



Northwest
Territories Minister of Education, Culture and Employment

MAY 05 2000

Mr. Al McDonald
Chairperson
Northwest Territories Teacher Qualification Service
c/o Ecole Sir John Franklin High School
BOX 1200
YELLOWKNIFE NT X1A 2N8

Dear Mr. McDonald:

Direction Regarding Criminal Records Checks Upon Recertification

As a further safeguard for the protection of children in schools in the Northwest Territories, I am giving the following direction, under the authority of subsection 3(4) of the *Education Staff Regulations*.

The Registrar shall conduct criminal record checks as part of the certification and recertification process for every teacher in the Northwest Territories.

Please ensure that procedures are in place to implement this direction as soon as possible.

Thank you for your attention to this matter.

Sincerely,

ORIGINAL SIGNED
BY CHARLES DENT

Charles Dent

c. Joyce McLean
Registrar
Teacher Certification

2005-06-20

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DEC 17 1998

**CHAIRPERSONS,
DISTRICT EDUCATION AUTHORITIES
AND DIVISIONAL EDUCATION COUNCILS**

Direction Regarding Child Abuse Protocol

In 1996, the departments of Health and Social Services, Justice, and Education, Culture and Employment, developed the attached *Child Abuse Protocol*. The protocol describes the roles and responsibilities of school staff and others in handling disclosures of child abuse.

Although the protocol was sent to education authorities and councils before, it was recently recognized that the protocol did not have the force of a directive. Therefore, I am directing that District Education Authorities and Divisional Education Councils follow the *Child Abuse Protocol*. This means that staff are bound to follow the protocol. Please ensure that all staff are aware of this requirement.

Following the protocol will ensure that disclosures of child abuse are responded to appropriately by staff. Thank you for your attention to this matter.

Charles Dent

Attachment

DEPARTMENT OF EDUCATION, CULTURE AND EMPLOYMENT

DEPARTMENTAL DIRECTIVE RECRUITMENT OF TEACHING PERSONNEL

INTRODUCTION

Members of the Fourteenth Legislative Assembly have developed a common vision and direction to guide their work in the document "Towards a Better Tomorrow." Four priorities were initially identified (Early Childhood Development; Building Regional Capacity; Establishing an Economic Strategy; and Creating a Resource Development Strategy). Cabinet has identified a fifth priority, Maximizing Northern Employment to capture government's role as an employer and its role in supporting employment across different sectors. On January 17, 2001, the Premier of the Northwest Territories, the Honourable Stephen Kakfwi, in his address to the people of the Northwest Territories, stated, "To show northern students that they are valued, we intend to guarantee employment to every graduate from recognized nursing or teaching programs."

This directive supports the commitment of the Government of the Northwest Territories to a competent Public Service that is representative of the population it serves.

PURPOSE

The purpose of this Directive is to provide direction to education bodies regarding the recruitment of teaching personnel, the checking of references and the nature of the subsequent employment contract. This directive also reinforces the commitment by the Government of the Northwest Territories to offer employment to all northern graduates of teacher education programs.

RATIONALE

The *Education Act* and the *Education Staff Regulations* provide for various levels of teacher certification and the qualifications for obtaining this certification. The Act further states (44.1) that "...no person shall be employed as a teacher unless he or she holds a teaching certificate issued under the regulations." It is imperative that all staffing and recruitment meet all the legislative requirements and policies of the GNWT.

Education bodies are required to comply with the GNWT Affirmative Action Policy (11.77), which reinforces the principles of hiring qualified northern teachers. (*Eligible target group persons in the NWT will have preferred access to employment, training and career advancement opportunities in the government. -Article 4*). The Affirmative Action Policy applies to all education bodies who receive their funding from the GNWT. Yellowknife Education Authorities are required to have policies that respect the GNWT Affirmative Action Policy.

PRINCIPLES

1. Qualified teachers are a crucial factor in the provision of quality education programs and services for students;
2. A northern teaching force representative of the population is important for ensuring the education system is reflective of the language, culture and heritage of the north;
3. Schools must be safe and secure environments for students and educators.

SCOPE

The Directive applies to all Divisional Education Councils, and the Commission scolaire francophone de division, all District Education Authorities including Yellowknife. The Directive addresses:

1. the basic teacher training qualifications required for teaching in NWT schools and ensures that qualified northern applicants are provided with the opportunity to compete for teaching positions that become available;
2. the requirement for proper professional and criminal reference checks for all new employees appointed to teaching positions in NWT schools; and
3. the criteria for placement of personnel in term and indeterminate GNWT Public Service positions in schools operated by Divisional Education Councils and Yellowknife Education Authorities.

THE RECRUITMENT AND STAFFING PROCESS

The Recruitment and Staffing process is covered in detail in the Human Resource Manual (Section 100) and covers recruitment and staffing within the GNWT Public Service. This manual sets out GNWT policy in staffing and recruitment and education bodies are directed to follow the manual. In the case of the two DEAs in Yellowknife, they are required to develop policies that are consistent with Territorial and Federal legislation and must ensure that these policies are followed. In addition all education bodies, including the two DEAs in Yellowknife, are required to follow the provisions of the *Education Act*, its Regulations and the GNWT Affirmative Action Policy.

