

A Guide to Bill 37 – An Act to Amend the *Education Act* and *Inuit Language Protection Act*

Introduction

The 2008 *Education Act* stands as a significant step forward in creating an education system tailored to the priorities and needs of Nunavummiut. Many lessons have been learned since 2008 about how our education system functions. Further adjustments to the legislation have been identified.

The purpose of Bill 37 – An Act to Amend the *Education Act* and *Inuit Language Protection Act* is to ensure a practical, forward-looking legislative framework to support the delivery of education in Nunavut. The changes are designed to increase government accountability, create a better balance of roles and responsibilities, and increase consistency of delivery across the territory. This will improve the conditions for curriculum and resource development, as well as student assessment, which will in turn have a positive impact on teacher training and student outcomes, including with respect to language skills.

Overview

The Bill amends the *Education Act* to:

- Consolidate references to Inuit Qaujimajatuqangit into Part I of the Act;
- Further distinguish the roles of the Minister and the district education authorities (DEA), while maintaining a clear role for DEAs to ensure that schools are grounded in and include local priorities and culture;
- Revise the provisions related to inclusive education, to provide for a clearer process for the work of school staff and the participation of parents, as well as to maintain clear and functional roles for the DEAs;
- Revise the provisions related to language of instruction to ensure that Inuit Language capacity is effectively utilized and monitored and to provide for an extension to deadlines for implementing bilingual education across all grades;
- Revise certain provisions related to education staff, in particular Inuksiutilirijit and principals/vice-principals;
- Revise and clarify the powers of the district education authorities, including the *Commission scolaire francophone du Nunavut*;
- Create a DEA Council to support the district education authorities;
- Make various other amendments, including non-substantive corrections and clarifications.

The Bill also amends the *Inuit Language Protection Act* to clarify the obligations related to instruction in the Inuit Language and delay the coming into force.

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Matrix of Roles and Responsibilities

A matrix setting out the roles and responsibilities assigned in the 2008 *Education Act* and amended by Bill 37 accompanies this document. This matrix shows where and how Bill 37 shifts roles and responsibilities between the Minister/Department of Education ('the department'), school staff and the DEAs, as well as new roles, responsibilities and processes introduced by the amendments. Please note: the matrix contains some information that is not in this document.

Important highlights

In addition to the matrix attached, the following are some important points with respect to the amendments and policy objectives contained within Bill 37:

Inuit Qaujimajatuqangit (Part 1, subpart 1 of Bill 37) – Going forward, the Minister, departmental staff, school staff (including teachers and principals), as well as DEA members will continue to be responsible for incorporating and fostering Inuit Qaujimajatuqangit and Inuit Societal Values throughout the education system. This includes the development of curriculum and resources, as well as in efforts to hire more Inuit educators in all schools.

Although Bill 37 edits references to Inuit Qaujimajatuqangit to be more concise within the text of the legislation and to consolidate the related duties held by the Minister, education staff and DEAs within Part 1 of the Act, the requirement for DEAs to consider and incorporate Inuit Qaujimajatuqangit in the development of Local Education Program Enhancements (formerly 'Local Programs') is maintained.

Bill 37 mandates that orientation for new teachers includes Inuit culture and history and an introduction to the Inuit language. Further, Bill 37 expands the concept of the skilled Inuit cultural expert to include Inuit cultural experts of all ages, and not just Elders.

Education Program and Local Community Programs (Part 1, subpart 2 of Bill 37)

The current wording in the 2008 Education Act creates confusion with regard to responsibilities and terms. It is difficult to understand and see the difference between Education Program and School Program. To reinforce the division between these responsibilities, Bill 37 **changes the 2008 term ‘School Program’ to ‘Local Community Program’**. The ‘Local Community Program’ is mostly the responsibility of the DEA and therefore is different from community to community. The ‘Local Community Program’ relates to things like the school calendars, the Registration and Attendance policy, Inuuqatigiitsiarniq policy, school rules and after-school programming. It is developed to reflect local community priorities and culture. In contrast to this, the Education Program is mostly the responsibility of the Minister. It relates to the delivery of the Ministerial curriculum, inclusive education and student assessments, and delivery is mostly consistent across the territory.

In relation to this, **Bill 37 changes the 2008 term ‘School Program Plan’ to ‘School Improvements Plan’**. This renamed plan functions in a similar way to its predecessor, allowing the DEA to set out how they want their priorities for DEA programming to be achieved during the school year and any other matters required by the regulations.

Bill 37 also **changes the 2008 term ‘Local Program’ to ‘Local Education Program Enhancement’** to reflect the fact that this programming is developed by DEAs in order to make modifications or additions to the Education Program set by the Minister. These programs enhance the Education Program by ensuring that local language, culture and/or economic priorities are part of what local students are learning. Local Education Program Enhancements are developed, monitored and directed by the DEAs and approved, funded and delivered by the Minister/department.

Bill 37 clarifies and distinguishes the division between the Education Program and the Local Community Program to ensure that lines of accountability are clear, particularly for principals who are required to take direction from both the DEA and the Minister. Bill 37 restricts DEAs from providing direction to principals for the Education Program, with the exception of Local Education Program Enhancements.

District Education Authorities (various subparts in Part 1 of Bill 37) – The proposed legislation ensures that responsibilities are better balanced with respect to capacity, training and specialized expertise, and that DEAs have the operational support they need.

DEAs will continue to perform the following functions, as they are established in the 2008 *Education Act*.

- Setting registration and attendance policies, including discretionary registrations;
- Setting policies and developing programming to create a positive and welcoming school environment where students can thrive;
- Student discipline;
- Development of programming that enhances the Ministerial curriculum to reflect local language, culture and/or economic priorities;
- Comprehensive reporting on activities and matters related to Inuit Qaujimagatuqangit;
- Participation on all teaching hiring panels;
- Role in performance assessments for principals and vice-principals;
- Recommendations to discipline and recommendations to dismiss principals and vice-principals (under certain conditions);
- Bussing;
- Development of school visitation plans for all DEA members;
- Operations and management budget.

