











September 11, 2019

Hon. Joe Savikataaq, Premier of Nunavut  
Government of Nunavut  
Iqaluit, NU X0A 0H0

Hon. John Main, Chairperson, Standing Committee on Legislation  
Government of Nunavut  
Iqaluit, NU X0A 0H0

Hon. David Joanasi, Minister of Education  
Government of Nunavut  
Iqaluit, NU X0A 0H0

Members of the Nunavut Legislative Assembly  
Iqaluit, NU X0A 0H0

Dear Colleagues,

**re: Bill 25 and a new *Draft Nunavut Inuit Education Fundamental Reform Act***

I am writing on behalf of Nunavut Tunngavik Inc to provide a response to the Standing Committee on Legislation's invitation to provide a submission on Bill 25. This response is submitted following engagement with the Qikiqtani Inuit Association, Kivalliq Inuit Association and Kitikmeot Inuit Association (the Inuit Organizations), and should be understood as our joint response to the Standing Committee on Legislation's invitation to provide a submission on Bill 25. Other considerations may be brought forward in future engagements on Bill 25.

On April 20, 2017, the Inuit Organizations wrote to then-Premier Peter Taptuna and the Standing Committee to urge that Bill 37 be withdrawn and fundamentally rewritten, in partnership with the Inuit Organizations, in accordance with Article 32 of the *Nunavut Agreement*. I attach a copy of that letter.

Bill 37 was withdrawn, but it was not rewritten. The Inuit Organizations were not invited to work in partnership with the GN in accordance with Article 32 on a fundamental rewrite. Instead, two years later, the Government has tabled Bill 25. Except for minor changes, Bill 25 is identical to Bill 37.

There is an Inuit education crisis in Nunavut. The public rightly expects more than the same band-aide solutions put forward in Bill 37. We urge the Government to withdraw Bill 25, and, failing that, the Standing Committee to either withhold further consideration of its contents or to confine its report to underscoring its inadequacy. Our analysis of the Bill's deficiencies remains the same as in April 2017, and we encourage you all to review the attached letter closely.

We also attach, for your consideration, the draft of a new bill that NTI has developed: the *Nunavut Inuit Education Fundamental Reform Act (NIEFRA)*. We believe the draft *NIEFRA* contains all of the necessary elements to address the crisis in Inuit education in Nunavut. Among other things, the *NIEFRA* provides solutions in three important areas: governance, language of instruction (LOI) and inclusive education.

## Governance

As you know, the Legislative Assembly delegated the Special Committee to Review the Education Act in 2014. In November 2015, the Special Committee delivered its Final Report, with 23 recommendations to improve the education system in Nunavut (“the Special Committee’s Recommendations”). Many of the Special Committee’s Recommendations included references to “clarifying roles and responsibilities.”

In January 2016, the Department of Education provided its responses to the Special Committee’s Recommendations and thereafter unilaterally developed its Policy Intentions Document to consult with Nunavummiut on its proposals for amendments to the Education Act, without being further accountable to the Special Committee’s Recommendations. The Department’s proposed amendments resulted in Bill 37, which was ultimately withdrawn in 2017. Notwithstanding this clear message and the need to go back to the Standing Committee’s Recommendations, the Department has persisted in the same approach with Bill 25, again without regard to the Special Committee’s recommendations, in particular, those related to “clarifying roles and responsibilities.”

It is our hope that you review the draft *Nunavut Inuit Education Fundamental Reform Act* as NTI’s proposal for an alternative solution to improving the education system, **in response to the Special Committee’s Recommendations.**

In that regard, what is rarely discussed or analyzed is the Minister’s reluctance to establish standards, and clear and transparent directives. This contributes directly to the lack of clarity in the roles of the Minister, District Education Authorities (DEAs), the Coalition of Nunavut District Education Authorities, educators, students and parents, resulting in confusion and ultimately an ineffective education system.

