

## Chapter 15

### EDUCATION ACT

*(Assented to September 18, 2008)*

Recognizing that public education needs to focus on students, their intellectual development and their physical, emotional, social, intellectual and spiritual well-being;

Recognizing that a high quality education is important for the development of confident, responsible and capable individuals who can contribute to Nunavut society;

Believing that learning should be continuous and that all parts of the education system should work closely together to encourage and support life-long learning, the opportunity for continued personal development and the pursuit of post-secondary education, training and employment;

Affirming that all children can learn, that learning is an individual process, and that diverse learning needs and abilities should be supported in an inclusive education system;

Recognising that communities should be significantly involved in the education of their children to reflect local needs and values, that parents have special responsibilities and that Elders can make important contributions;

Believing that high quality education is necessary for the effective implementation of the Nunavut Land Claims Agreement and to support Inuit culture;

Recognizing the relationship between learning and language and culture, and the importance of the curriculum and school programs being developed and delivered accordingly;

Believing that bilingual education can contribute to the preservation, use and promotion of Inuit language and culture and provide students with multiple opportunities;

Recalling the establishment of Nunavut in 1999, as the result of the Nunavut Land Claims Agreement, and reaffirming the remedial objectives, obligations and guidance expressed by the Nunavut Land Claims Agreement, particularly

- (a) the stated objectives and positive obligations of government concerning Inuit self-reliance, Inuit cultural and social well-being and Inuit participation in the governance and economic opportunities of their homeland, including participation in the public service to a representative level;
- (b) the obligation to involve Inuit and to reflect Inuit goals and objectives when developing and delivering educational policies, programs, services and curriculum; and

- (c) the mandate to implement and fulfil the objectives of the Nunavut Land Claims Agreement in a timely, collaborative and accountable manner, consistent with its terms, conditions, spirit and intent;

Agreeing that the rights of Inuit shall be recognized and affirmed in a manner consistent with sections 15, 25 to 27 and 35 of the *Constitution Act, 1982*;

Affirming the minority language rights of the Francophone linguistic community under section 23 of the *Constitution Act, 1982* in Nunavut's predominantly Inuit cultural environment;

The Commissioner of Nunavut, by and with the advice and consent of the Legislative Assembly, enacts as follows:

## PART 1

### FUNDAMENTAL PRINCIPLES

Inuit societal values and Inuit Qaujimajatuqangit

**1.** (1) The public education system in Nunavut shall be based on Inuit societal values and the principles and concepts of Inuit Qaujimajatuqangit.

Inuit Qaujimajatuqangit; guiding principles and concepts

(2) The following guiding principles and concepts of Inuit Qaujimajatuqangit apply under this Act:

- (a) Inuuqatigiitsiarniq (respecting others, relationships and caring for people);
- (b) Tunnganarniq (fostering good spirit by being open, welcoming and inclusive);
- (c) Pijitsirniq (serving and providing for family or community, or both);
- (d) Aajiiqatigiinni (decision making through discussion and consensus);
- (e) Pilimmaksarniq or Pijariuqsarniq (development of skills through practice, effort and action);
- (f) Piliriqatigiinni or Ikajuqtigiinni (working together for a common cause);
- (g) Qanuqtuurniq (being innovative and resourceful); and
- (h) Avatittinnik Kamatsiarniq (respect and care for the land, animals and the environment).

Duty of all

(3) It is the responsibility of the Minister, the district education authorities and the education staff to ensure that Inuit societal values and the principles and concepts of Inuit Qaujimajatuqangit are incorporated throughout, and fostered by, the public education system.

Entitlement to attend school and have access to education program

**2.** (1) Every individual who meets the criteria set out in subsections (2) and (3) is entitled to attend a school and to have access to the education program in a regular instructional setting.

Age

(2) To be entitled to attend a school in a particular school year, an individual must be at least five years of age on December 31 of that school year and he or she must be less than 21 years of age on that day.

Citizenship, *etc.*

(3) To be entitled to attend a school, an individual must be

- (a) a Canadian citizen or a child of a Canadian citizen; or
- (b) an individual who is lawfully admitted to Canada or the child of an individual who is lawfully admitted to Canada.

Limitations on entitlement: individuals in custody

(4) An individual who is in custody at a correctional centre, as defined in the *Corrections Act*, or in continuous custody under the *Young Offenders Act* or the *Youth Criminal Justice Act* (Canada) is not entitled to access to the education program in a regular instructional setting while in custody but he or she is entitled to have access to the education program in the place in Nunavut where he or she is in custody.

Same, suspended and expelled students

(5) A student who is under suspension or who has been expelled from school is not entitled to access to the education program in a regular instructional setting while under suspension or expulsion but he or she is entitled to such learning activities as may be assigned under paragraph 66(1)(b).

Same, students excluded under section 45

(6) A student to whom section 45 applies is not entitled to access to the education program in a regular instructional setting but he or she is entitled to be considered for an appropriate alternative placement in accordance with his or her entitlement under section 41.

## PART 2

### INTERPRETATION

Definitions

**3.** (1) In this Act,

"*Commission scolaire francophone*" means the *Commission scolaire francophone du Nunavut*; (*Commission scolaire francophone*)

"DEA Coalition" means the society incorporated under the *Societies Act* as the Coalition of Nunavut DEAS; (*Coalition des ASD*)

"department" means the department of the Minister responsible for the administration of this Act; (*ministère*)

"district education authority" means a district education authority established or continued under this Act and, unless otherwise provided, includes the *Commission scolaire francophone du Nunavut* ; (*administration scolaire de district*)

"education district" means an education district established or continued under this Act; (*district scolaire*)

"education program" means the education program as described in section 8; (*programme d'enseignement*)

"education staff" means the education staff of a school as described in subsection 89(1); (*personnel d'éducation*)

"home schooling program" means a home schooling program provided under section 21; (*programme d'enseignement à domicile*)

"Ilinniarvimmi Inuusiliriji" means an individual appointed under this Act as an Ilinniarvimmi Inuusiliriji to perform the functions of a school community counsellor; (*Ilinniarvimmi Inuusiliriji*)

"individual student support plan" means an individual student support plan developed under Part 6; (*plan individuel de soutien à l'élève*)

"instructional day" means a day in which there are instructional hours; (*jour d'enseignement*)

"instructional hours" means the hours in which students are scheduled to receive instruction in the education program; (*heures d'enseignement*)

"Inuit Language" means,

- (a) if the activities or services in question occur or are relevant in or near Kugluktuk, Cambridge Bay, Bathurst Inlet and Umingmaktuq, Inuinnaqtun,
- (b) if the activities or services in question occur or are relevant in or near other municipalities, Inuktitut, and
- (c) both Inuinnaqtun and Inuktitut as the Commissioner in Executive Council may, by regulation, require or authorize; (*langue inuit*)

"Inuuqatigiitsiarniq policy" means the policy established by a district education authority under section 58; (*politique Inuuqatigiitsiarniq*)

"local program" means a local program established by a district education authority under section 9; (*programme local*)

"school" means a school operated by a district education authority; (*école*)

"school premises" means the buildings, grounds and any other place where a school activity is conducted, including a bus or school bus or any other mode of transportation authorized by a district education authority, that is used on a school trip or to travel to or from school; (*lieux scolaires*)

"school program" means the school program as described in subsection 7(2); (*programme scolaire*)

"school staff" means education staff, secretarial staff, custodial staff and all other individuals employed or hired to assist in the delivery of the school program but does not include an individual employed by a district education authority under subsection 144(1); (*personnel scolaire*)

"school team" means the school team established under subsection 90(2); (*équipe scolaire*)

"school year" means the period beginning on July 1 in one year and ending on June 30 in the following year; (*année scolaire*)

"student" means an individual who is registered with a school under this Act as a student; (*élève*)

"teacher" means an individual who is employed as a teacher or who is employed by the Government of Nunavut in another position for which a teacher's certificate issued under this Act is required; (*enseignant*)

"teacher trainee" means an individual who is enrolled in a teacher training program at a college established under the *Public Colleges Act* or other institution and who, as part of that program, is practice teaching, observing or performing other duties in a school. (*enseignant stagiaire*)

#### Inuinnaqtun

(2) In its application to Inuinnaqtun, this Act shall be interpreted and implemented in a manner that is consistent with the need to give priority to

- (a) the revitalization of Inuinnaqtun; and
- (b) the improvement of access to communication, services, instruction and Inuit Language programs in Inuinnaqtun in the communities where Inuinnaqtun is indigenous.

Constitutional rights, including aboriginal rights, paramount

- (3) Nothing in this Act shall be construed so as to abrogate or derogate from
- (a) the status of or any constitutional or other rights in respect of the English or French languages;
  - (b) any existing aboriginal or treaty rights of the aboriginal peoples of Canada under section 35 of the *Constitution Act, 1982* including but not limited to,
    - (i) the objectives, rights and obligations affirmed in the Nunavut Land Claims Agreement, and
    - (ii) any responsibility for implementation that is required to give effect to the Nunavut Land Claims Agreement;
  - (c) any legal or customary right or privilege acquired or enjoyed with respect to the Inuit Language, either before or after the coming into force of this Act; or
  - (d) any responsibility of the Parliament and Crown of Canada concerning the linguistic or cultural rights or heritage of Inuit or other linguistic minorities in Nunavut.

Regulations

(4) The Commissioner in Executive Council, on being satisfied that appropriate consultation has occurred and that the requirements of Article 32 of the Nunavut Land Claims Agreement have been fulfilled, may make regulations for the purposes of paragraph (c) of the definition of "Inuit Language" in subsection (1) respecting the circumstances or instances in which both Inuinnaqtun and Inuktitut must be used under this Act.

Determining parent

- 4.** (1) If any of the following cases apply, the parent of a student or child is the person mentioned in the last paragraph that applies to the student or child:
- (a) if the parents of the student or child resided in Nunavut and have changed residence and the residence is outside Nunavut or unknown, the person who is responsible for the care of the student or child as a result of the change;
  - (b) if a person has lawful custody of the student or child, that person;
  - (c) if the Director of Child and Family Services appointed under the *Child and Family Services Act* has, under section 35, 37, 47 or 48 of that Act, the rights and responsibilities of a parent in respect of the student or child in relation to the education of the student or child, the Director;
  - (d) if the student or child is in open custody under the *Young Offenders Act* or the *Youth Criminal Justice Act (Canada)*, the territorial director appointed under the *Young Offenders Act*.

Document required

(2) In addition to the requirements of subsection (1), before a person other than the father or mother of a student or child may be recognized as a parent, the person shall provide to the principal,

- (a) if the person is claiming to be a parent under paragraph (1)(a), a written notice that the person is responsible for the care of the student or child and written authority from one of persons who would be a parent, for the purposes of this Act, if subsection (1) did not apply;
- (b) if the person is claiming to be a parent under paragraph (1)(b), a written notice that the person has lawful custody and an original or notarial copy of the document by which the person claims to have the lawful custody;
- (c) if the Director of Child and Family Services appointed under the *Child and Family Services Act* is claiming to be a parent under paragraph (1)(c), a written notice from the Director indicating that he or she has the rights and responsibilities of the parents;
- (d) if the territorial director appointed under the *Young Offenders Act* is claiming to be a parent under paragraph (1)(d), a written notice from the territorial director indicating that the student or child is in open custody.

#### Status of parent of adult student

(3) Subject to subsection (4), a parent of a student who is an adult does not have the powers, entitlements, duties and responsibilities conferred or imposed on a parent by this Act or the regulations in respect of that student.

#### Agreement between adult student and parent

(4) A student who is an adult and a parent of the student may file an agreement in the form provided for in the regulations with the principal of the school with which the student is registered and, on filing the agreement, the parent has the powers, entitlements, duties and responsibilities conferred or imposed on a parent by this Act or the regulations that the parent and student agree the parent shall have in respect of the student.

#### Residency of minor

**5.** (1) For the purposes of this Act, a minor is resident at the place where his or her parent is resident.

#### Residency of minor if placed in custody or elsewhere

(2) Despite subsection (1), a minor whose parent, for the purposes of this Act, is the territorial director appointed under the *Young Offenders Act* or the Director of Child and Family Services, is resident at the place where the minor is in open custody under the *Young Offenders Act* or the *Youth Criminal Justice Act* (Canada) or is placed under the *Child and Family Services Act*.

#### Non-application of *Age of Majority Act*

**6.** Subsection 5(1) of the *Age of Majority Act* does not apply to this Act.

PART 3

SCHOOL PROGRAM

General

School program

**7.** (1) Subject to subsection (7), a district education authority shall provide a school program for kindergarten and for grades 1 to 12.

Contents of school program

(2) The school program consists of the delivery of the education program described in section 8 and any other activities, programs or services that may be provided under section 11.

Inuit Qaujimajatuqangit, foundation of school program

(3) A district education authority shall ensure that the school program is founded on Inuit societal values and the principles and concepts of Inuit Qaujimajatuqangit and respect for Inuit cultural identity.

Same, delivery of school program

(4) The Minister, the district education authority and the education staff shall ensure that the school program is delivered in accordance with Inuit societal values and the principles and concepts of Inuit Qaujimajatuqangit and respect for Inuit cultural identity.

Parental and community involvement

(5) A principal, working in co-operation with the district education authority, shall develop and implement programs and procedures for parent and community involvement in the school program.

Evaluation of school program

(6) A principal shall conduct, in co-operation with the education staff, a continuing program of evaluation of the school program in his or her school.

Schooling outside education district

(7) Subject to the regulations, a district education authority of one education district may enter an agreement with the district education authority of the closest education district to provide a school program for students who reside in the education district of the first-mentioned district education authority.

Education program

**8.** (1) The education program for a school consists of the delivery of the curriculum established by the Minister as modified by any local program developed by the district education authority and includes adjustments made to the education program and support given to a student under Part 6.

### Curriculum

(2) The Minister shall establish the curriculum for kindergarten and for grades 1 to 12.

### Inuit Qaujimajatuqangit

(3) The Minister shall establish the curriculum in accordance with and base it on Inuit societal values and the principles and concepts of Inuit Qaujimajatuqangit and respect for Inuit cultural identity.

### Promotion of understanding of Nunavut

(4) The curriculum shall promote fluency in the Inuit Language and an understanding of Nunavut, including knowledge of Inuit culture and of the society, economy and environmental characteristics of Nunavut.

### Standards

(5) The Minister may establish teaching standards and give directions to the education staff with respect to the delivery of the education program.

### Duty of principals

(6) Principals shall ensure that the education program is taught in accordance with the standards and directions referred to in subsection (5).

### Duty of teachers

(7) Teachers shall comply with the standards and directions referred to in subsection (5).

### Local programs

**9.** (1) A district education authority may establish local programs as modifications to the curriculum for use in one or more of its schools.

### Nature of local program

(2) Local programs may consist of

- (a) courses that are to be offered in addition to, or instead of, courses in the curriculum; and
- (b) other modifications that are to be made to the curriculum to reflect the local dialect or local culture.

### Inuit Qaujimajatuqangit

(3) Local programs shall be developed in accordance with and be based on Inuit societal values and the principles and concepts of Inuit Qaujimajatuqangit.

### Approval required

(4) The district education authority shall set out in writing the details of any local program developed by it together with the expected learning outcomes and submit them to the Minister for approval.

Same

(5) A district education authority shall not offer a local program to its students unless it has been approved by the Minister.

Approval of teaching and learning materials

**10.** (1) Teaching and learning materials that are referred to in the curriculum, including the curriculum as modified by any local program, or that are necessary to support the education program shall not be used unless they are approved by the Minister.

Relevance to Nunavut culture

(2) In considering whether to approve teaching and learning materials, the Minister shall consider whether the materials are relevant to Nunavut culture.

Other activities, programs and services

**11.** (1) A principal shall develop and provide activities, programs and services for his or her students in addition to the education program.

Inuit Qaujimajatuqangit

(2) Activities, programs and services provided under subsection (1) shall be developed in accordance with and be based on the principles and concepts of Inuit Qaujimajatuqangit.

Role of district education authority

(2.1) A principal, in carrying out his or her duties under subsection (1), shall consult with the district education authority and shall follow such directions as the district education authority may give.

Programs for moral or spiritual instruction

(3) A program under subsection (1) may include a program for moral or spiritual instruction.

Consultation

(4) In developing a program for moral or spiritual instruction, a principal shall consult with the community.

Freedom to not participate

(5) Staff and students have the freedom to not participate in a program for moral or spiritual instruction and any such program shall be provided in a manner that respects that freedom.

Physical exercise

**12.** The education program shall provide at least 20 minutes of physical exercise every day for kindergarten and grades 1 to 9.

Working with community organizations

**13.** (1) A principal shall work with community organizations  
(a) to maximize the effectiveness of the school program; and

- (b) to assist students in entering and leaving the school system.

Same

(2) A principal, in carrying out his or her duties under subsection (1), shall consult with the district education authority and shall follow such directions as the district education authority may give.

Reports on effectiveness of school program

**14.** A principal shall, in accordance with the regulations, report twice each year to the district education authority and the Minister on the effectiveness of the school program.

Promotion decisions

**15.** The school team, in accordance with the directions of the Minister, is responsible for determining the promotion of students.

Monitoring, evaluation and direction of school program

**16.** A district education authority shall monitor, evaluate and direct the delivery of the school program.

Early childhood program, Inuit Language and culture

**17.** (1) In addition to the school program, a district education authority shall provide an early childhood program that promotes fluency in the Inuit Language and knowledge of Inuit culture.

Same

(2) A program provided under subsection (1) may be limited to such number of children as the district education authority may determine or to such class or classes of children as it may determine.

Inuit Qaujimajatuqangit

(3) Programs provided under subsection (1) shall be developed in accordance with and be based on Inuit societal values and the principles and concepts of Inuit Qaujimajatuqangit, particularly the principle of Pilimmaksarniq.

Regulations

(4) The Commissioner in Executive Council may make regulations respecting programs provided under subsection (1), including regulations related to the content and standards for the delivery of the programs.

Transition

(5) A district education authority is not required to, but may, provide a program under subsection (1) before the school year that begins July 1, 2011.

#### Other programs

**18.** (1) In addition to the school program, a district education authority may provide early childhood programs in addition to the one referred to in subsection 17(1), adult education programs and other educational programs to enhance learning.

