

EDUCATION ACT

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LANGUAGE OF INSTRUCTION REGULATIONS

The Commissioner in Executive Council, under sections 29, 53, 82, 104 and 203 of the *Education Act*, S.Nu. 2008, c. 15, and every enabling power, makes the attached *Language of Instruction Regulations*.

Definition

1. In these regulations

“review year” means the 2015 – 2016 school year and every fifth school year after that school year.

Non-application to *Commission scolaire francophone*

2. These regulations do not apply to the *Commission scolaire francophone*.

Bilingual Education

3. (1) These Regulations apply to the provision of a bilingual education to every student as required by section 23(1) of the Act.

(2) The following are the bilingual education models for use in schools in Nunavut and are the options available for the purposes of subsection 24(1) of the Act:

- (a) the Qulliq Model
- (b) the Immersion Model; and
- (c) the Dual Model.

(3) The Qulliq Model, the Immersion Model and the Dual Model are described in the Table of Bilingual Education Models in the Schedule to these Regulations.

Duty to Follow Model

4. (1) A district education authority shall follow the bilingual education model or models that it chooses.

(2) A principal shall follow the bilingual education model or models that the district education authority chooses.

Needs of Student to Prevail

5. If there is a conflict between what a bilingual education model requires and what a particular student requires as an adjustment under Part 6 of the Act, the required adjustment prevails in respect of the student.

Review of Decisions

6. A district education authority shall carry out its reviews under subsection 24(2) of the Act in accordance with these regulations.

Language Committee

7. (1) Before the end of the school year preceding a review year, a district education authority shall ensure that it has a language committee.

- (2) The language committee shall be appointed by the district education authority and shall consist of
 - (a) a member of the district education authority;
 - (b) one or two members of the community who are neither members of the district education authority nor members of the education staff of a school under the jurisdiction of the district education authority;
 - (c) one or two members of the education staff of schools under the jurisdiction of the district education authority; and
 - (d) the Elders, if any, appointed under subsection (3).
- (3) A district education authority shall appoint
 - (a) two Elders as members of the language committee if there are two Elders in the community who are willing to serve on the Committee; or
 - (b) one Elder as a member of the language committee if there is only one Elder in the community who is willing to serve on the Committee.
- (4) A district education authority shall use its best efforts to ensure that
 - (a) each of the members appointed under paragraphs (2) (b) and (c) has experience or expertise in at least one of the following:
 - (i) teaching a language,
 - (ii) promoting the use of a language, or
 - (iii) promoting literacy; and
 - (b) at least half of the members appointed under paragraphs (2) (b) and (c) have experience or expertise in at least one of the following:
 - (i) teaching Inuktitut or Inuinnaqtun,
 - (ii) promoting the use of Inuktitut or Inuinnaqtun, or
 - (iii) promoting literacy in Inuktitut or Inuinnaqtun.
- (5) The language committee of a district education authority shall,
 - (a) make recommendations to the district education authority with respect to the decisions that the district education authority is required to make under section 24 of the Act; and
 - (b) perform such other functions as are set out in these regulations or as are assigned to it by the district education authority.

Review Plan

- 8.** (1) Before the end of the school year preceding a review year, a district education authority, in consultation with its language committee and the Minister shall develop a plan for the conduct of a review under subsection 24(2) of the Act.
- (2) The review plan must include a schedule showing a planned date for completing each of the requirements set out in sections 9 to 22.
- (3) A district education authority shall submit a copy of the review plan to the Minister within 30 days after it is developed.
- (4) A district education authority, its language committee and the principals in the schools under the jurisdiction of the district education authority shall perform their duties under these regulations in respect of a review in accordance with the schedule referred to in subsection (2).

Commencement of Work under the Plan

- 9.** (1) Subject to subsection (2), implementation of the review plan must begin within one month following the first instructional day of the review year.

(2) If in the schools under the jurisdiction of a district education authority, there are different grades or schools with different first instructional days, the implementation of the review plan must begin within one month following the last of those first instructional days.

Progress Report

10. On or before November 30 in the review year, a language committee shall submit to the Minister and to the district education authority a report on its progress in respect of the review.

Initial Information from Principals

11. At the beginning of the review process, the principal of each school under the jurisdiction of a district education authority shall provide to the language committee of the district education authority the following information as it relates to the delivery of the bilingual education required by subsection 23(1) of the Act:

- (a) information on staffing at the time of the review and as projected for the next five years;
- (b) information on teaching and learning resource needs;
- (c) information the principal has on the matters specified in section 13; and
- (d) any other information the principal thinks is relevant or that the language committee requests.