Much of the focus of Bill 37 -- and now Bill 25 -- is on a one-sided emphasis on DEAs’ lack of capacity. Consequently, both these bills propose to reduce DEA authorities and allow the Minister to take over and deliver a standardized education system. What this “solution” fails to recognize is that the education system is not failing because DEAs lack capacity to deliver education. It is failing, among other reasons, because: (i) DEAs are not adequately funded and trained to fulfill what are their proper powers and duties, and (ii) the Minister and Department are not being held to the same standard of accountability as are the DEAs. For example, the Department has not delivered on its authority in the important areas of curriculum and Inuktitut Language of Instruction: the Department failed to provide Inuktitut Language of Instruction, yet it proposes that it be allowed to try again -- until 2039 -- without much by way of accountability. Yet it is proposed that DEAs budgets be reduced and their authorities removed.

NTI maintains that centralizing more authority in a Department that has failed to deliver over the past 20 years is not the solution. NTI’s proposal is for an alternative solution: that the DEAs are properly funded, retain their authorities and be given equal weight as the Minister to make directions to Regional School Operations, Curriculum and School Services and Inclusive Education Division when exercising their authorities, and that the Minister establishes **clear standards and issues clear directives** to assist the DEAs to effectively deliver education.

## Language of Instruction

Bill 25’s stunning approach to Inuktitut Language of Instruction in Nunavut schools is to remove Inuktitut Language of Instruction timeline requirements all together, and instead insert that an Inuktitut Language Arts program or course be delivered in all grades by 2039. Rather than reducing Inuktitut to a language arts program (which will not make anyone fluent in Inuktitut), NTI believes that a realistic timetable for delivery of effective Inuktitut Language of Instruction should be developed through the following approach:

1. completion of an Article 23-compliant Department of Education Inuit Employment Plan (EDU IEP), with detailed timelines and targets for Inuit educator training, which will include training to teach in Inuktut and development of Inuktut resources; and
2. timelines for Inuktut LOI at all grade levels and in all schools, based on the EDU IEP timelines for Inuit educator training and Inuktut resource development.

We believe that this approach is sensible, realistic and does not sacrifice Inuktut LOI, as does Bill 25. It is embedded in the Draft NIEFRA.

In addition, with the above approach to governance, DEAs will also have the confidence to promote Inuktut Language of Instruction and curriculum, and ensure progress on the implementation of Inuktut Language of Instruction and curriculum reflective of Inuit culture and language.

### **Inclusive Education**

The Department needs to recognize that, although statistics are not readily available, special needs students likely make up a significant majority of Nunavut students. For that reason alone, more attention needs to be paid to delivering them an education equivalent to other students.

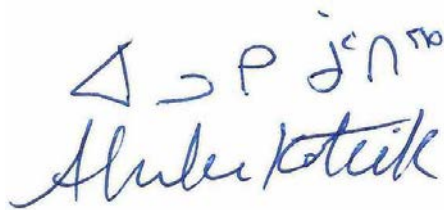
The Draft NIEFRA contains the necessary elements to accomplish this, in a nutshell: sufficient means for diagnosis of special needs within Nunavut, adequate supports and adjustments, educator training, student assessments and record-keeping.

In closing, we urge the Government to review and table the attached *NIEFRA* bill forthwith. We are willing, and keen, to work in partnership with the Government and Legislative Assembly to refine the draft bill as may be needed.

Alternatively, if the Government chooses not to respond positively to the draft *NIEFRA*, we urge other Members of the Legislative Assembly to join together to bring about the tabling and review of the draft NIEFRA as a private members' bill. We would be happy to work in partnership with any member or group of members who wish to take this route and are interested in discussing it further.

We look forward to hearing from you.

Sincerely,



Aluki Kotierk, President, NTI

cc: Jedidah Merkosak, Chairperson, Coalition of Nunavut District Education Authorities  
Pauloosie (PJ) Akeegok, President, Qikiqtani Inuit Association  
David Ningeongan, President, Kivalliq Inuit Association  
Stanley Anablak, President, Kitikmeot Inuit Association

Attachments: April 20, 2017 letter  
*Draft Nunavut Inuit Education Fundamental Reform Act*

DRAFT – August 22, 2019

BILL \_\_

## **THE NUNAVUT INUIT EDUCATION FUNDAMENTAL REFORM ACT**

Recognizing that Inuit have the right to self-determination and the right to self-government in matters relating to education;