#### Inuit Qaujimajatuqangit

(2) Programs provided under subsection (1) shall be developed in accordance with and be based on Inuit societal values and the principles and concepts of Inuit Qaujimajatuqangit.

#### Adult education programs - advice

(3) Before deciding to provide an adult education program, a district education authority shall advise a representative of an organization that provides adult education in Nunavut of its proposal to offer the program and that representative or another representative selected by the organization may attend the meetings at which the district education authority considers the matter and may provide advice to the district education authority.

#### Same

(4) The representative referred to in subsection (3) may provide his or her advice, if any, in writing.

#### Textbooks and other resources

**19.** A district education authority shall

- (a) provide students with textbooks and other learning materials; and
- (b) provide library, audio-visual and other resource materials.

### School Program Plans

#### School program plans

**20.** (1) Subject to such direction as the district education authority may give, a principal shall develop an operational plan for the school for the school year, to be known as the "school program plan".

#### Scope of plan

(2) A school program plan shall cover how the school program will be delivered to the students of the school and any other matters necessary for the operation of the school.

#### Inuit Qaujimajatuqangit

(3) A principal shall develop a school program plan in accordance with Inuit societal values and the principles and concepts of Inuit Qaujimajatuqangit, particularly the principles of Pijitsirniq and Aajiiqatigiinniq.

Consultation

(4) In developing a school program plan, a principal shall consult with school staff and the community.

Development in accordance with regulations

(5) A principal shall develop a school program plan in accordance with the regulations, in the prescribed format and with the prescribed content.

Deadline and copies

(6) A principal shall complete the school program plan and forward a copy of it to the Minister and the district education authority not later than March 31 in the school year preceding the school year to which the plan relates.

Duty to follow plan

(7) A principal shall ensure that the school program plan is followed.

Amendments and deviations

(8) Where circumstances warrant, a principal in consultation with the district education authority may make amendments to, and permit deviations from, the school program plan.

Application of other provisions to amendments

(9) Subsections (3), (4) and (5) apply to amendments made under subsection (8).

Copies of amendments

(10) As soon as possible after amending a school program plan under subsection (8), the principal shall forward a copy of the amended plan to the Minister and the district education authority.

Regulations

- (11) The Commissioner in Executive Council may make regulations
- (a) in relation to the development of school program plans and amendments to them; and
  - (b) prescribing the format and content of school program plans.

### Home Schooling Programs

Home schooling program

**21.** (1) A parent of a child may, under the supervision of a district education authority, provide a home schooling program to the child at home or elsewhere in accordance with this Act and the regulations.

Inuit Qaujimajatuqangit

(2) A district education authority shall supervise a home schooling program in accordance with Inuit societal values and the principles and concepts of Inuit Qaujimajatuqangit.

#### Registration

(3) To be in a home schooling program, a student must be registered with a school and he or she must be at least six years of age on or before December 31 of the school year and he or she must be less than 18 years of age on that day.

#### Reimbursement of costs

(4) Subject to any regulations respecting the amounts to be paid, a district education authority shall reimburse the student's parents for the education program costs that are incurred by or on behalf of a student who is registered in a home schooling program.

#### Evaluation and support of programs

(5) A district education authority shall, in accordance with the regulations, evaluate home schooling programs and provide support for them.

#### Duty of principal

(6) A principal shall assist the district education authority in carrying out its duties under this section and shall do so in accordance with the regulations and any directions that the district education authority may give.

#### Regulations

(7) The Commissioner in Executive Council may make regulations governing home schooling programs and without limiting the generality of the foregoing, the Commissioner in Executive Council may make regulations respecting the extent to which this Act will apply to home schooling programs and modifying how this Act and the regulations apply with respect to home schooling programs.

### Unauthorized Schooling

#### Prohibition

**22.** (1) Subject to subsection (2), no person shall provide education to an individual that is intended to replace one or more grades of the education program established under this Act.

#### Exceptions

- (2) Subsection (1) does not apply to a person
- (a) who is providing the education through a school, a home schooling program, a private school that is registered under section 202 or a public college established under the *Public Colleges Act*; or
  - (b) who is providing the education to adults with the written approval of the Minister.

#### Same

(3) The Minister may approve a person to provide education to adults if the Minister is satisfied that the person is appropriately qualified to provide such education.

Offence and punishment

(4) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine not exceeding \$5,000.

PART 4

LANGUAGE OF INSTRUCTION

Bilingual education

**23.** (1) Every student shall be given a bilingual education and the languages of instruction shall be the Inuit Language and either English or French as determined by a district education authority with respect to the schools under its jurisdiction.

Purpose

(2) The purpose of the bilingual education required under subsection (1) is to produce graduates who are able to use both languages competently in academic and other contexts.

Role of district education authority

**24.** (1) A district education authority, in accordance with the regulations, shall decide which of English or French will be used with the Inuit Language as a language of instruction for the schools under its jurisdiction and shall, from the options set out in the regulations, choose the bilingual education model or models that will be followed in delivering the education program.

Review of decision

(2) The district education authority, in accordance with the regulations, shall review a decision made under this section five years after its initial decision under subsection (1) and at five-year intervals thereafter.

Confirmation or change of decision

(3) Following each review, the district education authority may either confirm or change its decision under subsection (1).

Consultation

(4) Before making a decision under this section, including a confirmation or change under subsection (3), a district education authority shall consult with the community in accordance with the regulations.

Role of Minister

**25.** (1) The Minister is responsible for ensuring that the duties of the Government of Nunavut under this Act or any other Act related to education in the Inuit Language are fulfilled.

### Support for the Inuit Language

(2) In administering this Act, the Minister shall ensure that the education program supports the use, development and the revitalization of the Inuit Language.

### Curriculum

(3) In addition to his or her duties under subsection (2), the Minister, in establishing the curriculum under subsection 8(2), shall ensure that it supports the use of the languages of instruction and the bilingual education models that may be chosen for delivering the education program.

### Competency targets

(4) The Minister shall establish and implement competency targets in the spoken and written forms of the languages of instruction.

### Assessment

(5) The Minister shall ensure that students are regularly assessed to determine whether the competency targets are being achieved.

### Learning materials

(6) The Minister shall make available learning materials to enhance and support the use of the Inuit Language.

### Teaching of other languages

**26.** Languages in addition to the languages of instruction may be taught as part of the education program.

### Limitation on application

**27.** (1) The application of this Part is subject to section 169.

### Non-application to sign language

(2) This Part does not apply to a student who receives instruction through the use of sign language.

### Phased implementation

**28.** This Part applies with respect to kindergarten and grades 1 to 3 for the 2009 - 2010 school year and with respect to all other grades it shall be phased in, in accordance with the regulations, so that it applies to all grades by the 2019 - 2020 school year.

### Regulations

**29.** The Commissioner in Executive Council may make regulations for the purposes of this Part and without limiting the generality of the foregoing, the Commissioner in Executive Council may make regulations

- (a) establishing the process to be followed and matters to be considered by a district education authority in determining the languages of instruction for the schools under its jurisdiction;

- (b) establishing models for bilingual instruction and requiring that they be followed by district education authorities and by principals;
- (c) governing the selection and use of more than one bilingual education model by a district education authority;
- (d) governing the community consultation process to be followed by a district education authority under subsection 24(4);
- (e) governing assessments for the purpose of determining if students are achieving the competency targets established under subsection 25(4); and
- (f) governing the phased implementation of this Part under section 28.

## PART 5

### REGISTRATION AND ATTENDANCE

#### Registration

##### Registration, ages 6 to 18

**30.** (1) The parents of a child who is entitled under section 2 to attend school shall ensure the child is registered with a school if the child is at least six years of age or will become six years of age on or before December 31 of the school year and is less than 18 years of age on that date and has not graduated from grade 12.

##### Where to register

(2) Subject to subsections (3), (4) and (5), the parents shall register the child with a school in the education district in which the child resides.

##### Same

(3) Subject to subsection (5), if the child resides outside an education district, the parents shall register the child with a school in the education district that is closest to where the child resides.

##### Same

(4) Subject to subsection (5), if the grade in which the child should be registered is not offered in the education district in which the child resides, the parents shall register the child with a school in the education district that is closest to where the child resides and that offers that grade.

##### Same

(5) If there is more than one school in an education district, the school where a child should be registered shall be determined in accordance with any policy of the district education authority.

##### When to register

(6) The parents shall ensure that the child is registered with a school on or before the first instructional day of the school year.

Same

(7) If a child's residence changes after the first instructional day of the school year and, as a result, the child should be registered in a school in a different education district, the parents shall ensure that the child is registered at a school in the new education district within seven days after that change in residence.

Non-application

(8) Subsections (2) to (4) do not apply if the child has been registered with a school in another education district under section 32.

Exception

(9) This section does not apply with respect to a child who is registered in a school outside Nunavut or in a private school that is registered under section 202.

Registration, if entitled but not required

**31.** (1) This section applies with respect to an individual who is entitled under section 2 to attend a school but who is not required to be registered under section 30.

Registration of minor

(2) If the individual is a minor, the parents of the individual may register the individual at a school.

Registration of adult

(3) If the individual is an adult, the individual may register himself or herself at a school.

Requirements about where and when to register

(4) Subsections 30(2) to (8) apply, with such modifications as the circumstances require, with respect to the registration of an individual under this section.

Enrolment of others

**32.** (1) A district education authority may allow an individual who is not entitled to be registered with a school under its jurisdiction to register with a school under its jurisdiction (for example, someone over 21 years of age or a child whose parents want to register the child with a school in an education district despite the fact that the child does not reside in that education district).

Terms and conditions

(2) A district education authority may impose terms and conditions in respect of a registration under subsection (1).

Advice of adult education representative

(3) Before allowing an individual who is 21 years of age or older on December 31 of the school year to register under subsection (1), a district education authority shall advise a representative of an organization that provides adult education in Nunavut of its proposal to allow the registration and that representative or another representative selected by the organization may attend the meetings at which the district education authority considers the matter and may provide advice to the district education authority.

Same

(4) The representative referred to in subsection (3) may provide his or her advice, if any, in writing.

Withdrawal of children from school

**33.** (1) A parent of a student who was registered even though registration was not required under section 30 may withdraw the student.

Withdrawal of adult students

(2) A student who is an adult may withdraw as a student.

Attendance

Duty of student

**34.** (1) A student shall attend school regularly and punctually.

Unregistered children

(2) Subsection (1) applies to a child who is required to be registered under section 30 even if he or she is not registered.

Exemptions from attendance

- (3) A student is not required to attend a school if
- (a) the student is unable to attend for a health reason or other unavoidable cause that has been reported to the principal;
  - (b) the student is participating in traditional activities on the land or in other learning experiences away from the community for less than a school term;
  - (c) the student is excused by the principal from a grade 10, 11 or 12 program for up to a school year to participate in traditional activities on the land or to participate in other learning experiences away from the community;
  - (d) the student is participating in a spiritual or religious observance recognized by the student's denomination or by the religious or spiritual authority or teachings to which the student adheres;
  - (e) the student has been suspended or expelled from school and the suspension or expulsion is still in effect;
  - (f) the student is attending a home schooling program;
  - (g) the student is living at an outpost camp;

- (h) the student has been excused by the principal on special or compassionate grounds such as a death or illness in the family or because an opportunity to participate in a significant event would otherwise be lost;
- (i) a decision has been made under subsection 45(1) that the student should not be in a regular instructional setting and either an alternative placement has been arranged outside the school or no alternative placement has been arranged; or
- (j) the student has been refused access to his or her regular instructional setting under subsection 45(2) and either an alternative placement has been arranged outside the school or no alternative placement has been arranged.

#### Consent required

(4) Paragraphs (3)(b) and (c) do not apply to a student who is not an adult unless a parent of the student agrees to the absence from school and the principal has been informed by the parent of the agreement.

#### Work related absence

(5) A student is not required to attend school when he or she is working if a learning plan has been developed for the student by the principal and approved by district education authority and the work is being done at the times provided for in the plan.

#### Learning plan

(6) The principal shall develop the learning plan in consultation with the student, the employer, and if the student is not an adult, a parent of the student.

#### Regulations

(7) The Commissioner in Executive Council may make regulations governing learning plans referred to in subsections (5) and (6).

#### Duty of parent

(8) A student's parents shall promote regular and punctual school attendance by the student.

#### Duty of principal and school team

(9) The principal and the school team shall promote regular and punctual school attendance by their students.

#### Consultation

(10) In carrying out their duty under subsection (9), the principal and school team, in accordance with the registration and attendance policy of the district education authority, shall consult and co-operate with those persons and organizations that may be able to assist the principal.

Re-entry plans after long absences

**35.** (1) The principal shall ensure, for every student who returns to school after being absent for a school term or for more than a school term, the school team makes a plan that sets out actions or strategies to help the student re-integrate into the school community.

Same

(2) Without limiting subsection (1), the actions and strategies under that subsection may, if appropriate, provide for long-term follow-up with, and support for, the student to be provided by members of the education staff.

Implementation

(3) The school team shall oversee the implementation of a plan developed under this section.

Exception, if other plan required

(4) This section does not apply if a plan is made for the student under section 66.

Attendance programs

**36.** The Minister, working in cooperation with the district education authorities, shall establish programs to encourage regular and punctual attendance.

Registration and Attendance Policy

Registration and attendance policy

**37.** (1) A district education authority shall develop and adopt a registration and attendance policy.

Inuit Qaujimagatuqangit

(2) The district education authority shall develop its registration and attendance policy in accordance with Inuit societal values and the principles and concepts of Inuit Qaujimagatuqangit, particularly the principles of Tunnganarniq and Pijitsirniq.

Purpose of policy

(3) The purposes of the registration and attendance policy are to promote the registration of children in the education district who are required to be registered and to promote attendance by students who are registered.

Contents

- (4) The registration and attendance policy shall include measures
- (a) to encourage parents to register their children;
  - (b) to encourage students to be regular and punctual in school attendance; and
  - (c) to assist parents in promoting regular and punctual school attendance by their children.

Matters to be addressed

(5) In addressing the matters set out in subsections (3) and (4), the registration and attendance policy shall include provisions that

- (a) set out a procedure to deal with parents who have not registered their children as required and to deal with students who do not attend as required;
- (b) provide for programs to promote and support attendance;
- (c) provide for counselling for students who do not attend as required and for their families to address the causes of the non-attendance;
- (d) provide for the involvement of Elders and others in the community in the implementation of the policy; and
- (e) set out requirements in respect of the consultation process referred to in subsection 34(10).

Development or amendment of policy

(6) The registration and attendance policy shall be developed and amended with the advice of parents, students, school staff, Elders and community members and it shall be developed or amended in accordance with the regulations.

Copy to Minister

(7) The district education authority, immediately on adopting a registration and attendance policy or an amendment to it, shall forward a copy of the policy or the policy, as amended, to the Minister.

Minister may require amendments

(7.1) The Minister may require a district education authority to make such amendments to a registration and attendance policy as the Minister considers necessary or advisable in order for it to be consistent with this Act and the regulations.

Role of principals

(8) Principals shall assist the district education authority in the development of the registration and attendance policy.

Implementation

(9) The principal and the school team shall implement the registration and attendance policy in their school.

Regulations

(10) For the purposes of this section, the Commissioner in Executive Council may make regulations respecting

- (a) the content of the registration and attendance policy; and
- (b) the process for developing or amending the policy.

Amendments

(11) If the regulations respecting the content of the registration and attendance policy change, the district education authority shall amend its policy to conform with the regulations.

### Inuit Qaujimajatuqangit

**38.** The district education authority and the education staff shall implement the registration and attendance policy of the district education authority in accordance with Inuit societal values and the principles and concepts of Inuit Qaujimajatuqangit, particularly the principles of Tunnganarniq and Pijitsirniq.

### Attendance Reports

#### Reporting on attendance to district education authority

**39.** (1) A principal shall, in accordance with the regulations, provide the district education authority with a monthly report on attendance in his or her school.

#### Reporting to community

(2) A district education authority shall, regularly and in accordance with the regulations, provide the community with information on attendance at schools in the community.

### Employment of Students

#### Prohibition

**40.** (1) No person shall employ, during school hours in a school year, an individual who is less than 18 years of age on December 31 of the school year unless

- (a) a learning plan has been developed in respect of the individual as described in subsection 34(6) and the work is being done at the times provided for in the plan; or
- (b) the person has confirmed with the district education authority that the individual is not required to attend school at the times the work is being done.

#### Penalty

(2) A person who contravenes subsection (1) is guilty of an offence and on summary conviction is liable to a fine not exceeding \$10,000.

## PART 6

### INCLUSIVE EDUCATION

#### Inclusive education

**41.** (1) A student who requires adjustments to the education program or support to meet his or her learning needs or to achieve appropriate curriculum outcomes is entitled to such adjustments and support.

#### Entitlement to what is reasonable and practical

(2) The adjustments and support that a specific student is entitled to under subsection (1) are those adjustments and support that are reasonable and practical.

#### Determination of what is reasonable and practical

(3) In determining what is reasonable and practical for the purposes of subsection (2), regard shall be had to the appropriateness of the adjustments or support and the educational needs of other students, including others who are entitled to adjustments and support under subsection (1).

#### Application of entitlement

(4) Without limiting the entitlement of any student under subsection (1), the entitlement extends to students who are not sufficiently challenged by the education program as well as to those for whom it is too challenging.

#### Oversight

**42.** A district education authority shall oversee the implementation of this Part in respect of the schools under its jurisdiction.

#### Identification of needs

**43.** (1) Teachers shall identify those students who are entitled to adjustments or supports under subsection 41(1).

#### Duty of teacher

(2) If a teacher is of the opinion that a student is entitled to adjustments or support under subsection 41(1), the teacher shall provide

- (a) the adjustments, unless they are significant; and
- (b) the support, if the teacher can reasonably provide it.

#### Request by teacher for review

(3) Without restricting the duty of a teacher under subsection (2), a teacher shall request that the school team hold a review under subsection (5) if he or she is of the opinion that a student is entitled under subsection 41(1)

- (a) to adjustments and those adjustments are significant; or
- (b) to support and the support is beyond what the teacher can reasonably provide.