Initial Community Consultation

12. A language committee shall hold an initial consultation with the community at the beginning of the review process

- (a) to inform the community that the previous decisions of the district education authority with respect to the language of instruction and the bilingual education model or models of the district education authority are being reviewed; and
- (b) to obtain input with respect to the language needs of the community.

Other Information

13. (1) A language committee shall obtain information on the following:

- (a) the use of language in the community;
- (b) the programs and resources in the community that contribute to the development, promotion or support of the Inuit Language and English or French in the community, including programs or resources that contribute to the development, promotion or support of bilingual education;
- (c) the abilities and needs of the education staff as those abilities and needs relate to the delivery of the bilingual education required by subsection 23(1) of the Act, at the time of the review and as projected for the next five years;
- (d) the use of language by pre-school children, at the time of the review and as projected for the next five years;
- (e) the language strengths and needs of children beginning school, at the time of the review and as projected for the next five years;
- (f) the assessments of students under subsection 25(5) of the Act and any classroom assessments of the language abilities of students; and
- (g) the actions that are necessary to ensure that the bilingual education model or models in effect at the time of the review are implemented effectively.

(2) Information provided to a language committee under paragraph (1)(f) may only be in summary form and must not contain any personal information.

Matters to be Considered by Language Committees

- 14.** A language committee shall consider the following in developing recommendations to the district education authority:
- (a) the information provided by the principal or principals under section 11;
 - (b) any input received from the community through the consultation under section 12; and
 - (c) the information obtained under section 13.

Minister's Advice

- 15.** On the request of a language committee, the Minister shall advise the committee with respect to the collection and consideration of information under sections 11, 12, 13 and 14.

Report to District Education Authority

- 16.** (1) A language committee shall make a report to the district education authority containing
- (a) the committee's recommendation on whether the decisions of the district education authority in effect at the time of the review should be confirmed or changed;
 - (b) a summary of the information considered under section 14;
 - (c) if the recommendation is to change any decision previously made under section 24 of the Act that is in effect at the time of the review, an explanation of how the change would better meet the needs of students;
 - (d) such other information as the committee considers necessary to assist the district education authority in making its decisions in relation to the languages of instruction and the bilingual education model or models to be followed by the district education authority.
- (2) After making its report, the language committee shall provide such additional information and explanations as the district education authority may require.
- (3) The district education authority shall make the report available to the public.

Consideration by District Education Authority and Preliminary Decisions

- 17.** (1) A district education authority shall consider the report made to it under section 16 and make preliminary decisions on languages of instruction and the bilingual education model or models to be followed.
- (2) Before making a preliminary decision, a district education authority
- (a) shall consider whether the information summarized for it under paragraph 16(1)(b) is adequate for the purpose of making the preliminary decision; and
 - (b) if it decides that the summarized information is inadequate, shall use its best efforts to obtain adequate information.
- (3) If a preliminary decision provides for a change to a previous decision under section 24 of the Act that is in effect at the time of the review, the district education authority shall
- (a) notify the Minister and the principals of the schools under its jurisdiction of the decision;
 - (b) document, based on the implementation plan referred to in section 18, the significant expected effects on staffing, on those who are students at the time of the review and on new students;
 - (c) if the recommendation is to choose more than one bilingual education model, prepare an explanation of how the models would be used together; and
 - (d) consult the community and school staff with respect to the preliminary decision.
- (4) During a consultation required by paragraph (3)(d), a district education authority shall explain how the preliminary decision would better meet the language needs of students and it shall make the documentation and explanations required by paragraphs (3)(b) and (c) available to the public.

Implementation Plan

18. (1) Upon making its preliminary decisions under subsection 17(1), a district education authority shall direct the principals of the schools under its jurisdiction to prepare a plan for the implementation of those decisions.

(2) An implementation plan must cover the five-year period which begins on the first day of the school year immediately following the review year and must include staffing plans and any other thing necessary to deliver the education program in accordance with the preliminary decisions.

(3) If the preliminary decisions provide for a change to a previous decision under section 24 of the Act that is in effect at the time of the review, an implementation plan must provide for the transition from delivering the education program in accordance with the previous decision to delivering it in accordance with the preliminary decisions.

Final Decisions

19. (1) Before making its final decisions on the languages of instruction and the bilingual education model or models to be followed, a district education authority shall consider the implementation plan prepared under section 18 and the results of the consultations required by paragraph 17(3)(d).

(2) If a district education authority decides to proceed on the basis of its preliminary decisions it shall finalize them by resolution.

(3) If a district education authority decides not to proceed on the basis of its preliminary decisions it shall make new preliminary decisions.