DEAs will continue to perform the following functions that were established in the 2008 *Education Act*, however, in a way that will be modified by Bill 37:

- Employment of skilled Inuit cultural experts (with an expansion of the role of skilled Inuit cultural experts to include people of all ages, not only Elders);
- Participation on all principal and vice-principal appointment/reappointment panels (without the responsibility to administer these processes or the right to appoint the majority of panel participants);
- Development of school calendars (selecting from one of a set of options for standardized calendars that will be established by the Minister, rather than setting their own);
- Selection of language of instruction models (DEA choice will be limited to only those models for which there is sufficient local capacity in a community to successfully implement those models);
- Early childhood education (DEAs will not be mandated to provide programming; it will be their choice. DEAs will be restricted from using third party providers. The department intends to deliver this programming when a DEA chooses not to).

Bill 37 assigns several roles to DEAs with respect to inclusive education (although the main oversight role for this programming will be shifted to principals), including the ability to help parents and adult students navigate related processes.

Bill 37 requires DEA members, when they are elected or re-elected, to provide a Criminal Record Check to the Minister that is no older than 3 months old, in order to have unaccompanied access to their schools while there are students on the premises. A Vulnerable Sector Check will be required as part of the Criminal Record Check.

Elder representatives who are appointed to the DEA (by the DEA), as well as student representatives who are elected by their peers, are given the right to vote at DEA meetings—the same as elected members. DEAs will be limited to appointing one Elder representative per DEA for a term of 2 years.

These legislative amendments are proposed in the context that the benefit of local impact on schools and students must be preserved in Nunavut's education system. The DEAs require more operational support in their day-to-day work and the authority to utilize that support as they see fit. DEAs also require a better mechanism to present their priorities to decision-makers at the Legislative Assembly. These two objectives are achieved through the establishment of a DEA Council.

DEA Council (Part 1, subpart 8 of Bill 37) – Bill 37 seeks to ensure that DEAs have the operational support they need while maintaining local control. The proposed legislation includes the establishment of the DEA Council, which will have the staff and funding needed to carry out enhanced responsibilities, including DEA training and support, and advocacy.

The DEA Council will be independent of the Minister and Department of Education, like the current Coalition of Nunavut DEAs (CNDEA), yet, will have greater financial and operational accountability. The DEA Council will have a membership elected by DEAs themselves from amongst their own elected representatives. Three members will be elected from the Qikiqtani, two members from the Kivalliq, two members from the Kitikmeot, one member from the City of Iqaluit (Iqaluit and Apex) and one member from the Commission scolaire francophone du Nunavut.

The DEA Council will play a significant role in working annually on long-term planning with the department on important issues, as well as holding the department and Government of Nunavut to account with an annual report on the state of education in Nunavut. This report will highlight the priorities of communities, including parents and students, and set out recommendations of necessary changes.

Government Accountability / Reporting

The proposed legislation increases government accountability on two important files with respect to the Department's annual report. Bill 37 ensures that the government is consistently and thoroughly reporting on its work with respect to the implementation of bilingual education and inclusive education. For inclusive education, this includes a summary of support and services provided each year by the Department to students, as

well as an analysis of student needs and related trends. For bilingual education, the new reporting structure must cover implementation of Inuktitut as a language of instruction for each school, including current Inuktitut-teaching capacity and the actions taken to increase capacity, as well as actions taken to meet the Minister's duties under the *Inuit Language Protection Act*.

Language of Instruction (Part 1, subpart 3 of Bill 37) – Bill 37 includes amendments that will ensure that schools are implementing effective models of bilingual education with the guidance required to ensure that delivery meets required standards. Bill 37 maintains the responsibility for the Minister to develop multiple models through regulation, but limits District Education Authority (DEA) choice of models to only those for which the teaching capacity is present in that community.

Bill 37 gives the authority to the Minister to determine how the parameters of the model are achieved to ensure more consistency in the delivery of instruction, which will improve student outcomes, resource development, and the ability to ensure teachers are trained and supported in their work.

Currently, the Department is required to fully deliver bilingual education from Kindergarten to Grade 3. There is a deadline of 2019 for fully delivering bilingual education for Grades 4-12. Unfortunately, there are major implementation challenges that prevent the Department from meeting this goal. This includes the need to greatly increase Inuktitut-teaching capacity through a revamped Inuit Employment Plan and the important and time-consuming work to standardize vocabulary for use in curriculum for programs of study. This is work the Department must do in collaboration with Inuit Uqausinginnik Taiguusiliuqtiit. To provide enough time for this work, Bill 37 extends the deadline for full delivery of bilingual education for Grades 4-9 until 2029, with the expectation that there will be a gradual phasing in of each grade up until that date.

For Grades 10-12, because of the highly-technical and specialized nature of upper secondary school courses and the related Inuktitut vocabulary and supporting materials, more time beyond 2029 may be needed for both teacher training and resource development (of the quality Nunavummiut expect). The Minister will work to build capacity at those upper levels. Bill 37 requires the Minister to closely monitor and provide detailed reports to Nunavummiut about this work. Bill 37 also sets out that the Minister must certify when sufficient capacity is available in the system to fully implement Grades 10, 11 and 12, and at which point the legal requirement to deliver bilingual education for those grades will take effect. For clarity, there is no specific implementation deadline with respect to Grades 10-12; however, the Minister will still be accountable to do the work necessary to establish a fully bilingual system up to Grade 12 and Nunavummiut will have the information they need to hold the Minister to account.

Inuit Language Protection Act (Part 2 of Bill 37)

Bill 37 amends subsection 8(1) of the *Inuit Language Protection Act* (ILPA) to reflect that a student is entitled to receive the majority of instruction in the Inuit language. The proposed change will provide the proper legal foundation for the delivery of a bilingual education system in accordance with the intent behind Part 4 of the *Education Act*, as well as the findings of the 2000 Bathurst Mandate document, the 2006 Berger Report, and the 2015 report of the Special Committee to Review the Education Act.

This change provides a clear entitlement to language rights for Nunavut students: the majority of instruction in Inuktitut. This change will also help the department manage the impacts of a shortage of Inuktitut-teaching capacity. This change does not act as a ceiling on the right to Inuit language instruction, but rather a floor, on which capacity can be built.

Subsection 8(1) of ILPA, which is already in force for Kindergarten through Grade 3, will come into force for each additional grade on the same schedule set out in the *Education Act*, with a hard deadline of 2029 for Grades 4-9, and on a capacity-linked basis for Grades 10-12.