#### Request by parent for review

(4) A parent of a student or, if a student is an adult, the student may request that the school team hold a review under subsection (5) if the parent or student, as the case may be, is of the opinion that the student is entitled under subsection 41(1)

- (a) to adjustments and those adjustments are significant; or
- (b) to support and the support is beyond what the teacher can reasonably provide.

#### Individual student support plan

(5) The school team, on receiving a request under subsection (3) or (4), shall review the matter, make such assessments as may be necessary and, if appropriate, develop an individual student support plan that provides for adjustments or support, if any, to which the student is entitled.

#### Parent participation

(6) The parents of a student are entitled, and have the responsibility, to participate in the development and implementation of an individual student support plan for the student.

#### Consultation

(7) The school team shall consult with the student's teachers and his or her parents or, if he or she is an adult, with the student in making a review under subsection (5) and in developing and implementing an individual student support plan.

#### Rejection of plan

(8) A parent of the student or, if the student is an adult, the student may accept or reject an individual student support plan.

#### Notice of rejection

(9) Notice of a rejection must be given in writing to the principal within 15 days after being advised of the contents of the plan.

#### Further consultation

(10) If, after rejecting a plan, a parent or student requests further consultation, the school team shall consult further in accordance with subsection (7) to attempt to come to an agreement on the same or a revised plan.

#### Acceptance of plan

(11) An individual student support plan comes into force when it is accepted.

#### Deemed acceptance

(12) An individual student support plan shall be deemed to have been accepted on the expiry of the period referred to in subsection (9) if it has not been rejected as provided in that subsection.

#### Implementation of plan

(13) Despite the rejection of an individual student support plan or any consultation, mediation or review following the rejection, the rejected plan may be implemented pending the conclusion of the consultation, mediation or review under this Part if in the opinion of the principal it is in the best interests of the student.

#### Student participation

(14) If a student for whom an individual student support plan is proposed is not an adult, the principal, the school team and the parents of the student shall decide whether it is appropriate for the student to be involved in the making of decisions in respect of the plan and the nature and extent of the involvement.

#### Alterations to plan

(15) This section applies with such modifications as the circumstances require to the alteration or discontinuance of an individual student support plan.

Minister's directions

**44.** For greater certainty, the authority of the Minister to give directions under subsection 8(5) includes the authority to give directions respecting the implementation of individual student support plans.

Exclusion from regular instructional setting

**45.** (1) Subject to such considerations as may be set out in the regulations and subject to the directions, if any, of the Minister, a principal may decide that a student should not be in a regular instructional setting if

- (a) the student's health or safety or the health or safety of others is or would be compromised in a regular instructional setting;
- (b) the student's educational needs cannot be met in a regular instructional setting even with the adjustments and supports the student is entitled to under subsection 41(1); or
- (c) the student's presence in a regular instructional setting would unduly interfere with the delivery of the education program to other students even with the adjustments and supports the student is entitled to under subsection 41(1).

Same

(2) A principal shall refuse a student access to the student's regular instructional setting if the Chief Medical Health Officer appointed under the *Public Health Act* advises the principal in writing that the student has a communicable disease, as defined in that Act, and that for the health and safety of the student or others, the student should not be in a regular instructional setting.

Same

(3) A principal may decide that a student should not be in a regular instructional setting under

- (a) paragraph (1)(b) only if the school team together with a parent of the student or, if the student is an adult, the student agree that the student's educational needs cannot be met in the regular instructional setting; or
- (b) paragraph (1)(c) only if the school team agrees that the student's presence in a regular instructional setting would unduly interfere with the delivery of the education program to other students.

Alternative placements

(4) If a decision is made under subsection (1) that a student should not be in a regular instructional setting or if a student is refused access to his or her regular instructional setting under subsection (2), the principal shall

- (a) in accordance with the directions of the Minister, if any, consider an alternative placement for the student in the school, the community or elsewhere if the placement would be appropriate in the circumstances; and

- (b) when considering alternative placements under paragraph (a), consult with the school team and with a parent of the student or, if the student is an adult, the student.

#### Individual student support plan

(5) If the principal is of the opinion that an alternative placement in the school is appropriate, the principal shall refer the matter to the school team for the development of an individual student support plan related to the alternative placement.

#### Same

(6) The school team shall develop the individual student support plan referred to in subsection (5) and subsections 43(6) to (15) apply to the plan.

#### Referral to minister

(7) If the principal is of the opinion that an alternative placement in the community or elsewhere is appropriate, the principal shall refer the matter to the Minister who shall consider such an alternative placement.

#### Assessments: role of district education authority

**46.** A district education authority shall ensure that the school team or a person who, having regard to the circumstances, is qualified to make the assessment conducts an annual assessment of each student who has an individual student support plan to assess the progress of the student and to make recommendations on what, if any, adjustments should be made to the plan.

#### Specialized services or assessments

**47.** If the school team decides, with the agreement of the Minister, that specialized services or assessments are required in order to ensure that a student is provided with the adjustments or supports to which he or she is entitled under subsection 41(1), the Minister shall ensure that the services or assessments are provided.

#### Notice of decisions

**48.** (1) The school team shall notify, in writing, a parent of the student or the student, if the student is an adult, of

- (a) the development of an individual student support plan for the student;
- (b) a decision to not develop an individual student support plan for the student following a request under subsection 43(4);
- (c) a decision under subsection 45(1) that the student should not be in a regular instructional setting or of a refusal by a principal to permit the student to have access to the regular instructional setting under subsection 45(2);
- (d) a decision by the school team that specialized services or assessments are required to ensure that the student is provided with the adjustments or supports to which he or she is entitled under subsection 41(1); and

- (e) a decision by the school team that specialized services or assessments are not required to ensure that the student is provided with the adjustments or supports to which he or she is entitled under subsection 41(1), following a request for such services or assessments by a parent of the student or the student, if the student is an adult.

Same

(2) A notice under subsection (1) shall also set out the right to mediation under section 49, together with the procedure to be followed in requesting the mediation.

Mediation by district education authority

**49.** (1) A parent of a student, or the student, if the student is an adult, may request mediation by the district education authority if the parent or student

- (a) believes that the student has been denied an adjustment or support to which the student is entitled under subsection 41(1);
- (b) is not satisfied with an individual student support plan developed for the student;
- (c) is not satisfied with a decision to not develop an individual student support plan for the student following a request under subsection 43(4);
- (d) is not satisfied with a decision under subsection 45(1) that the student should not be in a regular instructional setting or with a refusal by a principal to permit the student to have access to the regular instructional setting under subsection 45(2);
- (e) is not satisfied with a decision by the school team that specialized services or assessments are required to ensure that the student is provided with the adjustments or supports to which he or she is entitled under subsection 41(1); or
- (f) is not satisfied with a decision by the school team that specialized services or assessments are not required to ensure that the student is provided with the adjustments or supports to which he or she is entitled under subsection 41(1), following a request for such services or assessments by a parent of the student or the student, if the student is an adult.

Same

(2) The principal of a school may request mediation by the district education authority if he or she believes that it may help to resolve any issues in relation to the development of an individual student support plan.

Same

(3) The request for mediation shall be made in writing but does not have to be in any particular form.

Parties to the mediation

(4) The principal and the parents of the student or, if the student is an adult, the student are parties to a mediation under this section.

Role of district education authority

(5) The district education authority on receiving a request under subsection (1) or (2) shall expeditiously review the matter in collaboration with the parties and with such community members, agencies and other resource people as it considers appropriate in order to mediate a resolution of the matter in question.

Notice to parties

(6) If the district education authority decides that it is unable to resolve the matter, it shall notify the parties in writing that it is unable to do so.

Same

(7) A notice under subsection (6) shall also set out the right to a review under section 50, together with the procedure to be followed in requesting the review.

Student participation

(8) If the student in respect of whom a request for mediation is made under this section is not an adult, the district education authority, in consultation with the principal, the school team and the parents of the student, shall decide whether it is appropriate for the student to be involved in the mediation and the nature and extent of the involvement.

Review by review board

**50.** (1) If a mediation under section 49 does not resolve the matter in question, a party to the mediation may request a review by a review board established under section 51.

Same

(2) A request for a review shall be made in writing but does not have to be in any particular form.

Time limit for making request

(3) A request for review shall be made to the district education authority and shall be made within 30 days after the district education authority gives notice to the parties under subsection 49(6).

Record

(4) The parties shall supply such materials in their possession as may assist the review board in making its decision.

Hearing and decision

(5) The review board shall give the parties an opportunity to be heard and shall decide what, if anything, should be done to settle the matter, including referring the matter back to be reconsidered under section 43 or for further mediation under section 49.

Notice of decision

(6) The review board shall give written notice of its decision to the parties.

Finality

(7) The decision of the review board is final.

Review board

**51.** (1) A district education authority on receiving a request for a review under section 50 shall appoint, from a list supplied by the Minister, an individual to be the chairperson of the review board.

Composition

(2) The chairperson shall appoint two other members of the review board.

Expert member

(3) One of the members appointed by the chairperson must be an individual who has expertise in the types of needs purportedly required by the student and the individual shall be chosen from a list supplied by the Minister.

Payment

(4) The Minister shall pay remuneration and expenses to the members of the review board in accordance with the regulations.

List of members

(5) The Minister shall establish and maintain a list of potential chairpersons for the purposes of subsection (1) and a list of other members for the purposes of subsection (3) showing their area or areas of expertise.

Inuit Qaujimagatuqangit

**52.** A district education authority, a review board or a member of the education staff, in making a decision about adjustments and support under this Part, shall make the decision in accordance with the principles and concepts of Inuit Qaujimagatuqangit, particularly the principles of Tunnganarniq and Pilimmaksarniq.

Regulations

**53.** The Commissioner in Executive Council may make regulations

- (a) respecting adjustments and supports for the purposes of this Part;
- (b) respecting the functions of school teams;
- (c) prescribing types and formats of individual student support plans under this Part and the process for their development and implementation;
- (d) respecting qualifications for persons making assessments under this Part;
- (e) respecting reviews under this Part, including prescribing rules of procedure for review boards;

- (f) prescribing notices that must be used respecting rights to reviews under this Part and the procedures to be followed in requesting a review;
- (g) respecting the appointment of chairpersons of review boards by district education authorities and the appointment of other members of review boards by chairpersons;
- (h) governing the establishment and maintenance of the lists referred to in subsection 51(5); and
- (i) respecting the remuneration and expenses payable to the members of review boards.

## PART 7

### STUDENT AND PARENTAL PARTICIPATION

#### Student Participation

##### Attendance and participation at school

**54.** (1) Students have the responsibility to attend school as required by this Act and to participate actively, and with their best efforts, in learning activities.

##### School environment

(2) Students have a personal responsibility to help maintain a welcoming, positive and safe school environment.

##### Carrying out responsibilities

- (3) In fulfilling their responsibilities, students shall
- (a) pursue personal learning goals;
  - (b) support the Inuuqatigiitsiarniq policy of the district education authority and carry out their obligations under it;
  - (c) carry out their responsibilities under the school rules;
  - (d) learn about Inuit Qaujimajatuqangit and contribute to and support Inuit Qaujimajatuqangit in the school;
  - (e) contribute to and support healthy relationships and community values in the school;
  - (f) cooperate with other students and school staff;
  - (g) respect the rights and needs of others; and
  - (h) keep the school and grounds in a clean and safe condition.

##### Adult students

(4) An adult student has the responsibility to be involved in decisions that affect his or her education or his or her health or safety in the school.

## Parent Participation

### Parent's role

**55.** (1) A parent of a student who is not an adult has the responsibility to be involved in decisions that affect the student's education or the student's health or safety in the school.

### Further responsibilities

(2) Without restricting the generality of subsection (1), a parent of a student who is not an adult has the responsibility

- (a) to support and encourage the student to learn;
- (b) to ensure that the student comes to school ready to learn;
- (c) to support the student's teachers in their efforts to educate the student;
- (d) to contribute to a welcoming, positive and safe school environment;
- (e) to encourage the student to support the Inuuqatigiitsiarniq policy of the district education authority and carry out his or her obligations under it; and
- (f) to support and encourage the student to learn about Inuit Qaujimajatuqangit and to contribute to and support Inuit Qaujimajatuqangit in the school.

### Entitlement to observe

**56.** (1) A parent of a student is entitled to observe the student during instruction in accordance with prior arrangements with the principal unless in the opinion of the principal it would not be in the best interests of the student, the parent, the teacher, or the other students.

### Responsibility to observe

(2) A parent of a student has the responsibility to observe the student during instruction if, in the opinion of the principal, it would be in the best interests of the student.

## Information on School Events

### Community to be kept informed

**57.** Under the direction of the district education authority, the principal shall keep parents and the community informed of events and activities at the school.

## Inuuqatigiitsiarniq Policy

### Inuuqatigiitsiarniq policy

**58.** (1) A district education authority shall develop and adopt a policy for students about respecting others and managing relationships to be known as the "Inuuqatigiitsiarniq policy".

### Purpose of policy

(2) The purpose of the Inuuqatigiitsiarniq policy is to create and maintain a welcoming, positive and safe school environment that is supportive of the students and their education.

### Contents

(3) The policy shall

- (a) set out requirements or responsibilities relating to the conduct of students in addition to the other requirements and responsibilities under this Act; and
- (b) include measures to encourage and assist students to fulfil their responsibilities and to meet the requirements that apply to them and to govern how a failure to fulfil those responsibilities or meet those requirements will be dealt with.

### Matters to be addressed

(4) In addressing the matters set out in subsections (2) and (3), the policy shall include provisions that

- (a) encourage students to take responsibility for their own behaviour;
- (b) encourage students while on school premises to be respectful of others and of the property of others ;
- (c) provide for the involvement of Elders and community experts in the implementation of the policy; and
- (d) select a system for the management of student behaviour to be employed in schools under the jurisdiction of the district education authority.

### Additional contents

(5) Without limiting paragraph (3)(b) , an Inuuqatigiitsiarniq policy may include provisions

- (a) setting out grounds under which a student may be suspended under paragraph 62(1)(b) or 63(1)(b) or expelled under paragraph 65(1)(b) and respecting any other matters referred to in sections 62,63 and 64 as being matters that may be set out in the policy; and
- (b) imposing additional requirements in respect of the suspension or expulsion process set out in this Act or the regulations that are not inconsistent with this Act or regulations and the requirements may

include actions that should be taken or considered before suspending or expelling a student.

#### Inuit Qaujimajatuqangit

(6) The Inuuqatigiitsiarniq policy shall be developed in accordance with the principles and concepts of Inuit Qaujimajatuqangit, particularly the principles of Inuuqatigiitsiarniq and Piliriqatigiinni.

#### Other requirements

(7) A district education authority shall develop the Inuuqatigiitsiarniq policy in accordance with the regulations.

**(8) Deleted. 2<sup>nd</sup> Legislative Assembly, September 11, 2008.**

#### Role of principals

(9) Principals shall assist the district education authority in the development of the Inuuqatigiitsiarniq policy.

#### Implementation

(10) A principal shall implement the Inuuqatigiitsiarniq policy in his or her school and he or she shall implement it in accordance with the principles and concepts of Inuit Qaujimajatuqangit, particularly the principles of Inuuqatigiitsiarniq, Tunnganarniq and Piliriqatigiinni.

#### Duties re understanding and compliance

(11) Principals and teachers shall ensure that students understand the Inuuqatigiitsiarniq policy and shall encourage them to comply with it.

#### Amendments

(12) If the regulations respecting the content of the Inuuqatigiitsiarniq policy change, the district education authority shall amend its policy to conform with the regulations.

#### Process

(13) A district education authority may amend its Inuuqatigiitsiarniq policy and subsections (6) to (10) apply, with such modifications as the circumstances require with respect to an amendment.

#### Copy to Minister

(13.1) The district education authority, immediately on adopting an Inuuqatigiitsiarniq policy or an amendment to it, shall forward a copy of the policy or the policy, as amended, to the Minister.

Minister may require amendments

(13.2) The Minister may require a district education authority to make such amendments to an Inuuqatigiitsiarniq policy as the Minister considers necessary or advisable in order for it to be consistent with this Act and the regulations.

Minister's assistance

(14) The Minister shall ensure that materials are developed and distributed to district education authorities to assist them in the development of their Inuuqatigiitsiarniq policies.

Regulations

(15) For the purposes of this section, the Commissioner in Executive Council may make regulations respecting

- (a) the content of the Inuuqatigiitsiarniq policy; and
- (b) the process for developing or amending the policy.

Programs in support of Inuuqatigiitsiarniq policy

- 59.** (1) A district education authority shall develop programs that
- (a) promote a welcoming, positive and safe school environment that is supportive of the students and their education;
  - (b) encourage and assist students to fulfil their responsibilities and to meet the requirements that apply to them;
  - (c) encourage students to take responsibility for their own behaviour; and
  - (d) encourage students while on school premises to be respectful of others and of the property of others.

Inuit Qaujimajatuqangit

(2) The programs shall be developed in accordance with the principles and concepts of Inuit Qaujimajatuqangit, particularly the principles of Inuuqatigiitsiarniq and Piliriqatigiinni.

Role of principals

(3) Principals shall assist the district education authority in the development of the programs.

Minister's assistance

(4) The Minister shall ensure that materials are developed and distributed to district education authorities to assist them in the development of the programs.

Implementation

(5) A principal shall implement the programs in his or her school and he or she shall implement them in accordance with the principles and concepts of Inuit Qaujimajatuqangit, particularly the principles of Inuuqatigiitsiarniq, Tunnganarniq and Piliriqatigiinni.

Reporting on behaviour to district education authority

**60.** A principal shall, in accordance with the regulations, provide the district education authority with reports on student behaviour in his or her school.

School rules

**61.** (1) Subject to the approval of the district education authority, the principal may make rules in respect of his or her school.

Inuit Qaujimajatuqangit

(2) The school rules shall be developed in accordance with the principles and concepts of Inuit Qaujimajatuqangit, particularly the principles of Inuuqatigiitsiarniq and Piliriqatigiinni.

Discipline

Suspension of student by principal

**62.** (1) A principal may suspend a student from school for

- (a) conduct that, in the opinion of the principal,
  - (i) is injurious to the physical or mental well-being of other students or school staff, or
  - (ii) creates a situation that constitutes a seriously harmful influence on other students or school staff; or
- (b) conduct that under the Inuuqatigiitsiarniq policy is grounds for suspension by the principal.