To teach grades K - 9 in schools in the NWT the individual must have, or be eligible to obtain, a NWT Standard or Professional Teaching Certificate. This would mean that a graduate of NWT Teacher Education program would possess the qualifications to be considered in competitions for all K - 9 teaching positions in the NWT. All bodies and individuals involved in the hiring process should be aware that a Bachelor's Degree is not required for staffing these positions. Setting screening criteria that eliminate Teacher Education Program graduates from being considered for teaching opportunities

at the Kindergarten to Grade 9 level is not permitted under the Education Act. The minimum requirement to teach grades 10 - 12 in schools in the NWT is that an individual must have, or be eligible to obtain, a NWT Professional Teaching Certificate. In this case, a Bachelor's Degree is required.

Eligible candidates who are applying for teaching positions in the GNWT Public Service are considered for employment using the following priority rankings. (These rankings are based on Section 117 of the GNWT Human Resource Manual):

- **Priority #1:** applicants are teachers on approved leave who are entitled to a position upon return from approved leave under Section 37(3) of the Public Service Act.
- **Priority #2:** applicants are teachers who have received official lay-off notice. Lay-off teachers do NOT receive priority on promotional opportunities.
- **Priority #3:** applicants are indigenous aboriginal teacher graduates.
- **Priority #4:** applicants are indigenous non-aboriginal and resident disabled teacher graduates.
- **Priority #5:** applicants are non-indigenous, non-aboriginal teacher graduates who are territorial residents for at least three continuous years immediately prior to graduating from post-secondary institutions located in the NWT and who remained and resided in the NWT following graduation from the institution; or attended a post-secondary institution located outside the NWT, but resided in the NWT for at least 12 continuous months immediately prior to attending the post-secondary institution.
- **Priority #6:** applicants are other resident teachers not employed by the Government.
- **Priority #7:** applicants are indeterminate teachers who are eligible for transfer or promotion.
- **Priority #8:** applicants are Northwest Territories teachers in term positions.
- **Priority #9:** applicants are teachers who are not residents of the NWT.

In addition to advertising employment opportunities for teachers through the media, Directors/Superintendents are to ensure that schools in their division post employment opportunities in hard copy.

PROCESS FOR HIRING NORTHERN GRADUATES

The following process will be in place to ensure northern graduates are given priority consideration for employment:

1. By December each year, the Department of Education, Culture and Employment and the Department of the Executive will identify northern students who will be graduating from teacher education programs during the academic year.
2. In January, the Department of the Executive will contact the potential graduates to provide them with information on teaching opportunities in the Northwest Territories. The information will include procedures on applying for positions.
3. In January, the Department of the Executive will provide a list of the potential graduates to all District Education Councils, the Yellowknife Education Authorities and the Commission scolaire francophone de division.
4. By mid-February, the Department of Education, Culture and Employment will coordinate a meeting with the Superintendents/Directors of the DEC's, DEAs and the Commission, to review the graduate list and arrange for interviews of interested candidates for anticipated and known vacancies or vacancies that may develop later
5. Schedules will be set for interviewing northern graduates. A priority hiring list will be established among the northern graduates who will be considered for vacancies before other new applicants.

THE REFERENCE CHECK AND CRIMINAL RECORD CHECK

All teaching positions in Northwest Territories schools require a minimum of two reference checks: the **professional reference check** and **the criminal record check**. Both checks must be satisfactorily completed in accordance with GNWT Policy, or in accordance with DEA policy in Yellowknife, before any job offer is made.

(a) Professional Reference Check:

This check establishes the validity of the applicant's credentials or documents

they have presented and verifies the content of the interview. Also, it allows the Selection Committee to determine a candidate's competence and suitability based on previous performance. It is important to receive permission from the applicant to contact the references. No job offer should be made until at least two (2) positive references checks have been completed with individuals who have previously supervised the applicant, one of which must be the candidate's most recent supervisor. Candidates who refuse to provide immediate supervisors as references will not receive consideration for employment unless there are extenuating circumstances. Recent graduates may not be able to provide references that are previous supervisors. In those cases, a practicum supervisor or a member of the teaching program who is familiar with the candidate should be contacted with the candidate's permission. All attempts must be made to check on the background of the candidate before a job offer is made.

(b) Criminal Record Check:

Teaching positions are considered 'positions of trust' which must be staffed with individuals whose trustworthiness and security would not place the GNWT, its boards and agencies, and more importantly its clients at risk. The duties and responsibilities of these positions of trust are such that there must be no question as to the character and reliability of the incumbents.

The mechanics of the Criminal Record Check are laid out in the Human Resource Manual (Section 113). Should an applicant's name return with a "maybe", the applicant is required to proceed with a fingerprint criminal record search to receive further consideration for employment. No position may be offered until the criminal record check has been satisfactorily completed.

