

## CONSOLIDATION OF EDUCATION ACT

S.Nu. 2008,c.15

s.1-11,13-25(3),(6),26-35,37-73,75-135,137-203,205-208 and Schedule in force July 1, 2009,  
except s.203.1: SI-002-2009

s.12,25(4),(5),36 and 136 in force July 1, 2010: SI-002-2009

s.74 in force July 1, 2011: SI-002-2009

s.203.1 in force June 12, 2009: SI-001-2009

s.204 in force September 18, 2008

*(Current to: February 27, 2021)*

The following provisions have been deleted for the purposes of this consolidation: Schedule

**Note: see s.205 of S.Nu. 2008,c.15 for self-contained Act enacting provisions.**

**Note: see s.98 of S.Nu. 2020,c.14 for repealing provisions of Subsequent Amendment under s.204 of this Act.**

### AS AMENDED BY:

S.Nu. 2008,c.15,s.204

s.204 in force September 18, 2008

**Note: see s.98 of S.Nu. 2020,c.14 for repealing provisions of s.204.**

S.Nu. 2010,c.7,s.1

s.1 in force June 10, 2010

S.Nu. 2011,c.10,s.4

s.4 in force March 10, 2011

S.Nu. 2011,c.27,s.16

s.16 in force October 31, 2011

S.Nu. 2013,c.19,s.16

s.16 in force May 16, 2013

S.Nu. 2013,c.25,s.241

s.241 in force January 1, 2014

S.Nu. 2013,c.26,s.86

s.86 in force September 17, 2013

S.Nu. 2016,c.13,s.96

s.96 in force January 1, 2020

S.Nu. 2017,c.21,s.3

s.3 in force April 1, 2019

S.Nu. 2019,c.8,s.2(2)

s.2(2) in force March 12, 2019

**Note: see s.2(2) of the interim act S.Nu. 2019,c.8 for suspended provisions of Part 4.**

S.Nu. 2020,c.14,Part I

Part I in force November 10, 2020 except ss.40, 41(b), 47, 48(a), 49, 51(d), 52-57 and 59

ss.40, 41(b), 47, 48(a), 49, 51(d), 52-57 and 59 in force July 1, 2021

**See s.131 of S.Nu. 2020,c.14 for coming into force provisions.**

**Note: see Part III of S.Nu. 2020,c.14 for transitional provisions.**

This consolidation is not an official statement of the law. It is an office consolidation prepared for convenience only. The authoritative text of statutes can be ascertained from the *Revised Statutes of the Northwest Territories, 1988* and the Annual Volumes of the Statutes of the Northwest Territories (for statutes passed before April 1, 1999) and the Statutes of Nunavut (for statutes passed on or after April 1, 1999).

A copy of a statute of Nunavut can be obtained from the Territorial Printer at the address below. The Annual Volumes of the Statutes of Nunavut and this consolidation are also available online at [www.nunavutlegislation.ca](http://www.nunavutlegislation.ca) but are not official statements of the law.

Any certified Bills not yet included in the Annual Volumes of the Statutes of Nunavut can be obtained through the Office of the Clerk of the Legislative Assembly.

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## GLOSSARY OF TERMS USED IN CONSOLIDATIONS

### *Miscellaneous*

- c. means "chapter".
- CIF means "comes into force".
- NIF means "not in force".
- s. means "section" or "sections", "subsection" or "subsections", "paragraph" or "paragraphs".
- Sch. means "schedule".
- SI-005-98 means the instrument registered as SI-005-98 in 1998. (*Note: This is a Northwest Territories statutory instrument if it is made before April 1, 1999, and a Nunavut statutory instrument if it is made on or after April 1, 1999 and before January 1, 2000.*)
- SI-012-2003 means the instrument registered as SI-012-2003 in 2003. (*Note: This is a Nunavut statutory instrument made on or after January 1, 2000.*)

### *Citation of Acts*

- R.S.N.W.T. 1988,c.D-22 means Chapter D-22 of the *Revised Statutes of the Northwest Territories, 1988*.
- R.S.N.W.T. 1988,c.10(Supp.) means Chapter 10 of the Supplement to the *Revised Statutes of the Northwest Territories, 1988*. (*Note: The Supplement is in three volumes.*)
- S.N.W.T. 1996,c.26 means Chapter 26 of the 1996 Annual Volume of the Statutes of the Northwest Territories.
- S.Nu. 2002,c.14 means Chapter 14 of the 2002 Annual Volume of the Statutes of Nunavut.