Principal to fix length of suspension

(2) The principal shall fix the length of the suspension.

Limitation

(3) A suspension under paragraph (1)(a) shall not exceed five school days.

Same

(4) A suspension under paragraph (1)(b) shall not exceed five school days or such shorter period as may be set out in the Inuuqatigiitsiarniq policy in respect of suspensions by the principal.

Early return on conditions

(5) The principal may make the suspension subject to conditions that would allow the student to return to school before the expiry of the suspension if the conditions are satisfied.

Notice

(6) On suspending a student, the principal shall give written notice of the suspension, without delay, to the student and a parent.

Suspension by district education authority

- 63.** (1) A district education authority may suspend a student from school for
- (a) conduct that, in its opinion,
    - (i) is injurious to the physical or mental well-being of other students or school staff, or
    - (ii) creates a situation that constitutes a seriously harmful influence on other students or school staff; or
  - (b) conduct that under the Inuuqatigiitsiarniq policy is grounds for suspension by the district education authority.

Same

(2) A suspension by a district education authority may be in addition to a suspension already imposed by the principal under section 62 in respect of the same matter.

Same

(3) A suspension by a district education authority may be made with or without the recommendation of the principal.

Length of suspension

(4) The district education authority shall fix the length of the suspension.

Same

(5) A suspension under this section, when combined with the suspension under subsection 62(1), if any, shall not exceed, in total, 20 school days or such shorter period as may be set out in the Inuuqatigiitsiarniq policy.

Same

(6) A district education authority shall not make a suspension under paragraph (1)(a) that when combined with any suspension by the principal under paragraph 62(1)(a) is equal to or less than five school days.

Same

(7) A district education authority shall not make a suspension under paragraph (1)(b) that when combined with any suspension by the principal under paragraph 62(1)(b) is equal to or less than the period of suspension that the principal could impose under paragraph 62(1)(b).

Referral to principal

(8) If the district education authority is of the opinion that a suspension shorter than the minimum suspension that it can make because of subsection (6) or (7) is warranted, it may refer the matter to the principal to determine whether to make the suspension.

Consultation

(9) Before suspending a student, the district education authority shall consult with the principal and

- (a) a parent of the student; or
- (b) the student, if the student is an adult.

Early return on conditions

(10) The district education authority shall make the suspension subject to conditions that would allow the student to return to school before the expiry of the suspension if the conditions are satisfied.

Notice

(11) On suspending a student, the district education authority shall give written notice of the suspension, without delay, to the student and a parent.

In school suspension

**64.** A suspension shall be served in the school unless the principal decides, in accordance with any guidance on such a decision in the Inuuqatigiitsiarniq policy, that it is not practical for the suspension to be served in the school having regard to the safety of the student and others, the appropriateness of having the student in the school, the availability of space and the availability of someone to supervise the student.

Expulsion of student

**65.** (1) A district education authority may expel a student from school for

- (a) conduct that, in its opinion,
  - (i) is injurious to the physical or mental well-being of other students or school staff, or
  - (ii) creates a situation that constitutes a seriously harmful influence on other students or school staff; or
- (b) conduct that under the Inuuqatigiitsiarniq policy is grounds for expulsion.

Consultation

(2) Before expelling a student, the district education authority shall consult with the principal and a parent of the student or if the student is an adult, the student.

Notice

(3) On expelling a student, the district education authority shall give written notice of the expulsion, without delay, to the student and a parent.

No transfer during expulsion

(4) A student who has been expelled from a school cannot be registered in or attend another school during the period of the expulsion unless the district education authority with jurisdiction over the new school accepts the student after consultation with the district education authority with jurisdiction over the school from which the student was expelled.

Assistance plans required

**66.** (1) The principal shall ensure that the school team makes a plan for every student who is suspended or expelled that

- (a) sets out actions or strategies to help the student to change the behaviour that led to the suspension or expulsion; and
- (b) provides assigned learning activities, if the activities are considered advisable in the circumstances to prevent the student from falling behind in his or her studies while suspended or while expelled.

Same

(2) In addition to the matters set out in subsection (1) in the case of a student who has been previously suspended or expelled, the plan shall set out actions or strategies to help the student re-integrate into the school community.

Same

(3) Without limiting subsection (2), the actions and strategies under that subsection may, if appropriate, provide for long-term follow-up with, and support for, the student to be provided by members of the education staff or by outside agencies.

Implementation

(4) The school team shall oversee the implementation of a plan developed under this section.

Counselling services

**67.** The principal shall ensure that counselling is made available to a student who has been suspended or expelled.

Inuit Qaujimajatuqangit

**68.** A district education authority and the members of the education staff, in acting under the Inuuqatigiitsiarniq policy and sections 62 to 67, shall act in accordance with the principles and concepts of Inuit Qaujimajatuqangit, particularly the principles of Inuuqatigiitsiarniq, Tunnganarniq and Piliriqatigiinniq.

Content of notices

**69.** (1) The notice of a suspension or expulsion shall

- (a) give the reasons for the suspension or expulsion;
- (b) set out the rights and manner of appeal and any other rights, under the regulations, with the respect to resolving any disagreement; and
- (c) set out such other things as may be required by the regulations.

Other notices

(2) The Commissioner in Executive Council may make regulations requiring notices in addition to the notices referred to in subsection (1) in respect of suspensions and expulsions and prescribing the contents of the notices.

Court order

**70.** A student may be suspended or expelled under this Part despite any order of a court requiring the student to attend school.

Appeals

**71.** A decision to suspend or expel a student may be appealed in accordance with the regulations.

Corporal punishment

**72.** Corporal punishment is not permitted in the discipline of students.

Regulations

**73.** For the purposes of this Part, the Commissioner in Executive Council may make regulations providing for appeals of decisions to suspend or expel a student and providing for additional ways to resolve disagreements relating to a suspension or expulsion.

## PART 8

### ASSESSMENT OF STUDENTS

Nunavut-wide assessments

**74.** (1) The Minister shall establish and maintain a program of Nunavut-wide assessments to assess the literacy of students in each language of instruction and their numeracy skills.

Principal's role

(2) A principal shall supervise the assessment of the students of his or her school under any assessment program established by the Minister under subsection (1).

On-going assessments

**75.** (1) In addition to any assessments under section 74, a principal shall ensure that the students of his or her school are assessed consistently and fairly on an on-going basis and that the parents of a student receive regular reports on the student's progress.

Teachers' role

(2) Teachers shall assess the progress of their students and, at least three times a year, inform each student and a parent of the student of the progress, behaviour and attendance of the student and advise them of what the student must do to advance in the education program.

Culturally appropriate assessments

**76.** The Minister, district education authorities, principals and teachers shall ensure that assessments of students are culturally appropriate for Nunavut.

Parent's role

**77.** (1) A parent of a student has the responsibility to stay informed about the student's progress, behaviour and attendance.

Meetings at parent's request

(2) A parent may meet with the teacher or principal to discuss the matters set out in subsection (1).

Meetings at principal's request

(3) A parent is responsible for attending meetings with the principal or with the student's teacher to discuss the matters set out in subsection (1) when requested to do so by the principal.

PART 9

RECORDS RELATING TO STUDENTS

Teacher's records

**78.** Teachers shall keep accurate records related to the progress, behaviour and attendance of each of their students and principals shall ensure that those records are kept.

Student record

**79.** (1) The principal of a school shall, in accordance with the regulations, establish and maintain a student record for each student registered with the school.

Contents of student record

(2) A student record shall include

- (a) all information that affects decisions made about the education of a student that is collected or maintained by the school staff or the district education authority;
- (b) records of the decisions referred to in paragraph (a); and
- (c) any other information prescribed by the regulations.

Information excluded

(3) A student record shall not contain information that is excluded from the student record by regulation.

Liability of individuals contributing to student record

(4) An individual who contributes information to a student record is exempt from any liability with respect to the provision of that information if the individual, in providing the information acted in good faith and within the scope of his or her duties and responsibilities and did not act in a negligent manner.

Access to records, parents and adult students

**80.** (1) Without restricting any right of access given by the *Access to Information and Protection of Privacy Act*, a parent or, if the student is an adult, the student, are entitled to examine and copy the student record of the student.

Access to students who are not adults

(2) A principal may, in his or her discretion, allow a student who is not an adult to examine and copy the student record or such part of it as the principal considers appropriate for the student to examine and copy.

Correction of records

**81.** (1) Section 45 of the *Access to Information and Protection of Privacy Act* applies to the correction of personal information in student records.

Dispute resolution

(2) If a student or parent requests that a correction be made to personal information in the student's student record and the correction is not made, the student or parent may give the principal a notice in writing that the student or parent disagrees with the decision respecting the correction and the disagreement shall be resolved in accordance with the procedure set out in the regulations.

Regulations

**82.** For the purposes of this Part, the Commissioner in Executive Council may make regulations governing student records, including, without restricting the generality of the foregoing

- (a) their establishment and maintenance;
- (b) their translation into the Inuit Language or into English or French;
- (c) the information that shall be included in a student record and information that shall be excluded from the student record; and
- (d) the procedure for resolving disagreements respecting the correction of personal information in student records under subsection 81(2).

PART 10

INSTRUCTIONAL HOURS AND SCHOOL CALENDARS

Definition

**83.** In this Part, "non-instructional school day" means a day on which a school is open but the students are not required to attend.

Role of district education authorities, school calendar, *etc.*

**84.** (1) Before the beginning of each school year, a district education authority shall establish a school calendar for the school year for each of its schools.

Contents of calendar

(2) A school calendar shall show

- (a) the instructional days;
- (b) the non-instructional school days and the purposes for which they have been allocated as non-instructional school days;
- (c) the days that the school is not open, including holidays under section 86;
- (d) the allocation of instructional hours to the instructional days, which may be different for different grades and different days; and
- (e) such other matters as may be provided by the regulations.

Inuit Qaujimagatuqangit

(3) A district education authority shall develop a school calendar in accordance with the principles and concepts of Inuit Qaujimagatuqangit, particularly the principles of Pijitsirniq and Aajiiqatigiinniq.

Consultation

(4) In developing a school calendar, a district education authority shall consult with school staff and the community and it shall consider the cultural practices of the community.

Development in accordance with regulations

(5) A district education authority shall develop a school calendar in accordance with the regulations, in the prescribed format and with the prescribed content.

Duty to follow the school calendar

(6) A district education authority shall ensure that a school calendar is followed in its schools and the principal shall ensure that the school calendar for his or her school is followed.

Copy to Minister

(7) The district education authority shall immediately on establishing a school calendar forward a copy to the Minister.

Minister may require amendments

(8) The Minister may require a district education authority to make such amendments to a school calendar as he or she considers necessary or advisable in order for it to be consistent with this Act and the regulations.

Lost instructional hours

**85.** (1) Throughout the school year, a district education authority shall regularly review the number of instructional hours lost by unplanned school closings.

#### Lost hours

(2) If, as the result of a review, the district education authority is of the opinion that an excessive number of hours have been lost, it shall amend the school calendar for that year to make up for lost hours that it considers to be excessive.

#### Consultation

(3) Before amending a school calendar under subsection (2), the district education authority shall consult with the Minister with respect to the proposed amendments.

#### Application of section 84

(4) Section 84 applies with such modifications as the circumstances require to an amended school calendar.

#### Holidays

**86.** Any day that under the *Public Service Act* is a holiday for that part of the public service that includes teachers is a holiday for schools.

#### Regulations

**87.** (1) The Commissioner in Executive Council may make regulations

- (a) prescribing the minimum number of instructional hours for the school year for kindergarten and for grades 1 to 12;
- (b) prescribing the maximum number of instructional hours for the school year for kindergarten;
- (c) prescribing the daily maximum number of instructional hours for kindergarten and for grades 1 to 12;
- (d) providing for time within the instructional hours that, in the discretion of the principal, is to be used for school improvement during which students are not required to attend and governing the use of that time;
- (e) governing non-instructional school days in the school year, including the purposes for which the days are allocated as non-instructional school days and who must attend at the school on those days;
- (f) governing the development of school calendars and their amendment and prescribing their format and content;
- (g) prescribing matters that shall be considered in determining, for the purposes of subsection 85(2), whether an excessive number of instructional hours have been lost because of unplanned school closings; and
- (h) respecting the closure of schools for reasons related to weather, health or safety and delegating the authority to close a school for any such reason to a district education authority or principal or to an appropriate public authority.

Variation in hours

(2) Regulations under paragraph (1)(a) may prescribe different minimums for different grades, including kindergarten.

Limits may be different

(3) Regulations under paragraph (1)(c) may prescribe different maximums for different grades, including kindergarten.

PART 11

SCHOOL STAFF

Status of School Staff

Members of public service

**88.** (1) Teachers, principals and vice-principals are members of the public service and, subject to subsection (2), the other members of the school staff are also members of the public service.

Exceptions

(2) Individuals employed by a district education authority under section 102 or 144 and teacher trainees are not members of the public service.

Education Staff

Education staff

**89.** (1) The following are education staff:

- (a) principals;
- (b) vice-principals;
- (c) teachers, including student support teachers;
- (d) Ilinniarvimmi Inuusilirijit, being individuals who perform the functions of school community counsellors;
- (e) Innait Inuksiutilirijit, being Elders employed under section 102;
- (f) teaching assistants;
- (g) teacher trainees; and
- (h) such other positions as may be set out in the regulations.

Mandatory staffing

(2) A school shall have at least one principal, at least one student support teacher and at least one Ilinniarvimmi Inuusiliriji.

If more than one principal

(3) If a school is to have more than one principal, the Minister shall determine the powers and duties of each principal and determine which principal is responsible for which provisions of this Act and the regulations.

## School Team

### School team

**90.** (1) Each school shall have a school team consisting of a principal or vice-principal, a student support teacher, an Ilinniarvimmi Inuusiliriji, a classroom teacher and such other education staff as the principal considers appropriate.

### Establishment of school team

(2) The principal shall establish the school team for his or her school.

### Duties of school team

(3) The members of the school team shall perform such functions as are assigned to the school team by this Act and the regulations.

### Role of principal

(4) The principal shall direct the work of the school team.

## Teachers

### Non-application to teachers of certain provisions of *Public Service Act, etc.*

**91.** (1) Subsections 17(2) and (3) and sections 20, 21, 25 and 27 of the *Public Service Act* and the regulations made in relation to those provisions do not apply to teachers.

### Application of certain provisions of *Public Service Act* with modifications

(2) In applying sections 3 to 5 and 16, subsection 17(1) and sections 18, 19, 26, 29 to 34 and 37 of the *Public Service Act* and the regulations made in relation to those provisions to teachers,

- (a) a reference to the Minister shall be deemed to be a reference to the Minister responsible for the administration of this Act; and
- (b) a reference to a Deputy Minister or deputy head shall be deemed to be a reference to the Deputy Minister of the department.

### Representation on hiring panels

**91.1.** (1) If a district education authority so requests, the Minister shall ensure that the district education authority is allowed to appoint at least one member of each hiring panel used for the hiring of a teacher for a school under the jurisdiction of the district education authority.

### Same

(2) For greater certainty, a district education authority may appoint its own members under subsection (1).

Notice to district education authority

(3) The Minister shall give a district education authority reasonable notice of the Minister's intention to establish a hiring panel for the hiring of a teacher for a school under the jurisdiction of the district education authority unless the district education authority has already requested that it be allowed to make appointments under subsection (1).

Dismissal during initial period of employment

**92.** (1) A teacher may be dismissed without cause during the two-year period after he or she has taken up the duties of his or her position.

Who can dismiss

(2) A dismissal under this section shall be made by the Minister.

Notice required

(3) The Minister shall give written notice of a dismissal under this section by delivery to the teacher or by registered mail at least 60 days before the last instructional day that the teacher is scheduled to work in a school year.

Notice by mail

(4) A notice given under this section by registered mail shall be deemed to have been given on the day that it was mailed.

Effect of dismissal

(5) A teacher who is dismissed under this section ceases to be an employee at the end of the last day of the school year in which the notice of dismissal is given.

Movement after initial period

(6) If a teacher moves to another position as a teacher in the education system after the period described in subsection (1), this section does not apply to the teacher in that new position.

Movement during initial period

(7) If a teacher moves to another position as a teacher in the education system during the period described in subsection (1), this section continues to apply to the teacher in that new position for the period that would have applied had the teacher not moved.

Resignation, end of school year

**93.** (1) A teacher may resign his or her position in the public service by giving the Minister written notice of the intention to resign at least 60 days before the last instructional day that the teacher is scheduled to work and the resignation takes effect at the end of the last day of the school year in which the teacher gives the notice.

Resignation, other times

(2) Subject to such conditions as the Minister may impose, the Minister may agree with a teacher to a notice period that is shorter than that specified in subsection (1) or to an earlier effective date for a resignation.

Termination if requirements decreased

**94.** (1) Despite any contract of employment or provision of this Act, the Minister may terminate the employment of a teacher at the end of a school year if the number of teachers required in an education district is decreased.

Notice required

(2) The Minister shall give written notice of a termination under subsection (1) by delivery to the teacher or by registered mail at least 45 days before the last instructional day that the teacher is scheduled to work.

Notice by mail

(3) A notice given under this section by registered mail shall be deemed to have been given on the day that it was mailed.

Comparable positions

(4) Before giving a notice of termination under this section, the Minister shall determine whether there is a comparable position that is available and for which the teacher is qualified and, if there is such a position, the Minister shall offer it to the teacher at least 45 days before the last instructional day that the teacher is scheduled to work.

Positions under jurisdiction of *Commission scolaire francophone*

(5) The Minister shall not make an offer under subsection (4) in respect of a position that is under the jurisdiction of the *Commission scolaire francophone*, except on the recommendation of the *Commission*.

Time of offer

(6) An offer made under subsection (4) may be given at the same time as the notice of termination is given, or at an earlier or later date, so long as the offer is made within the time limit specified in subsection (4).

Accepted offer

(7) If the teacher accepts an offer of a position made under subsection (4), the Minister shall appoint the teacher to the position without competition.