Education Staff (Part 1, subpart 5 of Bill 37)

Bill 37 includes an amendment extending the terms of principal and vice-principal appointments/reappointments from 3 years to 5 years. The amendments also expand the concept of skilled Inuit cultural expert to include experts of all ages, not only Elders.

Commission scolaire francophone du Nunavut (CSFN) (Part 1, subpart 7 of Bill 37) – Bill 37 provides for an increase in accountability at the CSFN. The Minister will have the authority to ask the CSFN to produce a wide range of reports on programming and other issues. These requests for reports could be on a range of issues, including the CSFN's delivery of the Education Program, the CSFN's human resources processes and competitions, as well as other in-school programming.

The Minister will have the authority to establish the curriculum to be followed by the CSFN, but not the ability to direct what teaching resources and methods are to be used by the CSFN to achieve the curricular outcomes. Bill 37 also mandates that the CSFN follow directions and/or regulations with respect to providing students, parents and the community with information about the delivery of the Education Program within CSFN schools. Further, Bill 37 clarifies the status of the CSFN's teachers as public servants and members of the Nunavut Teachers' Association.

Bill 37 gives the Minister the final authority to allow the registration at a CSFN school of a student who is not the child of a rights holder; however, the Minister can delegate this authority to the CSFN.

Finally, as with all schools across the territory, Bill 37 assigns the Minister the final approval for decisions to exclude students at schools under the CSFN's jurisdiction from the regular classroom setting. This includes the exclusion of students with significant behaviour management issues.

Other substantial amendments (Part 1, subpart 9 of Bill 37)

Bill 37 makes the following changes to the *Education Act*:

- It adds an affirmation of the territory's commitment, in the public education system, to the United Nations *Convention on the Rights of the Child*;
- It defines the term "community" that is found in various parts of the legislation;
- It clarifies the DEAs' discretionary authority with respect to registrations.

Non-substantive corrections and clarifications (Part 1, subpart 10 of Bill 37)

Bill 37 makes a number of minor edits to the text of the *Education Act*, to ensure the correctness of grammar and terms used. These edits do not affect in any way the rights of students or the roles and responsibilities of the Minister, school staff or DEAs. Amendments in this subpart also reorganize the presentation of sections of the *Public Service Act* that do not apply to teachers and principals, as well as certain provisions, in the *Education Act* that do not apply to the CSFN, and the delegation of certain powers, functions and duties under the *Public Service Act* to the Director General of the CSFN. None of these amendments impact on the legal details of these provisions. They are simply changes to reorganize the structure of these provisions in a way that makes the information more clear.

Coming into Force

It is important to note that if passed, not all amendments within Bill 37 will come into force (take legal effect) immediately. In some cases there will be a delay to allow for the development of supporting regulations and programs. Even when there is a delay, there is a hard deadline provided at which time the amendments will take legal effect, regardless of the delay. The intention of the government is to bring these provisions into force, before the hard deadline is reached.

- The coming into force for certain amendments related to language of instruction contained within sections 40 and subsection 41(b) of Bill 37 will be delayed, with a deadline of July 1, 2019;

- The coming into force for certain amendments in Bill 37 related to inclusive education will be delayed, namely for section 37, paragraph 48(a), section 49, paragraph 51(d), sections 52 to 57 and section 59, with a deadline of July 1, 2019;
- The coming into force for amendments related to the DEA Council will be delayed, with a deadline of July 1, 2020. Therefore there will be a transition period during which time the Coalition of Nunavut DEAs (CNDEA) will continue to be funded at its current level and carry out its current roles under the legislation. The new roles given to the DEA Council in the amendments will not be carried out by the CNDEA during the transition period, with the exception of new consultation roles in relation to curriculum development, and Ministerial orders related to school calendars.

Once the DEA Council is established after the transition period (meaning the amendments related to it come into force), all legislated roles and responsibilities will be reassigned from the CNDEA to the DEA Council and the DEA Council will also begin fulfilling the new roles and responsibilities set out in the proposed amendments. All funding currently received by the CNDEA will be reassigned to the DEA Council, along with the additional funding required by the proposed amendments.



2017 – Bill 37: Proposed Education System Roles and Responsibilities Matrix

The following matrix is a companion document to Bill 37. The matrix explains the amendments to the *Education Act* included in Bill 37 as they relate to roles and responsibilities. This matrix sets out:

1. **current roles and responsibilities, established in the 2008 *Education Act***
2. **shifts in roles and responsibilities proposed by the Department of Education ('the Department') during the 2016 public consultations**
3. **amendments shifting roles and responsibilities included in Bill 37 with respect to school staff, the Department, district education authorities (DEAs), and the DEA Council**

The Department's proposals have been modified as a result of 2016 consultation feedback from the public, education partners and DEAs. This matrix shows the difference between the 2016 proposals (presented during the consultations) and the 2017 proposals (Bill 37). Bill 37 keeps more roles and responsibilities in the hands of DEAs than the 2016 proposals. This reflects the consultation feedback that the Department did not find the right balance between DEA, school staff and government roles.

NOTE: DEA Council

A major change, post-consultation, are the amendments that establish the DEA Council in the legislation. This will be a publicly-funded body, controlled by DEAs, that will function independently of the Minister and Department. The DEA Council will take over all of the roles currently held by the Coalition of Nunavut DEAs ('CNDEA', a registered society under the *Societies Act*). The DEA Council will also have very specific responsibilities for supporting and training DEAs and providing information to the Legislative Assembly. These new roles are included in this matrix.

Note: Changes in terms

The current wording in the 2008 *Education Act* creates confusion with regard to responsibilities and terms. It is difficult to understand and see the difference between Education Program and School Program. To reinforce the division between these responsibilities, Bill 37 **changes the 2008 term 'School Program' to 'Local Community Program'**. The 'Local Community Program' is mostly the responsibility of the DEA and therefore is different from community to community. The 'Local Community Program' relates to things like the school calendars, the Registration and Attendance policy, Inuuqatigiitsiarniq policy, school rules and after-school programming. It is developed to reflect local community priorities and culture. In contrast to this, the Education Program is mostly the responsibility of the Minister. It relates to the delivery of the Ministerial curriculum, inclusive education and student assessments, and delivery is mostly consistent across the territory.