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## SCHEDULE

Deleted

## SCHEDULE

## EDUCATION ACT

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;

Recognizing 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, the education program and local community 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;

Affirming Nunavut's commitment to the implementation, in the public education system, of the United Nations *Convention on the Rights of the Child*, adopted by the General Assembly of the United Nations on November 20, 1989 and ratified by Canada on December 13, 1991;

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

S.Nu. 2011,c.10,s.4(2); S.Nu. 2020,c.14,ss.22(a),90.

## 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 and shall be designed to graduate self-reliant and well-educated students.

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. S.Nu. 2020,c.14,s.2.

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 5 years of age on December 31 of that school year and they 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 they are entitled to have access to the education program in the place in Nunavut where they are 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 they are 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 they are entitled to be considered for an appropriate alternative placement in accordance with their entitlement under section 41. S.Nu. 2020,c.14,ss.99,122(1)(a),(5)(a).

## PART 2

## INTERPRETATION

## Definitions

3. (1) In this Act,

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

"community" means, unless the context requires otherwise, the community made up of

- (a) in reference to the *Commission scolaire francophone*, all rights holders, as defined in subsection 156(1), who reside in Nunavut, or
- (b) in any other case, the residents of an education district;  
(*communauté, collectivité ou communautaire*)

"curriculum" means the subjects or programs of study that students should learn at a particular stage of their schooling, and their associated learning outcomes, but does not include the specific materials, tools, resources, methods or assessments used to reach those outcomes; (*curriculum*)

"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, and includes, for a particular school, any local education program enhancements; (*programme d'enseignement*)

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

"election" means an election of a member of a district education authority under Part VIII.1 of the *Nunavut Elections Act*; (*élection*)

"election day" means the day fixed for an election under Part VIII.1 of the *Nunavut Elections Act*; (*jour du scrutin*)

"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 the Inuit Language as defined in the *Inuit Language Protection Act*; (*langue inuit*)

"Inuuqatigiitsiarniq policy" means the policy established or assigned under section 58; (*politique Inuuqatigiitsiarniq*)

"local community program" means a local community program established under subsection 7(2); (*programme communautaire local*)

"local education program enhancements" mean the local enhancements to the education program established under section 9; (*mesures locales d'enrichissement du programme d'enseignement*)

"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 staff" means education staff, secretarial staff, custodial staff and all other individuals employed or hired to assist in the delivery of the education and local community programs 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*)

"student support teacher" means a teacher who provides in-school support to other teachers as they plan, deliver and evaluate education programming, including individual student support plans; (*enseignant assigné au soutien à l'élève*).

"teacher" means an individual who is employed as a teacher in a school 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 Nunavut Arctic College or other institution and who, as part of that program, is practice teaching, observing or performing other duties in a school; (*enseignant stagiaire*)

"working day" means any day other than Saturday, Sunday or a holiday established under section 27 of the *Public Service Act*. (*jour ouvrable*)

#### 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.



**(4) Repealed, S.Nu. 2008,c.15,s.204.**

S.Nu. 2008,c.15,s.204; S.Nu. 2010,c.7,s.1; S.Nu. 2011,c.10,s.4(2);

S.Nu. 2011,c.27,s.16(2); S.Nu. 2017,c.21,s.3(2);

S.Nu. 2020,c.14,ss.23,45,80,91,100.

## 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 the Director has the rights and responsibilities of the parents; or
- (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.

S.Nu. 2011,c.10,s.4(2); S.Nu. 2020,c.14,s.122(3).

#### Residency of minor

5. (1) For the purposes of this Act, a minor is resident at the place where their 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*. S.Nu. 2020,c.14,s.122(5)(b).