Termination

(8) A teacher to whom a notice of termination has been given ceases to be employed in the position to which the notice related at the end of the last day of the school year in which he or she receives the notice of the termination.

Professional integrity

**95.** Teachers shall comply with any code of ethics adopted by the Nunavut Teachers Association and shall conduct themselves in such a manner as to maintain the prestige of their profession so that no dishonour may befall them or their profession through their actions.

Orientation and mentoring programs

**96.** (1) The Minister shall develop and establish orientation and mentoring programs for teachers during the first two years after they take up the duties of their positions to integrate them into the Nunavut school system and the teachers shall participate in the programs.

Inuit Qaujimajatuqangit

(2) Orientation and mentoring programs developed under subsection (1) shall be developed in accordance with and be based on Inuit societal values and the principles and concepts of Inuit Qaujimajatuqangit.

Professional development

**97.** (1) Under the direction of the Minister, a principal shall ensure that professional development activities and in-service training are available to teachers, including vice-principals and himself or herself and that they participate in those activities and take that training, as appropriate.

Same

(2) If there is more than one principal in a school, the principal responsible for this section shall ensure that professional development activities and in-service training are available to the other principal or principals and that the other principal or principals participate in those activities and take that training, as appropriate.

Specific additional duties of teachers

**98.** In addition to anything else a teacher is required to do under this Act, he or she shall

- (a) diligently teach his or her students in a manner that promotes their physical, emotional, social, intellectual and spiritual development and encourages them in the pursuit of learning;
- (b) teach his or her students in a manner that is consistent with Inuit societal values and the principles and concepts of Inuit Qaujimajatuqangit and respect for Inuit cultural identity;
- (c) encourage his or her students to develop positive self-esteem;
- (d) encourage his or her students to develop respect for the cultural and spiritual or religious values and beliefs of others;
- (e) provide reports and records as required by the Minister or the principal;
- (f) keep all materials, resources, equipment and facility space assigned to the teacher or placed in his or her care in the best possible condition;

- (g) provide assistance and support to the principal;
- (h) co-operate with the other members of the education staff;
- (i) pursue professional development activities and continue with professional learning to ensure an appreciation of current educational theory and practice and an enhancement of teaching practice;
- (j) perform such duties and tasks, including attending exercises, activities and meetings, as may assigned by the principal or as may be otherwise assigned under this Act or the regulations.

Statements about spiritual or religious values or beliefs

**99.** A teacher may make a statement about spiritual or religious values or beliefs if it is required to explain an aspect of a subject or a world view and is made in a manner that is respectful of the spiritual or religious values or beliefs of all the students.

Other Members of Education Staff

Ilinniarvimmi Inuusilirijiit

**100.** (1) In addition to anything else an Ilinniarvimmi Inuusiliriji is required to do under this Act, he or she shall,

- (a) provide personal guidance and counselling to students to promote
  - (i) a positive attitude to education,
  - (ii) personal well-being, and
  - (iii) healthy lifestyles;
- (b) undertake activities to promote among students the things set out in subparagraphs (a)(i), (ii) and (iii), which may include but are not limited to activities related to study skills, suicide prevention, family planning, self-esteem and conflict resolution;
- (c) work with parents to promote among students the things set out in subparagraphs (a)(i), (ii) and (iii) and to assist parents to carry out their responsibilities under section 55.

Same

(2) In carrying out his or her duties, an Ilinniarvimmi Inuusiliriji may consult with and make referrals to such community agencies as he or she considers appropriate.

Teacher trainees

**101.** (1) Principals shall cooperate with colleges established under the *Public Colleges Act* and other institutions that provide teacher training to facilitate the placement of teacher trainees in their schools.

Principal's decision

(2) A principal may accept or refuse to accept the placement of an individual as a teacher trainee in his or her school.

Access to school

(3) Subject to the directions of the principal, a teacher trainee is entitled to have access to the school or schools to which he or she is assigned for the purpose of his or her placement.

Not employees

(4) A teacher trainee is not an employee of the Government of Nunavut or of a district education authority.

Innait Inuksiutilirijiit

**102.** (1) A district education authority may employ Elders who have skills, knowledge and abilities relating to Inuit culture and traditions to assist in the instruction of the education program.

Same

(2) An Elder employed under subsection (1) shall be entitled to the designation of "Innaq Inuksiutiliriji".

Qualifications

(3) An individual may be employed as an Innaq Inuksiutiliriji only if the district education authority is of the opinion that he or she has the skills, knowledge and abilities required to assist in the instruction for which he or she is to be employed and that he or she meets the requirements set out in the regulations.

Certificate

(4) On the recommendation of a district education authority, the Minister shall give to an Elder who is employed as an Innaq Inuksiutiliriji a certificate certifying that the Elder is an Innaq Inuksiutiliriji and certifying his or her area of expertise.

Certification

Certification required, teachers

**103.** (1) An individual shall not be employed as a teacher unless he or she holds a teacher's certificate.

Other members of education staff

(2) In addition to teachers, such other members of the education staff as are set in the regulations must hold a certificate issued under this Act in order to be employed in a school.

Exceptions

(3) Subsection (1) does not apply to an individual who is employed to substitute for a teacher on a temporary basis or who is employed for part of a school year to fill a vacancy as a teacher.

Regulations

(4) The Commissioner in Executive Council may make regulations setting out positions for which an individual must hold a certificate issued under this Act.

Assignment of Duties and Supervision

Assignment of duties to school staff

**104.** (1) A principal may assign duties to members of the school staff that are consistent with their contracts of employment and shall supervise the performance of those duties.

Evaluation

(2) A principal shall evaluate the members of the school staff on a regular basis.

Directions to school staff

(3) A principal may give directions to the members of the school staff with respect to the carrying out of their duties.

Delegation

(4) A principal may authorize a teacher to give directions to members of the school staff with respect to the carrying out of their duties.

Assignment of duties by teachers

- (5) Without restricting subsection (1), a teacher may
- (a) assign duties to a teacher trainee that are consistent with the trainee being at the school to further his or training as a teacher; and
  - (b) assign duties to a teaching assistant that are consistent with the assistant's contract of employment.

Same

(6) The teacher shall supervise the performance of duties assigned under subsection (5).

Directions to teacher trainees and teaching assistants

(7) A teacher may give directions to a teacher trainee or teaching assistant with respect to the carrying out of duties assigned under subsection (5).

Duty to perform assigned duties

(8) A member of the school staff to whom duties are assigned under this section shall perform those duties and shall follow the directions that are given under this section.

Regulations

(9) The Commissioner in Executive Council may make regulations respecting the duties of members of the school staff, including adding to or limiting the duties that may be assigned to them.

## Principals and Vice-Principals

Non-application to principals and vice-principals of certain provisions of *Public Service Act, etc.*

**105.** (1) Subsections 17(2) and (3) and sections 20, 21, 25 and 27 of the *Public Service Act* and the regulations made in relation to those provisions do not apply to principals and vice-principals.

Application of certain provisions of *Public Service Act* with modifications

(2) In applying sections 3 to 5 and 16, subsection 17(1) and sections 18, 19, 26, 29 to 34 and 37 of the *Public Service Act* and the regulations made in relation to those provisions to principals and vice-principals

- (a) a reference to the Minister shall be deemed to be a reference to the Minister responsible for the administration of this Act; and
- (b) a reference to a Deputy Minister or a deputy head shall be deemed to be a reference to the Deputy Minister of the department.

Tenure

**106.** (1) A principal or vice-principal may be employed for an initial term not exceeding three years and may be employed for additional terms not exceeding three years each.

Condition on re-appointment

(2) A principal or vice-principal may only be re-appointed for an additional term if his or her performance appraisal under section 117 for the final year of his or her current contract is satisfactory.

Appointments and re-appointments

**107.** (1) An appointment or reappointment of a principal or vice-principal may only be made on the recommendation of a panel appointed by the district education authority that has jurisdiction over the principal or vice-principal.

Same

(2) The Minister may reject a recommendation under subsection (1) and he or she may act without such a recommendation if the panel has failed to act in accordance with this Act, the *Public Service Act*, the applicable regulations under either Act or the directions of the Minister.

Composition of panel

- (3) A panel appointed for the purposes of subsection (1) shall consist of
- (a) an employee of the department appointed by the Minister; and
  - (b) such other persons as the district education authority may appoint.

Same

(4) For greater certainty, a district education authority may appoint one or more of its own members under paragraph (3)(b).

Dismissal during initial period of employment

**108.** (1) Subject to subsection (2), a principal or vice-principal may be dismissed without cause during the two-year period after he or she has taken up the duties of his or her position.

Shorter period if previously employed

(2) The two-year period described in subsection (1) shall be a one-year period if the principal or vice-principal, at the time of taking up his or her duties, has already completed two years of employment in Nunavut as a principal or vice-principal.

Who can dismiss

(3) A dismissal under this section shall be made by the Minister, on the recommendation of the district education authority.

Timing of recommendation

(4) A recommendation of the district education authority under subsection (3) must be given to the Minister at least 90 days before the last day that the principal or vice-principal is scheduled to work in a school year.

Recommendation binding

(5) The Minister shall act on a recommendation of the district education authority under subsection (3) if the district education authority has acted in accordance with the applicable law and the directions of the Minister.

Minister may act on late recommendation

(6) The Minister may act on a recommendation of the district education authority under subsection (3) even if it is given to the Minister later than required under subsection (4).

Minister may dismiss without recommendation

(7) The Minister may dismiss a principal or vice-principal under this section without a recommendation of the district education authority if the district education authority has failed to act in accordance with the applicable law or the directions of the Minister.

Notice required

(8) The Minister shall give written notice of a dismissal under this section by delivery to the principal or vice-principal or by registered mail at least 60 days before the last day that the principal or vice-principal is scheduled to work in a school year.

Notice by mail

(9) A notice given under this section by registered mail shall be deemed to have been given on the day that it was mailed.

Effect of dismissal

(10) Subject to section 111, a principal or vice-principal who is dismissed under this section ceases to be an employee at the end of the last day of the school year in which the notice of dismissal is given.

Resignation

**109.** (1) A principal or vice-principal may resign his or her position in the public service by giving the Minister written notice of the intention to resign at least 60 days before the last day that the principal or vice-principal is scheduled to work and the resignation takes effect at the end of the last day of the school year.

Resignation, other times

(2) Subject to such conditions as the Minister may impose, the Minister may agree with a principal or vice-principal to a notice period that is shorter than that specified in subsection (1) or to an earlier effective date for a resignation,

Termination if requirements decreased

**110.** (1) Despite any contract of employment or provision of this Act, the Minister may terminate the employment of a principal or vice-principal at the end of a school year if the number of principals or vice-principals, as the case may be, required in an education district is decreased.

Notice required

(2) The Minister shall give written notice of a termination under subsection (1) by delivery to the principal or vice-principal or by registered mail at least 45 days before the end of the school year.

Notice by mail

(3) A notice given under this section by registered mail shall be deemed to have been given on the day that it was mailed.

Termination

(4) A principal or vice-principal to whom a notice of termination has been given ceases to be employed in the position to which the notice related at the end of the last day of the school year in which he or she receives the notice of the termination.

Employment as teacher continued

**111.** An individual who was employed as a teacher for an indeterminate period before being employed as a principal or vice-principal continues his or her employment as a teacher after ceasing to be employed as a principal or vice-principal.

Required certificates

**112.** (1) Subject to subsection (3), an individual must hold a teacher's certificate and a certificate of eligibility as a principal, both issued under this Act, to be employed as a principal or vice-principal.

#### Professional degree

(2) An individual must hold a bachelor of education degree from a recognized university or college or an equivalent professional degree acceptable to the Minister to be employed as a principal or vice-principal.

#### Exception

(3) An individual who does not hold a certificate of eligibility as a principal may be employed as a principal or vice-principal for a term of up to three years if he or she undertakes to take specified steps to obtain the certificate and the Deputy Minister of the department is satisfied that the conditions set out in the regulations governing that employment are satisfied.

#### Duty to comply

(4) An individual who gives an undertaking under subsection (3) shall comply with it.

#### Limitation

(5) An individual who has been employed under subsection (3) for a total of three years at one or more schools and who still does not hold a certificate of eligibility as a principal may not be employed for any further period under subsection (3) unless the three-year period described in that subsection is extended under subsection (6).

#### Extension of time

(6) The Minister may, on application, extend the three-year period described in subsection (3) for a single one-year extension to allow additional time to obtain a certificate of eligibility as a principal if the conditions set out in the regulations are met.

#### Acting principal or vice-principal

**113.** (1) The Minister, on the recommendation of the district education authority, may designate a teacher to be an acting principal or vice-principal for one or more periods not exceeding 12 months in total.

#### Powers and duties

(2) An acting principal or vice-principal has the powers and duties of a principal or vice-principal, as the case may be.

#### Non-application of section 112

(3) Section 112 does not apply to the designation of an acting principal or vice-principal under this section.

#### Duties of principal - general statement

**114.** (1) The principal of a school shall manage the school and be responsible for its organization, administration and operations.

**Inuit Qaujimajatuqangit**

(2) The principal shall carry out his or her duty under subsection (1) in accordance with Inuit societal values and the principles and concepts of Inuit Qaujimajatuqangit.

**Powers and duties of vice-principal**

(3) A vice-principal shall exercise the powers and perform the duties delegated by the principal.

**Powers and duties as a teacher**

(4) Principals and vice-principals have the powers and duties of teachers.

**Directions of district education authority**

(5) A district education authority may give directions to principals related to the carrying out of their duties under this section.

**Minister's directions**

(6) Subject to subsections (7) and (8), the Minister may give directions to principals related to the carrying out of their duties under this section.

**Avoidance of infringement of power to give directions**

(7) In using his or her powers under subsection (6) to give directions to a principal, the Minister shall not infringe on any power of a district education authority under any other section of this Act to give directions to principals.

**Avoidance of inconsistency with other directions**

(8) In using his or her powers under subsection (6) to give directions to a principal, the Minister shall not give directions that are inconsistent with any directions given by the district education authority under any other section of this Act or under subsection (5).

**Exception**

(9) Subsections (7) and (8) do not apply to a direction of the Minister that is inconsistent with a direction of a district education authority if the direction of the district education authority is inconsistent with this Act or the regulations.

**Duty to monitor re: Inuit Qaujimajatuqangit**

**114.1.** (1) A principal shall monitor and evaluate the carrying out of the Inuit Qaujimajatuqangit duties of the members of the education staff in his or her school.

**Information to be provided**

(2) A principal shall provide the district education authority and the Minister with such information as the district education authority or the Minister may request in relation to the carrying out of the Inuit Qaujimajatuqangit duties of the principal or of the members of the education staff.

#### Accountability

(3) A principal is accountable to the district education authority and to the Minister in respect of the carrying out of his or her Inuit Qaujimajatuqangit duties.

#### Definition

(4) In this section "Inuit Qaujimajatuqangit duties" means duties relating to Inuit societal values and the principles and concepts of Inuit Qaujimajatuqangit.

#### Duty to comply with directions

**115.** (1) Subject to subsection (2), a principal shall comply with the directions of both the Minister and the district education authority given under this Act.

#### Inconsistent directions

(2) If there is an inconsistency between a Minister's direction and a direction of a district education authority, the following rules apply:

- (a) if the direction of the Minister was made under section 114, the direction of the district education authority prevails but only to the extent necessary to resolve the inconsistency; and
- (b) if the direction of the Minister is made under a section other than section 114, the direction of the Minister prevails but only to the extent necessary to resolve the inconsistency.

#### Exception

(3) Despite paragraph (2)(a), a direction of the Minister made under section 114 prevails over a direction of a district education authority if the direction of the district education authority is inconsistent with this Act or the regulations.

#### Notice of inconsistencies

(4) A principal shall notify the Minister and the district education authority if, in the principal's opinion, there is an inconsistency between a Minister's direction and a direction of a district education authority.

#### School safety

**116.** A principal shall ensure the safety of students, staff and others on school premises.

#### Appraisal of principals and vice-principals

**117.** (1) The Minister shall ensure that the overall performance of a principal and vice-principal is appraised by an employee of the department at least once in each school year during the period in which the principal or vice-principal may be dismissed under section 108 and in the final year of the contract of the principal or vice-principal.

#### Same

(2) The Minister shall ensure that each appraisal under subsection (1) incorporates an assessment by the district education authority which the district education authority shall make in accordance with the directions of the Minister.

### Discipline

**118.** (1) If a district education authority is of the opinion that disciplinary action against a principal or vice-principal may be warranted, it may bring the matter to the attention of the Minister.

### Role of Minister

(2) On being notified by a district education authority of its opinion that disciplinary action against a principal or vice-principal may be warranted, the Minister shall deal with the matter under the *Public Service Act* and shall decide whether disciplinary action is warranted in respect of the principal or vice-principal and what disciplinary action, if any, is warranted.

### Report to district education authority

(3) The Minister shall advise the district education authority about how the Minister has dealt with the matter and what disciplinary action, if any, has been taken.

### Minister's general power to discipline not affected

(4) The Minister may take disciplinary action against a principal or vice-principal under the *Public Service Act* even if the district education authority has not brought the matter to the attention of the Minister but the Minister shall consult with the district education authority before taking such action.

## Registrar

### Certification, registrar

**119.** (1) The Minister shall appoint a registrar to perform such duties as may be prescribed respecting the certification of teachers and such other members of the education staff as are set out in the regulations and respecting certificates of eligibility of principals.

### Appeal of decision

(2) A decision by the registrar to refuse to issue a certificate or to suspend or cancel a certificate may be appealed in accordance with the regulations.

### Regulations

- (3) The Commissioner in Executive Council may make regulations
- (a) prescribing the duties of the registrar;
  - (b) governing certification, including, without limiting the generality of the foregoing, the renewal, suspension and cancellation of certificates;
  - (c) prescribing fees in relation to certification;
  - (d) providing for appeals of the decisions of the registrar; and
  - (e) establishing or continuing a body to perform such functions relating to certification as may be set out in the regulations, including hearing appeals in relation to certification and to perform such other functions as may be set out in the regulations.

Certificates continued

(4) Teaching certificates and certificates of eligibility of principals issued under the predecessor of this Act that were valid immediately before the coming into force of this section shall be deemed to have been issued under this Act.