Recalling, as stated in the *Education Act*, the establishment of Nunavut in 1999 as a result of Article 4 of the *Nunavut Agreement*, and reaffirming the remedial objectives, obligations and guidance expressed by the *Nunavut 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 Agreement* in a timely, collaborative and accountable manner, consistent with its terms, conditions, spirit and intent;

Agreeing that culturally appropriate Inuktitut Language education is at the heart of Inuit self-determination and self-government aspirations, reflected in Articles 4, 23 and 32 of the *Nunavut Agreement*;

Recognizing the aspirations of Inuit to have an Inuktitut-speaking government and territory as reflected in the Nunavut Agreement to create the Nunavut territory and government, in the *Official Languages Act*, and in the *Inuit Language Protection Act*;

Observing that Government has an obligation under Article 32 of the *Nunavut Agreement* to design and deliver programs and services that reflect the goals and objectives of Inuit, and that Nunavut and Canada are the government parties obliged to implement and give effect to the rights of Inuit;

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

### **INTERPRETATION**

#### **Purposes**

1. The purposes of this Act are
  - (a) to ensure that Inuit control the education of their children, consistent with their Indigenous, constitutional and human rights;

- (b) to ensure that Inuit parents are enabled to exercise the right to Inuktitut Language of Instruction education for their children, equal to standards in southern Canada and rooted in Inuit Qaujimajatuqangit;
- (c) to ensure that Inuit children receive an education allowing them to graduate from high school fully bilingual in Inuktitut and English (or French), by ensuring that Inuktitut is the primary Language of Instruction from early childhood to Kindergarten through Grade 12;
- (d) to achieve the most ambitious targets realizable for the delivery of Inuktitut as the primary Language of Instruction from early childhood to Kindergarten through Grade 12 in Nunavut schools;
- (e) to achieve an effective and fully-implemented Department of Education Inuit Employment Plan to increase the level of Inuit educators and officials to a representative level, and to increase the capacity of Inuit educators to deliver Inuktitut Language of Instruction in all subjects and at all grade levels;
- (f) to achieve effective local decision-making over education by District Education Authorities, represented by the Coalition of Nunavut District Education Authorities, with authority equivalent to school boards in other parts of Canada, and able to support parents and make important decisions on education;
- (g) to clarify the roles and responsibilities of District Education Authorities, the Coalition of Nunavut District Education Authorities and the Department of Education;
- (h) to require the establishment of standards to provide direction to District Education Authorities and the Coalition of Nunavut District Education Authorities on the delivery of education;
- (i) to enable District Education Authorities and the Coalition of Nunavut District Education Authorities to direct the development and use of Inuktitut curriculum, resources and materials; and
- (j) to ensure that Nunavut children with special needs are able to exercise their right to an education equivalent to other children, with proper diagnosis of special needs within Nunavut, provision of necessary adjustments and supports, and their progress measured and made available to parents, teachers and educational professionals.

## **Definitions**

2. In this Act, a term or phrase defined in the Education Act and used in the same context shall have the meaning set forth in the Education Act.

3. In this Act,

“curriculum division” means the Department of Education division or other entity responsible for the development of curriculum in Nunavut schools;

“Department” means the Department of Education;

“inclusive education” means the provision of diagnostic services, adjustments and supports to special needs students;

“Inclusive Education Division” means the division to be established pursuant to subsection 19(2);

“Inuit Employment Plan” means an Inuit Employment Plan as defined in Article 23 of the *Nunavut Agreement*;

“Language of Instruction” means the language used in the teaching of courses and subject matter;

“May 2015 Settlement Agreement” means the Agreement entered into on May 4, 2015 among Her Majesty the Queen in Right of Canada, the Government of Nunavut, and the Inuit of Nunavut as represented by Nunavut Tunngavik Inc., entitled “*Moving Forward in Nunavut: An Agreement Relating to Settlement of Litigation and Certain Implementation Matters*”;

“Minister” means the Minister of Education;

“*Nunavut Agreement*” means the 1993 Agreement between Her Majesty the Queen in Right of Canada and the Inuit of the Nunavut Settlement Area;

“Pre-employment Training Plan” means a pre-employment training plan as described in Part 5 of Article 23 of the *Nunavut Agreement*; and

“Regional School Operations” means the three Regional School Operations established by the Government of Nunavut within the Department of Education in each of the Qikiqtani, Kivalliq and Kitikmeot regions.