#### 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

### PROGRAMS IN SCHOOLS

#### General

#### Local community program

7. (1) A district education authority shall provide a local community program for kindergarten and for grades 1 to 12.

#### Content of local community program

(2) The local community program of an education district or a school, as the case may be, consists of the following, except to the extent they are part of the education program:

- (a) activities, programs or services provided under section 11;
- (b) early childhood programs provided by a district education authority under section 17;
- (c) programs provided under section 18;
- (d) the registration and attendance policy adopted under section 37;
- (e) the Inuuqatigiitsiarniq policy;

- (f) programs in support of the Inuuqatigiitsiarniq policy developed under section 59;
- (g) school rules made under section 61;
- (h) school calendars established under section 84;
- (i) the operating budget of the district education authority.

#### Parental and community involvement

(3) 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 local community program.

#### Evaluation of local community program

(4) A principal shall conduct, in co-operation with the education staff, a continuing program of evaluation of the parts of the local community program in their school referred to in paragraphs (2)(a) and (d) to (h). S.Nu. 2020,c.14,s.24,25.

#### Education program

**8.** (1) The Minister shall provide an education program for kindergarten and for grades 1 to 12.

#### Content of education program

(2) The education program consists of the following:

- (a) the delivery of the curriculum established by the Minister, including local education program enhancements;
- (b) assessments and adjustments made and support given under Part 6; and
- (c) assessments of student performance, including assessments established by the Minister under subsection 74(1).

#### Curriculum

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

#### Consultation

(4) Prior to establishing or modifying the curriculum, the Minister shall consult with the DEA Coalition.

#### Promotion of understanding of Nunavut

(5) The curriculum shall

- (a) 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; and
- (b) be culturally relevant to Inuit.

#### Principles and concepts of Inuit Qaujimajatuqangit

(6) To the extent applicable, Inuit societal values and the principles and concepts of Inuit Qaujimajatuqangit must be incorporated throughout the curriculum at all grade levels.

#### Standards and directions

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

#### Time allocation

(8) Directions under subsection (7) may include directions on the amount of time allocated to each program of study.

#### Duty of principals

(9) Principals shall ensure that the education program is taught in accordance with the standards and directions referred to in subsection (7).

#### Duty of teachers

(10) Teachers shall comply with the standards and directions referred to in subsection (7). S.Nu. 2020,c.14,s.25.

#### Local education program enhancements

**9.** (1) Subject to subsection (6), a district education authority may, in consultation with affected students and the community, establish local enhancements to the education program for use in one or more of its schools, including for the purpose of

- (a) reflecting the local dialect, culture or economy; and
- (b) addressing learning priorities identified by the affected students and their parents.

#### Nature of local education program enhancements

(2) Local education program enhancements 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 incorporate Inuit societal values and the principles and concepts of Inuit Qaujimajatuqangit into the curriculum.

#### Inuit Qaujimajatuqangit

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

#### Ministerial support

(4) The Minister shall, at the request of a district education authority, provide reasonable assistance to the district education authority in the development of local education program enhancements.

#### Submission for approval

(5) The district education authority shall set out in writing and submit to the Minister for approval

- (a) the details of any local education program enhancements developed by it;
- (b) the expected learning outcomes of the local education program enhancements; and
- (c) the funding requirements, if any, of the local education program enhancements.

#### Approval required

(6) A district education authority shall not offer local education program enhancements to its students unless they have been approved by the Minister.

#### Funding

(7) If the Minister approves local education program enhancements that require funding from the Minister, the Minister shall provide the required funding for the local education program enhancements.

#### Parental, student and community involvement

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

#### Evaluation of local education program enhancements

(9) A principal shall conduct, in co-operation with the education staff, a continuing evaluation of the local education program enhancements in their school.

S.Nu. 2020,c.14,s.25.

#### Teaching materials

**10.** (1) The Minister may direct principals and teachers to use specific teaching or learning materials, tools, resources, methods or assessments as part of the education program.