PART 12

ADMINISTRATION

The Minister

Role of Minister

**120.** (1) The Minister is responsible for the administration of this Act.

Resources

(2) The Minister is responsible for ensuring that the district education authorities and the schools are provided with the resources necessary to give effect to this Act and the regulations.

Nunavut Land Claims Agreement

**121.** In carrying out the Minister's responsibilities under this Act, the Minister shall comply with the Nunavut Land Claims Agreement and in particular with the obligation under section 32.2.1 of Article 32 of that agreement

- (a) to provide Inuit with an opportunity to participate in the development of social and cultural policies and in the design of social and cultural programs and services, including their method of delivery; and
- (b) to endeavour to reflect Inuit goals and objectives where the Government of Nunavut puts in place such social and cultural policies, programs and services.

Quality of education program

**122.** (1) The Minister shall use his or her powers under this Act to ensure that the education program is of the highest quality possible.

Teacher education programs

(2) The Minister shall establish standards for teacher education programs provided in Nunavut.

Same

(3) If the Minister is not responsible for post-secondary education, the Minister shall carry out the duty under subsection (2) in consultation with the Minister who is responsible for post-secondary education.

Report on Inuit Qaujimajatuqangit

**122.1.** (1) Subject to subsection (6), the Minister shall prepare and include in the report referred to in subsection 126(1) a report on the carrying out of the Inuit Qaujimajatuqangit duties of the Minister and of the principals and other members of the education staff.

Committee of Elders

(2) The Minister shall ensure that there is a committee of Elders to monitor, evaluate and report on the carrying out of the Inuit Qaujimajatuqangit duties of the Minister and of the principals and other members of the education staff.

Information to be provided

(3) The committee may require the Minister to provide the committee with information in the possession of the Minister or the department relating to the carrying out of the Inuit Qaujimajatuqangit duties of the Minister and principals and other members of the education staff.

Appearances before the committee

(4) The committee may require staff of the department or any principal to appear before the committee to provide information.

Same

(5) If the committee requires a person to appear before it under subsection (4) and the person is not in the community in which the committee is sitting, the person may appear by telephone or other telecommunications device.

Inclusion in Minister's annual report

(6) The Minister shall include any report given to the Minister by the committee in the report referred to in subsection 126(1) and if the Minister has been given a report by the committee, the Minister is not required to prepare a report under subsection (1) in that year.

Definition

(7) In this section, "Inuit Qaujimajatuqangit duties" means duties relating to Inuit societal values and the principles and concepts of Inuit Qaujimajatuqangit.

Student to educator ratio

**123.** (1) The Minister shall ensure that the student-educator ratio for each education district for a school year is lower than the most recently published national student-educator ratio.

Definition

(2) For the purposes of subsection (1), "most recently published national student-educator ratio" means,

- (a) the national student-educator ratio as set out in the report of the Pan-Canadian Education Indicators Program most recently published before the beginning of the school year; or

- (b) such ratio as may be prescribed by the regulations.

#### Calculation

(3) For the purposes of subsection (1), the student-educator ratio for an education district shall be calculated as of the first instructional day of the school year using the same methodology as was used to determine the student-educator ratio to which it is being compared except that instead of actual student enrolment an estimate, determined by the Minister as of April 1 preceding the school year, shall be used.

#### Consistent terminology

(3.1) For the purposes of subsection (1), "student" and "educator" have the same meaning as was used to determine the student-educator ratio to which the student-educator ratio of an education district is being compared.

#### Transition

(4) This section does not apply before the school year that begins July 1, 2011.

#### Diplomas

**124.** The Minister shall,

- (a) name the diplomas and certificates that may be granted to students and establish their form and the conditions under which they may be granted; and
- (b) establish the requirements that must be satisfied before a diploma may be granted by any person that is intended to be equivalent to the diploma granted to graduates of secondary school.

#### Directions to be in writing

**124.1.** (1) Directions given by the Minister under this Act shall be in writing.

#### Consultation

(2) Before giving directions under this Act, the Minister shall consult with such persons as the Minister considers appropriate in the circumstances.

#### Consultations with DEA Coalition

(3) In addition to any consultations under subsection (2), the Minister shall consult with the DEA Coalition before giving directions to district education authorities under this Act.

#### Delegation of powers

**125.** (1) Subject to subsection (2), the Minister may authorize employees in the department to exercise any powers or to perform any duties of the Minister under this Act, including any of his or her judicial or quasi-judicial powers or duties.

#### Limitation on delegation

(2) The Minister may not delegate the power to give directions.

Exceptions

(3) Subsection (2) does not apply to directions referred to in section 15 or 45 or in subsection 97(1) or 114(6).

Annual report

**126.** (1) The Minister shall, within 12 months after the end of each school year, prepare a report on the education system in Nunavut.

Tabling report

(2) The Minister shall table the report in the Legislative Assembly during the first session following its preparation.

Report under *Public Service Act* not affected

(3) The duty to prepare and table a report under this section does not affect the duty of the Minister to make a report to the Legislative Assembly under the *Public Service Act*.

### Education Districts

Establishment of education districts

**127.** (1) The Commissioner in Executive Council may establish and change education districts by regulation.

Whole community in one education district

(2) A municipality or settlement shall be within one education district except that a municipality or settlement may be in more than one education district for the purposes of better serving the needs of the municipality or settlement.

Multiple municipality and settlement education districts

(3) An education district may include more than one municipality or settlement and may include lands outside a municipality or settlement.

Transition

(4) The education districts in existence under the predecessor of this Act immediately before the coming into force of this section are continued as education districts under this Act.

### District Education Authorities

Establishment of district education authorities

**128.** (1) The Commissioner in Executive Council may, by regulation, establish a district education authority and specify the education district over which it will have jurisdiction.

Corporation

(2) A district education authority is a corporation.

### Transition

(3) The district education authorities in existence under the predecessor of this Act immediately before the coming into force of this section are continued as district education authorities under this Act.

### Powers

**129.** A district education authority has such powers as are necessary to carry out its duties under this Act.

### Composition

**130.** (1) A district education authority shall be composed of seven elected members and the member or members, if any, chosen under subsection 174(6).

### Chairperson and vice-chairperson

(2) A district education authority shall have a chairperson and a vice-chairperson chosen by the members from among themselves.

### Oath of office

(3) Every member of a district education authority shall, before taking office, take the oath or affirmation prescribed by the regulations.

### Payment

(4) A district education authority shall pay remuneration and expenses to its members in accordance with the regulations.

### Election of members of district education authority

**131.** (1) Subject to this section, the *Local Authorities Elections Act* applies to all matters respecting the election of the members of a district education authority.

### Election of members

(2) The elected members of a district education authority shall be elected for three-year terms.

### Staggered terms

(3) The elected members shall hold office such that four members are elected in one year, three members in the next year and none are elected in the following year.

### Duration of term of office

- (4) The term of office of a member of a District Education Authority
- (a) commences at 12 noon on the first Monday of the month following the member's election or when the member is sworn in, whichever is later; and
  - (b) ends at 12 noon on the first Monday of the month following the next election to fill the member's office.

First election

(5) At the first election following the coming into force of this Act, there shall be an election for all seven members of a district education authority and the four with the highest number of votes shall hold office for three years and the remainder shall hold office for one year.

Attendance by principal at district education authority meetings

**132.** (1) A principal shall attend all meetings of the district education authority unless excused by its chairperson.

Attendance at committee and subcommittee meetings

(2) A principal shall attend a meeting of a committee or subcommittee of the district education authority when requested to do so by the chairperson of the committee or subcommittee.

Appointed Elders

**133.** (1) A district education authority may appoint Elders to attend the meetings of the district education authority and the meetings of its committees and subcommittees.

Participation of Elders

(2) An Elder appointed under this section may participate at a meeting but does not have a vote.

Payment

(3) A district education authority shall pay remuneration and expenses to Elders appointed under this section in accordance with the regulations.

Student participation

**134.** (1) Not later than October 1 in each year, the students in each school that has students registered in grade 10, 11 or 12 shall elect a student representative to attend the meetings of the district education authority.

Role of principal

(2) The principal of the school is responsible for the conduct of the election.

Qualification

(3) A student must be registered in grade 10, 11 or 12 to serve as a student representative.

Attendance at committee meetings

(4) A district education authority may allow a student representative elected under subsection (1) to attend the meetings of its committees and subcommittees.

### Participation

(5) A student representative elected under subsection (1), subject to such guidelines as the district education authority may establish, may participate at a meeting but does not have a vote.

### Payment

(6) A district education authority shall pay remuneration and expenses to a student representative elected under subsection (1) in accordance with the regulations.

### Liability of members

**135.** A member of a district education authority is not liable for loss or damage caused by anything done or not done by him or her in good faith in the exercise of his or her powers or in the performance of his or her duties.

### Restriction on access to schools

**136.** A member of the district education authority shall not be present on school premises when children are present unless the member is accompanied by a member of the education staff or

- (a) the member has had a criminal reference check done by the police within the last three years and has provided that criminal reference check to the Minister; and
- (b) the criminal reference check does not disclose any occurrence prescribed in the regulations.

## Duties of District Education Authorities

### General duty of district education authorities

**137.** (1) A district education authority is responsible for the provision of public education in its education district other than public education provided by the *Commission scolaire francophone*.

### Excellence in education, etc.

(2) In carrying out its duties and responsibilities under this Act, a district education authority shall work with students, parents, Elders, principals, vice-principals, teachers and others with an interest in education to achieve excellence and quality in education, to support students and to contribute to life-long learning.

### Good management practices

(3) A district education authority shall conduct its affairs in accordance with good management practices.

### Additional duties and responsibilities

**138.** (1) The Commissioner in Executive Council may make regulations

- (a) assigning additional duties and responsibilities to a district education authority;

- (b) governing the carrying out of the duties and responsibilities referred to in paragraph (a); and
- (c) removing any additional duties or responsibilities imposed under paragraph (a).

**(2) Deleted. 2<sup>nd</sup> Legislative Assembly, September 11, 2008.**

#### Considerations

(3) Before recommending that a regulation be made under paragraph (1)(a), the Minister shall consider the effect that the assignment of additional duties and responsibilities would have on

- (a) the quality of the school program;
- (b) the incorporation of Inuit societal values and the principles and concepts of Inuit Qaujimajatuqangit into the school program;
- (c) the responsiveness of decision making to local needs and circumstances; and
- (d) the efficiency of the public education system.

#### Transitional training and support

(4) The Minister shall provide transitional training and support to a district education authority in respect of additional duties and responsibilities assigned to the district education authority under paragraph (1)(a).

#### Same

(5) The Minister shall not recommend that a regulation be made under paragraph (1)(a) unless he or she is satisfied that the district education authority is willing and will be able, with the transitional training and support referred to in subsection (4), to undertake the new duties or responsibilities.

#### Request from district education authority

(6) A district education authority may request the Minister to recommend that a regulation be made under paragraph (1)(a) assigning additional duties and responsibilities to the district education authority as set out in the request.

#### Structured dialogue

(7) If the Minister receives a request under subsection (6), he or she shall be deemed to have agreed under subsection 149(8) to a structured dialogue with the district education authority with respect to the request.

#### Report on Inuit Qaujimajatuqangit

**138.1.** (1) A district education authority shall prepare and include in the report referred to in subsection 146(1) a report on the carrying out of the Inuit Qaujimajatuqangit duties of the district education authority and of principals and other members of the education staff in the schools under the jurisdiction of the district education authority.

#### Definition

(2) In this section, "Inuit Qaujimajatuqangit duties" means duties relating to Inuit societal values and the principles and concepts of Inuit Qaujimajatuqangit.

#### School visitation plan

**139.** A district education authority shall develop a plan providing for members of the district education authority to visit the schools under its jurisdiction from time to time to observe the schools in operation.

#### Administrative duties

**140.** Subject to this Act and the regulations, a district education authority is responsible for the administration of schools under its jurisdiction and for its own administration and, without limiting the foregoing, it shall

- (a) keep a full and accurate record of its proceedings and financial transactions and affairs;
- (b) consider any comments and recommendations, with regard to a school, that are provided by the students, student representatives, parents and school staff who have an interest in that school; and
- (c) establish committees for Inuuqatigiittiarniq, attendance, finance, and human resources.

#### Duties related to facilities

**141.** (1) Subject to this Act and the regulations, a district education authority is responsible for the school facilities under its jurisdiction.

#### Duty of principal

(2) A principal, in accordance with the directions of the district education authority, shall ensure the school facilities and equipment are properly maintained and are in a good condition.

#### Use of school facilities

(3) A district education authority shall use its best efforts to maximize the use of school facilities for purposes outside the school program.

#### Use of facilities

(4) For the purpose of carrying out its duty under subsection (3), a district education authority may allow third parties to use school facilities when they are not being used for the school program.

#### Requests by Minister

(5) The Minister may make requests to a district education authority in respect of maximizing the use of school facilities.

#### Same

(6) A district education authority shall consider a request made to it under subsection (5) but it is not required to implement the request.

Same

(7) In considering whether to make a request under subsection (5), the Minister shall consider, for any school that would be affected if the request were implemented,

- (a) the needs of the school program for the school; and
- (b) the school program plan for the school.

Duty to inform re: use and development of facilities

**142.** A district education authority shall inform any governing body of a municipality or settlement within the education district of plans for the use and development of school facilities.

Maintenance and insurance of property

**143.** If a district education authority owns property, it shall maintain that property and insure it to the extent that is reasonable.

Employees

**144.** (1) A district education authority may employ individuals to assist in the administration of the district education authority.

Same

(2) A district education authority may employ individuals to assist in the delivery of the school program and programs provided under section 17 or 18.

Status

(3) An individual employed under this section is an employee of the district education authority and is not a member of the public service.

Miscellaneous powers

**145.** A district education authority may

- (a) provide transportation to students to enable them to have access to the school program;
- (b) charge fees fixed by the district education authority for goods and services that it provides but that are not required for the education program;
- (c) join and pay the fees of associations that serve the needs of district education authorities or similar bodies or their administrators;
- (d) enter into agreements with departments of the government of Nunavut and community agencies for the provision of support services to students to support the effective delivery of the school program; and
- (e) temporarily close a school for health or safety reasons.

Annual report

**146.** (1) The annual report of a district education authority required under section 96 of the *Financial Administration Act* shall include such information on the administration and operations of the district education authority and the schools under its jurisdiction as may be prescribed by the regulations.

Duty to make public

(2) A district education authority shall make its annual report available to the community in accordance with the regulations.

Duty to inform

**147.** (1) A district education authority shall keep the residents of its education district informed about the provision of public education in its education district other than public education provided by the *Commission scolaire francophone*.

Duty of principal

(2) A principal shall provide the district education authority with such information as it may request for the purpose of carrying out its duties under subsection (1).

Reports to the Minister

**148.** In addition to any other reports or information required under to be provided to the Minister under this Act, a district education authority shall provide the Minister with such reports and information as he or she may require.

Structured Dialogues

Definitions

**149.** (1) In this section,

"decision" does not include a judicial or quasi-judicial decision; (*décision*)

"structured dialogue" means a dialogue between the Minister and a district education authority or the DEA Coalition as provided in this section. (*dialogue structuré*)

Structured dialogue, district education authority and the Minister

(2) A district education authority may request a structured dialogue with the Minister in respect of

- (a) any decision of the Minister that affects the district education authority or any of the schools under its jurisdiction; or
- (b) any direction of the Minister given under this Act to the district education authority or to the principal or any other members of the education staff in any of the schools under its jurisdiction.

DEA Coalition and the Minister

(3) The DEA Coalition may request a structured dialogue with the Minister in respect of

- (a) any decision of the Minister that affects one or more district education authorities or any of the schools under their jurisdiction; or
- (b) any direction of the Minister given under this Act to one or more district education authorities or to the principal or any other members of the education staff in any of the schools in Nunavut.

Minister's explanation

(4) If a district education authority or the DEA Coalition requests a structured dialogue, the Minister shall provide an explanation to the district education authority or DEA Coalition in respect of the decision or direction in question.

Comments on explanation

(5) The district education authority or the DEA Coalition, as the case may be, may provide comments to the Minister in respect of his or her explanation and may make suggestions in respect of the decision or direction, including suggestions for alternatives to the decision or direction in question.

Minister's response

(6) The Minister shall consider the comments and suggestions of the district education authority or the DEA Coalition, as the case may be, and shall provide a response.

Timing

(7) The right to request a structured dialogue arises only after the Minister has made the decision or given the direction.

Structured dialogue by agreement

(8) Although the right to request a dialogue arises only after the making of a decision or the giving of a direction, the Minister may agree with a district education authority or the DEA Coalition to enter into a structured dialogue with respect to a proposed decision or direction.

Effect of structured dialogue request or agreement

(9) A request for or agreement to enter into a structured dialogue does not stay or otherwise affect the decision or direction or any process related to the making of the decision or proposed decision or the giving of the direction or proposed direction to which the request or agreement relates.

Trusteeship of District Education Authority

Power to investigate district education authority

**150.** (1) If the Minister is of the opinion that a district education authority is not adequately exercising its powers, performing its duties or fulfilling its responsibilities under this Act or the regulations, the Minister may do all or any of the following:

- (a) appoint an individual to investigate the situation and report to the Minister as he or she may direct;
- (b) request reports from the district education authority;
- (c) give directions to the district education authority regarding the school program.

### Results of investigation

(2) If, after action has been taken under paragraph (1)(a), (b) or (c), the Commissioner in Executive Council is of the opinion that the district education authority is not adequately exercising its powers, performing its duties or fulfilling its responsibilities under this Act or the regulations, the Commissioner in Executive Council may appoint an interim trustee and, by order,

- (a) suspend all or any of the powers, duties and responsibilities of the district education authority for a specified period; or
- (b) dismiss all the members of the district education authority.

### Consultation with DEA Coalition

(3) An order shall not be made under paragraph (2)(b) unless the Minister has consulted with the DEA Coalition with a view to determining if the dismissal of the members of the district education authority can be avoided and the Minister, following the consultation, is of the opinion that dismissal is appropriate.