It is the responsibility of the Director/Superintendent to ensure that proper reference checks have been carried out and have been properly documented before carrying out any appointment of teaching personnel.

THE ALLOCATION OF CONTRACT TYPES

For teachers employed by DEC's and members of the GNWT Public Service, teaching positions can be either **term** or **indeterminate**. In accordance with the Collective Agreement between the NWTTA and the GNWT, teachers may only be hired into a term position in the following situations:

1. to fill principal positions as required by the *Education Act*;
2. to replace a teacher who is on approved leave from the DEC;
1. to fill a teaching position that is of short duration and for positions which the DEC does not receive regular ongoing funding;
4. to fill a teaching position on a temporary basis and thus reserve a teaching

position for northerners studying in a teacher training program and who may be competing for a position upon completion of their training;

5. to fill teaching positions that become vacant during the year.

Term employment is defined as employment for a fixed period in excess of four months. At the end of the specified period, the term employee ceases to be employed in that position.

As Deputy Head, the Director/Superintendent is the only person that can appoint teachers to the GNWT Public Service. It is the responsibility of the Director/Superintendent of each DEC to ensure that any recommendation by an education body for an individual to be placed in a term position is properly documented, meets the certification requirements of the *Education Act* and meets the requirements of the Collective Agreement before carrying out the appointment to the Public Service. In the case of the Yellowknife Education Authorities, it is the Superintendent of Education who holds these powers and responsibilities.

An **indeterminate contract** is defined as employment on a continuing basis and is the usual type of employment for employees of the Public Service. This is subject to a two-year probationary period for all teachers.

Occasionally, **casual employment** may be offered. These opportunities are for periods of less than four months. All of the requirements for hiring into regular positions apply including the Affirmative Action Policy, the professional reference check and the criminal record check.

ROLES AND RESPONSIBILITIES

Before getting into the competition process, it is important to understand the various people and organizations that are involved in the staffing education positions in the schools. The following people all play a key role in this process:

The Minister of Education, Culture and Employment

The Minister is responsible for administering the Education Act and is ultimately responsible for providing quality education to all students in the Northwest Territories. In terms of the competition process, the Minister is responsible for ensuring that education staff are fully qualified and meet all necessary requirements as outlined in the Education Act. He/she is also responsible for ensuring that the staffing process follows established legislation, policies and regulations.

In cases where there is a breach of the rules, actions are taken against the Minister as

the agent of the Government of the Northwest Territories. The Minister must therefore be satisfied that all functions delegated to various Divisional Education Councils (DECs) and District Education Authorities (DEAs) are being carried out in an appropriate manner.

The Department of Education, Culture and Employment

In terms of the competition process, the Department provides advice and guidance to DEAs and DECs on the process. The Department also investigates cases where the process has not been followed or where problems occur and advises the Minister on the most appropriate way to proceed.

Divisional Education Councils (DECs)

Divisional Education Councils are responsible for providing education to all students in their Division in accordance with the Education Act. DECs are also responsible for hiring staff including the Director/Superintendent and for overseeing the advertisement and recruitment campaign for principals, teachers and program support teachers.

Directors/Superintendents

Directors/ Superintendents are hired by, and responsible to, the Divisional Education Councils. They are the administrative head of the Division education system and are responsible for ensuring that all education policies and programs are provided in an appropriate manner.

Directors/Superintendents have also been designated as Deputy Heads under the Education Act and therefore have been delegated authority to hire education staff. The Director is the only person in the district who has the authority to make an official job offer for education staff. For this reason, the Director/Superintendent must approve all competitions. The Director/Superintendent will also make the official, written offer of employment.

District Education Authorities (DEAs)

In most cases, DEA members have been delegated responsibility for completing the competition process for all local education staff including teachers, administrative staff, custodial staff and so on. Selected DEA members must therefore work closely with the respective Principal of the school as the Selection Committee to recruit and select the right person for the job.

Principals

The Principal's role in the competition process is to be part of the Selection Committee on every competition in his/her school. The Principal will act as the Chairperson of the Selection Committee. The Principal should also be assigned many of the administrative functions such as establishing the competition file, maintaining the applications and resumes and conducting reference checks.

Candidates

Candidates play the key role in the staffing process. Candidates are responsible for finding out about, and responding to competitions. They are responsible for providing as much relevant and truthful information as possible and for identifying themselves as priority candidates under the Affirmative Action and other policies.

ACCOUNTABILITY

The Directors/Superintendents of the Divisional Education Council as Deputy Heads and the Superintendents of the Yellowknife Education Authorities are responsible for ensuring that the provisions of this Directive are met. As part of the annual reporting, Divisional Education Boards and Education District Authorities will be required to provide a statistical summary of teacher recruitment.

REVIEW

This Directive will be reviewed at least every five years from the date of coming into effect.

Minister of
Education, Culture and Employment

Date