



Education Act Modernization

Discussion Paper for Public Engagement
Winter and Spring 2021

Government of
Northwest Territories



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English

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French

Kīspin ki nitawihtīn ē nīhīyawihk ōma ācimōwin, tipwāsinān.

Cree

Tł̥chq̥ yatı k'èè. Dı wegodı newq̥ dè, gots'ō gonede.

Tł̥chq̥

ʔerihł'ís Dēne Sųlíné yatı t'a huts'elkēr xa beyáyatı theʔą ʔat'e, nuwe ts'ēn yółtı.

Chipewyan

Edı gondı dehgáh got'je zhatié k'éé edat'éh enahddhę nıde naxets'é edahłı.

South Slavey

K'áhshó got'jne xədə k'é hederı ʔedjłht'é yerınwę nıde dúle.

North Slavey

Jii gwandak izhii ginjik vat'atr'ijáhch'uu zhit yinothtan jı', diits'át ginohkhii.

Gwich'in

Uvanittuaq ilitchurisukupku Inuvialuktun, ququaqłuta.

Inuvialuktun

Ć^bdΔ ΠΠ^{sb}Δ^c Λ^cLJΔ^{rc} Δ^{ob}Π^cΔ^csbγL^cΠ^b, Δ^cΠ^aΔ^c Δ^cıbc^aΔ^csb^cΠ^c.

Inuktitut

Hapkua titiqqat pijumagupkit Inuinnaqtun, uvaptinnut hivajarlutit.

Inuinnaqtun

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Table of Contents

EXECUTIVE SUMMARY	1	SECTION 2: LANGUAGE AND CULTURE	28
Why are we modernizing the <i>Education Act</i> ?	2	Language of Instruction.....	28
How did we get here? Background on the Act	4	Culture and Land-Based Learning.....	29
Lessons Learned During the COVID-19 Pandemic Response.....	5	Discussion Questions.....	31
Have Your Say! Education Act Modernization	6	SECTION 3: EDUCATION PROGRAM	32
How do I participate?	7	Curriculum and Resource Development.....	32
How will my input make a difference?	7	Inclusive Schooling	33
SECTION 1: EDUCATION SYSTEM STRUCTURE AND GOVERNANCE	8	Information Sharing and Student Records	36
How is the current education system structured?	8	Safe and Caring Schools.....	38
Current Role of the Minister.....	10	School Calendar.....	39
Current Role of Education Bodies.....	10	School Closures	40
Current Role of Indigenous Governments.....	12	Pupil-Teacher Ratio.....	42
French First Language School Boards	13	Discussion Questions.....	44
Funding the Current Education System	14	SECTION 4: EDUCATION STAFF	45
Challenges and Considerations	17	Teacher Certification	45
What is done in other jurisdictions?	20	School Counsellors and Child and Youth Care Counsellors.....	47
Where do we go from here? Opportunities for Change.....	26	Discussion Questions.....	48
Discussion Questions.....	27	NEXT STEPS	49



Executive Summary

Following the 2019 territorial election, the Government of the Northwest Territories (GNWT) set its mandate for the next four years. The mandate includes a commitment to increase student education outcomes to the same level as the rest of Canada. Within this mandate is a commitment to modernize the *Education Act*.

The Department of Education, Culture and Employment (ECE) is engaging partners and stakeholders of Junior Kindergarten to Grade 12 (JK-12) education to gather people's views on how to modernize the legislative framework in the Northwest Territories (NWT).

To generate informed discussion, this Discussion Paper on the modernization of the *Education Act* highlights:

- Issues with the current *Education Act*;
- Potential areas for improvement; and
- Discussion questions to gather resident and stakeholder views on the current system, to help ECE understand the type of education system residents of the NWT want in the future.

Issues discussed in this paper include:

1. Education System Structure and Governance (pages 8 to 27)
 - Including the role of the Minister; education bodies; Indigenous governments; and Francophone school boards

2. Language and Culture (pages 28 to 31)
 - Including language of instruction; and culture and land-based learning
3. Education Program (pages 32 to 44)
 - Including curriculum and resource development; inclusive schooling; information sharing and student records; school safety; school calendars; school closures; and pupil-teacher ratios
4. Education Staff (pages 45 to 48)
 - Including teacher certification; and school counsellors and child and youth care counselors

Each section can be read on its own or as part of the broader Discussion Paper.

Based on the findings of public engagement and stakeholder conversations that take place throughout the first months of 2021, proposals for improvement and change to the *Education Act* will be developed by ECE and results of engagement reported back to the public.



Why are we modernizing the Education Act?

Significant gaps in student outcomes exist between Northwest Territories (NWT) students and the Canadian average; between Indigenous and non-Indigenous students in the NWT; and between Yellowknife, and smaller communities.

The goal of modernizing the Education Act is to increase opportunities for student success across the territory, while addressing gaps in student outcomes, such as the ones outlined below (Figures 1-3).

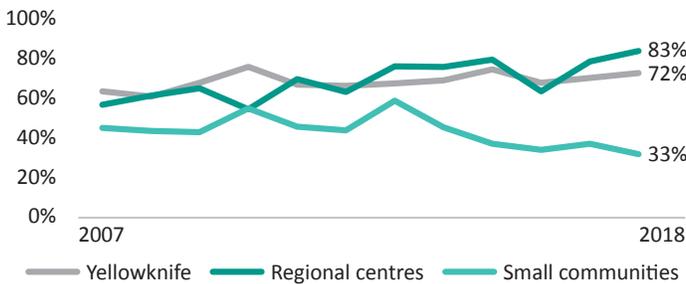


Fig. 1:
Gap for small communities persists all the way to graduation

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

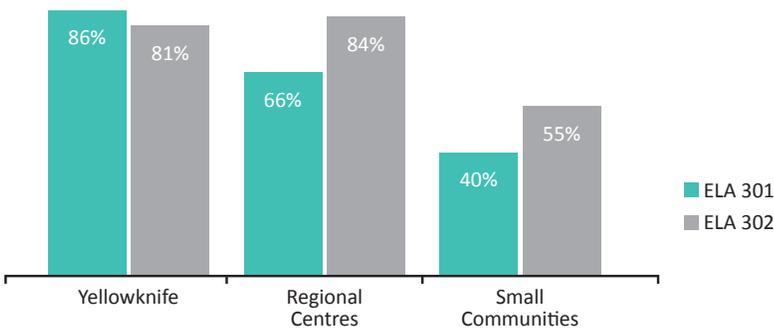


Fig. 2:
More support needed for student achievement in small communities

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.

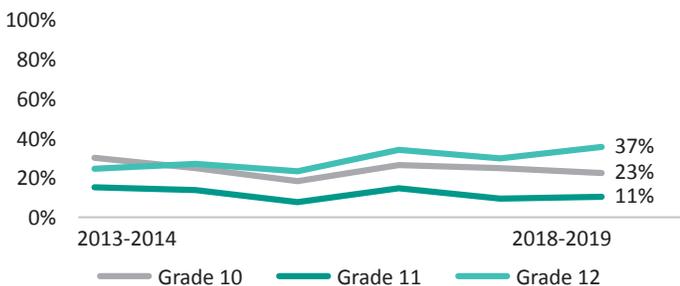


Fig. 3:
More individualized learning supports needed for students in Grades 10 to 12

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.

The Government of the Northwest Territories (GNWT) has made it a priority to improve student outcomes in the NWT to the same level as the rest of Canada in its 2019-2023 Mandate. The Department of Education, Culture and Employment (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 as the recently released Action Plan to Improve Student Outcomes (Action Plan).

The Action Plan was developed in response to both the midterm 5-year evaluation of the ERI Framework, as well as the February 2020 report of the Office of the Auditor General (OAG) on JK-12 education. One of the key action items identified within the Action Plan, as well as in the 2019-2023 Mandate, is to modernize the *Education Act* to support student success.

The *Education Act*, in its current form, often serves as a roadblock to information sharing and makes it difficult for the Minister to ensure positive student outcomes. The work to modernize the *Education Act* has a goal of ensuring that system-wide improvements to the education system can occur. Another goal of legislative change is to eliminate confusion about the roles and responsibilities of different authorities that exist in the current *Education Act*. Creating clarity in the system will in turn create a more efficient education system that ensures student success. It will also help to address issues with inconsistency and a lack of capacity across the education system, which currently makes it hard for everyone to operate efficiently in the best interests of students.

Modernizing the *Education Act* will allow for broad, system-wide improvements that will together facilitate improved student outcomes. Some of the expected system-wide improvements include:

- Improved clarity around roles and responsibilities within the education system
- Improved access to the information needed for evaluation, assessment and monitoring
- Ability to make system-wide improvements to education, rather than region by region
- Ability to streamline administrative processes
- More equitable access to resources across the system
- Clarity on the roles, responsibilities and authorities related to Indigenous self-government implementation of JK-12 education

ECE is leading the research, planning, analysis and public engagement required to develop a new *Education Act* within the life of the 19th Assembly.

Modernization of the *Education Act*, on its own, will not guarantee improved educational outcomes for NWT students. The NWT continues to address intergenerational trauma, including inequitable access to resources and services, resulting from colonialism and the residential school system. Many residents of the NWT also experience challenges associated with poverty, food insecurity, housing, mental health and addictions. The North continues to face challenges with a high cost of living and limited telecommunications infrastructure. All of these create barriers to student learning that will not be overcome solely through changes to the *Education Act*.

ECE recognizes the obligations it has for reconciliation with Indigenous peoples and improving the lives of residents in every community. Modernizing the *Education Act* is an essential first step to improving the system and outcomes for students. Alongside this important work, ECE is also undertaking a review of the current School Funding Framework and JK-12 curriculum, as well as working with other GNWT departments on ways to make it easier for residents to access and benefit from programs and services across a variety of Government departments. These combined efforts share the ultimate goal of improving outcomes for all NWT students.

How did we get here? Background on the Act

The current structure of the *Education Act* is a product of its legislative history and the evolution of the territory. Key within this context is the legacy of colonialism, systemic racism, and the ongoing intergenerational impacts of residential schools on Indigenous peoples in the NWT, which continue to impact people's relationships with education and views on how the education system should be governed and structured.

In 1981-82, the Legislative Assembly held public hearings throughout the territory to collect information related to all aspects of the education system. The Special Committee published a document called *Learning: Tradition and Change in the Northwest Territories*, which was the result of 43 public hearings throughout the territory and interviews with teachers and community members. Based on the vision it presented, a new *Education Act* was passed in 1988.

Learning: Tradition and Change in the Northwest Territories advocated for a local approach to education that gave the majority of control to communities, largely in response to the legacy of residential schools and the historic role of Ottawa in governing northern lives. The document highlighted the need for culturally appropriate curriculum and Indigenous language programming, and to address disparities between policy and classroom practice. The goal of the *Education Act* as developed from the findings of *Learning: Tradition and Change in the Northwest Territories* was to ensure students were receiving education that was specific to local languages, culture, and place, as well as the more standardized academic curriculum taught to the broader Canadian student population.

To facilitate the creation of culturally appropriate curriculum, it was recommended that two centres for learning and teaching be created in the east and in the west. The centres were intended to assist boards of education in the development of curriculum to move to a more local model of education.



The 1988 *Education Act* created Community Education Societies and Boards of Education to act as Local Education Authorities. The legislation allowed a local education authority that had been in place for at least two years to petition the Minister for the creation of a Board of Education. Boards of Education were permitted under the Act to take on greater powers and responsibilities. The 1988 Act established “Education Divisions” composed of one or more “Education Districts”. Education Districts were governed by Divisional Boards of Education.

A further policy document entitled *People: Our Focus for the Future: A Strategy to 2010* was released in 1994. This document presented an education strategy leading up to and facilitating the transfer of powers after division with Nunavut. This document supported the development of “community learning networks” to be phased-in in stages. A relationship of mutual accountability was envisioned between the Minister and the community learning network.