Bill 37 also **changes the 2008 *Education Act* term 'Local Program' to 'Local Education Program Enhancement'** to reflect the fact that this programming is developed by DEAs in order to make modifications or additions to the Education Program set by the Minister. These programs *enhance* the Education Program by ensuring that local priorities (language, culture and/or economic) are part of what local students are learning. Local Education Program Enhancements are developed, monitored and directed by the DEAs and approved, funded and delivered by the Minister/Department.

Note: Structure of the matrix

The legislation and proposed amendments refer in most cases to the roles and responsibilities of the Minister of Education; however, for clarity, the term "Department" has been used in this document in place of "Minister" to indicate that for the most part the Minister delegates his/her roles and responsibilities to the Department. It should also be noted that this matrix does not address the roles and responsibilities specific to the Commission scolaire francophone du Nunavut (CSFN) with respect to the Education Program.

Shifts in responsibility are noted in purple text.

DEA = District Education Authority

Minister / Department = Minister / Department of Education

CNDEA = Coalition of Nunavut DEAs

Task/role	2008 <i>Education Act</i> : Current	2016 proposed responsibilities (consultation)	2017 proposed responsibilities (Bill 37)	NOTES Reasons for shifting a responsibility or making changes to existing responsibilities
Incorporating and fostering Inuit Societal Values (ISV) and the principles and concepts of Inuit Qaujimajatuqangit (IQ) in the education system	Minister/ Department School staff DEA	Minister/ Department School staff DEA	Minister/ Department School staff DEA	<p>Everyone working within the education system has a role to play in incorporating and fostering Inuit Qaujimajatuqangit and Inuit Societal Values. This should continue.</p> <p>The formal duty for the Minister (and the Department), education staff and DEAs to incorporate and foster Inuit Qaujimajatuqangit and Inuit Societal Values in the education system should remain in Part 1 of the <i>Education Act</i>.</p> <p>Proposed: References to Inuit Qaujimajatuqangit should be edited to be more concise within the text of the legislation. This will consolidate the related duties held by the Minister, education staff and DEAs within Part 1-Fundamental Principles. However, Inuit Qaujimajatuqangit will remain a required component in the development, by DEAs, of Local Education Program Enhancements.</p>
Hiring skilled Inuit cultural experts, recommendation for certification	DEA	DEA	DEA	<p>New: The current legislation establishes the importance of skilled Inuit cultural experts in the life of the school. Currently, the role of skilled Inuit cultural experts is limited to Elders. Consultation feedback was clear that Nunavummiut want to see the definition of skilled Inuit cultural experts expanded to include experts of all ages. The Department is proposing to make this change to the legislation. DEAs will continue to be responsible for recommending these experts for certification (for a particular skill or set of skills) by the Minister, and for hiring experts for their schools.</p>

Task/role	2008 <i>Education Act</i> : Current	2016 proposed responsibilities (consultation)	2017 proposed responsibilities (Bill 37)	NOTES Reasons for shifting a responsibility or making changes to existing responsibilities
LOCAL COMMUNITY PROGRAM (formerly 'School Program')				
Local Community Program (formerly 'School Program')	DEA	Partnership between DEA and the Minister/ Department	DEA (with supporting roles for school staff and Minister/ Department)	<p>The Local Community Program sets out the unique character of each school, and consists primarily of:</p> <ul style="list-style-type: none"> • activities, programs or services provided under Section 11 (i.e., after-school programs); • early childhood education programs • adult education programs • registration and attendance policy • Inuuqatigiitsiarniq policy and supporting programs • school rules • school calendars • operating budget for DEAs <p>Most of the responsibilities tied to the Local Community Program are held by DEAs, with some specific roles or supporting roles for the Minister/Department and school staff. Therefore, it is important that a partnership is established between the DEA and the Minister/Department.</p>

Task/role	2008 Education Act: Current	2016 proposed responsibilities (consultation)	2017 proposed responsibilities (Bill 37)	NOTES Reasons for shifting a responsibility or making changes to existing responsibilities
LOCAL COMMUNITY PROGRAM (formerly 'School Program')				
Monitoring, evaluating and directing delivery of the Local Community Program	DEA	DEA	DEA	As in the 2008 legislation, the DEA will monitor, evaluate and direct the delivery of the Local Community Program. Bill 37 makes clear that the Minister is responsible for Education Program. DEA directions are limited to the Local Community Program and are not permitted with respect to the Education Program, with the exception of Local Education Program Enhancements (formerly 'local programs').
<i>Ongoing evaluation</i>	Principal	Principal	Principal	As in the 2008 legislation, the Principal will continue to evaluate the Local Community Program; however, the Principal will not be required to evaluate ECE programs, adult education programs, or DEA operations and management budgets.
School Calendar				
<i>Start and finish of the academic year (and dates for professional development days)</i>	DEA	Minister/ Department	Minister consults with DEA Council Minister establishes calendar choices DEA selects calendar based on local priorities	New: As a result of consultations, the Department has revised its position and is no longer proposing that there be a single, territory-wide calendar, or alternatively, regional calendars. Instead, the proposal is for DEAs to have a choice of multiple calendars with different start and finish dates for the school year. The calendars will be determined and established by the Minister with input from the DEA Council. The calendars will be based on existing trends in calendars chosen by DEAs in recent years. Work will be done to ensure that calendars conform to local interests as much as possible. DEAs will then determine other aspects of the calendars, based on local priorities, with the exception of professional development days.
<i>Other aspects of the calendar</i>	DEA	DEA	DEA	This partial standardization of calendars will allow the Department to deliver better teacher orientation programming and ensure that calendars respect diploma exam schedules. The Minister will consult with the DEA Council on the calendars that are established, and will set up calendars spanning multiple years so that DEAs can establish 3-year calendars.
School Improvements Plan (formerly the 'School Program Plan')				
<i>School Improvements Plan development</i>	Principal (mandatory consultation with DEA)	Principal (mandatory consultation with DEA)	DEA (mandatory support from Principal)	The re-named 'School Improvements Plan' (formerly 'School Program Plan') is a plan of action and priorities for the Local Community Program and any other matter set out in regulations. This plan will be developed by the DEA, with the support of principals, for each school in the DEA's district.
<i>Implementation</i>	Principal	Principal	Principal	As in the 2008 legislation, the Principal will monitor the delivery of the School Improvements Plan, including the implementation of any Local Education Program Enhancements, on an ongoing basis, and provide progress reports to the local DEA and the Minister.
<i>Ongoing evaluation of delivery</i>	Principal	Principal	Principal	