### Communication with the community

(4) The Minister shall communicate any action taken under subsection (2) to the community and to the district education authority and he or she shall also communicate the reason for the action, the duration of the trustee's appointment, the powers, duties and responsibilities given to the trustee and the measures that are to be taken to address the issues that led to trustee's appointment.

### If powers, *etc.* suspended

**151.** (1) If any powers, duties or responsibilities of the district education authority are suspended under paragraph 150(2)(a)

- (a) the interim trustee may exercise the powers of the district education authority and shall perform its duties and fulfil its responsibilities for the period specified in the order and, if the interim trustee determines that the district education authority is able to do so, may allow it to exercise all or any of those powers or perform all or any of those duties or fulfil all or any of those responsibilities before the end of the period specified in the order, subject to the supervision of the interim trustee;
- (b) the Minister shall take such steps as are reasonable in the circumstances to assist the district education authority to become able to exercise its powers, perform its duties and fulfil its responsibilities adequately under this Act and the regulations;
- (c) the interim trustee may recommend at any time that all or any of its powers, duties and responsibilities be returned to the district education authority; and
- (d) the Commissioner in Executive Council, with or without the recommendation of the interim trustee, may cancel or vary the order appointing the trustee in order to return powers, duties and responsibilities to the district education authority.

Consultation with DEA Coalition

(2) In taking steps under paragraph (1)(b), the Minister shall consult with the DEA Coalition.

If members dismissed

**152.** If the members of the district education authority are dismissed under paragraph 150(2)(b)

- (a) the interim trustee may exercise the powers of the district education authority and shall perform its duties and fulfil its responsibilities for the period specified in the order; and
- (b) the Commissioner in Executive Council shall, by order,
  - (i) provide for the election of new members of the district education authority; and
  - (ii) state whether the appointment of the interim trustee will continue after the election of the new members of the district education authority and, if so, specify the period during which the appointment will continue and state the powers, duties and responsibilities of the district education authority that the interim trustee will have during that period.

Trustee acts for Government

**153.** An interim trustee appointed under subsection 150(2) acts on behalf of the Government of Nunavut under the direction of the Minister.

Liability of interim trustee

**154.** An interim trustee appointed under subsection 150(2) is not liable for loss or damage caused by anything done or not done by him or her in good faith in the exercise of his or her powers or the performance of his or her duties.

## Regulations

Regulations

**155.** For the purposes of this Part, the Commissioner in Executive Council may make regulations

- (a) providing for the resignation of members of a district education authority, including the resignation of a member as the chairperson or vice-chairperson;
- (b) providing for circumstances in which a member of a district education authority ceases to be a member;
- (c) prescribing what constitutes a pecuniary conflict of interest for a member, employee or officer of a district education authority or an interim trustee and governing how such conflicts of interest must be dealt with, including providing for the consequences of failing to deal with a conflict of interest as required by the regulations;

- (d) governing the manner in which a district education authority shall conduct its business, including, without limiting the generality of the foregoing, providing for the quorum at meetings of a district education authority, requiring meetings of a district education authority and of its committees to be open except in prescribed circumstances and requiring the district education authority to make by-laws governing its business and to establish a code of conduct for its members;
- (e) respecting the amount of the remuneration and expenses payable to members of a district education authority, Elders appointed under section 133 and student representatives elected under section 134;
- (f) dissolving a district education authority and providing for the winding up of its affairs;
- (g) respecting the provision of information under section 147.

## PART 13

### FRENCH MINORITY LANGUAGE RIGHTS

#### General

##### Definition

**156.** (1) In this Part, "rights holder" means an individual who has a right under section 23 of the *Canadian Charter of Rights and Freedoms* to have his or her children receive instruction in the French language.

##### References to district education authorities

(2) A reference in this Part to a district education authority does not include a reference to the *Commission scolaire francophone*.

##### Purpose

**157.** The purpose of this Part is to provide for instruction in the French language for the French linguistic minority population of Nunavut in accordance with section 23 of the *Canadian Charter of Rights and Freedoms*.

##### Rights prevail

**158.** The rights contained in this Part prevail to the extent of any conflict over any other Part of this Act or any provision of any other Act respecting the language of instruction in schools, including, without restricting the generality of the foregoing, any provision relating to the use of the Inuit Language as a language of instruction.

##### Duty of Minister to ensure rights

**159.** The Minister shall ensure

- (a) that wherever in Nunavut the number of children of rights holders is sufficient to warrant French-language instruction that such instruction is available out of public funds; and

- (b) if the number of children of rights holders so warrants, that the children receive the instruction required by paragraph (a) in French-language educational facilities that are provided out of public funds.

Regard to Charter rights

**159.1.** In giving any directions to the *Commission scolaire francophone*, the Minister shall have regard to the Minister's duty under section 159 and the rights that rights holders have under section 23 of the *Canadian Charter of Rights and Freedoms*.

Entitlement to instruction in French

**160.** (1) An individual, who under section 2 is entitled to attend a school and who is the child of a rights holder, is entitled to be taught in a school or classroom under the jurisdiction of the *Commission scolaire francophone*, as provided in this Part.

Application

(2) Subsection (1) only applies in areas of Nunavut where there is instruction in the French language provided out of public funds.

Petitions in respect of French-language instruction

**161.** (1) Rights holders who live in an area of Nunavut where there is no instruction in the French language provided out of public funds may petition the Minister for instruction in the French language provided out of public funds under the jurisdiction of the *Commission scolaire francophone*,

- (a) in a French-language school under the jurisdiction of the *Commission*; or
- (b) in classrooms in a school that is under the jurisdiction of a district education authority.

Same

(2) Rights holders who live in an area of Nunavut where there is instruction in the French language in classrooms in a school that is under the jurisdiction of a district education authority may petition the Minister for instruction in the French language provided out of public funds in a French-language school under the jurisdiction of the *Commission scolaire francophone*.

Presentation of petition

(3) A petition under subsection (1) or (2) may be presented directly to the Minister or to the Minister through the *Commission scolaire francophone*.

Consultation

(4) If a petition under subsection (1) or (2) is presented through the *Commission scolaire francophone*, the *Commission* shall provide the Minister with its recommendations with respect to how to respond to the petition.

Same

(5) If a petition under subsection (1) or (2) is presented directly to the Minister, he or she shall seek the recommendations of the *Commission scolaire francophone* with respect to how to respond to the petition.

Decision

(6) The Minister shall consider any recommendations of the *Commission scolaire francophone* and shall make his or her decision in accordance with his or her duty under section 159.

Decisions to no longer provide instruction in an area

**162.** (1) The Minister may decide that instruction in the French language no longer be provided out of public funds in an area if the number of children of rights holders is no longer sufficient to warrant French-language instruction out of public funds.

Consultation

(2) The Minister shall seek the recommendations of the *Commission scolaire francophone* before making a decision under subsection (1).

Decision

(3) The Minister shall consider any recommendations of the *Commission scolaire francophone* and shall make his or her decision in accordance with his or her duty under section 159.

## Governance

### Role of the *Commission scolaire francophone*

**163.** The *Commission scolaire francophone* is responsible for the provision of public education in the French language for the children of rights holders in Nunavut.

### *Commission scolaire francophone du Nunavut*

#### *Commission* continued

**164.** (1) The education body called the *Commission scolaire francophone du Nunavut*, as it existed under the predecessor of this Act immediately before the coming into force of this section, is continued.

#### Jurisdiction

(2) The *Commission scolaire francophone* has jurisdiction throughout Nunavut.

#### Corporation

(3) The *Commission scolaire francophone* is a corporation.

### Composition

**165.** (1) The *Commission scolaire francophone* shall be composed of five elected members or such larger number as may be provided in the regulations.

### Chairperson and vice-chairperson

(2) The *Commission scolaire francophone* shall have a chairperson and a vice-chairperson chosen by the members from among themselves.

### Payment

(3) The *Commission scolaire francophone* shall pay remuneration and expenses to its members in accordance with the regulations.

### Election of members of *Commission scolaire francophone*

**166.** (1) Subject to this section, the *Local Authorities Elections Act* applies to all matters respecting the election of the members of the *Commission scolaire francophone*.

### Election of members

(2) The members of the *Commission scolaire francophone* shall be elected for three-year terms.

### Duration of term of office

- (3) The term of office of a member of the *Commission scolaire francophone*
- (a) commences at 12 noon on the first Monday of the month following the member's election or when the member is sworn in, whichever is later; and
  - (b) ends at 12 noon on the first Monday of the month following the next election to fill the member's office.

### Nominees' qualifications

(4) To be eligible to be nominated and stand as a candidate to be a member of the *Commission scolaire francophone*, an individual must be a rights holder and must be eligible to be nominated under the *Local Authorities Elections Act*.

### Voters' qualifications

(5) To be eligible to vote in an election of members of the *Commission scolaire francophone*, an individual must be a rights holder and must be eligible to vote under the *Local Authorities Elections Act*.

### Same

(6) An individual who votes in the election of members of the *Commission scolaire francophone* is not eligible to vote in the election of members of a district education authority.

### Assistance to prepare voter's list

(7) The Minister shall provide the *Commission scolaire francophone* with such information as he or she may reasonably provide in respect of rights holders to assist the

*Commission* in enumerating voters and in performing its other duties under the *Local Authorities Election Act* with respect to the election of its members.

#### Staggered terms

(8) The Commissioner in Executive Council, by regulation, shall provide that members of the *Commission scolaire francophone* are to be elected for staggered terms of office.

#### Same

(9) The regulations providing for staggered terms of office may provide for terms of office that are different than the three-year term set out in subsection (2) and may provide for such other transitional matters as are considered necessary or advisable for the implementation of staggered terms of office.

### Powers, Duties and Responsibilities

#### Powers, duties and responsibilities

**167.** (1) Unless otherwise provided, the *Commission scolaire francophone* has all the responsibilities, powers and duties of a district education authority under this Act and the regulations.

#### Agreements with other educational institutions

(2) The *Commission scolaire francophone* may enter into agreements with other educational institutions to provide education for grades, including kindergarten, that it is unable to offer.

#### Modifications re: Part 3, curriculum, texts and learning materials

**168.** (1) For the purposes of the curriculum for education provided by the *Commission scolaire francophone*

- (a) the references to the Minister in subsections 8(1) to (3) and in section 10 shall be deemed to be references to the *Commission*; and
- (b) the reference in subsection 8(4) to the Inuit Language shall be deemed to be a reference to the French language.

#### Curriculum approval

(2) The *Commission scolaire francophone* shall submit any curriculum that it establishes under section 8 to the Minister for approval.

#### Directions re: delivery of education program

(3) Directions under subsection 8(5) shall, in respect of the education staff under the jurisdiction of the *Commission scolaire francophone*, be given to the *Commission* and not directly to the education staff.

Reports on effectiveness of school program

(4) The principal of a school under the jurisdiction of the *Commission scolaire francophone* shall file the reports required by section 14 with the Director General and not with the Minister.

Copies to Minister

(5) The Director General shall give copies of reports referred to in subsection (4) to the Minister.

Promotion decisions

(6) Directions under section 15 shall, in respect of school teams under the jurisdiction of the *Commission scolaire francophone*, be given to the *Commission* and not directly to the school teams.

Early childhood programs

(7) The references in subsection 17(1) to the Inuit Language and to Inuit culture shall be deemed to be references to the French language and to francophone culture respectively.

School program plans

(8) A principal under the jurisdiction of the *Commission scolaire francophone* shall forward the following to the Director General and not to the Minister:

- (a) the copy of the school program plan required by subsection 20(6);  
and
- (b) the copy of any amended school program plan required by subsection 20(10).

Copies to the Minister

(9) The Director General shall give a copy of any school program plan referred to in paragraph (8)(a) or (b) to the Minister.

Non-application of Part 4, language of instruction

**169.** Part 4 does not apply to the education program provided by the *Commission scolaire francophone*.

Modifications re: Part 6, inclusive education

**170.** The references in subsection 45(7) and section 47 to the Minister shall be deemed to be references to the Director General with respect to students under the jurisdiction of the *Commission scolaire francophone*.

**171. Deleted. 2<sup>nd</sup> Legislative Assembly, September 11, 2008.**

Duty to inform

**172.** The *Commission scolaire francophone* shall keep the residents of Nunavut informed about the provision of public education under its jurisdiction.

Non-application of certain provisions in Part 12, administration

**173.** (1) Sections 127 and 128, subsections 130(1), (2) and (4), sections 131 and 132, subsections 137(1) and 138(3) and section 147 do not apply to the *Commission scolaire francophone*.

Same

(2) Section 122.1 does not apply with respect to the principals and other members of the education staff employed in schools and classrooms under the jurisdiction of the *Commission scolaire francophone*.

Same

(3) Subsection 124.1(3) does not apply with respect to a direction given only to the *Commission scolaire francophone* including, without limiting the generality of the foregoing, a direction under section 178 or 179.

Plans under Part 14 relating to school equipment

**173.1.** The Director General, rather than the principal, shall provide the Minister with the plans required under subsection 183(8).

Advisory Committee

Advisory committee

**174.** (1) The *Commission scolaire francophone* shall establish an advisory committee in each education district in which the *Commission* provides education in a school that is under the jurisdiction of a district education authority.

Function

(2) The purposes of the advisory committee are to give advice to and liaise with the *Commission scolaire francophone* and the district education authority with respect to the students being taught by the *Commission* in a school that is under the jurisdiction of the district education authority.

Composition

(3) The advisory committee shall be composed of such number of members as the *Commission scolaire francophone* may decide but the number shall not be less than three.

Eligibility

(4) To be eligible to be a member of the advisory committee, an individual must be a rights holder and must be a resident of the electoral district of the district education authority.

Chairperson and vice-chairperson

(5) The advisory committee shall have a chairperson and a vice-chairperson chosen by the members from among themselves.

Voting members on the district education authority

(6) The *Commission scolaire francophone* shall, in consultation with the advisory committee, choose, from among the members of the advisory committee, at least one member and, if the regulations so provide, one or more additional members who will sit as voting members of the district education authority.

Same

(7) A member of a district education authority chosen under subsection (6) has the same rights and privileges as an elected member of the district education authority, including the right to the same remuneration and expenses as an elected member.

Conduct of Affairs

**175. Deleted. 2<sup>nd</sup> Legislative Assembly, September 11, 2008.**

Director General

**176.** (1) The *Commission scolaire francophone* shall have a chief executive officer who shall be known as the Director General.

Director General, member of public service

(2) The Director General is a member of the public service.

Role of *Commission scolaire francophone* in employment of Director General

(3) Subject to such terms and conditions as the Minister responsible for the administration of this Act may direct, the powers, functions and duties of the Minister responsible for the administration of the *Public Service Act* and of a Deputy Minister or deputy head under subsection 3(1) and sections 4, 5, 16 to 21, 25 to 34 and 37 of the *Public Service Act* and the regulations made in relation to those provisions, as those powers, functions and duties relate to the employment of the Director General, shall be deemed to have been delegated to the *Commission scolaire francophone*.

Limitations

(4) The delegation of powers, functions and duties under subsection (3) does not include the powers, functions and duties of the Minister under section 29 of the *Public Service Act* in relation to appeals and in applying subsections 29(2) to (6) of that Act to the Director General, a reference to the Minister shall be deemed to be a reference to the Minister responsible for the administration of this Act.

Oversight by *Commission*

(5) The *Commission scolaire francophone* shall oversee and control the conduct of work of the Director General and section 4.1 of the *Public Service Act* does not apply with respect to the Director General.

Powers and duties

(6) In addition to the powers and duties set out in this Act or the regulations, the Director General shall perform such duties and may exercise such powers as may be assigned to him or her by the *Commission scolaire francophone*.

Directions of *Commission*

**177.** The Director General shall exercise his or her powers and carry out his or her functions and duties in accordance with any directions of the *Commission scolaire francophone*.

Role of Director General in employment matters re: teachers, principals, vice-principals

**178.** (1) Subject to such terms and conditions as the Minister may direct, the powers, functions and duties of the Minister and of the Deputy Minister of the department under sections 89, 91 to 94, 97, 105, 106 and 108 to 116 and the regulations made in relation to those sections shall be deemed to have been delegated to the Director General with respect to teachers, principals and vice-principals employed, or to be employed, in schools and classrooms under the jurisdiction of the *Commission scolaire francophone*.

Same

(2) For greater certainty and subject to such terms and conditions as the Minister may direct, the powers, functions and duties of the Minister and Deputy Minister of the department under subsection 91(2) and 105(2) shall be deemed to have been delegated to the Director General with respect to applying subsection 3(1), sections 4, 5 and 16, subsection 17(1) and sections 18, 19, 26, 29 to 34 and 37 of the *Public Service Act* and the regulations made in relation to those provisions to teachers, principals and vice-principals employed, or to be employed, in schools and classrooms under the jurisdiction of the *Commission scolaire francophone*.

Limitations

(3) The delegation of powers, functions and duties under subsections (1) and (2) does not include

- (a) the powers, functions and duties of the Minister under section 29 of the *Public Service Act* in relation to appeals; or
- (b) the duties of the Minister under subsections 94(4) to (7).

Termination of teachers if requirements decreased

(4) The Director General in acting under section 94 to terminate the employment of a teacher because the number of teachers required by the *Commission scolaire francophone* has decreased shall give the Minister written notice of the Director General's intention to terminate at least 14 days before giving the notice required by subsection 94(2) in order that the Minister may make the determination set out in subsection 94(4).

Oversight by Director General

(5) Subject to the general direction of the *Commission scolaire francophone*, the Director General shall oversee and control the conduct of work of the teachers, principals

and vice-principals employed in schools and classrooms under the jurisdiction of the *Commission scolaire francophone* and section 4.1 of the *Public Service Act* does not apply with respect to such teachers, principals and vice-principals.

Non-application of certain provisions in Part 11, principals and vice-principals

(6) Section 107, subsections 108(3) to (7) and sections 117 and 118 do not apply to the *Commission scolaire francophone* or to principals and vice-principals under its jurisdiction.

Who can dismiss under section 108

(7) A dismissal under section 108 shall be made by the Director General.

Appraisal of principals and vice-principals

(8) The *Commission scolaire francophone* shall ensure that the overall performance of a principal and vice-principal under its jurisdiction is appraised by the Director General at least once in each school year during the period in which the principal or vice-principal may be dismissed under section 108 and in the final year of the contract of the principal or vice-principal.