The current version of the *Education Act* represents a further shifting of powers to the community level. The Minister establishes education districts, and each school is part of a district. The divisional boards of education in the 1988 Act became Divisional Education Councils in 1995. Although the Minister retained most of the powers given under the 1988 *Education Act*, the 1995 Act distributed a range of often overlapping powers to the education bodies. These overlaps and ambiguities are discussed in detail in this paper.

Since 1995, many changes in the world of education have been driven by new research and technology. Recognizing the persistent gaps in student achievement that begin in the early years, much has been done to improve the NWT education system to ensure all learners can meet the challenges of today and be successful. The Aboriginal Student Achievement Education Plan was developed in 2011, which led to the development of the Education Renewal and Innovation Framework – a comprehensive initiative focused on reviewing and reforming the JK-12 system.

Through this review, it has become apparent that the *Education Act* as currently structured does not allow for the implementation of system-wide improvements. This inability to improve systems across the territory makes it difficult for the Minister to build an education system that is accountable for ensuring success. This Discussion Paper outlines the current structure of the Act, the associated challenges, examples of models from other jurisdictions, and options for consideration in modernizing the *Education Act*.

Lessons Learned During the COVID-19 Pandemic Response

The COVID-19 pandemic brought many of the longstanding challenges of the NWT education system into sharp focus.

While the NWT education system benefits in many ways from having local control over the bulk of its operations, the challenges of having authorities spread out across the territory with varying levels of capacity were soon brought to light as the need to respond quickly to the health and safety risks associated with COVID-19 became urgent.

Although education leaders were able to work positively together to respond effectively and plan cooperatively, the time and effort spent managing coordination in order to make decisions collectively and in a consistent manner (for example, on things like school closures, reopening plans, and approaches to distance learning) were immense and taxing on all levels of the education system. These efforts required almost-daily meetings between departmental staff and superintendents for more than five consecutive months to provide additional capacity to education authorities, who were often struggling without existing supports in their organizations, and to ensure consistency of the COVID-19 response across the many governing agencies of the education system.

The pandemic also highlighted existing challenges with public communications and information sharing within the education system. While communications are an expected challenge during an emergency situation, the absence of a central source of information and authority for JK-12 education made communicating with the public and media additionally complex. With each education body responsible for communicating its own specific information to the public, it was difficult to maintain consistency and be responsive to the questions and concerns of the public. Many individuals understandably looked to ECE for information and action that the department was unable to provide without the legal authority to do so, which further showcased the system's inefficiencies.

The pandemic further emphasized the critical nature of the social supports offered by schools, including student access to counselling and food programs, schools as safe places for students, and the general well-being that school and routine provide for our children and youth. While educators are keenly aware of these supports as essential to improving student outcomes, the public experienced an immediate unplanned withdrawal that education leaders moved as quickly as possible to resolve.

The diverse nature of our schools and communities was also highlighted during the pandemic. Some examples include:

- Small remote schools struggling with bandwidth challenges and access to efficient internet for distance and/or blended learning;
- Large schools struggling with lack of sufficient space to distance students appropriately for full-time in-person learning, resulting in blended learning options for some of the older grade levels; and
- Lack of technology at home for student usage, especially for lower income households.

While these challenges were known prior to the pandemic, the urgency of COVID-19 brought them to bear in a more focused way and required creative solutions to reduce or remove the resulting barriers.

Have Your Say! Education Act Modernization

In order to generate informed discussion on modernizing the Education Act, ECE has drafted the following Discussion Paper for public engagement and comment, under the following themes:

1. Education System Structure and Governance

- How is the education system structured?
- Role of the Minister
- Role of Education Bodies
- Indigenous Governments
- Francophone School Boards
- Challenges and Considerations
 - i. Division of Powers
 - ii. Ambiguity in the Act
 - iii. Indigenous self-government
 - iv. French First Language Education
- Other Jurisdictions
- Discussion Questions

2. Language and Culture

- Language of Instruction
- Culture and Land-Based Learning
- Challenges and Considerations
- Other Jurisdictions
- Discussion Questions

3. Education Program

- Curriculum and Resource Development
- Inclusive Schooling
- Information Sharing and Student Records
- School Safety
- School Calendar
 - i. Professional Development Calendar Days
- School Closures
- Pupil-Teacher Ratio
- Discussion Questions

4. Education Staff

- Teacher Certification
 - i. Teacher Certificate Issuance, Suspension and Cancellation
 - ii. Jurisdiction of Teacher Certification
 - iii. Teacher Certificates
 - iv. Information Required of Applicants
- School Counsellors and Child and Youth Care Counsellors
- Discussion Questions

- Indigenous governments and organization survey
- Student survey – for students in JK-12 and post-secondary students
- Parent survey – for parents of students in JK-12 education
- Make a written submission to ECE at EAM@gov.nt.ca
- Participate in a virtual town hall meeting.
 - Information about town halls will be available online starting in February 2021. Visit www.gov.nt.ca/EdAct throughout February and March to find out more about opportunities to join a virtual town hall meeting.
- Speak one-to-one with ECE about your views on the content of the Discussion Paper. To arrange a time to chat over phone or video, email EAM@gov.nt.ca.

How do I participate?

You can provide your input on the content of this Discussion Paper in the following ways:

- Complete a survey. Links to the surveys are available online at www.gov.nt.ca/EdAct:
 - General survey – for anyone with an interest in JK-12 education
 - Educator and Education Administrator survey – for education staff and administrators

How will my input make a difference?

The views and opinions of current and former students, parents, Elders, Indigenous governments and organizations, education staff and administrators, communities, and the general public are critical for ECE to build the values, expectations and opportunities of NWT residents into a 21st century education system. Input from the public will help to guide ECE as we develop a legislative proposal for consideration by the 19th Legislative Assembly.

Section 1: Education System Structure and Governance

How is the current education system structured?

The *Education Act* divides the NWT into education districts, governed by four types of education bodies. One or more education districts may be established for every community in the NWT.

These bodies include:

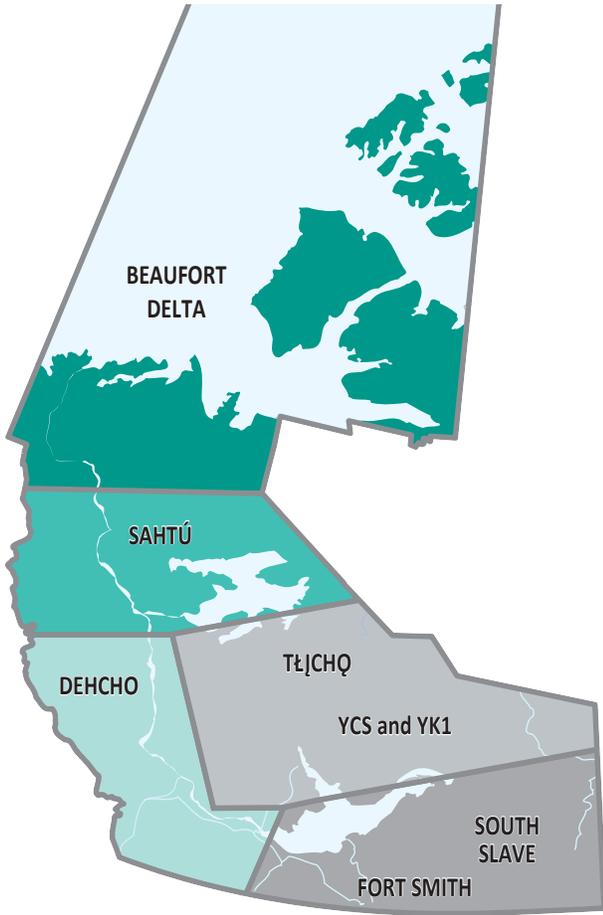
- District Education Authorities (DEAs)
 - DEAs are locally elected boards. While they are the smallest type of education body, they retain a large amount of power over education in their community.
- Divisional Educational Councils (DECs)
 - The DEC is the largest form of education body.
 - The DEC is the education body that administers education for an education division established under section 101(1) of the *Education Act*.
 - DECs are comprised of several education districts and are generally the educational authority for the regions of the Northwest Territories.
 - Although the DEAs and DECs may have overlapping powers and responsibilities, in most cases it is assigned to the DEC.

- Commission scolaire francophone de division (CSF)
 - Members of these bodies are elected and responsible for French first language education in the area set out in the respective regulation.
- Public Denominational Education Districts
 - These are created when ratepayers belonging to either a Protestant or Roman Catholic minority petition the Minister for their establishment. Their boundaries are the same as the existing district.

There are a total of 49 public schools in 32 of the 33 communities in the NWT; the community of Enterprise is the sole community without a school. Schools in the communities of Tsiigehtchic, Sachs Harbour, Dettah, Smbaa K'e, Nahanni Butte, Wrigley, Kakisa, Jean Marie River and Wekweètì do not currently provide the option to graduate; students in these schools must transfer to another school to complete high school.

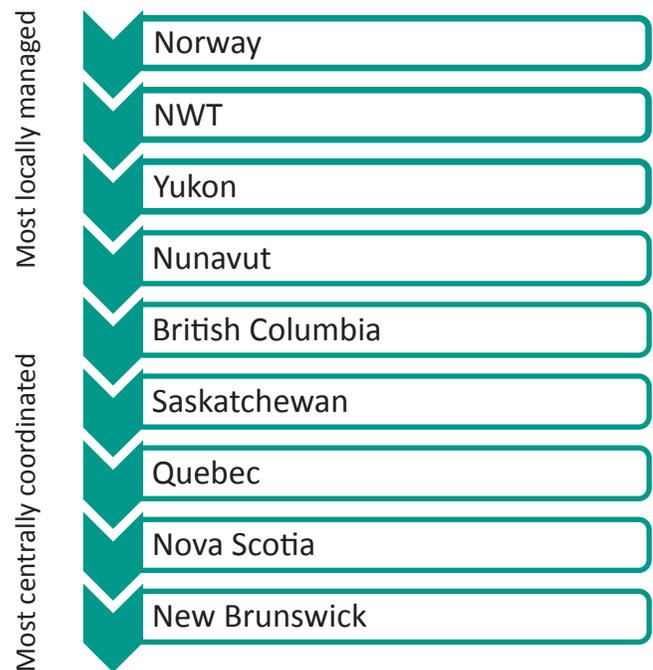
There are 29 DEAs and 5 DECs in the territory, in addition to the Commission scolaire francophone des Territoires du Nord-Ouest (CSFTNO) and the Tłı̄chǫ Community Services Agency, which are education bodies that operate with the authority of a DEC. Each Tłı̄chǫ community is represented by the TCOSA, and therefore does not have a local DEA.





Right now, the NWT has a very locally managed education system where most decision-making powers are given to local education bodies. The NWT's education system is significantly more locally managed than most other Canadian jurisdictions.

The infographic below 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-managed. For the purposes of this Discussion Paper, we chose these specific Canadian jurisdictions and the international example of Norway to highlight the different types of systems that can be considered in thinking about how to structure an education system.



Benefits of the current NWT education system include flexibility and local autonomy, whereas challenges largely include local capacity issues and difficulties ensuring consistency across the system.

Although the location where decisions are made – whether at the local or central level – is an important aspect of *Education Act* modernization, it should be noted there are other aspects of the system that need review and may require changes in order to improve supports for students, regardless of how authorities are distributed across the territory.

Current Role of the Minister

The Minister is primarily responsible for the administration of the Act and the establishment of curriculum and standards for the education program.

The Act currently distributes duties among education bodies and Government with often overlapping responsibilities. The lines of authority between the Minister, DECs and DEAs can therefore be unclear.