### **Rights of Inuit**

4. This Act is to be construed as upholding the rights of Inuit recognized and affirmed by section 35 of the *Constitution Act, 1982*, and not as abrogating or derogating from them.

5. The Government of Nunavut recognizes that the rights of Inuit recognized and affirmed by section 35 of the *Constitution Act, 1982*, and affirmed in the *United Nations Declaration on the Rights of Indigenous Peoples*, include the right to establish and control their educational systems and institutions providing education in their own language, in a manner appropriate to their cultural methods of teaching and learning.

6. The combined rights, powers and authorities of the Coalition of Nunavut District Education Authorities and Nunavut District Authorities as described in this Act shall be equal to or greater than those of the Commission scolaire francophone under the *Education Act*.

### **Inconsistency or Conflict**

7. In the event of any inconsistency or conflict between this Act and a provision of the *Education Act*, this Act prevails to the extent of the inconsistency or conflict.

## FUNDAMENTAL PRINCIPLES

### **Article 32: Inuit Participation**

8. The Minister shall ensure that Inuit goals and objectives are reflected in education policy, programs and services in accordance with subsection 32.2.1(b) of the *Nunavut Agreement*.

9. In pursuit of fulfilment of Article 32 of the *Nunavut Agreement* and section 121 of the *Education Act*, the Minister shall work with Nunavut Tunngavik Inc. on a partnership basis, and shall invite the participation of other Inuit persons and organizations as appropriate, to fulfil the purposes and specific obligations of this Act.

### **Inuit Qaujimajatuqangit**

10. (1) Inuit Qaujimajatuqangit, including Inuktut and Inuit cultural teachings, shall be embedded into the curriculum, materials and resources used by Nunavut schools in early childhood education and in each grade from Kindergarten through Grade 12.

(2) The Minister shall work in partnership with Nunavut Tunngavik Inc., and closely with District Education Authorities and the Coalition of Nunavut District Education Authorities to ensure that subsection (1) is fully implemented.

## GOVERNANCE

### **Coalition of Nunavut District Education Authorities**

11. (1) The Coalition of Nunavut District Education Authorities shall represent the education districts.

(2) Every education district shall be a member of the Coalition of Nunavut District Education Authorities.

12. (1) The Coalition of Nunavut District Education Authorities has the powers and duties conferred on it by the *Societies Act*, and by this Act, the *Education Act*, and the regulations.

(2) The Minister shall work in partnership with Nunavut Tunngavik Inc. and the Coalition of Nunavut District Education Authorities to propose amendments to the *Education Act* and regulations to confer additional powers and duties that enable the Coalition of Nunavut District Education Authorities to provide adequate support and guidance to District Education Authorities to deliver education in accordance with the purposes of this Act.

13. The Minister shall ensure that the Coalition of Nunavut District Education Authorities has the capacity to exercise its powers and duties under subsection (2), and shall provide the

Coalition of Nunavut District Education Authorities with all necessary training and support required for the carrying out of its powers and duties.

### **District Education Authorities**

14. District Education Authorities shall have the powers and duties conferred on it by this Act, the *Education Act* and the regulations.

15. (1) The Minister shall establish standards to assist District Education Authorities in the performance of their powers and duties, and shall provide District Education Authorities with all necessary training and support required for the carrying out of their powers and duties.

(2) The Minister shall ensure the provision to District Education Authorities of the training and support required to enhance their capacity over time to take on increasing powers and duties, including, without limitation, in the following areas:

- (a) the hiring and supervising of superintendents, principals, teachers and other educators;
- (b) the education program;
- (c) curriculum;
- (d) inclusive education;
- (e) promotion decisions;
- (f) student assessment; and
- (g) student achievement outcomes.

(3) The Minister shall enhance the District Education Authorities' powers and duties over time through regulations, commensurate with their increased capacity in accordance with subsection (2).