Same

(9) In relation to a principal or vice-principal under the jurisdiction of the *Commission scolaire francophone*, the reference, in section 106, to a performance appraisal under section 117 shall be deemed to be a reference to a performance appraisal under subsection (8).

Role of Director General in employment matters re: other employees

**179.** (1) Subject to such terms and conditions as the Minister responsible for the administration of this Act may direct, the powers, functions and duties of the Minister responsible for the administration of the *Public Service Act* and of a Deputy Minister or deputy head under subsection 3(1) and sections 4, 5, 16 to 21, 25 to 34 and 37 of the *Public Service Act* and the regulations made in relation to those provisions shall be deemed to have been delegated to the Director General with respect to positions in the public service that are under the direction of the Director General.

Oversight by Director General

(2) Subject to the general direction of the *Commission scolaire francophone*, the Director General shall oversee and control the conduct of work of employees under the direction of the Director General and section 4.1 of the *Public Service Act* does not apply with respect to such employees.

Non-application to teachers

(3) Subsections (1) and (2) do not apply to teachers, including principals and vice-principals.

Limitations

(4) The delegation of powers, functions and duties under subsection (1) does not include the powers, functions and duties of the Minister under section 29 of the *Public*

*Service Act* in relation to appeals and in applying subsections 29(2) to (6) of that Act to the employees described in subsection (1), a reference to the Minister shall be deemed to be a reference to the Minister responsible for the administration of this Act.

### Promotion of Language and Culture

#### Promotion of language and culture

**180.** Teachers, including principals and vice-principals, in schools or classrooms under the jurisdiction of the *Commission scolaire francophone* shall promote fluency in the French language and knowledge of Francophone culture.

### Regulations

#### Regulations

**181.** The Commissioner in Executive Council may make regulations

- (a) respecting the election of the members of the *Commission scolaire francophone*;
- (b) providing for the election of members from different electoral districts to the *Commission scolaire francophone*;
- (c) modifying the *Local Authorities Elections Act* as it applies to the election of members of the *Commission scolaire francophone*;
- (d) specifying the respective powers and duties of the *Commission scolaire francophone* and the district education authority where the *Commission* is providing instruction in the French language in classrooms in a school that is under the jurisdiction of a district education authority and governing how those powers and duties should be exercised, including requiring them to be exercised jointly;
- (e) providing for additional members to be chosen under subsection 174(6), to sit as voting members of a district education authority if warranted by the proportion of the number of students to whom the *Commission scolaire francophone* provides instruction in classrooms in the school or schools under the jurisdiction of the district education authority to the number of other students in such schools;
- (f) respecting the amount of the remuneration and expenses payable to members of the *Commission scolaire francophone*.

## PART 14

### FINANCIAL MATTERS

#### Financial year

**182.** (1) Subject to subsection (2), the financial year of a district education authority is the school year.

Same

(2) Subject to the regulations, a district education authority may adopt the financial year of the Government of Nunavut as its financial year.

Same

(3) Subject to the regulations, a district education authority that has adopted the financial year of the Government of Nunavut as its financial year may readopt the school year as its financial year.

Operating budget

**183.** (1) The operating budget of a district education authority submitted under section 92 of the *Financial Administration Act* shall set out its proposed expenditures for carrying out its functions and duties under this Act, including the proposed expenditures for

- (a) supplies for the schools, including books for the library and teaching resources;
- (b) regular maintenance of the schools, other than repairs;
- (c) regular maintenance of vehicles, other than repairs.

Same

(2) The operating budget of a district education authority shall not include any amounts for

- (a) salaries, benefits and other expenses relating to the employment of members of the public service;
- (b) repairs to the school facilities or vehicles;
- (c) the cost of utilities at the schools;
- (d) the cost of insurance; other than the cost of any insurance required by section 143; or
- (e) capital expenditures.

Duty to comply with regulations

(3) A district education authority shall prepare its operating budget in conformity with the regulations.

Determination of amounts available

(4) The Commissioner in Executive Council may, by regulation, set out or provide for the determination of amounts that may be made available to a district education authority under its operating budget for a financial year.

Considerations

(5) In recommending a regulation referred to in subsection (4), the Minister shall consider the long-term planning done with the assistance of the DEA Coalition under paragraph 190(c).

**(6) Deleted. 2<sup>nd</sup> Legislative Assembly, September 11, 2008.**

#### Capital expenditures

(7) At the time of preparing its operating budget, a district education authority shall consider what, if any, capital expenditures are advisable in the opinion of the district education authority in respect of its schools and it shall advise the Minister in writing of those expenditures before or at the same time as it submits its operating budget under section 92 of the *Financial Administration Act*.

#### Maintenance plans

(8) A principal shall develop plans for the maintenance, replacement and purchase of school equipment and provide those plans to the district education authority and the Minister to assist them in preparing their budgets.

#### Grants and contributions

**184.** (1) The Minister shall provide a district education authority with the amounts provided for in its operating budget, by way of grants or contributions, or a combination of grants and contributions.

#### Additional grants and contributions

(2) The Minister may provide a district education authority with additional grants or contributions.

#### Restriction on payments

(3) Subsection (1) applies only if the operating budget is approved after being submitted under section 92 of the *Financial Administration Act*.

#### Same

(4) Neither subsection (1) nor (2) authorizes the payment of any amount for which there is no appropriation or other authority to pay the amount from the Consolidated Revenue Fund.

#### Effect of non-compliance

(5) The Minister may reduce or suspend the payment of a grant or contribution if the district education authority has not complied with a requirement under this Act or the *Financial Administration Act*.

#### Allocation of funds

**185.** (1) Subject to subsection (2) and the regulations, the amounts provided to a district education authority by the Government of Nunavut in respect of the approved budget of the district education authority may be allocated or re-allocated by the district education authority in such manner as it considers appropriate in fulfilling its functions and duties under this Act.

#### Exception

(2) Subsection (1) does not apply to a grant or contribution that is provided by the Government of Nunavut for a specific purpose.

Bank accounts

**186.** A district education authority shall hold all funds under its control in an account or accounts in a bank and may only withdraw those funds in accordance with the regulations.

Directions re: financial activities

**187.** (1) The Minister may give directions concerning the financial management and financial administration of a district education authority.

Same

(2) A direction under subsection (1) must be consistent with the *Financial Administration Act* and any directives issued under section 78 of that Act.

Audits

**188.** (1) The accounts of a district education authority shall be audited annually in accordance with Part IX of the *Financial Administration Act*.

Additional examinations

(2) In addition to the annual audit referred to in subsection (1), the Minister may require additional examinations and reports to be made by the auditor in respect of such matters, financial or otherwise, related to a district education authority as the Minister may determine.

Powers of auditor re: subs. (2)

(3) An auditor acting under subsection (2) has the powers of an auditor under Part IX of the *Financial Administration Act*.

Regulations

**189.** The Commissioner in Executive Council may make regulations

- (a) governing the adoption of a financial year by a district education authority, including modifying the application of this Act or the *Financial Administration Act* in respect of a district education authority that changes its financial year;
- (b) clarifying the application of subsections 183(1) and (2); and
- (c) specifying items that shall be included or shall not be included in the operating budget of a district education authority in addition to the examples given in subsections 183(1) and (2);
- (d) prescribing the contents and format of the operating budget;
- (e) governing the withdrawal of funds from a bank account of a district education authority;
- (f) respecting funding formulas and limitations in respect of money to be made available to district education authorities by the Government of Nunavut.

PART 15

DEA COALITION

Role of DEA Coalition

**190.** The Minister shall ensure that

- (a) a representative from the DEA Coalition is included in each hiring panel used for the hiring of senior regional staff of the department;
- (b) the DEA Coalition is given the opportunity, on an on-going basis, to review the funding process for district education authorities and to provide recommendations on the process to the Minister; and
- (c) staff of the department meet with the DEA Coalition annually to assist the Minister in long-term planning for the public education system in Nunavut.

Funding

**191.** The Minister shall provide the DEA Coalition with amounts, determined by the Minister in consultation with the Coalition,

- (a) to fund two staff positions, including the cost of office space, furnishings, equipment and supplies;
- (b) to pay for the travel and accommodation costs necessary for any meetings with staff of the department under paragraph 190(c); and
- (c) to pay the costs of annual meetings of the members of the DEA Coalition, including the travel and accommodation costs for one representative from each district education authority that is a member.

Reports on spending

**192.** The Minister may require, as a condition of providing amounts under section 191, that the DEA Coalition provide a report accounting for the use of such amounts.

**193. Deleted. 2<sup>nd</sup> Legislative Assembly, September 11, 2008.**

**194. Deleted. 2<sup>nd</sup> Legislative Assembly, September 11, 2008.**

**195. Deleted. 2<sup>nd</sup> Legislative Assembly, September 11, 2008.**

**196. Deleted. 2<sup>nd</sup> Legislative Assembly, September 11, 2008.**

PART 16

MISCELLANEOUS

Ratepayer Established Schools

*Nunavut Act*, paragraph 23(1)(m), schools established by ratepayers

**197.** (1) A majority of the ratepayers of any part of Nunavut, by whatever name called, may establish such schools in that part as they think fit and make the necessary assessment and collection of rates for those schools.

Separate schools

(2) The minority of the ratepayers in any part of Nunavut, whether Protestant or Roman Catholic, may establish separate schools in that part and, if they do so, they are liable only to assessments of such rates as they impose on themselves in respect of those separate schools.

Petition and referendum

(3) A school shall not be established under this section except after a petition to do so has been received by the Minister and a referendum has been held to determine if the ratepayers referred to in subsection (1) or (2), as the case may be, are in favour of establishing the school.

Role of Minister

(4) The Minister, on receiving a petition to establish a school under this section, shall take such steps as he or she considers necessary or advisable for the conduct of the referendum and, if the majority of eligible ratepayers vote in favour of establishing the school the Minister shall take such steps as he or she considers necessary or advisable for that purpose.

Regulations

(5) For the purposes of this section, the Commissioner in Executive Council may make such regulations as are considered necessary or advisable for the conduct of a referendum and for the establishment of a school, including making regulations in respect of the extent to which this Act will apply to the school, governing the assessment of rates and the collection of those rates and modifying how this Act and the regulations apply with respect to the school.

Definition, "ratepayer"

(6) In this section, "ratepayer" means a ratepayer as defined in the *Cities, Towns and Villages Act*.

## Information and Privacy

### Schools part of department

**198.** For the purposes of the *Access to Information and Protection of Privacy Act*, a school and its operations shall be deemed to be part of the department.

### Indirect collection of information

**199.** For the purposes of carrying out his or her duties, a member of a school staff may collect personal information relating to a student from persons other than the student.

## Tuition Fees

### Tuition fees

**200.** (1) Subject to this section and the regulations, a district education authority may set and charge tuition fees in respect of students who are not entitled under section 2 to attend a school.

### Limitation

(2) The following apply to the charging of tuitions fees, by a district education authority, in respect of a student who is 21 years of age or older on December 31 of the school year:

- (a) the district education authority shall not charge tuition fees if the student was registered in a school under its jurisdiction at the end of the preceding school year and the student was not required to pay tuition fees in that preceding school year; and
- (b) before charging tuition fees, the district education authority shall explore ways, other than tuition fees, to fund the student's education.

### Tuition for those not resident in education district

(3) A district education authority that allows a student to register in a school under its jurisdiction under section 32 who would otherwise be required to register in a school in another education district may charge a tuition fee set by the Minister in respect of such students.

### Other programs

(4) A district education authority may charge a fee fixed by it for any program provided under sections 17 and 18.

### Regulations

(5) The Commissioner in Executive Council may make regulations governing tuition fees and specifying circumstance in which tuition fees may not be charged.

### Further restriction, home schooling

(6) Tuition fees shall not be charged for a student in a home schooling program.

## Learning Materials

### Learning materials, fees prohibited

**200.1.** (1) The Minister, the district education authorities and school staff shall not charge a student any fee for learning materials provided to the student.

### Exception

(2) Subsection (1) does not prevent a district education authority or school staff, with the approval of the district education authority, from charging for learning materials that are not required for the education program.

## Disturbance on School Premises

### Disturbances on school premises

**201.** (1) A teacher may exclude from the school premises any individual who creates or attempts to create a disturbance on the school premises while the school premises are being used for school purposes.

### Notification of police

(2) If a teacher attempts to exclude an individual from the school premises under subsection (1) and the individual refuses to leave the school premises or returns to the school premises during the period that he or she is excluded, the teacher shall promptly notify a member of the Royal Canadian Mounted Police.

### Notification of principal

(3) If a teacher excludes an individual from the school premises under subsection (1) or gives a notification under subsection (2), the teacher shall immediately inform the principal.

## Private Schools

### Registration of private school

**202.** (1) On application by a person who proposes to operate a private school, the Minister may register the private school if he or she is satisfied that it will be operated in accordance with this Act and the regulations.

### Operating requirements

- (2) The operator of a private school shall
- (a) ensure that the school follows a curriculum approved by the Minister;
  - (b) ensure that standards of student achievement acceptable to the Minister are met;
  - (c) permit regular evaluation and monitoring as determined by the Minister;
  - (d) ensure that applicable health, safety and building standards are met;

- (e) ensure that the requirements set out in the regulations in respect of private schools are met; and
- (f) comply with the directions of the Minister.

#### Cancellation and suspension of registration

(3) The Minister may cancel or suspend the registration of a private school if the operator does not comply with this Act or the regulations.

#### Regulations

(4) The Commissioner in Executive Council may make regulations governing private schools and without limiting the generality of the foregoing, the Commissioner in Executive Council may make regulations

- (a) respecting the extent to which this Act will apply to private schools and to the operators and staff of private schools and modifying how this Act and the regulations apply with respect to private schools and their operators and staff; and
- (b) governing the registration of private schools and applications for registration, including fees to be charged.

#### Minister's directions

(5) The Minister may give the operator of a private school such directions in respect to the operation of the private school as he or she considers necessary or advisable and the operator shall follow the directions.

### Review of Act

#### Review of Act

**202.1.** (1) Commencing in the third school year after this section comes into force or such earlier time after this section comes into force as the Legislative Assembly may direct and every five years thereafter, the Legislative Assembly or a committee of the Legislative Assembly shall review the provisions and operation of this Act.

#### Scope of review

(2) The review shall include an examination of the administration and implementation of this Act, the effectiveness of its provisions and the achievement of its objectives and may include recommendations for changes to this Act.

### Regulations

#### General regulation-making power

**203.** (1) The Commissioner in Executive Council may make regulations for carrying out the purposes and provisions of this Act.

#### Illustrations of regulation-making power

(2) Without restricting the generality of subsection (1), the Commissioner in Executive Council may make regulations,

- (a) respecting any matter that under this Act is to be done in accordance with or as provided by the regulations or that shall or may be done subject to the regulations;
- (b) providing for such transitional matters as are considered necessary or advisable in connection with the implementation of this Act;
- (c) requiring district education authorities and principals to develop long-term plans and governing such plans and the process for developing them;
- (d) governing education in sign language;
- (e) respecting the resolution of disagreements related to a decision made in respect of a student or the failure to make such a decision in cases where no other dispute resolution process is provided under this Act, including setting out the procedures to be followed;
- (f) providing for identifying numbers to be assigned to students and governing the use of such numbers.

Transitional regulations

(3) A regulation under paragraph (2)(b) may provide that it applies despite this or any other Act.

Consultation regarding regulations

**203.1.** (1) Before a new regulation is made under this Act, the Minister shall consult with the persons and organizations listed in the register established under subsection (4), the DEA Coalition and the district education authorities regarding

- (a) the proposed contents of the regulation; and
- (b) a draft of the regulation.

Same

(2) Before an amending regulation is made under this Act, the Minister shall consult with the persons and organizations listed in the register established under subsection (4), the DEA Coalition and the district education authorities regarding

- (a) the proposed amendments; and
- (b) a draft of the amending regulation.

Same

(3) The Minister may consult with such other persons as he or she considers appropriate.

Consultation register

(4) The Minister shall, in accordance with the regulations, establish and maintain a register of persons and organizations that wish to be consulted on proposed regulations.

Adding name to register

(5) On the request of a person or organization, the Minister shall place the name and contact information of the person or organization in the register established under subsection (4).

Subsequent Amendment to Act

**204. (1) If Bill 7, entitled the *Inuit Language Protection Act*, which was introduced in the Fourth Session of the Second Legislative Assembly of Nunavut is enacted,**

- (a) **the definition of "Inuit Language" in subsection 3(1) of this Act is repealed and the following substituted:**

"Inuit Language" means the Inuit Language as defined in the *Inuit Language Protection Act*; (*langue inuit*)

- (b) **subsection 3(4) of this Act is repealed; and**
- (c) **subsection 25(1) of this Act is amended by striking out "this Act" and substituting "this Act, the *Inuit Language Protection Act*".**

**(2) This section comes into force on the later of the day this Act is assented to and the day the *Inuit Language Protection Act* is assented to.**

*Universities and Degree-Granting Institutions Act*

**205. The *Universities and Degree-Granting Institutions Act* set out in the Schedule is enacted.**

**PART 17**

**REPEALS AND COMING INTO FORCE**

**206. The *Education Act*, S.N.W.T. 1995, c. 28, as duplicated for Nunavut by section 29 of the *Nunavut Act* (Canada), is repealed.**

**207. The *Divisional Education Councils Dissolution Act*, S.Nu. 1999, c.4, is repealed.**

**208. Subject to subsection 204(2), this Act or any portion of this Act comes into force on a day or days to be fixed by order of the Commissioner.**

SCHEDULE

**UNIVERSITIES AND DEGREE-GRANTING INSTITUTIONS ACT**

Definition

**1.** In this Act, "university" means a university or degree-granting institution, by whatever name, or an institution purporting to be a university or purporting to grant degrees.

Establishment in Nunavut

**2.** A university may be established or created in Nunavut only under the express authority of an Act.

Operation in Nunavut

**3.** (1) A university established outside Nunavut may operate as a university in Nunavut only with the written authorization of the Minister.

Saving

(2) A university is not operating in Nunavut only by reason of the fact it provides distance learning programs by mail or by electronic means from outside Nunavut to persons in Nunavut.