Although the Minister is responsible for establishing standards for the education program, these powers are constrained by limitations in the Act that make it difficult for the Minister to collect information from education bodies. These challenges are discussed in detail in Section 3 under ‘Information Sharing and Student Records’.

Right now, 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. The Act is also silent about the setting of graduation and diploma requirements. In practice, the Minister is fulfilling both of these roles, but the ambiguity could cause confusion and should be fixed.

Current Role of Education Bodies

Sections 117, 118 and 119 of the Act allow the Minister to assign a broad range of powers to the education bodies. Where the Minister does not specifically assign a power to either a DEA or DEC, the Act assigns the power to the DEC by default. Where no DEC exists, and the Minister does not allocate a power or duty to a DEA, that power or duty shall be the responsibility of the Deputy Minister.

Where a power is assigned to both a DEC and a DEA, the bodies are supposed to work together to determine how the duty will be performed or the power will be exercised. In practice, this shared responsibility can be ambiguous and challenging.

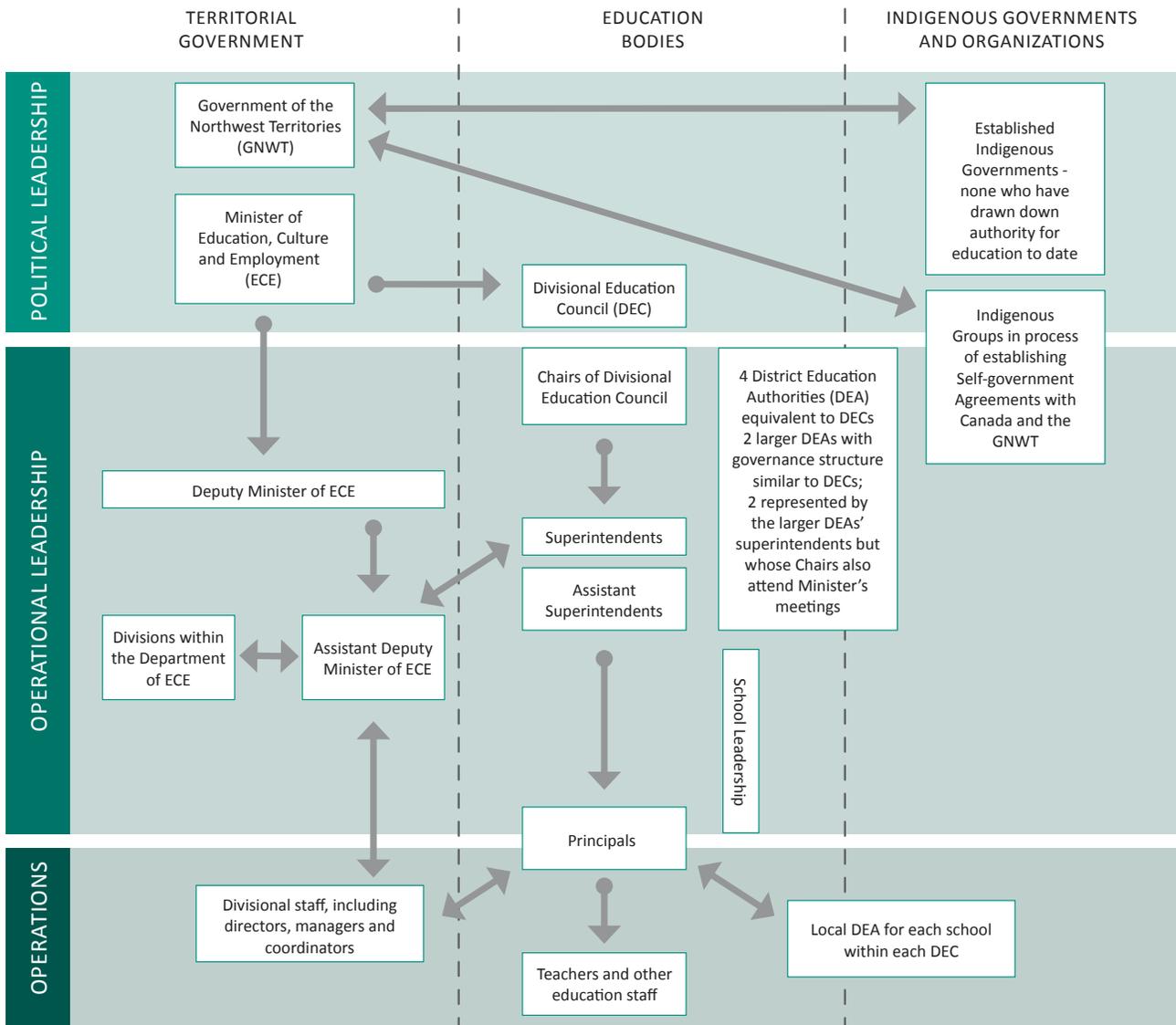
The definition of an “Education Body” within the Act, as well as the respective responsibilities of the various entities, is also unclear. This has resulted in confusion around which bodies are responsible for which powers or duties, and to whom they are accountable.

Role of Administration

Section 78 of the Act outlines the duties of the Superintendent. In general terms, they are responsible for the administration and delivery of education programming and supervision of education staff for their respective education body, which in the NWT includes DEC's and the Yellowknife, Ndilo and Dettah DEAs. Superintendents are employees of the education bodies. Six out of eight Superintendents are members of the public service and are deputy heads under the *Public Service Act*.

Within the organization of NWT's education structure there exists a duality which can result in challenges navigating both the political realm and the operational realities. While DEC's are responsible for providing direction to the Superintendent through the establishment of goals, objectives, policies and budgetary decision-making, Superintendents are also responsible to carry out duties assigned by the Minister and the Minister's designates at the Department of Education, Culture and Employment.

The graphic below illustrates the complex organizational and reporting structure of the NWT education system.



Current 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.

There are two finalized self-government agreements in the NWT – the Tłı̄chǫ Land Claim and Self-Government Agreement signed in 2005, and the Délı̄nǫ Self-Government Agreement signed in 2015. Comprehensive self-government agreements such as these include several law making authorities, including for JK-12 education. The number of finalized self-government agreements will continue to increase as negotiations progress.

Self-governments and negotiating groups have increasingly expressed interest in exercising a greater degree of involvement and decision-making in the education system. This includes a desire for flexible approaches that will support the gradual implementation of self-government toward the exercise

of full jurisdiction. The GNWT recognizes that full exercise of jurisdiction is a substantial undertaking and there is a need to support alternate options to build capacity incrementally based on the unique circumstances of communities.

Moving forward, it will be important to address how the Act will consider and support self-government implementation, including the exercise of jurisdiction and assumption of responsibilities for education programs by Indigenous self-governments, as well as how the Act will support evolving governance approaches taken by Indigenous governments within the education system.

As it stands, the current legislative framework does allow for some variation in local governance approaches to education. For example, some Indigenous governments have assumed governance roles within the education system as members of existing education bodies, even without finalized self-government agreements. This participation of Indigenous governments has happened by having mandatory Indigenous government representation on DEAs in some communities and regions.



Although these approaches show that alternative governance options exist to support Indigenous government involvement in the education system, those models are still framed by what the Act allows in terms of education system structure, rather than being truly reflective of the goals of self-government. Indigenous governments must have the opportunity to participate meaningfully in the building of a quality education system for the territory's youth. Modernizing the *Education Act* includes a commitment to creating ways to support Indigenous governments to provide knowledge and leadership regarding education in their communities.

French First Language School Boards

The *Canadian Charter of Rights and Freedoms* includes specific rights to French language education in Canada.

The right to have educational programming in French first language schools – and an appropriate level of support, where student numbers warrant – is well established through a range of court cases and legislation.

In 2000, the GNWT created the Commission scolaire francophone, Territoires du Nord-Ouest (CSFTNO), with an independent governance structure. It has schools in two communities: Yellowknife and Hay River. The

CSFTNO contracts some services, programs and space from Yellowknife District No. 1 Education Authority in Yellowknife and has a space sharing agreement with the South Slave Divisional Education Council/Hay River District Education Authority in Hay River.

As of August 2020, admission of students to French first language schools is governed by a new regulation under the *Education Act*. This new regulation replaces a 2016 Ministerial Directive, which itself replaced a 2008 directive. Children of rights holders pursuant to section 23 of the *Charter of Rights and Freedoms* are automatically entitled to register with French first language schools where available. Admission of non-rights holders is currently limited to four categories of applicants:

- Reacquisition: a grandparent or great-grandparent of the child would have been a rights holder under section 23.
- New Arrival: the child is an immigrant to Canada and (i) is not a Canadian citizen, and (ii) does not have a parent whose first language learned is English.
- Non-Citizen Francophone: the child has a parent who would be a rights holder parent but for the fact that the parent (i) is not a Canadian citizen, or (ii) did not receive their primary school instruction in Canada.
- Francophile: the child has a parent who is proficient in French, as demonstrated through a test for proficiency.

The regulations determine who is eligible for admission by CSFTNO under these categories. Admission of non-rights holders in the “New Arrival” and “Francophile” categories is limited to 10% of the total number of students in each school, and as long as the total capacity of the school does not exceed 85%. This limitation is intended to preserve the francophone character of the schools.

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

Annual contributions to education bodies are based on the NWT School Funding Framework. The Framework allocates funding to education bodies based on several factors, including student enrolment numbers, staff salaries (i.e. Collective Agreements), the location of the school, and consumer price index increases.

Outside of these factors, schools also receive a base level of funding. 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.

The funding provided is for education body operations, and 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.

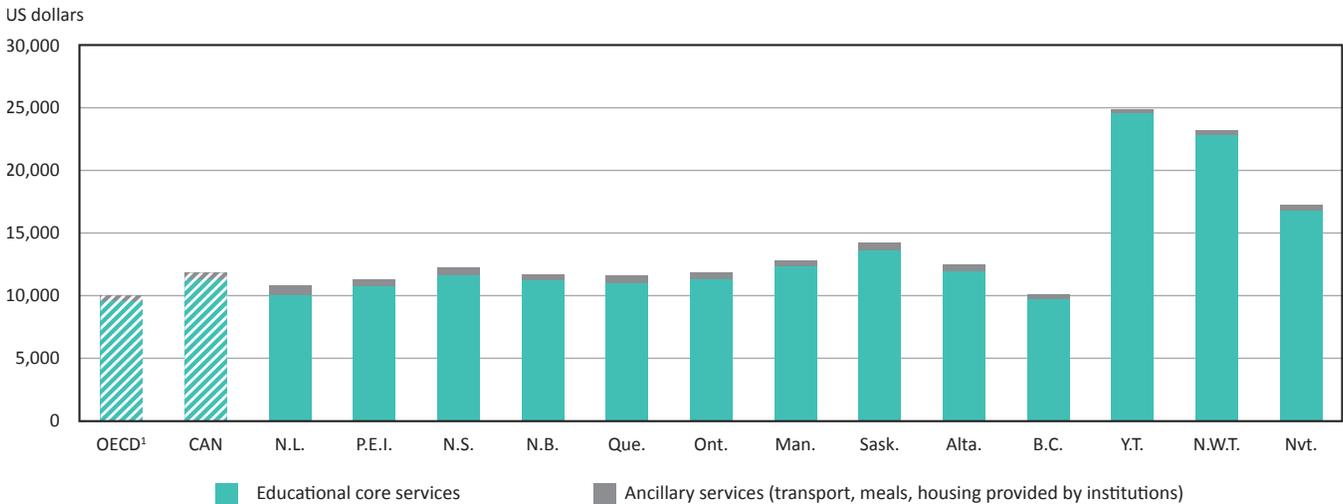
- This \$19,000 does not include funding of programs and services including curriculum development or Northern Distance Learning, or the operation of school facilities in communities outside of Yellowknife.

