and
- Education bodies were to be responsible for the classroom use of those curriculum-aligned resources.

While the Department of Education, Culture and Employment and education bodies took on their roles, the intermediary body was never funded or created. The development of curriculum is extremely costly and time consuming. This is why the NWT has spent more than 50 years adopting and adapting much of Alberta’s curricula and assessment tools. Likewise, while education bodies may develop local curriculum, they generally lack the resources to do so. Despite these challenges, ECE has worked with its education partners to develop two high-quality, and locally and culturally relevant curricula for NWT schools (*Dene Kede and Innuqatigiit*).

Inclusive Schooling

In the *Education Act*, inclusive schooling refers to the right of every student, regardless of ability or need, to access education in a regular instructional setting in the community where they live.

Students also have the right to have education appropriately modified to suit their needs and abilities; for example, through a Modified Education Plan (MEP), Individual Education Plan (IEP) or a Student Support Plan (SSP).

REGULAR EDUCATION PROGRAM	Curricular learning outcomes at grade level with or without accommodations (as documented in an SSP)
MODIFIED EDUCATION PROGRAM	Curricular learning outcomes significantly above or below Grade Level (as documented in an SSP through the MEP process)
INDIVIDUAL EDUCATION PROGRAM	Student specific learning outcomes which may or may not include curricular learning outcomes (as documented in an IEP)



Challenges and Considerations

- A high percentage of NWT students are on Modified Education Programs, Student Support Plans, or Individual Education Plans, making it a challenge to ensure student participation and success and placing a heavy workload on teachers.
- Many factors contribute to developmental delays and cannot be solely addressed through changes to legislation, but rather require a whole of government approach.
- Modernization of the Act may consider amendments to address the unique needs of students of the NWT in consultation with the community or Indigenous government in order to better aid the students of the school.

ECE is currently undertaking a review of Inclusive Schooling to monitor and measure compliance, and determine what further support is required.

Information Sharing and Student Records

Every NWT education body records student information and stores it electronically in a system administered by ECE. However, the Department does not have the legal authority to view and analyze student information for the purposes of monitoring and evaluating the education system in order to make targeted improvements.

Challenges and Considerations

- The Minister has a responsibility to set and maintain educational standards in the NWT. However, under the *Education Act* the non-personal student data needed to properly carry out these functions is not allowed to be shared with the Minister or ECE.
- The Department is currently unable to approve resources or tools to improve information collection and sharing. The Minister and Department are often unable to respond to questions from the media or public regarding the state of the education system and student achievement, since the information is not owned by ECE.



Safe and Caring Schools

A safe and caring school is one that ensures students are physically, culturally, mentally, emotionally and socially safe and that the necessary relationship skills are taught, modeled and practiced to ensure belonging, inclusion and a respect for diversity. The *Education Act* was amended in 2013 to include a definition of bullying, and to establish Safe School Regulations and a requirement that education bodies ensure the development of Safe School Plans. At the time, the changes were intended to address a specific issue and, as such, the scope of the amendments was narrow.

Challenges and Considerations

- The current Safe Schools Regulations are out of date.
- The sections of the Act that deal with student suspension and expulsion should be revisited to ensure they comply with modern national and international standards.
- The responsibilities and duties of the Safe School Committees need to be clearly defined.

School Calendar and Closures

School calendars are currently set by local education bodies. This practice recognizes the diverse nature of our territory and allows education bodies to accommodate important local events and holidays, regional fishing and hunting seasons, and cultural practices. Along with these benefits of local school calendars, there are also challenges. For example, it is difficult to schedule exams, administer the Northern Distance Learning program to students across the NWT, and provide coordinated services such as training and professional development for educators.

The *Academic Year and School Attendance Regulations* under the *Education Act* give authority to District Education Authorities to temporarily close school for health or safety reasons. School closures are most frequently due to issues related to weather, or mechanical or infrastructure issues. In 2020, closures occurred due to the COVID-19 pandemic.

Challenges and Considerations

- The Regulations do not provide clarity on what may be considered a health or safety issue, or the time frame for temporary closures.
- The lack of consistent policy across DEAs, as well as conflicts between the regulations and Collective Agreement, has posed difficulties.
- Under the *Education Act*, the Minister has no authority to close or reopen a school. This was found to be a shortcoming during the COVID-19 pandemic.

Pupil-Teacher Ratio

The pupil teacher ratio (PTR) is a mechanism used by the Department of Education, Culture and Employment to allocate resources to NWT schools. The NWT is one of only three provinces and territories in Canada that includes pupil-teacher ratio requirements in legislation or regulations. The other provinces and territories set them in collective agreements. Based on the experience of other jurisdictions, locating pupil-teacher ratios or class size limits within regulations appears to give the most flexibility for responding to territorial needs.

Education Staff

Teacher Certification

Over the years since the *Education Act* was last revised there have been many changes outside of the NWT regarding teacher certification. Changes to the Canadian Free Trade Agreement that requires the NWT to clarify processes and reasons where certification can be refused; and changes to the certification process and requirements of other provinces and territories are examples of these outside changes that impact NWT teacher certification. ECE has also identified gaps in the teacher certification process, including the fact that under the current *Education Act*, international teachers are not required to show proof of language proficiency in English or French.

One of the primary benefits that will arise from *Education Act* modernization is the ability to clarify the requirements for teacher certification, but also to clarify when a teacher's certification can be suspended or cancelled.

School Counsellors and Child and Youth Care Counsellors

School counsellors work in schools across the NWT to ensure the mental health and well-being of students. According to the *Education Staff Regulations* they are required to have a Bachelor of Education with a specialty in guidance or an equivalent specialty.

Historically school counsellors were employed directly by the education bodies across the NWT. Over the years from 2018-2022 school counsellors employed by education bodies are being replaced with Child and Youth Care Counsellors (CYCC) who are employed by the Health and Social Services Authority.

CYCCs are part of the community counselling team, whereas school counsellors were exclusively based in schools acting as support for school staff and students. CYCCs are required to have a Master's degree in an appropriate area and are overseen by clinical supervisors, as part of the community counselling program administered by the Department of Health and Social Services (HSS). ECE would like to hear your views on the positive and negative aspects of this transition and how this transition should or should not be set in a modern *Education Act*.



Next Steps

A period of public and stakeholder engagement is occurring to get feedback on the issues and questions presented in this Discussion Paper.

After the close of this engagement period, the Department of Education, Culture and Employment will publish a public document outlining what we heard from partners and stakeholders across the territory. Feedback from the public and stakeholders will be used to determine the content of a modern *Education Act* that will support the success of NWT students now and into the future.

Based on the feedback from residents and stakeholders, public communication outlining clear next steps based on the What We Heard report is expected to be shared in the summer or fall of 2021.





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