Task/role	2008 <i>Education Act</i> : Current	2016 proposed responsibilities (consultation)	2017 proposed responsibilities (Bill 37)	NOTES Reasons for shifting a responsibility or making changes to existing responsibilities
LOCAL COMMUNITY PROGRAM (formerly 'School Program')				
Early Childhood Education (ECE)	DEA	Minister/ Department	DEA will have first choice to provide ECE programs Department will be able provide an ECE program in a school if a DEA chooses not to do it themselves	<p>Consultation feedback from DEAs clearly showed that DEAs want to keep responsibility for Early Childhood Education (ECE) programming. Currently, government funding for ECE programming is underutilized, including by some DEAs. The administration and accounting burden related to managing contribution agreements with third-party ECE providers has been identified as a barrier for some DEAs.</p> <p>The Department has revised its consultation proposals and as such Bill 37 maintains a central role for DEAs in ECE programming. However, with the proposed amendment, DEAs will no longer be required to provide ECE programming. Instead, DEAs will have a choice to provide the programming or not. DEAs will not be permitted to use third-party providers to deliver ECE programming. They will be required to deliver programming themselves, with robust support from the Department's Early Learning and Child Care division and, in all likelihood, the DEA Council. DEA-ECE programs will still be subject to the <i>Child Day Care Act</i>.</p> <p>DEAs will be required to decide every 5 years if they want to deliver ECE programming. If a DEA chooses not to provide an ECE program, the Department will have the option to provide the ECE programming. This is intended to ensure that all available ECE funds are used, and that more ECE programming is available in Nunavut, including in schools that have dedicated ECE program spaces.</p> <p>Note: The Department intends to make major improvements to the delivery of early childhood education in Nunavut by replacing the <i>Child Day Care Act</i> with updated legislation that brings more focus to the standards and quality of early childhood education, especially with respect to the Inuit language.</p>
Other programs • Principal	Principal	Principal	Principal	An example of "other programs" as established by a principal is an after-school program or programming in the school library.
Homeschooling oversight	DEA (supporting role for principal)	DEA (supporting role for principal)	DEA (supporting role for principal)	
Adult education programming	DEA	DEA	DEA	

Task/role	2008 <i>Education Act</i> : Current	2016 proposed responsibilities (consultation)	2017 proposed responsibilities (Bill 37)	NOTES Reasons for shifting a responsibility or making changes to existing responsibilities
LOCAL COMMUNITY PROGRAM (formerly 'School Program')				
Registration and Attendance				
<i>Development of Registration and Attendance policy</i>	DEA	DEA	DEA	Registration and attendance policies are an important part of the Local Community Program (formerly 'School Program'). DEAs should retain the responsibility for developing their policy and reviewing/renewing it on a regular basis. However, some DEAs do not have a Registration and Attendance policy. Bill 37 gives the DEA Council the authority to give a Registration and Attendance policy to those DEAs that have not put one in place. A DEA receiving a mandated policy would still be able to modify it to reflect community interests. They would then begin reviewing and renewing it on a regular basis.
NEW Mandating a policy (only when no policy in place)	n/a	Department	DEA Council	
<i>Authority to make adjustments to policy</i>	Department	Department	Department	
<i>Yearly review of policy</i>	DEA	DEA	DEA	
<i>Reporting to community</i>	DEA	DEA	DEA	
Authority for discretionary registrations	DEA	Department (with recommendation of DEA)	DEA	The Department is no longer proposing to remove DEA discretion for registrations of students who are older or younger than the school age, or who live outside the jurisdiction of the DEA.
School Environment – Inuuqatigiitsiarniq Policy				
<i>Inuuqatigiitsiarniq policy development</i>	DEA (principal assists)	DEA (principal assists)	DEA (in consultation with principal)	Inuuqatigiitsiarniq policies are an important part of the Local Community Program and help establish a positive school environment. Bill 37 keeps the responsibility for developing this policy and regularly reviewing and renewing it with the DEA. The amendments shift the principal's role from one of assisting the DEA in development of the policy to one where the DEA develops the policy in consultation with the principal. Some DEAs do not have an Inuuqatigiitsiarniq policy. Bill 37 gives the DEA Council the authority to assign an Inuuqatigiitsiarniq policy to those DEAs that have not put one in place. A DEA receiving a mandated policy would still be able to modify it to reflect community interests. They would then begin reviewing and renewing it on a regular basis. The principal remains responsible for implementation of the DEA's Inuuqatigiitsiarniq policy. The Minister has the authority to make adjustments to a policy if it is not in compliance with the <i>Education Act</i> or the regulations.
NEW Mandating a policy (only when no policy in place)	n/a	Department	DEA Council	
<i>Authority to make adjustments to policy</i>	Department	Department	Department	
<i>Implementation of Policy</i>	Principal	Principal	Principal	