Some important things to note about the funding of education in the NWT include:

- The NWT spends a total of \$160.4 million annually to fund school operations.
- With 8,500 students registered annually, \$160.4 million is equal to nearly \$19,000 per student.

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

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*.

The table below outlines ECE’s capital infrastructure investment in schools from 2017-2018 to 2021-2022. School infrastructure amounts are shown in thousands of dollars (i.e. 6,000 is equal to \$6 million).

Amount in 000’s							
Schools	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022	Grand Total	Average per year
Lutselk’e Dene	6,000	1,058				7,085	1,412
Charles Tetcho	1,076	15				1,091	218
Charles Yohin		150	250			400	80
Chief Jimmy Bruneau			500	6,148	3,000	9,648	1,930
Chief Julius		150				150	30
Chief T’Selehye		150				150	30
Colville Lake			400	4,649	1,490	6,539	1,308
Deninu		150				150	30
Diamond Jenness Secondary		50		250		300	60
East Three Elementary				400		400	80
Echo Dene			250			250	50
École Allain St-Cyr	6,128	6,090	162			12,380	2,476
École J.H. Sissons School			3,000	7,200	16,400	26,600	5,320
Helen Kalvak Elementary		150	135			285	57
Kakisa Lake					90	90	18
Łíídlıı Kúę Regional High School					400	400	80
Louie Norwegian		100				100	20
Mangilaluk	500	1,762	11,862	14,666	8,123	36,913	7,383
Moose Kerr		373			145	518	104
Range Lake					500	500	100
William McDonald				485		485	97
Grand Total	13,704	10,198	16,559	33,798	30,148	104,407	20,881

Notes:

- The source of funding is approved annual Infrastructure acquisition plan.
- The budget shown in this document will vary from the actual expenditures.
- The table does not consider annual carryover of unspent funding from one year to another.
- The tables does not include Supplementary Capital funding approved during a recorded year.
- 5-year Capital average is included in the table. It should be noted that projects are based on specific costing and demand, not regular expenditure.
- The schools included in the table above are those which have infrastructure funding allocations in the last five years.

Challenges and Considerations

- **Division of Powers:** DEAs do not have the capacity and resources to execute many duties assigned to them.
- **Ambiguity in the Act:** Many provisions in the Act cannot be properly fulfilled without clarification, as the Act creates conflicting responsibilities in some places, and neglects to assign responsibilities in others.
- **Role of Indigenous Self-Governments:** There is no guidance given in the Act about how to work with Indigenous governments to provide quality education.

Division of Powers

DEAs in small communities are responsible for carrying out a number of obligations under the Act, meaning many responsibilities essentially fall to individual schools.

In practice, these small community DEAs do not have the capacity to execute many duties assigned to them. Due to the imbalance between the responsibilities that DEAs possess on paper and the financial and human resources available to them, they are often not able to execute their duties without causing administrative delays or inefficiencies. For example, DEAs do not or rarely:

- prepare an operational plan for the education program within their jurisdiction
- develop and produce learning resources for culture-based school or local programs
- enter into agreements with Aurora College to support the development and delivery of a teacher education program

Because community DEAs do not have the capacity to take on these duties, they tend to adopt the plans prepared by their respective DEC.

For similar reasons, although the School Funding Framework includes available funding for all education bodies to develop their own learning materials, education bodies are rarely able to do so. Instead, education staff are typically given the task of integrating culture-based programs into the curriculum. ECE attempts to help teachers in this process by providing them with guiding materials, such as the Indigenous Language and Education Handbook. School committees, led by principals, attempt to ensure this integration is occurring and report on the programming to their respective education bodies.

Additionally, the regulations give DEAs the duty to ensure children between the ages of 6 and 16 are registered with a school. DEAs do not have the resources to ensure all eligible children are registered. In practice, DEAs notify the school administration, and ECE then endeavours, by engaging the appropriate authorities, to ensure all children receive mandatory education.

DEAs are also currently responsible for supplying textbooks and learning materials. With 29 DEAs in the NWT, diversity of materials used can make it difficult to do a system-wide assessment of grade levels and can complicate students being able to move between education districts in the territory. In practice, the Department of Education, Culture and Employment supports this work to a great extent. Challenges related to curriculum and resource development are discussed further in Section 3.

The Act also gives authority for distance learning to education bodies. While this is useful in that education bodies are often in the best position to choose from the options in their area, at the time the legislation was passed, distance learning was limited mainly to mail-based programs. Today, most distance learning is done online. The result has been a lack of coordination among education bodies on the use of online options, and insufficient focus on security measures. In addition, some communities do not have the necessary bandwidth or infrastructure, while larger centres have better resources. The result has been the emergence of a two-tiered system. Greater departmental input into distance learning, including expanded broadband capacity and the expansion of online resources, could become important as learning continues to move online.

Modernizing the Act to allow for increased coordination and efficiency would assist education bodies where capacity is currently limited, removing the administrative burden and improving economies of scale for procurement across the system.

Ambiguity in the Act

There are also many provisions in the Act that cannot be properly fulfilled without clarification.

For example, DEAs and DEC's are both given the duty to monitor, evaluate and direct the delivery of school programs to assure the highest possible education standards in the schools. However, the "delivery of school programs", if it refers to teaching methods used by education staff, is not the responsibility of education bodies; rather, teachers are monitored and evaluated by their principals under the supervision of superintendents. These roles should be clarified.

Similarly, DEAs and DEC's must evaluate school program plans and provide direction on those plans. The meaning of "school program plans" is not clear, meaning education bodies are not able to do this work. Along with modernizing the *Education Act*, ECE is planning to put in place a JK-12 education system strategic planning process that will require planning and reporting at the school, regional and headquarters level. While this work will help to address the current lack of coordinated oversight, strategic planning will not by itself provide clarity and therefore change to the Act is needed.



The regulations also empower DEAs and DEC's to authorize, supervise and evaluate the use of distance learning programs. While it makes sense for the education bodies to approve a distance learning program before it is offered, the words "supervise" and "evaluate" need to be clarified. Education bodies only "evaluate" a program in the sense that they determine whether or not it is helpful to their students, whereas ECE is actually responsible for the comprehensive evaluation of the Northern Distance Learning program. In practice, principals are responsible for supervising the programs – not the education bodies.

The meaning of "local program" and "culture-based school program" also need to be clarified. A local program is defined in the Act as one delivered by the DEAs, and a school program as one that is delivered by a school. This implies that a culture-based school program is presumably part of the school program; which is contrary to the definition of a local program. Additionally, the power to deliver culture-based school programs is given to both DEAs and DEC's, while the authority for local programs is given only to DEAs.

The Act also contradicts itself on the contracting of service providers, such as speech or occupational therapists and educational psychologists. One section dictates that these support services will be provided based on Ministerial direction, while another section allows education bodies to contract these at their own

discretion. This dual authority can frustrate efforts to build territorial capacity and streamline service provision. For example, there is a Territorial-based Support Team within ECE that provides these types of services to schools; however, education bodies continue to procure services from other providers on their own, including those from outside the NWT that may not be culturally appropriate or familiar with the local context. Coordinating these services would promote cost efficiency, equity and improved record keeping, as well as have the side benefit of promoting the development of local services and resources.

The Act also gives education bodies authority over home school programs that, in practice, they do not have. While the Act empowers the Superintendent to terminate home schooling programs at the direction of the DEA, the Act also gives parents the right to decide whether or not to home school a child. As such, the DEA cannot on its own direct a superintendent to terminate a home schooling program. There is a similar issue regarding Individual Education Plans (IEPs), where one provision says the DEA, at the request of the principal, can designate a person to assess a student and recommend an IEP for that student; if the parents disagree, they may appeal. However, the Act also states the principal needs approval from the student's parents before an IEP is put in place. This ambiguity could lead to a lengthy and unnecessary appeals process.

Indigenous Self-Government

The current *Education Act* does not specify how the Minister should interact directly with Indigenous governments. Although it does allow for Indigenous governments to create education bodies that mirror existing ones, it limits Indigenous governments in being able to apply traditional or innovative approaches to education governance.

Indigenous governments are important partners in the development of education policy. The GNWT recognizes that its legislative framework for education should reflect the GNWT's commitment to reconciliation and the evolving system of governance in the NWT, including self-government implementation and more structured collaboration with Indigenous governments.

The Truth and Reconciliation Commission's (TRC) Calls to Action on education also hold important considerations for the development of new education legislation in the NWT.

Amendments to the *Education Act* should allow for the seamless transition to self-government implementation, as well as enough flexibility to allow for innovative Indigenous governance approaches to take root through ongoing collaboration between governments.

What is done in other jurisdictions?

The current NWT education system provides a great deal of authority and local control to education bodies. Other jurisdictions have different distributions of authority with respect to the role of responsible Ministers and education bodies.

The NWT is not the only jurisdiction in Canada exploring whether its current education system governance requires updating. Many other jurisdictions are also taking steps to modify their legislation, coordinate funding, and clarify authority for curriculum, academic standards, labour negotiations and educational programming.

The following section examines what is done in other jurisdictions. The section starts with the most centrally coordinated system of New Brunswick and moves to the most locally managed system of Norway. While not a Canadian jurisdiction, Norway is included in the jurisdictional analysis as it is an example of a system with a high degree of local control, but which has undergone many improvements and has significant monitoring systems in place to ensure the successful implementation of broad policy goals and the success of students.



New Brunswick

New Brunswick was the first province to entirely move away from school boards in 1996. This left a gap in local governance that was filled with the introduction of District Education Councils (DECs) in 2001. DECs are elected bodies with councillors serving four-year terms.

DECs implement three-year district education plans, which must be consistent with the provincial education plan. These bodies are responsible for providing annual reports to the Minister, including statistical information, financial information and data related to students. These bodies serve as a liaison between schools, Parent School Support Committees and the Minister. DECs do not have any authority over principals, teachers or school employees.

In 2012, the number of school districts was reduced from 14 to 7. School districts are designated as Anglophone (4) or Francophone (3).

Nova Scotia

In 2018, following the *Education Reform Act*, seven provincial school boards were dissolved and transitioned to regional education centres. Superintendents became Regional Executive Directors reporting directly to the Deputy Minister of Education. As of 2018, the Minister assumed provincial leadership for the education system.

Mechanisms have been put in place to enhance local voices in education. Regional education centres make local decisions on issues, such as bussing, and school councils have been given an enhanced role along with additional funding.

A 15-member Provincial Advisory Council on Education (PACE) was created. PACE includes representation from each former regional board, the Conseil scolaire acadien provincial (CSAP) (French), and African Canadian and Mi'kmaq communities. CSAP is the only board that remains in place following the reforms and is responsible for French first language education in the province in accordance with the *Charter*.



The *Mi'kmaq Education Act* in Nova Scotia transfers jurisdiction for on-reserve education to a list of Mi'kmaq First Nations, and empowers these communities to make laws concerning education. It also considers that the list of communities may be expanded if necessary. This legislation was the result of a tripartite agreement between the Mi'kmaw Kina'matnewey (a corporate body whose objective is to support the delivery of education programs and services among participating First Nations) and the Governments of Nova Scotia and Canada.

The Mi'kmaq legislation (and similar tripartite agreements in British Columbia and Manitoba) exists in the context of education on reservations; however, the latitude granted to Indigenous communities is notable. Although the structure of agreements with Indigenous groups in provinces – which requires a tripartite framework – is different from the territorial context, these agreements provide a template for the cooperative transfer of education authority to Indigenous groups.

Québec

The Québec *Education Act* divides the province into French Language School boards and English Language School Boards. The language-based boards were the result of the 1988 dissolution of Catholic and Protestant school boards. Although Catholic and Protestant schools remain within the province, there are no longer dedicated boards of education. School boards are administered by a council of commissioners who may be elected or appointed for three-year terms.