(4) Regulations made under subsection (3) shall fully integrate District Education Authorities' powers and duties with their existing authorities, and with the organizational structure of the Department of Education, Regional School Operations, superintendents of Regional School Operations, the Inclusive Education Division, and Department of Education divisions or other entities with responsibility for curriculum, educator training and orientation.

16. The Minister shall work in partnership with Nunavut Tunngavik Inc., and closely with District Education Authorities and the Coalition of Nunavut District Education Authorities, to develop the regulations and standards under sections 14 and 15 and to ensure that those sections are fully implemented.

### **Local Control of Education**

17. (1) Section 149 of the *Education Act* on Structured Dialogues is repealed.

(2) The Minister shall work in partnership with Nunavut Tunngavik Inc., the Coalition of Nunavut District Education Authorities and District Education Authorities to propose

amendments to the *Education Act* to replace section 149 of the *Education Act* with provisions that:

- (a) ensure accountability and alignment of authorities among the Minister of Education, the Coalition of Nunavut District Education Authorities and District Education Authorities;
- (b) contain an itemized list of shared powers and duties among the Minister of Education, the Coalition of Nunavut District Education Authorities and District Education Authorities, and clear connections between the exercise of powers and duties of each and the accountability and reporting requirements of each; and
- (c) reflect equality of status among the Minister, the Coalition of Nunavut District Education Authorities, and District Education Authorities in the carrying out of their powers and duties in relation to providing direction and supervision to Regional School Operations.

18. District Education Authorities and the Coalition of Nunavut District Education Authorities shall direct and supervise Regional School Operations, superintendents of Regional School Operations and the Inclusive Education Division in relation to all their powers and duties, including, without limitation, those related to:

- (a) day-to-day operation of schools;
- (b) Inuktitut Language of Instruction;
- (c) the language qualifications, hiring and supervision of superintendents, principals, teachers and other educators;
- (d) implementation of registration, attendance, Inuuqatigiitsiarniq and discipline policies;
- (e) implementation of instructional hours and school calendars;
- (f) promotion decisions, student assessments and student achievement outcomes;
- (g) delivery of the educational program, including inclusive education; and
- (h) any other direction necessary to allow effective delivery of education.

### **Curriculum Development**

19. (1) District Education Authorities and the Coalition of Nunavut District Education Authorities shall direct Department of Education divisions or other entities with responsibility for curriculum on:

- (a) Inuktitut Language of Instruction and Inuit cultural content in the curriculum;
- (b) curriculum standards that take into account Inuit Language dialects, phonology and morphology;
- (c) the development and use of Inuktitut language and Inuit cultural resources, materials, teaching guides and tools;
- (d) teacher in-service sessions on Inuktitut language and Inuit cultural curriculum, resources, materials, teaching guides and tools for each community and school; and
- (e) annual teacher orientation sessions on Inuktitut language and Inuit cultural curriculum, resources, materials, teaching guides and tools.

(2) The Minister shall collaborate with District Education Authorities and the Coalition of Nunavut District Education Authorities to ensure that Inuktitut Language of Instruction and Inuit cultural content in the curriculum, resources, materials, teaching guides and tools, is developed with the assistance of Inuit educators, elders and District Education Authorities, and delivered in Nunavut schools in all grades.

## LANGUAGE OF INSTRUCTION

### **Inuktitut Language of Instruction**

20. The Minister shall work in partnership with Nunavut Tunngavik Inc. to make Inuktitut the main Language of Instruction in early childhood programs and Kindergarten through Grade 12, in all classes and subjects, in a practical and ambitious timeframe, through the process described in sections 20 through 24, to ensure the graduation of students proficient in both Inuktitut and one or more of English/French.

## INUIT EMPLOYMENT PLAN

### **Department of Education Inuit Employment Plan**

21. (1) The Minister shall, on a priority basis, in cooperation with Nunavut Tunngavik Inc., develop and implement a Department of Education Inuit Employment Plan and Pre-employment Training Plan that:

- (a) is sufficient to meet and maintain, on a practical and ambitious timetable, the objective of representative Inuit employment, and the short and medium term goals, for all occupational levels and groupings within the Department of Education; and
- (b) is based, in part, on a determination of the number of Inuktitut-speaking educators required for the provision of Inuktitut Language of Instruction from Kindergarten through Grade 12 on a practical and ambitious timetable.