Task/role	2008 Education Act: Current	2016 proposed responsibilities (consultation)	2017 proposed responsibilities (Bill 37)	NOTES Reasons for shifting a responsibility or making changes to existing responsibilities
LOCAL COMMUNITY PROGRAM (formerly 'School Program')				
<i>Programs in support of school environment</i>	DEA (supporting role for principal)	DEA (supporting role for principal)	DEA (supporting role for principal)	Currently the Department is responsible for developing materials to assist the DEAs on program development under the Inuuqatigiitsiarniq policy in support of a positive school environment. An amendment in Bill 37 shifts that responsibility to the DEA Council. As the organization responsible for training and supporting DEAs, it makes good sense for the DEA Council to take on this role.
<i>Development of materials to assist DEAs in program development</i>	Minister/ Department	Minister/ Department	DEA Council	
<i>Discipline decisions</i> • Suspension <5 days • Suspension <20 days • Expulsion	Principal DEA DEA	Principal DEA DEA	Principal DEA DEA	
School Rules	Principal (subject to DEA direction)	Principal (subject to DEA direction)	Principal (subject to DEA direction)	
Bussing	DEA	DEA	DEA	
Operations and Management budget	DEA	DEA	DEA	
Develop a school visitation plan for DEA members	DEA	DEA	DEA	
Report on Inuit Qaujimajatuqangit	DEA	DEA	DEA	Currently, DEAs are required to report on their own duties related to Inuit Qaujimajatuqangit, as well as those of principals and education staff. Consultation feedback indicated that DEAs want to maintain the responsibility of reporting on all school activities. As a result, the Department is no longer proposing that these reports be limited to only DEA activities.
NEW: Support to DEAs for DEA teacher orientation programming	n/a	n/a	DEA Council	Although DEAs are not required under the 2008 legislation to provide orientation programs for teachers, many do as they feel it is important to introduce teachers to the local culture and knowledge. The importance of DEA orientations for teachers was also underlined during consultations. There is also no requirement in the 2008 legislation for DEAs to receive development support in this work. An amendment in Bill 37 proposes requiring the DEA Council to provide support to DEAs that require it for development of their orientation programming.

Task/role	2008 <i>Education Act</i> : Current	2016 proposed responsibilities (consultation)	2017 proposed responsibilities (Bill 37)	NOTES Reasons for shifting a responsibility or making changes to existing responsibilities
EDUCATION PROGRAM				
Curriculum development	Department	Department	Department	<p>Per Bill 37, the Education Program consists of (1) the delivery of the Ministerial curriculum, including Local Education Program Enhancements; (2) inclusive education implementation; and (3) student performance assessments. Bill 37 proposes that the Minister be required to consult with the DEA Council before establishing new curriculum (including updates).</p> <p>Bill 37 rewords the provision related to teaching and learning materials to clarify the requirement for teachers to use resources prescribed in relation to the curriculum.</p> <p>Bill 37 authorizes the Minister to establish time allocations per program of study (the amount of time spent teaching a particular program in a given week/year).</p> <p>Bill 37 includes an amendment clarifying that the content of Ministerial orientation programs includes an introduction to the Inuit language and instruction in Inuit culture and history.</p>
Approving the use of certain teaching and learning materials, in relation to the curriculum	Department	Department	Department	
Establishing time allocations	n/a	Department	Department	
Establishing teaching standards	Department	Department	Department	
Teacher orientation and mentoring programs	Department	Department	Department	
Local Education Program Enhancements (formerly 'Local Programs')				
<i>Development (in consultation with local community)</i>	DEA	DEA	DEA (with support from the Department)	Consultation feedback indicated that the role of the Department in supporting the development of Local Education Program Enhancements (LEPEs) must be clearly established in the legislation. The amendments in Bill 37 related to LEPEs also bring greater clarity to the purpose and structure of LEPEs, something the 2008 legislation does not do. Bill 37 includes an amendment that clearly sets out the requirement for DEAs to consult their communities (including students) in developing these programs.
<i>Approval</i>	Department	Department	Department	
<i>Financial Support</i>	n/a	Minister	Minister	Although there was an implicit role in the 2008 <i>Education Act</i> for the Minister to financially support LEPEs, Bill 37 contains an amendment to this provision that makes that requirement explicit, to ensure that DEAs understand the importance and priority placed on LEPEs.
<i>Directions to principals re implementation</i>	DEA	DEA	DEA	Bill 37 makes clear that DEAs can direct principals in the implementation of LEPEs.
New: Education Program Plan	Principal (by Ministerial Directive)	n/a	Principal	Although not part of the 2008 legislation, the Education Program Plan (EPP) is already required by Ministerial directive and was first implemented for the 2016-2017 year. It is proposed that the EPP be established in and required by the legislation. The EPP relates to the delivery of the Education Program and includes teaching schedule assignments, student timetables, and the names of all education staff and their teaching certifications. The Principal would be required to share with the DEA a version of the EPP that does not contain personal information as defined in the <i>Access to Information and Protection of Privacy Act</i> .
Ongoing evaluation of delivery and reporting of the Education Program	Principal	Principal	Principal	As is the case in the 2008 legislation, the Principal will monitor the delivery of the Education Program, including implementation of any LEPEs, on an ongoing basis, and provide progress reports to the local DEA and the Minister.

Task/role	2008 <i>Education Act</i> : Current	2016 proposed responsibilities (consultation)	2017 proposed responsibilities (Bill 37)	NOTES Reasons for shifting a responsibility or making changes to existing responsibilities
EDUCATION PROGRAM				
Bilingual education/Language of Instruction				
<i>Establishment of multiple bilingual education models in regulations</i>	Minister/GN	(The 2016 consultation proposal was to move to a single, standardized territorial framework for bilingual education, established by the Minister)	Minister/GN	<p>Consultation feedback mostly rejected the recommendation of the Special Committee to Review the <i>Education Act</i> to move to a standardized territorial framework for bilingual education. Therefore, the Department now proposes that the Minister continue to establish multiple models in the regulations. The Department also proposes that DEAs continue to be responsible for selecting a model based on community preferences, and that this choice be reviewed by the DEA every five years. However, some steps must be taken to manage the impacts on the delivery of the models related to the Inuktitut-teaching shortage, namely:</p> <ol style="list-style-type: none"> 1. The establishment of new interim models in the regulations, for use while Inuktitut-teaching capacity is increased. These interim models will ensure that students do not experience sudden changes in Language of Instruction as they move through the grades, which is damaging to student outcomes. 2. A mechanism that limits the DEA's choice of model to only those on which there is local capacity to deliver. Choosing a model for which there is insufficient local capacity to deliver means that Inuktitut-teaching capacity is distributed unevenly and improperly between grades at a school. The determination of teaching capacity should be made by the Minister/Department where there is sufficient expertise to quantify local capacity relative to the Language of Instruction parameters set out in each model. DEAs should be given a genuine choice of models that will work the way they are intended to in their communities. 3. The ability for DEAs to formally question and receive answers from the Minister about the Minister's determination of local teaching capacity. <p>Further, there must be an ability to reduce the variations in delivery across the system. This can be accomplished by establishing Ministerial authority for assignment of time allocation and Language of Instruction per program of study and grade for each model, which will:</p> <ul style="list-style-type: none"> • improve assessments and student outcomes. • identify priority language areas for human resources. • improve teacher training, support and resource development. <p>The Department would be obliged to consult with education partners and stakeholders in the development of all models set out by the regulations, including any new models that are added to the regulations. The Minister/Department will monitor local Inuktitut-teaching capacity and present annual reports to the Legislative Assembly.</p>
New: <i>Determination of the local Inuktitut-teaching capacity relative to each model set out in the regulations</i>	n/a		Minister/Department	
New: <i>Request to explain the determination of local capacity</i>	n/a		DEA	
<i>Choice of model based on local priorities</i>	DEA		DEA	
New: <i>Assignment of time allocations and Language of Instruction per program of study and grade (for all models)</i>	n/a	Department	Department	
<i>Review of model selection</i>	DEA	n/a	DEA	