(4) Subsections (1), (2) and (3) and sections 17 and 18 apply to the new preliminary decisions referred to in subsection (3).

(5) A district education authority shall make its final decisions before the end of the review year.

Special Rules

- 20.** A district education authority may choose more than one bilingual education model only if
- (a) there are enough students with significantly different language needs and strengths to justify using the models and there is appropriate evidence that the staffing necessary to deliver the education program using those models is available throughout the five-year period which begins on the first day of the school year immediately following the review year;
 - (b) the models are implemented in such a way that a student who is taught in a grade using one model may continue under that model from one grade to the next; and
 - (c) the Minister consents to the choice.

Record of Decisions and Public Notice

21. After making its final decisions on languages of instruction and the bilingual education model or models to be followed, a district education authority shall

- (a) submit a report to the Minister containing
 - (i) a record of the resolution referred to in subsection 19(2);
 - (ii) a copy of the language committee's report to the district education authority under subsection 16(1);
 - (iii) a record of any further information or explanations provided by the language committee under subsection 16(2) and a record of any discussions between the district education authority and the language committee;
 - (iv) a copy of the implementation plan prepared under section 18; and
 - (v) a summary of any consultations that were conducted by the district education authority;

- (b) notify the school staff, the students, the parents and the community of the decisions; and
- (c) make the implementation plan prepared under section 18 available to the public.

Effective Date of Decisions

22. The final decisions of a district education authority in respect of languages of instruction and the bilingual education model or models to be followed take effect on the first day of the school year immediately following the review year.

Duty to Follow Implementation Plan

23. (1) A principal shall ensure that the implementation plan prepared under section 18 is followed in his or her school.

(2) Where circumstances warrant, the principals in consultation with the district education authority may make amendments to the implementation plan prepared under section 18.

(3) Where circumstances warrant, a principal in consultation with the district education authority may, in respect of his or her school, permit deviations from the implementation plan.

(4) Without restricting the generality of subsection 114(5) of the Act, a district education authority may give directions to principals related to amendments to and deviations from the implementation plan.

Assessments – Competency Targets

24. (1) Assessments required by subsection 25(5) of the Act must include both oral and written assessments.

(2) The assessments must include

- (a) assessments that are part of the in-class instruction; and
- (b) assessments that are conducted by a teacher in respect of each of his or her students at least three times in the school year.

School Team Assistance

25. At the request of a student’s teacher, the school team shall assist with the assessment of the student to determine the learning needs of the student with respect to his or her competency in the languages of instruction.

Records

26. (1) A student’s teacher shall keep records of the student’s competency and progress in the spoken and written forms of the languages of instruction.

(2) The records shall include records of the assessments of the student and samples of the student’s work.

Exemptions

27. (1) Beginning with the 2019-2020 school year, a student who is in grade 10, 11 or 12 may be exempted from the language requirements set out in the Schedule that apply to the student if a parent of the student or, if the student is an adult, the student requests the exemption.

(2) The request shall be made to the principal of the student’s school.

(3) The principal shall refer the request to the school team and, if the school team supports the request, he or she shall refer the request to a committee appointed under subsection (5).

(4) The committee may grant the request if it is satisfied that granting the exemption

- (a) will not significantly affect the purpose of bilingual education as set out in subsection 23(2) of the Act; and
- (b) will be in the best interests of the student.

(5) The Minister may appoint committees for the purposes of this section and give directions to them.

Phased Implementation of Part 4

28. Part 4 of the Act applies to a grade named in column 1 of the following table beginning with the school year set out in column 2 opposite the named grade.

Table – Phased Implementation

Column 1 Grade	Column 2 School Year
4	2013-2014
5	2014-2015
6	2015-2016
7	2016-2017
8	2017-2018
9	2018-2019
10, 11, 12	2019-2020

Transition – Competency Targets

- 29.** The Minister
- (a) shall continue the development of the competency targets referred to in subsection 25(4) of the Act during the period that ends June 30, 2014; and
 - (b) may establish and implement those competency targets before June 30, 2014 but is not required to do so.

Transition – Language of Instruction

30. A district education authority is deemed to have chosen the language of instruction that was used in the 2009 – 2010 school year as the language of instruction to be used with the Inuit language in the 2010 – 2011 school year and in subsequent school years if no decision was made on this matter before the coming into force of these regulations.

Transition – Choice of Bilingual Education Model

- 31.** (1) If, before the coming into force of this section, a district education authority chose one or more bilingual education models for the schools under its jurisdiction and the model or models have the name of a model described in subsection 3(2), a model so chosen
- (a) is deemed to be a choice of the model as described in these regulations; and
 - (b) shall be followed by the district education authority and by principals in accordance with the model as described in these regulations.

