



Northwest
Territories Minister of Education, Culture and Employment

CHAIRPERSONS
DIVISIONAL EDUCATION COUNCILS

NOV 13 2003

CHAIRPERSONS
YELLOWKNIFE DISTRICT EDUCATION AUTHORITIES

CHAIRPERSON
COMMISSION SCOLAIRE FRANCOPHONE DE DIVISION


Directive Regarding School Fees for Treaty Right Holders

It has come to my attention that the ability of district education authorities or divisional education councils to charge fees under Section 117 (1)(h) of the *Education Act*, for textbooks and other learning materials may be in conflict with treaty rights. Section 4.1(2) of the *Education Act* states that, where there is a conflict between the Act and Aboriginal rights, including treaty rights, those rights shall prevail to the extent of the conflict.

Consequently, I am directing that fees for the use of textbooks and other learning materials should not be charged to treaty right holders. Some concern has been expressed for situations where textbooks are damaged or not returned to the school. It would be acceptable in these instances to require payment for the lost or damaged books, so that books would be available for the next year's students. However, a fee for use of the books or materials should not be charged to treaty right holders.

In addition, fees charged under Section 118(1)^(c)(b) of the *Education Act*, for goods and services not required for the instruction of the education program, must not be made a requirement of treaty right holders in order for them to attend the education program. These fees must be optional for treaty right holders, depending on whether or not they wish to receive the goods or services for which the fees are charged.

Thank you for your attention to this matter.


Jake Ootes

c. Superintendents
Divisional Education Councils/Yellowknife District Education Authorities

Directeur General
Commission scolaire francophone de division