The Minister is responsible for the quality of education provided by school boards and has broad powers to issue directives and guidelines concerning administration, organization, operation and actions.

Principals, along with a governing board established for each school, are responsible for developing an education plan that is approved by the school board. Although the governing board must be consulted with respect to certain decisions and is responsible for adopting the school's budget, nearly all of the governing board's decisions are approved by the school board.

In 2019, the Québec Government introduced a bill to dissolve school boards and create School Service Centres. The Service Centres are run by a board of parents, staff members and community members, but decision making authority is significantly shifted to the Minister. French school boards have already made the shift to the new model while English school boards have challenged the legislation on constitutional grounds.

With respect to Indigenous governments, the Kativik School Board (1975) and the Cree School Board (1978) were both established as a result of the James Bay and Northern Québec Agreement (JBNQA) signed in 1975. The *James Bay and Northern Québec Native Claims Settlement Act* gave effect to this Agreement. These special school boards were delegated extensive authority concurrent with the JBNQA.

Note that while Québec's system is quite centrally controlled and coordinated, the Cree School Board on its own is an example a localized system. The Cree School Board has the power, under the James Bay and Northern Québec Agreement, to design curriculum, hire teachers, set the language of instruction and set a Cree school calendar. As of 2009, the Cree School Board administered education to over 3,600 students.

Saskatchewan

In Saskatchewan, 119 school boards were amalgamated to 28 between 1995 and 2006. In 2006, School Community Councils were established as advisory bodies to create a liaison between the community and the board of education, to ensure opportunities for local input and understanding could continue. The reduction to the number of school boards has had the effect of centralizing education authority in the province.

The Minister has primary responsibility under the *Saskatchewan Education Act* for primary and secondary education. Wide powers are given to the Minister under the Act to change school district boundaries, determine learning materials and course content, and allocate resources. The Act allows the Minister to provide directives to School Boards to carry out operations in line with the strategic direction of the school system and the *Saskatchewan Education Act*.

School Community Councils are intended to maintain a local voice in the education system within the much larger school districts that were created by amalgamation. The Councils are a mixture of staff, parents and community members focused on improving student achievement at the community level. The School Community Councils facilitate parent and community participation in school planning and policy. These are advisory bodies that work in cooperation with school boards and school staff.

British Columbia

British Columbia is divided into 60 school districts with a school board governing each district. School boards are empowered to establish education polices that reflect aspirations of the local community, as long as the policies are consistent with the overall government policy direction. Individual school boards also prepare and manage the operating budget and capital plan, and employ school district staff in partnership with the Ministry of Education.

The Minister holds a significant degree of control over issuing regulations and intervening if board policy is inconsistent with overall government policy. This authority is delegated to the Deputy Minister responsible for the Ministry of Education. The Ministry of Education and its partners in education form the Education Advisory Council to guide and discuss the direction of education policy. The Education Advisory Council meets three times a year and the results of these meetings inform decisions of the Ministry of Education. The *School Act* also allows for district Parents Advisory Councils to advise the Minister on policy matters respecting education.

The British Columbia *Independent School Act* facilitates the creation of private and religious schools. Denominational school boards are not provided for in the *School Act*.



In 2018, the British Columbia Government entered into a tripartite agreement with the Federal Government and the First Nations Education Steering Committee (FNESC) to provide education to Indigenous students in the province. FNESC has been in existence for two decades and is an independent non-profit society comprised of 122 member First Nations. The tripartite agreement formally recognizes the capacity of Indigenous citizens of B.C. to create and implement an education system to improve student outcomes. The agreement formalizes the participation of FNESC in provincial policy discussion, ensures funding and puts oversight structures in place. The status of FNESC and an ability to create a First Nations Education Authority is formalized in federal legislation, the *First Nations Jurisdiction Over Education in British Columbia Act, SC 2006*. This legislation facilitates the creation of the tripartite agreement.

Nunavut

The Nunavut education system evolved from the same starting point as the current NWT *Education Act* in 1999 at the time of division from the NWT. The Nunavut *Education Act* was passed in 2008. The *Education Act* kept the existing DEAs and Education Districts previously in place, but eliminated DECs.

There is currently a DEA for each of Nunavut's 25 communities, as well as a Commission scolaire francophone. As well, Nunavut has three Regional School Operations (RSOs) branches in the department. These RSOs and DEAs together share the responsibilities of operating schools, with the collective authorities of an education body. The RSOs retain responsibility for human resources, finance and administration to support DEAs and schools.

In Nunavut, the Minister has the power to approve or direct some educational decisions that in the NWT are currently delegated to education bodies. For example, the Nunavut Minister provides for specialized services or assessments and may reject recommendations for principal or vice-principal appointments. The Minister also has the power to give directions on the financial management of DEAs. There are, however, many areas in which the Nunavut Minister has no role, such as decisions about the use of school facilities after instructional hours, and so on.

Members of the DEAs are elected for three-year terms. DEAs are responsible for the general provision of public education, the administration of schools, school facilities and other duties delegated by the Minister to an education district. DEAs are required to report to the Minister as necessary and as requested.

The *Nunavut Education Act* incorporates the concept of *Inuit Qaujimagatuqangit*, or duties related to Inuit societal values and principles. The *Nunavut Education Act* requires that these values be taken into account as fundamental principles of the public education system. The Act is the first among provinces or territories in Canada to specifically embrace an Indigenous vision for education and advancement of Indigenous language.

The *Nunavut Education Act* does not provide for denominational school boards.

Yukon

The Yukon model provides a strong role for the government with a means of providing additional autonomy to school boards. Responsibility for the administration of the public school education system primarily belongs to the Yukon Government's Department of Education.

The *Yukon Education Act* creates school councils and committees, which have an advisory function and some limited powers. The Minister retains responsibility for the operation and management of any school in which there is a school committee or council. Superintendents are assigned by the Minister to school councils.

The *Yukon Education Act* allows a school council that has been in existence for one or more years to become a school board. A school board is given additional powers and responsibilities under the Act for the administration of the education program. In the absence of a school board, the Act refers various powers for the establishment of school rules, policies, staffing and curricula to the Minister.

This model also specifically addresses the interaction of Yukon Land Claim and Self-Government Agreements. Where there is a conflict between a Yukon land claim agreement or a self-government agreement and the *Education Act*, the Yukon land claim agreement or self-government agreement will prevail. In August 2020, the Yukon First Nations Education Directorate was created to advocate for First Nations education and to work toward the creation of a Yukon First Nations school board.

The *Education Act* also mandates that the Minister shall negotiate guaranteed representation for Indigenous people on School Boards and Councils.

Norway

Norway has a highly localized education system. Schools are governed at the school level by "school owners", which are municipalities, counties and private providers. The country has a relatively small population of 5 million people spread over a geographically large area.

The Ministry of Education and Research formulates national education policy. A Directorate of Education links the Ministry and the school owners (for clarity, schools in Norway are overwhelmingly public).

Norway responded to the challenges of a localized and decentralized system by creating centres with resources for teachers and schools and by implementing more rigorous quality control and data collection policies.

To address poor results in the early 2000s on international education testing, a Norwegian quality system was established. The country began to establish "centres" for education to assist teachers in schools; for example, the Norwegian Centre for Mathematics Education established in 2002 and the Reading Centre established in 2004.

A national testing system was developed in order to keep track of student outcomes, known as the national quality assurance system. The results are intended to be used by individual schools to assess the quality of the education system and improve the schools.

Where do we go from here? Opportunities for Change

The NWT currently has the most locally managed education system among provinces and territories in Canada. This system was intended to ensure positive learning outcomes for students across the territory while maintaining northern community influence in education, and continues to present us with opportunities for success today. The NWT approach to education comes with the benefits of local influence in communities, along with the challenges that arise when authorities are spread out across a wide area. Challenges include those such as structural inconsistencies and difficulties making improvements across the system.

Although no system of governance will, on its own, reform the entirety of the education system, there would be positives that emerge from a greater coordination of decision making and resource allocation, including the ability of Government to make system-wide improvements and the authority to monitor the implementation and progress of those changes. These abilities are currently made impossible by the structure of the Act and, in particular, the limitations on the sharing of information with ECE and the Minister.

While it is possible to establish a system of education managed entirely by the government, as is done in New Brunswick, for example, the pendulum should not necessarily swing entirely towards central coordination. A government-run system could work in cooperation with a network of advisory bodies across the territory that would continue to provide local input, as is seen in other jurisdictions such as Saskatchewan. If a more coordinated system is adopted, there could

also be provisions similar to those in the Yukon that allow education bodies to develop into school boards. That type of system would also allow flexibility for Indigenous governments to assume control of education.

Alternatively, the Act could move some powers back to the government but maintain regional DECs. The regional DECs would be in a position to maintain offices throughout the territory and provide better regional representation. The current DEAs could be maintained as advisory bodies with limited administrative duties. This would strike a balance between local input and coordinated authority.

If the system of governance remains community based, it will be necessary to find and establish methods of assessing the quality of education throughout the territory and empowering education bodies to make improvements. A more robust system of reporting combined with education centres – either similar to the Norwegian model or to those envisioned in *Learning: Tradition and Change in the Northwest Territories* – may accomplish these goals. In *Learning: Tradition and Change*, it was recommended that two centres for learning and teaching be created in order to facilitate program development in the east and in the west as a way to facilitate the creation of culturally appropriate curriculum. The centres were intended to assist boards of education, which were given autonomy to develop curriculum in order to move to a more localized model. It was also envisioned that these centres would provide support to DEAs and be a repository of knowledge for the territory, as well as a vehicle for policy development.

While much of the discussion around a new Act will consider to what extent the education system should be streamlined and how opportunities will be

balanced throughout the territory, work to modernize the Act must also look at how to support Indigenous governments to take leadership of local education systems. Self-government agreements negotiated in the NWT contain provisions for Indigenous government jurisdiction over education. A new Act should reflect these negotiations and provide a structured way for Indigenous governments to take on increased responsibility. The NWT will need to determine how the *Education Act* interacts with Indigenous self-governments and respects the Calls to Action of the Truth and Reconciliation Commission on Indigenous education, and the United National Declaration on the Right of Indigenous Peoples. Intertwined with this issue may be the approach to Indigenous language and culture based education.

Once decisions have been made regarding the governance structure of the education system, various other components of the *Education Act* should also be evaluated. Information sharing will be a critical issue to consider in the modernization of the Act. If education becomes more centrally coordinated, information will need to flow directly from education bodies to the Department of Education, Culture and Employment – as well as between GNWT departments when permitted by legislation – to allow improved monitoring and support of the system. If the current, local system is largely maintained, the Act will need to build in a way to ensure information is shared with the government that allows ECE and the Minister to fulfill their obligations to students.

Discussion Questions

- An important aspect of an education system is how centrally coordinated or locally managed it is. Where on the scale would you suggest placing the NWT education system?



- What are the strengths of the NWT education system's current locally managed model?
- What are the challenges of the NWT education system's current locally managed model?
- What important governance challenges do you think a new Education Act should address?
- What important structural challenges do you think a new Education Act should address?
- Is there a structural or governance model that best supports Indigenous self-governments and negotiating groups to exercise greater involvement in decision making in the education system, and supports Indigenous self-government implementation?
- Are there other governance models that the Department should consider?
- What other topics related to governance and structure should the new Education Act consider?



Section 2: Language and Culture

Language of Instruction

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, also known as ‘core’ instruction.