#### Relevance to Nunavut culture

(2) In determining whether to direct principals and teachers under subsection (1), the Minister shall consider whether the materials, tools, resources, methods or assessments are relevant to Nunavut culture. S.Nu. 2020,c.14,s.25.

#### Other activities, programs and services

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

(2) **Repealed, S.Nu. 2020,c.14,s.3.**

#### Role of district education authority

(2.1) A principal, in carrying out their 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. S.Nu. 2020,c.14,s.122(5)(c).

#### 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 local community program; and
- (b) to assist students in entering and leaving the school system.

#### Same

(2) A principal, in carrying out their duties under subsection (1), shall consult with the district education authority and shall follow such directions as the district education authority may give. S.Nu. 2020,c.14,ss.26,122(5)(d).

#### Principal's report

**14.** (1) A principal shall, in accordance with the regulations, report to the district education authority and the Minister on the effectiveness of

- (a) the local community program;
- (b) the education program; and
- (c) the school improvements plan developed under section 20.

#### Timing and delegation

(2) The principal

- (a) shall report under this section three times per school year, at times determined by the Minister; and
- (b) may delegate their duties under this section to other members of the education staff at the school.

S.Nu. 2020,c.14,s.27.

#### 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 by district education authority

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

- (a) the local community program; and
- (b) local education program enhancements.

S.Nu. 2020,c.14,s.28.

#### Early childhood programs

**17.** (1) A district education authority that has made an election under paragraph (4)(a)

- (a) shall provide an early childhood program that promotes fluency in the Inuit Language and knowledge of Inuit culture; and
- (b) may provide other early childhood programs.

#### Limitations

(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.

#### Third-party providers

(3) A program provided under subsection (1) may not be provided through an agreement with a third party.

#### Election

(4) Every fifth school year, a district education authority shall, after consultation with the community, elect to either

- (a) provide early childhood education programs for the five school years following the school year in which the election is made; or
- (b) not provide early childhood education programs for the five school years following the school year in which the election is made.

#### Default election

(5) A district education authority that fails to make an election in accordance with subsection (4) is deemed to have elected to not provide early childhood education programs.

#### Limit on election

(6) A district education authority may not change its election under subsection (4) at times other than those provided for in that subsection.

#### Minister may provide programs

(7) For greater certainty, the Minister may provide early childhood programs in schools through agreements with third parties.

*Child Day Care Act*

(8) The *Child Day Care Act* applies to programs provided under this section.

## Regulations

(9) 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. S.Nu. 2020,c.14,s.29.

## Other programs

**18.** (1) As part of the local community program, a district education authority may provide adult education programs and other educational programs to enhance learning.

(2) **Repealed, S.Nu. 2020,c.14,s.4.**

## 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 their advice, if any, in writing. S.Nu. 2020,c.14,ss.30,122(5)(e).

## 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 Improvements Plans

## School improvements plans

**20.** (1) A district education authority shall, in consultation with education staff and the community and in accordance with the regulations, develop and maintain a school improvements plan for each school in its education district that covers

- (a) the priorities of the district education authority with respect to the local community program; and
- (b) other prescribed matters.

## Principal

(2) A principal shall provide any reasonable support that the district education authority requires in developing the school improvements plan.



### Copies

(3) When a district education authority develops or amends a school improvements plan, it shall send a copy of the plan to the principal, the Minister, and the DEA Coalition as soon as practicable.

### Deviations

(4) The district education authority, in consultation with education staff, may permit deviations from the school improvements plan.

### Duty to implement plan

(5) A principal shall ensure that the school improvements plan is implemented.

### Regulations

- (6) The Commissioner in Executive Council may make regulations
- (a) in relation to the development, maintenance and amendment of school improvements plans;
  - (b) prescribing the matters that school improvements plans must cover; and
  - (c) prescribing the format and content of school improvements plans.
- S.Nu. 2020,c.14,s.31.