(2) If a district education authority made a choice to which subsection (1) applies and the decision in respect of the choice, or the most recent affirmation of the choice, was made on or before June 30, 2006, the district education authority shall conduct a review of the decision in the 2012 – 2013 school year.

(3) The following rules apply if a district education authority made a choice to which subsection (1) applies and the decision in respect of the choice, or the most recent affirmation of the choice, was made after June 30, 2006:

- (a) the district education authority shall either pass a resolution approving the decision or affirmation or it shall conduct a review of the decision in the 2012 – 2013 school year if it did not finalize the decision or affirmation of the choice by resolution;
- (b) the district education authority shall conduct a review of the decision in the 2012 – 2013 school year if it did not consult with the community before finalizing the decision or affirmation;
- (c) the district education authority shall comply with subsection (4) if it did not consider the following information before finalizing the decision or affirmation:
 - (i) the use of language in the community,
 - (ii) the programs and resources in the community that would contribute to the development, promotion or support of the Inuit Language and English or French in the community, including programs or resources that would contribute to the development, promotion or support of bilingual education,
 - (iii) the abilities and needs of the education staff as those abilities and needs relate to the delivery of the bilingual education required by subsection 23(1) of the Act, and
 - (iv) the language strengths and needs of children beginning school.

(4) If paragraph (3)(c) applies, the district education authority, subject to subsection 13(2), shall obtain and consider all the information described in paragraphs 13(1)(a) to (g) before deciding whether to confirm its decision or affirmation.

(5) The confirmation of a decision or affirmation to which subsection (4) applies shall be finalized by resolution or if the district education authority decides not to confirm the decision or affirmation, it shall make an alternative decision.

(6) Subsection 17(3) and sections 18 to 22 apply with necessary modifications to an alternative decision under subsection (5) as if a reference to a preliminary decision in those provisions were a reference to the alternative decision.

(7) A district education authority shall comply with subsections (2) to (6) on or before June 30, 2013.

32. (1) If a district education authority did not choose at least one bilingual education model for the schools under its jurisdiction before the coming into force of this section, it shall conduct a review in the 2012 – 2013 school year and choose one or more bilingual education models for the schools under its jurisdiction.

(2) If the district education authority was in the process of making a decision with respect to its choice of one or more bilingual education models and had consulted with the community before the coming into force of this section, subsection (1) does not apply but the district education authority, subject to subsection 13(2), shall obtain and consider the information described in paragraphs 13(1)(a) to (f) and make a preliminary decision in respect of the bilingual education model or models to be followed.

(3) Sections 18 to 22 apply to a preliminary decision under subsection (2).

(4) A district education authority shall comply with subsection (1) or (2) on or before June 30, 2013.

33. (1) These regulations apply to a review required by subsection 31(2), paragraph 31(3)(a) or (b) or subsection 32(1), except that

- (a) under subsection 7(1), a district education authority shall ensure that it has a language committee within 30 days after the later of the coming into force of these regulations and the first instructional day in the 2012 – 2013 school year; and
- (b) under subsection 8(1), the plan for the conduct of the review shall be developed within 30 days after the deadline under paragraph (a).

(2) If in the schools under the jurisdiction of a district education authority, there are different grades or schools with different first instructional days, the district education authority shall,

- (a) despite paragraph (1)(a), ensure that it has a language committee within 30 days after the later of the coming into force of these regulations and last of those first instructional days; and
- (b) despite paragraph (1)(b), develop the plan for the conduct of the review within 30 days after the deadline under paragraph (a).

34. Despite subsection 24(2) of the Act, a district education authority that is required to conduct a review or do anything else under section 31 or 32 must still conduct a review in the 2015 – 2016 school year.

Review of Regulations and Bilingual Education Models

35. (1) On or before June 30, 2017, the Minister shall review and publish a report on these regulations, the bilingual education models and the implementation of these regulations.

(2) The report shall include such recommendations for changes to the regulations, the bilingual education models and the implementation of the regulations as the Minister considers appropriate.