There are 11 official languages in the NWT, nine of which are Indigenous:

- Chipewyan (Dëne Sųłné Yatıé)
- Cree (Nēhiyawēwin)
- English
- French
- Gwich’in
- Inuinnaqtun
- Inuktitut
- Inuvialuktun
- North Slavey (Sahtúqıt’ıne Yatı)
- South Slavey (Dene Zhatıé)
- Tłıchq

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 and French 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 (more course time than core, but less than immersion).

Two schools provide French first language instruction: École Allain St-Cyr in Yellowknife and École Boréale in Hay River.

Indigenous language instruction

As of the current school year, 42 out of 49 NWT schools offer Indigenous language programming as a second language.

Four schools offer Indigenous immersion programming in the primary grades:

1. Deh Gah Elementary School (Fort Providence)
2. Elizabeth Mackenzie Elementary School (Behchokq)
3. Chief Albert Wright School (Tulita)
4. Ehtseo Ayha School (Délıneq)

As of 2020-21, new proposals have emerged for primary-level immersion classes in the Beaufort Delta as well.

In practice, Indigenous language instruction delivered in most NWT schools is done through a core or second language learning model. Students attend Indigenous language classes for a minimum of 90 hours per year in Grades 1 through 9. Additional language courses for secondary students (Grades 10 through 12) are also available in some schools. Many Indigenous language classes are 30-minute periods held 3 times per week, similar to core French programs.



The Junior Kindergarten to Grade 12 Our Languages curriculum (OLC) is the mandatory curriculum for Indigenous second language instruction. The OLC, which was developed by ECE in consultation with Indigenous governments and communities, is a competency-based curriculum that promotes a whole school approach to language learning and is aligned with the two foundational NWT curricula, *Dene Kede and Inuuqatigiit*. The OLC provides NWT Indigenous language instructors with the curricular outcomes, instructional strategies and assessment tools to foster language growth in core Indigenous language classrooms.

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 legislation also allows students to be excused from regular school attendance to participate in traditional activities on the land or other traditional learning experiences away from the community.

The JK-12 Indigenous Languages and Education Policy (ILE Policy) mandates that education bodies 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. Elders and cultural resource experts play an integral role in developing these vibrant and quality learning environments under the ILE Policy.

The Minister is responsible for leadership and guidance on the ILE Policy and Procedures, including how education bodies must implement Indigenous education and languages in the NWT. ECE provides funding, resources, and guiding documents to schools and teachers to support the implementation of the policy. An ECE-developed ILE Handbook helps to provide guidance to schools and teachers to create culture and land-based learning environments for their students.

To ensure the ILE 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.

Legislative: There is a lack of regulatory guidance to follow in establishing and sustaining Indigenous language immersion programs. Namely, the Act allows for instruction in any of the NWT’s Official Languages, but does not provide a structure for the introduction and development of Indigenous language immersion programs. Greater coordination of resources across the territory could help alleviate these challenges with efficiency and provide a space for improved language learning.

Program: There is a shortage of developed programs and resources in the NWT’s nine official Indigenous languages. This includes a lack of capacity for translating and developing culturally relevant materials and other learning resources. The NWT-developed *Our Languages* curriculum, launched territory-wide in fall 2020, has attempted to correct this issue and now offers the basis for providing Indigenous language instruction and assessment in all NWT schools in the official Indigenous language(s) of the community or region, with the exception of French first language schools.

Although the *Our Languages* curriculum provides the basis for improved language learning in schools, the 90-minute minimum time standard for core or second language learning instruction is still not enough to produce fluency for students. If fluency is a central goal of instruction, the time standard would need to be increased or more immersion programs developed. It should be noted that producing the required resources and assessment tools for increased immersion or more robust core instruction for Indigenous languages would have high associated costs and require more language instructors than are currently available.

Teaching: In practice, there are challenges to employing Indigenous language instructors, including lack of formal educational training or qualifications, and lack of fluent speakers. In the spirit of building community capacity and ensuring Indigenous worldviews, traditions and values are incorporated into learning, a new Act could include provisions to include and train community members. Such provisions are not present in existing legislation. ECE-led Indigenous language revitalization initiatives, such as the Mentor-Apprentice Program and the proposed Indigenous Language Adult Immersion Diploma program, are partly aimed at formalizing education and training for emerging language instructors.

Within a new Act, consideration may also be given to the mechanism for engaging Indigenous communities and governments in providing culture and land-based school programs. It may be appropriate to consider greater local independence combined with coordinated logistical support, either from the Department or in partnership with other territorial organizations, for culture and land-based programming in schools.



Other Jurisdictions

The Nunavut *Education Act* explicitly mandates that education will be bilingual with the Inuit language and one of either English or French. The Act also requires the Minister to develop curriculum to support the bilingual education model. While there have been challenges in implementation, the legislation emphasizes Inuit language education and the development of Inuit language resources.

The Yukon *Education Act* provides for the development of instructional materials for the teaching of Indigenous languages and mandates that Indigenous language teachers shall be employed to provide education in Indigenous languages.

The Quebec *Education Act for Cree, Inuit and Naskapi Native Persons* explicitly provides the Cree School Board with the power to develop courses, textbooks and teaching materials to preserve and transmit Cree language and culture. The Cree School Board initiated the “Cree Way Project” in the 1970s and has subsequently developed textbooks and certified language teachers in cooperation with universities.

Discussion Questions

- Placing Indigenous language programming on a scale, from a situation where Indigenous language is not mentioned in the Education Act to a situation where the legislation requires bilingual education in an Indigenous language, where would you suggest placing the NWT?



- Should modifications to the Education Act consider requirements for core, second, and/or immersion language programming for Indigenous languages?
- How could a new Education Act ensure school programming reflects and includes learning about regional cultures and land-based learning?
- Should the Education Act include certain supports or requirements to ensure equal access to culture and land-based learning across the territory?
- What other topics related to language, culture, and land-based learning should the new *Education Act* consider?



Section 3: Education Program

Curriculum and Resource Development

The issue of who is ultimately responsible for developing curriculum and teaching resources in the NWT is an important one that has, over the years, attempted to balance inclusion of northern community interests with educational best practices and requirements for students.

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” that fleshed out those curricula; and
- Education bodies were to be responsible for the classroom use of those curriculum-aligned resources.

While ECE and the education bodies took on their respective roles, the intermediary body was never funded or created. This has left a gap in the NWT education system when it comes to the development of teaching materials and resources. Neither the department nor the education bodies have the capacity or responsibility to create those resources.

As a result, the GNWT is required to partner with an outside jurisdiction to provide most of its core curricula. Although ECE has worked with its education partners to develop two foundational curricula for NWT schools – the *Dene Kede* and *Inuuqatigiit* – as well as NWT-specific courses like Northern Studies, ECE has spent more than 50 years adopting and adapting much of Alberta’s curricula and assessment tools (i.e. Alberta Achievement Tests and Diploma Exams) for NWT classrooms. This reliance on an outside partner, while currently necessary for ensuring efficiency, leaves the NWT vulnerable to changes in curriculum that may not be best suited for the northern context.

Challenges and Considerations

- **Resource Development:** DEAs are given legislative authority to provide textbooks. Without the capacity to do so, this responsibility has been taken on by the Department of Education, Culture and Employment.
- There is lack of clarity with respect to who is responsible for curriculum for French first language and Indigenous self-government education.

Although the Act requires that DEAs supply textbooks, in practice the Department supplies textbooks when a new curriculum is developed. At the same time, curriculum is increasingly moving towards using online learning materials rather than textbooks. Still, certain texts such as language arts books should be standardized for easy comparison of students’ linguistic grade levels, which is not currently the case within the NWT education system. A modernized Act should accurately reflect the existing practice of resource development and distribution.



There is also lack of clarity in the legislation with respect to who is ultimately responsible for curriculum in the cases of French first language education and Indigenous self-government. For example, if the Commission scolaire francophone des Territoires du Nord-Ouest (CSFTNO) were to choose a different curriculum than the one provided by the NWT or its current partner Alberta, it is unclear what ECE’s responsibilities would be regarding the development of a wide range of materials, resources and opportunities. This matter will also need to be clarified in relation to Indigenous self-governments as they develop curriculum, teaching resources and professional training priorities for their communities and/or regions.

Inclusive Schooling

All Canadian jurisdictions, including the NWT, specify that all students, regardless of disability or need, are entitled to equal access to education.

In the NWT *Education Act*, inclusive schooling means every student has a right to access the education program in a regular institutional setting (i.e. at school) in the community where they live. Inclusive schooling means that students receive the supports they need to achieve success alongside peers of their same age.

Students also have the right to have the education program 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)

There are two types of SSPs: one for accommodations, and one for modifications.

- A student with a **support plan for accommodations** is a student who is functioning at grade level and following the regular education plan. Accommodations remove barriers by providing diverse methods and strategies for meeting curriculum outcomes (e.g. braille for a blind student; accommodated physical education program for student in wheelchair, etc.)
- A student with a **support plan for modifications** is a student who is functioning typically 2 or more years below or above grade level. A standard grade level would contain a one-year age range due to how students access school by birthdates. As such, the curriculum outcomes are changed to meet the student where they are and allow for progress from that point forward. Students who are functioning below grade level should be receiving targeted interventions and supports to help address any potential gaps in learning.

The current Ministerial Directive on Inclusive Schools (2016) defines the standards, processes and supports that education bodies are required to provide to meet the diverse needs of their students. ECE has created an Inclusive Schooling Handbook (2017) to provide direction to education bodies in the NWT. The Department has also developed a Territorial Based Support Team to provide further expertise and training to schools and educators on a referral basis.

All jurisdictions, including the NWT, state that parents and caregivers – as well as the student, when appropriate – must be involved in the development of supports, including IEPs. The School-based Support Team at each school is responsible for ensuring all students have necessary supports as and when needed.

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 administer and ensure student participation and success.
- 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.
- The Department of Education, Culture and Employment is currently undertaking a review of Inclusive Schooling to monitor and measure compliance, and determine what further support is required.

There is a need to directly reference the unique context of the NWT, where many of the students in the territory are attending small schools in remote communities where staff turnover is high.

A high percentage of NWT students are on MEPs or Student Support Plans (SSPs). In 2017-18, 40% of students were on an SSP and 15% on a MEP, compared to 2% on an IEP. In some regions, the majority of students are on modified plans or some form of accommodations.

There is a pervasive and misleading public perception in the NWT that inclusive schooling means “social passing”, whereby a student is simply passed into the next grade level without meeting the requirements. While a student may be placed (rather than promoted) into the next grade without meeting all curricular outcomes, SSPs or IEPs are developed for the student that outline the targeted strategies and interventions required to close the gap between them and their peers and/or reduce or remove all possible barriers to student progress.

It should be noted that many factors contribute to developmental delays and cannot be solely addressed through changes to legislation, but rather require a whole of government approach to supporting student in class and out of class needs.

Widespread concern about peer placement becomes most visible in the NWT in Grade 10, when students enter the credit system and often “get stuck” or drop out without enough support. While there are processes in place for learner profiles, classroom support plans and more, additional support is needed for NWT teachers to better capture student progress for the next year’s teacher so that planning and interventions can occur as quickly as possible. Inclusive Schooling should encompass all grade levels of education.

Modernization of the Act may consider amendments to the IEP process 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. As well, having a coordinated system for providing specialized services to schools, rather than having education bodies contract service providers individually, could improve professional development for educators and access to interventions for students.

Amendments could also be made to provide more structure to the requirements of what should be included in an IEP. Specifically, more guidance is needed on competencies and types of goals that should be included in a student’s IEP. As well, the NWT is currently the only jurisdiction in Canada where modifications can be made to a student’s education plan without the need for a formal IEP. It is suggested that this process be reassessed, as a formal IEP may provide more resources and support to the child compared to assigning modifications without the formal labeling of an IEP. ECE is currently undertaking a renewal of the IEP process.