## Education program plans

### Education program plans

**20.1.** (1) Before September 30 of each school year, a principal shall, in accordance with the directions of the Minister, develop an education program plan for the school year that covers the delivery of the education program, including, for greater certainty, local education program enhancements, and includes

- (a) teaching schedule assignments for teachers, including instructional minutes and language of instruction allotted by grade, program of study, and, where applicable, course;
- (b) student timetables, including programs of study and homeroom assignments; and
- (c) the names of all education staff, and any information regarding their certification as required by direction of the Minister.

### Copies

(2) As soon as practicable after developing or amending an education program plan, a principal shall make a copy of the plan available to the district education authority and the Minister.

### Limitation

(3) Despite subsection (2), the principal shall not make available to the district education authority any part of the education program plan that includes personal information as defined in the *Access to Information and Protection of Privacy Act*.

#### Amendment

(4) Once developed, an education program plan may only be amended in accordance with the directions or with the consent of the Minister.

#### Duty to follow plan

(5) A principal shall ensure that the education program plan is implemented.

#### Directions

(6) The Minister may issue directions in relation to the development, the format and the contents of education program plans. S.Nu. 2020,c.14,s.31.

### 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.

(2) **Repealed, S.Nu. 2020,c.14,s.5.**

#### Registration

(3) To be in a home schooling program, a student must be registered with a school and they must be at least 6 years of age on or before December 31 of the school year and they 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. S.Nu. 2020,c.14,ss.101,122(1)(b).

## 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 Nunavut Arctic College; 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. S.Nu. 2011,c.27,s.16(3).

## 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.

**Note:** On the earlier of a day to be fixed by order of the Commissioner in Executive Council and July 1 of the year following the year of Assent, the following is substituted for subsections 24(1) and (2):

#### Choice of bilingual education model

- 24.** (1) A district education authority shall
- (a) in accordance with the regulations, 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
  - (b) from the options approved for its education district under subsection (1.1), choose the bilingual education model or models that will be followed in delivering the education program.

#### Approval of bilingual education model

- (1.1) For each education district, the Minister shall
- (a) approve at least one of the bilingual education models set out in the regulations; and
  - (b) approve all of the bilingual education models set out in the regulations that, in the opinion of the Minister, the education staff in the education district have the capacity to deliver.

#### Reasons

- (1.2) Where one or more of the bilingual education models set out in the regulations has not been approved for an education district,
- (a) its district education authority may, in accordance with the regulations, request the Minister to provide reasons why a model is not approved for the district; and
  - (b) the Minister shall, in accordance with the regulations, provide reasons requested under paragraph (a).

#### New decision

- (1.3) Where a bilingual education model chosen by a district education authority is

no longer available due to an amendment to the regulations or the revocation of an approval under subsection (1.1), the district education authority shall choose a new bilingual education model in accordance with paragraph (1)(b).

#### Review of decision

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

*See S.Nu. 2020,c.14,s.40.*

#### Role of Minister

**25.** (1) The Minister is responsible for ensuring that the duties of the Government of Nunavut under this Act, the *Inuit Language Protection 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 the Minister's duties under subsection (2), the Minister, in establishing the curriculum under subsection 8(3), 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.

#### Annual report

(7) The Minister shall, for each school year, prepare a report on the following matters and table it with the report referred to in subsection 126(2):

- (a) for each school,

- (i) the implementation of the bilingual education model that has been chosen for the school,
- (ii) the capacity to provide instruction in the Inuit Language in the school, and
- (iii) the estimated capacity that would be required in the school to successfully implement each of the bilingual education models set out in the regulations;
- (b) the capacity to provide instruction in the Inuit Language in the education system, including details of any increases or decreases in capacity and the reasons for any significant decrease in capacity;
- (c) the current state of the development of curricula, teaching materials and training programs in the Inuit Language;
- (d) the phasing in and implementation of this Part for grades 4 to 12 including
  - (i) any relevant actions taken by the Minister,
  - (ii) the manner in which the requirements of the Schedule have been met, and
  - (iii) if applicable, reasons for why any of the requirements of the Schedule have not been met or are not expected to be met;
- (e) the implementation of the retention and recruitment strategy referred to in subsection 5(1) of the Schedule;
- (f) the actions taken by the Minister with respect to the duties under subsection 8(2) of the *Inuit Language Protection Act*;
- (g) other actions taken by the Minister to achieve the purpose under subsection 23(2).