Schedule

(Subsection 3(3))

**Table of Bilingual Education Models
Time or Credits Related to Each Language by Grade Level**

	Qulliq Model	Immersion Model	Dual Model	
			<ul style="list-style-type: none"> students are assigned to one of the following streams by the school team in consultation with the parents both streams must be available 	
			Inuit language stream	Non-Inuit language stream
K-3	<ul style="list-style-type: none"> Inuit language: 85-90% Non-Inuit language, taught as a subject: 10-15% 	<ul style="list-style-type: none"> Inuit language: 85-90% Non-Inuit language, taught as a subject: 10-15% 	<ul style="list-style-type: none"> Inuit language: 85-90% Non-Inuit language, taught as a subject: 10-15% 	<ul style="list-style-type: none"> Non-Inuit language: 85-90% Inuit language, taught as a subject: 10-15%
4-6	<ul style="list-style-type: none"> Inuit language: 70-75% Non-Inuit language: 25-30% 	<ul style="list-style-type: none"> Inuit language: 80-85% Non-Inuit language: 15-20% 	Grade 4: <ul style="list-style-type: none"> Inuit language: 70-75% Non-Inuit language: 25-30% Grade 5: <ul style="list-style-type: none"> Inuit language: 60-70% Non-Inuit language: 30-40% Grade 6: <ul style="list-style-type: none"> Inuit language: 55-60% Non-Inuit language: 40-45% 	Grade 4: <ul style="list-style-type: none"> Non-Inuit language: 70-75% Inuit language: 25-30% Grade 5: <ul style="list-style-type: none"> Non-Inuit language: 60-70% Inuit language: 30-40% Grade 6: <ul style="list-style-type: none"> Non-Inuit language: 55-60% Inuit language: 40-45%
7-9	<ul style="list-style-type: none"> Inuit language: 55-65% Non-Inuit language: 35-45% 	<ul style="list-style-type: none"> Inuit language: 65-70% Non-Inuit language: 30-35% 	<ul style="list-style-type: none"> Inuit language: 50-60% Non-Inuit language: 40-50% 	<ul style="list-style-type: none"> Non-Inuit language: 50-60% Inuit language: 40-50%
10-12	<p align="center">Minimum Credits Required – Grades 10 to 12</p> <p align="center">All Models</p> <p align="center"><u>Grade 10 courses</u></p> <ul style="list-style-type: none"> Inuit language: 15 credits Non-Inuit language: 15 credits <p align="center"><u>Grade 11 courses</u></p> <ul style="list-style-type: none"> Inuit language: 10 credits Non-Inuit language: 10 credits <p align="center"><u>Grade 12 courses</u></p> <ul style="list-style-type: none"> Inuit language: 10 credits Non-Inuit language: 10 credits <p align="center"><u>Additional courses</u></p> <ul style="list-style-type: none"> Inuit language: 15 credits Non-Inuit language: 15 credits 			

Notes to Table of Bilingual Education Models

(Section 28 of the Language of Instructions Regulations provides a phase-in period for the requirements set out in this Table)

1. Kindergarten and Grades 1 to 9

- 1.1** The percentages in the Table are requirements for instruction time in kindergarten and grades 1 to 9.
- 1.2** The required percentages are on a weekly basis. The required percentages do not have to be met each day but they must be met each week.
- 1.3** A requirement for a language can be met by using that language as the language of instruction or by teaching that language as a subject. This note does not apply with respect to a requirement that specifies that the requirement is for a language to be taught as a subject. Such a requirement can be satisfied only by teaching the language as a subject.
- 1.4** In grades 7 to 9, the time for the Inuit language can be less than the required percentage and time for the non-Inuit language correspondingly more if there is insufficient staff to meet the required percentage for the Inuit language and the Minister has approved the reduction. However, this does not allow the time for the Inuit language to be less than 30 percent of instruction time.
- 1.5** The percentage of time for the Inuit language cannot increase or decrease more than 20 percentage points as a student progresses from one grade to the next. This limitation applies even if a district education authority is changing from one bilingual education model to another.

2. Grades 10 to 12

- 2.1.** The requirements in the Table are minimum requirements for credits in grades 10 to 12. For example, a student may obtain more Inuit language credits than are required.
- 2.2** The requirements in the Table are for credits for courses of a certain grade level, not requirements for what must be taken in a particular year. For example, the requirement for ten Grade 11 credits in the Inuit language can be met by credits obtained partly in one year and partly in the next year.
- 2.3** The requirements in the Table under “Additional courses” are requirements for Grade 10, 11 or 12 credits in addition to the credits used to satisfy the requirements under other headings in the Table.
- 2.4** A requirement for a language can be met by credits in a course that uses that language as the language of instruction or that teaches that language as a subject.
- 2.5** If there is insufficient staff to provide Inuit language instruction for Grade 10 to 12 courses for a student and the Minister has approved the reduction
- (a) the requirements for Inuit language credits may be reduced by up to five credits in respect of the requirements in the Table under “Grade 10 courses”; and
 - (b) the requirements for Inuit language credits may be reduced by up to 15 credits in respect of the requirements in the table under “Additional courses”