That being said, while a formal IEP may provide more resources and supports to an individual student in comparison with modifications, it should be noted that the high number of students required could place a challenging burden on teachers to monitor and manage an increased number of IEPs.

There is a need to clarify the difference between students who have accommodations and those who are on a MEP, especially for teachers who are new to the NWT. There is also a need to clarify the roles of Program Support Teachers and Regional Inclusive Schooling Coordinators, to ensure that those who are employed in these roles are fully aware of their responsibilities and expectations. These roles could be clarified in new legislation and separated from the regular role of the classroom teacher.

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

Sections 29-32 of the *Education Act* are specific to student records, including the content of student records and issues surrounding the collection of data and maintenance of records. Sections 151(b-d) allow the Minister to make regulations pertaining to student records.

The Student Records Regulations were established in 1996 and amended in 2010. Section 11(1) of the Regulations specifically references what types of student information the Superintendent shall provide to the Minister.

In practice, every NWT education body holds student information in their individual PowerSchool servers, which are regarded as the record of student information for education bodies. The education bodies are only supposed to share the information that is specifically mandated in section 11. As ECE administers PowerSchool on behalf of education bodies, ECE has technical access to all of the student information beyond what is required in the Student Records Regulations. However, ECE does not have the authority to use student information for the purpose of monitoring and evaluating the education system.

Other Jurisdictions

The contents of student records are generally not legislated in other jurisdictions, with the exception of British Columbia. Other jurisdictions give the Minister discretion over the maintenance of student records.

Challenges and Considerations

- For the Minister to fulfill the government's responsibility to maintain the standards of the NWT education program, they need access to additional non-personal data, which is not currently accounted for in the *Education Act*.
- The Department is currently unable to approve resources or tools for schools to use 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.

The Act grants education bodies the authority to monitor, evaluate and direct the delivery of school programs to assure the highest possible education standards in the schools. At the same time, the Act also gives the Minister authority to establish standards for the education program and to take the necessary steps to maintain these standards at the highest possible levels.



For the Minister to fulfill the Government's responsibility to maintain the standards of the NWT education program, they need access to additional data, which is not currently accounted for in the *Education Act*. Ideally, this data would be clustered for ease of review, and meet the established requirements within the existing planning and accountability framework. Right now, the Minister is not able to access the information needed to fulfill the Government's responsibilities under the Act.

At the practical level, the absence of a centrally coordinated process for information gathering poses significant barriers to the Minister and ECE. The Department is currently unable to approve resources or tools for schools to use to improve information collection and sharing. Because solutions cannot be implemented to achieve economies of scale, they tend to cost more and often face challenges with implementation due to capacity. For example, when education bodies moved to online and blended learning environments in 2020 to respond to school closures, they made independent decisions about which learning environments and applications (such as Google Classroom, Zoom, Classroom Dojo and others) to use. The result was a mix of systems across education bodies, and sometimes across schools within the same DEC. While this variation allowed schools to select the option that was best for them, it also created associated challenges, such as cost and the inability of ECE to provide equal support across all environments.

These barriers extend outward into the public, as well. 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, simply because ECE does not have access to the relevant information and cannot report on it.

Modernization of the Act needs to consider methods of ensuring flow of information to the Minister, and should be explicit in granting authority to the Minister to monitor and evaluate the education program to ensure it meets the highest standards.

The Regulations currently outline the management of information contained in student records, but not other types of records kept. A Directive on the Management of Information in the Student Record and Other Records Pertaining to Students, which was revised in 2005, addresses the connections to various legislation and policy, including the *Access to Information and Protection of Privacy Act* (ATIPP), the Canadian Counselling Association Code of Ethics and Standards of Practice, and the *Youth Justice Act*. Although the language in the directive is consistent with ATIPP regarding how personal information is used, disclosed and maintained, the Minister does not actually have the authority to make such a directive; as such, it should be repealed and replaced by guidelines. A new Act could consider the language and intent of the current directive.

The type of information specifically outlined in the Student Records Regulations is out of date and requires significant change; for example, health care card numbers are no longer collected. As well, Superintendents are not in the practice of advising the Minister about the removal of a student's name from a school register within 30 days of receiving the information. Changes to the regulations will be necessary to account for current practice regarding student privacy, while at the same time allowing for more flexibility to access information that does not identify individual students.

Safe and Caring Schools

A positive learning environment leads to improved student outcomes. 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 and inclusion, and a respect for diversity. In a safe school, everyone is treated with respect and dignity, conflict is managed through non-violent and restorative processes, and there is an emphasis on the prevention of bullying through the development of relationship skills.

Creating a safe school is multi-faceted and includes clear expectations about roles, responsibilities, behaviour (respecting self, others and the environment), interventions and supports. It is impacted by the school culture, as well as community relationships.

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.

The Act mandates the Minister to establish a Territorial School Code of Conduct as part of the regulations to promote a positive, safe, respectful and caring learning environment. Education bodies are responsible for implementing, reviewing and publicly sharing a Safe Schools Plan for each school. The Safe Schools Plans must include policies and guidelines about reporting, documenting and responding to bullying, as well as prevention, intervention and education strategies that also bring in healthy relationship programming targeted at the entire learning community. Students are to be provided with skills and confidence for non-violent conflict resolution and safe intervention.

Each school must develop an Emergency Response Plan, including lockdown and evacuation procedures, and must establish a Safe and Caring School Committee (SCSS), made up of the principal and a teacher representative plus discretionary members, such as a parent or community member. In addition, schools must provide a healthy relationship program that is evidence-based.

DEAs each have a template for a safe schools policy and each school is expected to complete the template annually.

In 2020, ECE released the *Guidelines for Ensuring LGBTQ2S+ Equity, Safety and Inclusion in Northwest Territories Schools*, which expands upon safety needs for one vulnerable sector of the NWT community.

Sections 34 and 35 of the new Occupational Health and Safety Regulations, under the *Safety Act*, which came into force on June 1, 2015, cover violence and harassment in the workplace. As such, these provisions are not included in the *Education Act*.

Challenges and Considerations

- The current Safe Schools Regulations are out of date and need to be updated.
- 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.

The current Safe Schools Regulations are out of date and need to be updated to include things like violence, sexual abuse, substance abuse, mental health, trauma informed practice, restorative practices, cultural safety, suicide and particular approaches for students with complex needs. As well, the powers and duties of Safe and Caring School Committees are not currently defined and need clarifying.

The sections of the Act that deal with student suspension and expulsion should also be revisited to ensure they comply with modern national and international standards. Over the past few decades, the dominant approach has shifted away from punishment in favour of restorative response. These sections should be considered when modernizing the Act.

Careful consideration needs to be given to ensuring that other relevant legislation aligns with Safe School Regulations.

Schools may not have the expertise to plan for, or manage, a serious emergency by themselves. When an emergency does occur, it is crucial that all necessary agencies react quickly, collaboratively and in line with established protocols. It may be possible to address emergency response planning for schools as a part of the *Emergency Management Act* or NWT Emergency Plan rather than as part of Safe School Plans.

The responsibilities and duties of the Safe School Committees need to be clearly defined. In addition, the Regulations need to be broad enough to encompass multiple aspects of safety and have enough flexibility to allow the Minister to add items, as needed, through policy.

School Calendar

The school calendar is currently set by education bodies, and the Minister does not currently have the authority to direct education bodies in relation to the school calendars.

The lack of a centrally coordinated process for setting school calendars poses challenges for making system-wide decisions. For example, it makes it difficult for ECE to schedule exams or to administer the Northern Distance Learning program across the territory. It also complicates the Government's ability to provide coordinated services, including training and professional development for educators.

Given the ongoing expansion of Northern Distance Learning and the desire to create a uniform professional learning plan for all NWT education staff, common calendars at the territorial or even regional level would help support student and educator learning and development.

There are benefits to having local influence over student calendar planning. For example, it allows local bodies the flexibility to accommodate things like important local events and holidays, fishing and hunting seasons, and cultural practices.

One way to account for these local benefits while potentially streamlining the process for setting school calendars across the system could be to consider local events among provisions in the new Act for local, culture based programming.

Professional Development Calendar Days

The Act gives DEAs the authority to set days for the development and improvement of the skills of education staff. These powers are included in the Academic Year and School Attendance Regulations.

At the same time, the GNWT - Northwest Territories Teachers' Association (NWTTA) Collective Agreement also gives teachers the right to add professional development days into the calendar. This conflicts with the regulations under the Act.

Difficulties that arise as a result of this conflict with the Collective Agreement include inability to reach agreement on a common school year calendar for the NWT and difficulties building a common training calendar across communities.

In the majority of Canadian jurisdictions, school boards have the legislated authority to determine the school year calendar, including professional development days. In some of the smaller jurisdictions (e.g. Yukon, Nova Scotia and PEI), education legislation gives the Minister the authority to set the school calendar.

A jurisdictional scan revealed that the number of professional development days GNWT teachers have negotiated (5) is consistent with many jurisdictions across Canada. As well, NWT teachers benefit from greater autonomy to determine the focus or goals of their professional development than in other jurisdictions.

School Closures

The Academic Year and School Attendance Regulations under the *Education Act* give the authority to DEAs to temporarily close schools for health or safety reasons.

School closures are most frequently due to cold or stormy weather, or infrastructure issues such as heat, water or electrical malfunctions. In situations where the school closure is due to an infrastructure issue, ECE may liaise between the Department of Infrastructure and the education body to ensure the issue is addressed quickly.

DEAs are not required to have school closure policies. Although most DEAs do have such policies, they are not consistent. A review of current school closure policies found that some DEAs have policies related to emergency closure for health and safety reasons, but that most are specific to cold weather or storms. Policies regarding school closures for health and safety reasons are inconsistent across DEAs. Whether or not policies exist, decisions to close schools when necessary for health and safety reasons are made on the spot.

Each school must develop an Emergency Response Plan, including lockdown and evacuation procedures. Schools are expected to review these plans annually and update as required.



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.
- There is currently no formal mechanism in the NWT to inform the Minister if a school is closed, or to allow the Minister to close or reopen schools. This was found to be a shortcoming during the COVID-19 pandemic.

While the regulations give DEAs the authority to temporarily close schools for health or safety reasons, they 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. Article 22.02 of the *GNWT - NWTTA Collective Agreement* states “that teachers are not required “to report for duty at a school when the students, as a result of health or safety hazards, have been dismissed from the school. Such days, when the school is closed, will be deemed as sessional days.”

In March 2020, the NWTTA raised concerns that some teachers were asked to enter the school when schools were first closed in response to COVID-19. This issue was eventually resolved when the Office of the Chief

Public Health Officer (OCPHO) approved plans that safely allowed entry into the school by education staff. Additional examples include situations where DEAs have chosen to close schools for health and safety reasons when there were mechanical system breakdowns or extreme weather events. In these cases, the conflict arises when students are sent home, but staff expected to remain on duty in the school.

There is currently no formal mechanism in the NWT to inform the Minister if a school is closed. Superintendents have been asked to report to ECE when a school in their region has closed and when it has re-opened. ECE then relays this information to the Minister’s office.

In general, it is common in other jurisdictions to have decisions to temporarily close a school for health and safety reasons made at the school board or district level. Moving the decision to close schools to the DEC level in the NWT may make it easier for the Government to track the status of school closures and to create a more consistent set of policies across the territory.

There is also currently no mechanism in the Act to allow the Minister to close or reopen schools. The inability to act swiftly and in a coordinated fashion was found to be a shortcoming during the temporary closures related to the COVID-19 pandemic and could be similarly problematic in future emergencies.

Pupil-Teacher Ratio

The pupil teacher ratio (PTR) is a mechanism used by ECE to allocate resources to NWT schools for the JK-12 program. It does not directly refer to class size and it is determined by dividing the number of full time equivalent (FTE) students by the number of funded select educators in all schools. The calculation includes not only classroom teachers, but principals, assistant principals and program support teachers.