S.Nu. 2008,c.15,s.204; S.Nu. 2020,c.14,ss.41(a),(c),122(6)(a).

**Note:** On the earlier of a day to be fixed by order of the Commissioner in Executive Council and July 1 of the year following the year of Assent, the following is added after subsection 25(3):

#### Directions respecting languages of instruction

(3.1) Subject to this Part and the regulations made under this Part, directions under subsection 8(7) may include directions with respect to the languages of instruction, including the assignment of languages of instruction by grade, program of study, and, where applicable, course.

See S.Nu. 2020,c.14,s.41(b).

#### 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.

## Application to kindergarten and grades 1 to 3

**28.** (1) This Part applies with respect to kindergarten and grades 1 to 3.

## Phased in implementation for grades 4 to 12

(2) With respect to grades 4 to 12, this Part shall be phased in and implemented in accordance with the Schedule.

## Order for full implementation

(3) The Commissioner in Executive Council, on the recommendation of the Minister, may, by order, repeal

- (a) paragraphs 25(7)(d) and (e);
- (b) this section;
- (c) the Schedule and the regulations made under it; and
- (d) subsections 8(3) and 8(4) of the *Inuit Language Protection Act*.

## Simultaneous repeal

(4) An order under subsection (3) must repeal all enactments referred to in that subsection on the same day.

## Effect of order

(5) For greater certainty, an order under subsection (3) has the effect of rendering this Part and Section 8 of the *Inuit Language Protection Act* fully applicable to all grades. S.Nu. 2020,c.14,s.42.

## 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 6 years of age or will become 6 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.

S.Nu. 2020,c.14,s.102.

### 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 themselves 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.

S.Nu. 2020,c.14,s.122(10).

### 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, including

- (a) an individual under 5 years of age or over 21 years of age;
- (b) a minor whose parents want to register the minor with a school in the district education authority's education district despite the fact that the minor does not reside in that education district; or
- (c) an adult who wants to register themselves with a school in the district education authority's education district despite the fact that the adult does not reside in that education district.

### Exception

(1.1) Despite subsection (1) and subject to section 23 of the *Canadian Charter of Rights and Freedoms*, only the Minister, or the Minister's delegate under subsection (1.2), may allow an individual who is not the child of a rights holder, as defined in subsection 156(1), to register with a school and be taught in a school or classroom under the jurisdiction of the *Commission scolaire francophone*.

### Delegation

(1.2) The Minister may delegate the authority described in subsection (1.1) to the *Commission scolaire francophone*.

#### 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 their advice, if any, in writing. S.Nu. 2020,c.14,ss.74,92,122(5)(f).

#### 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 they are 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 their 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 they are 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. S.Nu. 2020,c.14,s.122(1)(c),(5)(g).

#### 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, in consultation with the principals in the education district, develop and adopt a registration and attendance policy.

(2) **Repealed, S.Nu. 2020,c.14,s.6.**

#### 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.

#### DEA Coalition assigns policy

(6.1) Where a district education authority fails to adopt a registration and attendance policy as required under this section and the regulations, or to amend it as required under subsection (11), the DEA Coalition shall assign to the district education authority a registration and attendance policy that complies with subsections (3) to (5) and the regulations.

#### Copy to Minister

(7) The district education authority, immediately on adopting, or being assigned, 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.

**(8) Repealed, S.Nu. 2020,c.14,s.81(d).**

#### 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. S.Nu. 2020,c.14,s.81.

### **38. Repealed, S.Nu. 2020,c.14,s.7.**

#### 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 their 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. S.Nu. 2020,c.14,s.122(5)(h).