Task/role	2008 Education Act: Current	2016 proposed responsibilities (consultation)	2017 proposed responsibilities (Bill 37)	NOTES Reasons for shifting a responsibility or making changes to existing responsibilities
EDUCATION PROGRAM				
Inclusive Education (Inclusive Education is a term that refers to ensuring access for all children to both the Education Program offered for the whole class, and the supports required to meet their individual learning needs. This includes supports for high-achieving students.)				
<i>Identification of needs (i.e., adjustments, assessments, services, supports)</i>	Teacher Parent	Teacher School Team Parent	Teacher School Team Parent DEA	In light of the proposed elimination of DEA responsibility for oversight of the implementation of inclusive education, Bill 37 creates a role for DEAs to provide teachers with relevant information about students and student needs. This enables DEAs to share their knowledge about students in their community.
<i>Request for assessment, including specialized services or assessments</i>	Parent Adult student	Parent Adult student	Parent Adult student DEA	The 2008 legislation implies that parents and adult students may request specialized services and assessments; however, this is not clear. Bill 37 corrects this and permits a DEA to make such a request on behalf of a parent/adult student.
<i>Developing Individual Student Support Plans (ISSPs), regular review of existing ISSPs</i>	School Team (working with the parent)	Teacher (working with the parent and SST)	Teacher (working with the parent and SST)	Bill 37 permits the GN to set the parameters for inclusive education, including setting what specialized supports and services are available to students, through regulations. Principals will be responsible for oversight, rather than DEAs, because principals are education specialists with respect to inclusive education.
<i>Approving ISSPs</i>	Parent	School Team Parent (has final decision)	School Team Parent (has final decision)	Bill 37 sets out that teachers will develop the ISSP, working with the parent (or adult student) and the Student Support Teacher (SST), and will be responsible for any review/update. The School Team and Principal will review and approve/reject the draft ISSP and then the parent (or adult student) will approve/reject the ISSP. Rejection by the School Team, Principal or the parent (or adult student) leads to more collaboration on the draft between the teacher, parent (or adult student) and the SST.
<i>Oversight of inclusive education implementation</i>	DEA	Principal	Principal	Bill 37 establishes clear timelines for ISSP development, as well as provisions for how and when a teacher must notify a parent (or adult student) regarding any decision taken with respect to inclusion, including whether to assess or not assess a particular issue, or to develop or not develop a new or updated ISSP.
<i>Decisions on part-time or full-time exclusion of a student from a classroom setting</i>	Principal	Department	Department	Parents (and adult students) will continue to have the right to request review of decisions by school staff made with respect to inclusion, including ISSP development and implementation. A neutral third-party (a panel of experts who are not government employees) would conduct the review. Administration will be the responsibility of the Department.
New: <i>Regular report to DEA on local inclusive education implementation</i>	n/a	n/a	Principal	Parents (and adult students) will continue to have the right to request review of decisions by school staff made with respect to inclusion, including ISSP development and implementation. A neutral third-party (a panel of experts who are not government employees) would conduct the review. Administration will be the responsibility of the Department.
<i>Mediation when there is disagreement on implementation</i>	DEA	n/a	n/a	
<i>Request for third-party review when there is a disagreement with respect to implementation of inclusive education provisions and matters, including ISSPs</i>	Parent Adult student	Parent Adult student	Parent Adult student DEA (on behalf of parent or adult student)	DEA role in Inclusive Education During the 2016 consultations, several DEAs described that they are often seen as advocates for local parents. To ensure DEAs can play a role when there is a request for assistance by a parent, the following amendments have been included in Bill 37:
<i>Administration of third-party review</i>	DEA	Department	Department	<ul style="list-style-type: none"> • The DEA can provide information to the teacher that may be helpful in determining the needs of a student; • The DEA can request specialized services and/or assessments on behalf of a parent/adult student; • The DEA can trigger a third-party review on behalf of a parent/adult student; • The review board can request the participation of a DEA member when that participation would be valuable to the outcome of the review.
<i>Review (when requested) of all inclusive education matters, including ability to make recommendations or binding decisions requiring actions, such as new assessments or supports</i>	Neutral third party	Neutral third party	Neutral third party	Note: Bill 37 amends the legislation to eliminate mediation by the DEA of disagreements around inclusive education implementation.