The PTR for Junior Kindergarten in the NWT is 12:1. For Kindergarten to Grade 12, a staffing table is used to calculate the number of teachers funded. This calculation is done at the school level and is based on enrolment.

In 2000, the *Education Act* was amended to decrease the pupil teacher ratio from 18:1 to 16:1 and to increase the level of student support funding from 8.2% to 15% of all Operation and Maintenance funding.

Funding related to PTR has increased by nearly \$12 million since 2000-01. The legislated PTR standard of 16:1 was achieved in 2003-04; however, the Government has continued to support further spending to lower the PTR to the current territorial average of 13.3:1. All regions are below the territorial average, with the exception of the two Yellowknife boards and the CSFTNO.

Other Jurisdictions

The NWT is one of only three jurisdictions in Canada that includes PTR requirements in legislation. Some jurisdictions embed PTR and/or class size limits within legislation or associated regulations, while others locate PTRs in collective agreements.

The *Nunavut Education Act* requires the Minister to ensure the student-educator ratio is lower than the most recently published national student-educator ratio.

Ontario includes class size limits within its regulations and uses the concept of averages more often than absolute caps. This means that a school board may have a variety of class sizes but the average size of all those classes must not exceed the average class size numbers set by the regulations.

When the Government of British Columbia attempted to reduce the overall cost of education in 2002 it attempted to move the governance of class sizes from what had been committed to in collective agreements into legislation instead. The matter was ultimately litigated at the Supreme Court of Canada. The Government of British Columbia lost the case in 2016, leading to the Government having to fund the hiring of thousands of teachers before the beginning of the following school year at a cost of roughly \$1 billion.



A range of class size limits in provinces and territories was reported in 2017-18. Class sizes range from a maximum of 18 in Kindergarten in PEI and the Yukon, to high school classes of 32 in Quebec and Nova Scotia.

Based on the experience of other jurisdictions, locating PTRs or class size limits within regulations appears to give the most flexibility to respond to changing jurisdictional needs.

Challenges and Considerations

- Flexibility of staffing is a necessary component of any education system, particularly the NWT.
- Pupil-Teacher ratio funding formulas frequently produce part-time staffing in small communities based on the number of students, which makes staffing difficult.

Flexibility of staffing is a necessary component of any education system, particularly the NWT. Pupil-Teacher ratio (PTR) funding formulas frequently produce part-time staffing in small communities based on the number of students.

While it might be possible to find individuals willing to work on a part-time basis in larger urban settings, the cost of living in and moving to small NWT communities makes staffing part-time positions very difficult. For that reason, the flexibility to combine partial positions and place those in the most useful location appears to be the most reasonable practice.

Overall, there are challenges in assessing the effect of PTR investments on student outcomes or if the investments were used as intended.

Along with *Education Act* modernization, ECE has committed to reviewing the School Funding Framework, with a particular focus on ensuring equity for small schools.



Discussion Questions

- Previous reports and other education system structures have given the responsibility for developing curriculum to different entities, including: 1) individual education bodies, 2) an independent agency separate from education bodies or the Department, and 3) to the Department within the GNWT. Who do you think should have the responsibility for setting the curriculum, and why?
- What entity or entities should be responsible for developing and/or providing teaching resources for the NWT education system?
- Who should have the responsibility to oversee curriculum and teaching resources to ensure they are delivered as planned in the NWT education system?
- Many students in the NWT education system follow a modified or individualized education program. Should a new Education Act formalize how modified or individualized programs are developed, approved and evaluated? Or is it better to allow for flexibility in these processes?
- Students in the NWT education system can be promoted into the next grade, when they fulfill the requirements of their current grade, or placed into the next grade, when they do not fulfill the requirements of the current grade. Should this distinction be outlined in the new Education Act? Should the Act lay out the differences between these two categories?

- There is a trade-off between setting and monitoring standards for the delivery of education at the NWT-wide level, versus setting and monitoring standards locally. Where should NWT lie on the scale between NWT-wide and local standards?



- Are there additional topics or issues that a new Education Act should consider to help make NWT schools safe and caring communities? What are those topics?
- Should school safety and emergency planning be covered entirely through the Education Act, or included in other pieces of legislation as well, such as the Emergency Management Act?
- Who should be responsible for setting school calendars in the NWT? Is this something that should be done at a territorial or local level?
- What other advantages and disadvantages to shared school calendars in the NWT do you foresee?
- Who should have the authority to open or close a school in the event of a local or NWT-wide emergency situation?
- Other jurisdictions have moved pupil-teacher ratios out of their Education Act legislation and into regulations to allow for more flexibility. This is especially important for small schools where the pupil-teacher ratio can result in part time positions that are challenging to fill. Should the NWT also consider allowing more flexibility by moving the pupil-teacher ratio into regulations?
- What other topics related to the Education Program should the new Education Act consider?

Section 4: Education Staff

Teacher Certification

There are a number of areas that may require revision under new legislation involving teacher certification.

Teacher Certificate Issuance, Suspension and Cancellation

The Act allows the Registrar to issue a teaching certificate in accordance with the Regulations, or refuse to issue a teaching certificate where:

- a) the applicant does not meet the requirements of the Regulations;
- b) the applicant fails or refuses to provide any information requested by the Registrar or required by the Regulations;
- c) the applicant provides false information to the Registrar; or
- d) the Superintendent is unable to recommend the applicant, where such a recommendation is required by the Regulations.

At present, ECE complies with the Act and Regulations.

The Canadian Free Trade Agreement (CFTA) language around labour mobility – i.e. the ability of workers to move within and between different economies – requires that the NWT clarify the procedures and reasons for which the Registrar may refuse to issue a teaching certificate. These reasons should be consistent with other jurisdictions in Canada.

The current regulations do not provide enough flexibility to refuse to issue a teaching certificate; for example, other jurisdictions in Canada may refuse to provide certification to individuals whose certification in other Canadian jurisdictions has been suspended or cancelled as a result of unprofessional conduct or unskilled or incompetent teaching. A similar provision does not exist in the NWT.

The Act also allows the Registrar to suspend or cancel teaching certificates in accordance with the regulations. At present, the Registrar may cancel or suspend a teaching certificate on the following grounds:

- a) professional incompetence of a teacher or former teacher;
- b) unprofessional conduct on the part of a teacher or former teacher;
- c) a misrepresentation by a teacher or former teacher of his or her qualifications;
- d) failure to possess the qualifications required by the Regulations at the time the teaching certificate was issued.



The basis for cancelling or suspending teaching certificates in the NWT is not consistent with other Canadian jurisdictions. The following reasons for cancellation or suspensions of a certificate are common in other jurisdictions and may be considered in drafting the new regulations:

- the applicant has committed an act that resulted in a conviction for an indictable offence in Canada or an equivalent conviction in a jurisdiction outside Canada;
- the applicant held a certificate or a document equivalent to a certificate issued in another jurisdiction, that has been suspended or cancelled as a result of unprofessional conduct or unskilled or incompetent teaching;
- the applicant submits an application or accompanying document that is false or misleading.

British Columbia legislation includes a provision that the Registrar may cancel or suspend a teacher's certification if it is determined under that province's *Criminal Records Review Act* that the applicant presents a risk of physical or sexual abuse to children or a risk of physical, sexual or financial abuse to vulnerable adults.

Bringing the NWT into line with other jurisdictions and instituting a clear process for issuing, suspending and cancelling teaching certificates will help to ensure quality of education in the NWT while also facilitating labour mobility, as per the CFTA.

Jurisdiction of Teacher Certification

The NWT guarantees that a teaching certificate will be issued to anyone who currently holds a teaching certificate from another Canadian jurisdiction and who meets the other criteria set out by legislation and the NWT Teacher Qualification Service (TQS).

At present, in compliance with the Registrars for Teacher Certification Canada (RTCC), a committee of the Council of Ministers of Education, Canada, and the CFTA, all teachers who complete their Bachelor of Education in Canada must be certified in the jurisdiction where they completed their Bachelor of Education. It would be beneficial to bring the NWT legislation into harmony with the current practice in the territory, as laid out by the RTCC.

Teacher Certificates

The Education Staff Regulations allow the Registrar to issue a list of teaching certificates, including a number of interim, standard, basic and specialty certificates. The Registrar does not currently issue many of the certificates listed in the Regulations. Many certificates are no longer used and could be removed from Regulations, as long as an allowance is made for any existing certificate holders to renew or transfer their qualifications.

Additionally, unlike other jurisdictions, the NWT Regulations do not provide a mechanism to add conditions to teaching certificates. In practice, this means that conditions placed on teaching licenses elsewhere do not transfer into the NWT along with the teacher. Allowing for conditions would give the territory the means to put parameters on incoming teachers, such as international teachers, which is not possible under the current framework.

Information Required of Applicants

ECE currently collects the following information under the Staff Regulations:

- Application form and associated fee
- Current official Statement of Professional Standing from every jurisdiction in which they taught
- Confirmation of Employment or photocopy of the job offer
- Photocopy of birth or citizenship certificate
- Proof of name change
- Complete and official transcripts sent directly from University to Registrar
- Verification of previous teaching experience
- Original Vulnerable Sector Check (current within 3 months)

The legislation does not currently require that internationally certified educators complete a language assessment in English or French. Proof of language proficiency is required in approximately half of the Canadian jurisdictions surveyed.

School Counsellors and Child and Youth Care Counsellors

Section 60 of the Education Staff Regulations governs school counsellors. The regulations require that counsellors have a Bachelor of Education with a specialty in guidance or equivalent qualifications approved by the registrar. Counsellors are to successfully complete an approved counsellor training program.

School counsellors are being replaced by child and youth care counsellors (CYCCs) over the course of 2018-2022. The CYCC positions are active 12 months a year. During the school year, CYCCs spend the majority of their time in schools providing prevention and promotion activities, individual and group counselling for students, as well as collaborating and consulting with school staff and as a member of the School-Based Support Team.

While school counsellors were formerly employed directly by the education bodies, CYCCs 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).

Right now in small schools (under 75 students), itinerant counselling services are being provided under contract by Northern Counselling and Therapeutic Services (NCTS).

The current regulations set out a variety of qualifications for school counsellors that allow for some flexibility. There is some benefit to the contract model, which allows for services to be provided 12 months a year. The hiring of counsellors directly by education bodies and the opportunity to substitute qualifications if necessary has the advantage of building capacity and recruiting counsellors attuned to the needs of the school.

Other Jurisdictions

In Yukon, school counsellors are hired directly by the Yukon Department of Education. Specialist outreach therapeutic counsellors have been introduced by Health and Social Services and placed in high schools to provide services for students with complex needs.

British Columbia counsellors are employed by individual school districts. As of December 2019, school based multi-disciplinary teams are being rolled out in five districts over two years. Qualifications for counsellors vary from district to district, but generally consist of teaching qualifications with either a counselling degree or Master's.

New Brunswick first began piloting multi-disciplinary teams in schools in 2010 and expanded the service province-wide in 2017. Schools counsellors are required to hold teaching qualifications as well as a Master's in counselling.

Discussion Questions

- The NWT Education Act is not consistent with other jurisdictions in how teaching certificates are issued, cancelled or suspended. Should the new Education Act consider moving in line with other jurisdictions?
- What other issues with teaching certificates should be addressed in the new Education Act or its regulations that have not been mentioned in this paper?
- The NWT has moved towards school counseling services being provided through the Department of Health and Social Services. Should the new Education Act reflect this change or continue to provide the option for school counseling services to be managed by schools through school-based counselling?
- What other topics related to education staff should the new Education Act consider?



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.





Education Act Modernization

Discussion Paper for Public Engagement

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