#### 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

**Note:** On the earlier of a day to be fixed by order of the Commissioner in Executive Council and July 1 of the year following the year of Assent, the following is added before section 41:

## Definition

- 40.1.** (1) In this Part, a reference to "main teacher" is a reference to
- (a) in kindergarten and grades 1 to 9, the main classroom teacher of a student;
  - (b) in grades 10 to 12, a teacher designated by the principal for the development of an individual student support plan, or, in the absence of a designated teacher, all the teachers of a student working as a team; or
  - (c) where subsection 45(5) applies, the school team.

## Designation

(2) A principal may designate a teacher to be the main teacher of a student in grades 10 to 12 for the purposes of this Part.

## Amendments

(3) In this Part, a reference to the development of an individual student support plan includes the development of amendments to an existing individual student support plan.

*See S.Nu. 2020,c.14,s.47.*

## Inclusive education

**41.** (1) A student who requires adjustments to the education program or support to meet their 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. S.Nu. 2020,c.14,s.122(5)(i).

**Note:** On the earlier of a day to be fixed by order of the Commissioner in Executive Council and July 1 of the year following the year of Assent, subsection 41(2) is repealed and replaced by:

### Entitlement

(2) The adjustments and support that a specific student is entitled to under subsection (1) must be

- (a) permitted by the regulations; and
- (b) reasonable and practical.

*See S.Nu. 2020,c.14,ss.48(a).*

### Oversight

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

**Note:** On the earlier of a day to be fixed by order of the Commissioner in Executive Council and July 1 of the year following the year of Assent, section 42 is repealed and replaced by:

### Oversight

**42.** A principal shall oversee the implementation of this Part in respect of their school.

*See S.Nu. 2020,c.14,s.49.*

### 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 they are 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 they are 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.

S.Nu. 2020,c.14,s.122(1)(d).

**Note:** On the earlier of a day to be fixed by order of the Commissioner in Executive Council and July 1 of the year following the year of Assent, section 43 are repealed and replaced by:

#### Identification of needs

- 43.** (1) A teacher shall, in accordance with the directions of the Minister,
- (a) assess each student to determine whether they need adjustments or support referred to in section 41;
  - (b) identify each student who is entitled to adjustments or support under section 41; and
  - (c) where applicable, notify the main teacher of any adjustments or support referred to in section 41 that are needed by a student.

#### District education authority input

(2) Where a district education authority has information that could assist a teacher in fulfilling their duties under subsection (1), the district education authority may provide that information to the teacher.

#### Request for assessment

(3) A parent of a student, a student if the student is an adult, or the district education authority acting on the request of a parent or adult student may, in writing, request that the main teacher assess the student to determine whether they need adjustments or support

referred to in section 41.

#### Response

(4) Where a parent, student or district education authority, as the case may be, has made a request under subsection (3), the main teacher shall

- (a) determine if they should
  - (i) provide adjustments or support under subsection (5), or request another appropriate teacher to provide them, or
  - (ii) develop an individual student support plan under subsection (7); and
- (b) notify the parents or student, as the case may be, of the determination in writing, including, where applicable, whether the other teacher referred to in subparagraph (a)(i) has accepted to provide adjustments or support.

#### General duty of teacher

(5) If a teacher determines 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 they can reasonably provide it.

#### Notification

(6) If a teacher provides adjustments or support under subsection (5), they shall notify the parents of the student, or the student if the student is an adult, in writing.

#### Development of individual student support plan

(7) Without restricting the duty of teachers under subsection (5), the main teacher shall develop an individual student support plan if the main teacher determines 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 a teacher can reasonably provide under subsection (5).

#### Participation

(8) In addition to the main teacher, the following shall participate in the development of an individual student support plan:

- (a) a student support teacher;
- (b) the parents of the student;
- (c) the student, unless
  - (i) the student is a minor, and
  - (ii) both the school team and a parent of the student determine that consultation can reasonably be expected to be inappropriate or harmful to the student.

#### Engaging with parents

(9) Where the main teacher intends to develop an individual student support plan,

they shall

- (a) in writing, notify the parents of the student of the obligation to participate in the development of the plan; and
- (b) make all reasonable efforts to communicate with the parents in the official language the parents wish to communicate in.