(2) Training included in the Plans developed under subsection (1) shall include Inuktitut language training sufficient to increase the numbers of Inuktitut-speaking educators in Nunavut schools to a representative level on a practical and ambitious timetable.

(3) The Minister shall include in the Plans developed under subsection (1) all the elements identified in paragraphs 25(b) through (e) of the May 2015 Settlement Agreement and sections 23.4.1 and 23.4.2 and Part 5 of the Nunavut Agreement, including all the measures identified in subsections 23.4.2(d)(i)-(x), and any others required to meet and maintain the overall objective of representative Inuit employment, and the associated short and medium term goals of the Department of Education Inuit Employment Plan.

22. Without limiting implementation responsibilities under this Act, the Minister shall seek funding from available sources for the training initiatives, and otherwise facilitate the

implementation of the training initiatives and other elements of the Inuit Employment Plan on an expedited basis.

23. The Minister shall, in partnership with Nunavut Tunngavik Inc., develop and implement a new timetable for phasing-in Inuktitut Language of Instruction from Kindergarten to Grade 12, based on the short and medium term goals for employment of Inuktitut-speaking educators and for achievement of the objective of representative Inuit employment in the Department of Education Inuit Employment Plan.

24. The Minister shall, in partnership with Nunavut Tunngavik Inc., develop proposed amendments to the Language of Instruction regulations based on the timetable developed under section 22.

25. The Minister shall, in partnership with Nunavut Tunngavik Inc., develop proposed amendments to the Educator Certification Regulations based on existing information and the training initiatives described in this section.

## INCLUSIVE EDUCATION

### **Inclusive Education**

26. (1) The Minister shall undertake all effective measures, including amendments to the *Education Act*, regulations and the establishment of standards and directives, to ensure that special needs students have access to an education equivalent to other students, including, without limitation:

- (a) access to specialists within Nunavut for diagnosis of physical, mental and emotional challenges;
- (b) the provision of necessary adjustments and supports within Nunavut;
- (c) implementation of individual student support plans in accordance with the *Education Act*, including monitoring of progress and plans' effectiveness in ensuring that adequate support is provided at the rate required;
- (d) an electronic data management system for collecting and maintaining data on student needs, services provided and progress; and
- (e) mandatory training on differentiated instruction and related ongoing assessment for all Nunavut teachers and student support assistants.

(2) The measures established under subsection (1) shall also include, without limitation:

- (a) a clear and practical inclusive education directive that encompasses all special needs students and provides clear instructions to District Education Authorities, superintendents, principals, teachers and other educators on their respective roles and responsibilities on the delivery of inclusive education;
- (b) benchmarks for student assessments, student achievement outcomes and promotion decisions; and

(c) minimum standards for instructional hours, registration, attendance, Inuuqatigiitisiarniq and discipline policies and parental engagement.

(3) The Minister shall establish an Inclusive Education Division for the provision of inclusive education and to provide guidance and support to District Education Authorities on the provision of inclusive education including the matters referred to in subsections (2) and (3).

## MISCELLANEOUS

### **Regulations**

27. The Commissioner in Executive Council, with the participation of Nunavut Tunngavik Inc. in accordance with the requirements of Article 32 of the *Nunavut Agreement*, and after such other participation and consultation as it deems appropriate, may make regulations respecting any matter the Commissioner in Executive Council considers necessary to carry out the purposes and provisions of this Act.

### **Timing and Annual Report**

28. The Minister shall proceed with all measures under this Act on an expedited basis and shall provide an annual report to the Commissioner in Executive Council, summarizing the measures undertaken pursuant to this Act, including the Minister's manner of compliance with specific requirements to work with NTI and others, and with Article 32 of the *Nunavut Agreement* generally.

## COMMENCEMENT

29. This Act shall come into force on the first anniversary of its assent, or such earlier date as may be set by order.

## CONSEQUENTIAL AMENDMENTS

30. The Minister shall develop consequential amendments to the *Education Act* to ensure consistency of the *Education Act* with this Act, and the full implementation of this Act.

