Task/role	2008 <i>Education Act</i> : Current	2016 proposed responsibilities (consultation)	2017 proposed responsibilities (Bill 37)	NOTES Reasons for shifting a responsibility or making changes to existing responsibilities
EDUCATION PROGRAM				
Assessment				
<i>Establishment of Nunavut-wide assessments</i>	Minister	Minister	Minister	An amendment in Bill 37 establishes that the Minister, in addition to being required to establish territory-wide assessments of numeracy and literacy skills, would have the discretion to establish territory-wide assessments on any other learning outcome.
<i>Supervision of assessments</i>	Principal	Principal	Principal	
<i>Administering of assessments</i>	Teacher	Teacher	Teacher	
Student Records	Principal	Principal	Principal	
Human Resources – hiring/appointments/dismissals				
<i>Administration of teacher hiring panels</i>	Department	Department	Department	Teachers, principals and vice-principals are all members of the Nunavut Public Service and are government employees. Because of this, hiring and appointments are subject to the GN <i>Public Service Act</i> , as well as the GN <i>Human Resources Manual</i> . It is the legal responsibility of the Minister to ensure compliance and that all rules are followed. Further, the Nunavut Teachers' Association Collective Agreement governs employment matters for teachers, principals and vice-principals, and the Minister is responsible for compliance and that all rules are followed. These actions involve complex human resources functions that are carried out by human resources professionals. These functions also take a great deal of time to carry out. Further, a common occurrence has been that although DEAs are responsible under the legislation for administering principal and vice-principal appointment and reappointment panels, many have not fulfilled that task. This means that Department staff has to step in. DEA input on these panels is essential; however, administration of the panels and responsibility for ensuring that all rules are followed should be put in the hands of the Minister, which Bill 37 does. Bill 37 requires DEA representation on all principal and vice principal appointment and reappointment panels. DEAs will continue to play a central role in making these important decisions for their schools, and bringing community interests to the table.
<i>Participation on teacher hiring panels</i>	Department DEA	Department DEA	Department DEA	
<i>Administration of principal and vice-principal appointment and reappointment panels</i>	DEA	Department	Department	
<i>Participation on principal and vice-principal appointment and reappointment panels</i>	Department DEA	Department DEA DEAs would no longer have a majority of seats on these panels	Department DEA DEAs would no longer have a majority of seats on these panels	
<i>Dismissal (firing) of principals and vice-principals</i>	DEA / Department (DEA can recommend dismissal but only within certain conditions)	Department (Mandatory consultation with DEA)	DEA / Department (DEA can recommend dismissal, under certain conditions)	Previously the Department proposed that DEAs only be consulted as part of the Minister's determination to dismiss a principal or vice-principal. However, as a result of consultation feedback, the decision has been taken to maintain the current DEA role. This DEA role in recommending dismissal (and the Minister's role in acting on that recommendation) will continue to be subject to certain conditions regarding timing and the respect of applicable laws and Ministerial directions. Going forward, more training for DEA members is needed to ensure that all rules are followed.
<i>Annual performance assessments</i>	Department (Mandatory input from DEA)	Department (Mandatory input from DEA)	Department (Mandatory input from DEA)	No changes proposed
<i>Recommendation for discipline</i>	DEA	DEA	DEA	

Task/role	2008 <i>Education Act</i> : Current	2016 proposed responsibilities (consultation)	2017 proposed responsibilities (Bill 37)	NOTES Reasons for shifting a responsibility or making changes to existing responsibilities
EDUCATION PROGRAM				
Human Resources – directions				
<i>Giving principals directions on operations and implementation of the Education Program</i>	Department DEA	Department	Department	It is essential that there is clarity around the directions that principals receive from both the Minister/Department and the local DEA. This is to ensure fairness, but also good operations and management at the school.
<i>Giving principals directions on operations and management of the Local Community Program</i>	DEA Department	DEA Department (partnership, although DEA has primary role)	DEA Department (partnership, although DEA has primary role)	For clarity, the proposal is to ensure that a separation of duties exists between the Education Program (with the exception of the Local Education Program Enhancements) and the Local Community Program. DEAs would only have the role under the legislation to provide directions with respect to the Local Community Program, as well as any Local Education Program Enhancements that are in operation at the school. However, the DEA will receive progress reports from the Principal, as part of the Principal's monthly report to the DEA, with respect to the delivery of the Education Program. This is to assist the DEA in understanding school operations and in their advocacy (as individual DEAs or through the DEA Council) to the Minister regarding local priorities.

Task/role	2008 <i>Education Act</i> : Current	2016 proposed responsibilities (consultation)	2017 proposed responsibilities (Bill 37)	NOTES Reasons for shifting a responsibility or making changes to existing responsibilities
ADMINISTRATION				
DEA training, supports	Department	Department	DEA Council	The DEA Council will have primary responsibility for DEA training and supports.
Request for structured dialogue	DEA CNDEA	DEA CNDEA	DEA DEA Council	
Formal response in a structured dialogue	Minister	Minister	Minister	
Long-term planning with the Department	CNDEA	CNDEA	DEA Council	Bill 37 provides more detail on the content and purpose of these long-term planning sessions. The amendment makes clear that long-term planning includes: the roles and responsibilities of DEA, the education program (curriculum bilingual and inclusive education), as well as territorial targets for literacy, bilingualism, attendance, school environments and discipline.
Participation in senior regional staff hiring	CNDEA	CNDEA	DEA Council	Senior regional staff refers to senior staff at the regional school operations, i.e., executive directors and superintendents. The Minister is required to include a DEA Council representative.
Provision of reports to the Department regarding operations	CNDEA	CNDEA	DEA Council	
New: Annual report on the state of education	n/a	n/a	DEA Council	
Appointment of Elder representative to the DEA	DEA	DEA	DEA	New: An important change is proposed; namely, Elder representatives who are appointed to DEAs should have the right to vote. Currently, DEAs are allowed to appoint multiple Elder representatives to the local DEA; however, since it is proposed that Elder representatives have voting rights, it is also proposed that DEAs be limited to only appointing one Elder, for a two-year term.
Student representatives on the DEA	Principal must conduct election Students vote	Principal must conduct election Students vote	Principal must conduct election Students vote	New: It is proposed that student representatives, elected by their peers to the local DEA, be given the right to vote during DEA meetings. Further, student representatives will not need permission from the other DEA members to sit on a DEA sub-committee. Both of these changes serve to ensure that student voices are given weight and respect at the DEA table, particularly when DEA decisions impact student outcomes and should take student priorities into account.
Hiring skilled Inuit cultural experts, recommendation for certification	DEA	DEA	DEA	New: The 2008 legislation establishes the importance of skilled Inuit cultural experts in the life of the school. Currently, the role of skilled Inuit cultural experts is limited to Elders. Consultation feedback was clear that Nunavummiut want to see the definition of skilled Inuit cultural experts expanded to include experts of all ages. Bill 37 makes this change to the legislation. DEAs will continue to be responsible for recommending these experts for certification (for a particular skill or set of skills) by the Minister and for hiring experts for their schools. This Minister will provide certification when the DEA recommends it.

Note: This matrix does not address the roles and responsibilities that are particular to the Commission scolaire francophone du Nunavut.