Failure to participate

(10) Where a parent fails to participate in the development of an individual student support plan after being notified under subsection (9), the plan may be developed without the participation of the parent.

Content of individual student support plan

(11) An individual student support plan shall provide for adjustments and support, if any, to which the student is entitled.

Submission for approval

**43.1.** (1) A main teacher who develops or alters an individual student support plan shall submit it to the school team and principal for approval.

Approval by school team and principal

(2) Where the school team and principal determine that a student is entitled to the individual student support plan submitted under subsection (1), the school team and principal shall approve the plan.

Rejection by school team or principal

(3) Where the school team or principal determines that a student is not entitled to the individual student support plan submitted under subsection (1), the main teacher shall

- (a) continue development of the individual student support plan in accordance with section 43 and the direction of the school team; and
- (b) after further development under paragraph (a), resubmit the individual student support plan under subsection (1).

Notification

(4) Where a school team and principal approve an individual student support plan under subsection (2), the main teacher shall

- (a) notify the parents of the student, or the student if the student is an adult, of
  - (i) the approval,
  - (ii) the right to accept or reject the plan,
  - (iii) the rule that the plan will be deemed accepted if it is not rejected within 21 days, and
  - (iv) the procedure to follow in case of a rejection, including the right to request for a review under section 50; and
- (b) provide the parents of the student, or the student if the student is an adult, with a copy of the plan.

**Acceptance or rejection**

(5) A parent of a student, or the student if they are an adult, may notify the main teacher in writing within 21 days of the approval under subsection (2) if they

- (a) accept the individual student support plan; or
- (b) reject the individual student support plan.

**Deemed approval**

(6) Where a parent or student, as the case may be, fails to notify the main teacher under subsection (5) within the time indicated in that subsection, the parent or student is deemed to have accepted the plan.

**Further development**

(7) Where a parent or student, as the case may be, notifies the main teacher of a rejection under paragraph (5)(b),

- (a) the main teacher shall
  - (i) continue development of the individual student support plan in accordance with section 43, and
  - (ii) after further development under subparagraph (i), resubmit the individual student support plan under subsection (1); and
- (b) if an individual student support plan has not come into force within 90 days of the initial rejection, the parent or student is deemed to have made a request for review under subsection 50(1).

**Coming into force**

(8) An individual student support plan comes into force once it has been approved and accepted under this section or confirmed under paragraph 50(5.1)(a).

**Interim implementation**

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

*See S.Nu. 2020,c.14,s.49.*

**Minister's directions**

**44.** For greater certainty, the authority of the Minister to give directions under subsection 8(7) includes the authority to give directions respecting the implementation of individual student support plans. S.Nu. 2020,c.14,s.50.

**Exclusion from regular instructional setting**

**45.** (1) Subject to such considerations as may be set out in the regulations, the Minister may, on the recommendation of the principal, decide that a student should not be in a regular instructional setting, on a full or part-time basis, 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 Public Health Officer appointed under the *Public Health Act* advises the principal in writing that the student has a communicable disease 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 recommend 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 their 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 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 their regular instructional setting under subsection (2), the principal shall ensure that the school team develops an individual student support plan for the student, unless the decision or refusal is for such a short duration that developing an individual student support plan would, in the opinion of the principal, be impracticable.

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. S.Nu. 2016,c.13,s.96; S.Nu. 2020,c.14,ss.51(a),(b),(c),122(5)(j).

**Note:** On the earlier of a day to be fixed by order of the Commissioner in Executive Council and July 1 of the year following the year of Assent, subsection 45(6) is repealed and replaced by:

Same

(6) The school team shall develop the individual student support plan referred to in subsection (5), and subsections 43(3), 43(6) to (10) and 43.1(3) to (9), with any necessary modifications, apply to the plan.

*See* S.Nu. 2020,c.14,s.51(d).

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.

**Note:** On the earlier of a day to be fixed by order of the Commissioner in Executive Council and July 1 of the year following the year of Assent, section 46 is repealed and replaced by:

#### Periodic reviews

**46.** (1) The main teacher shall, at least once a year or more frequently if required by direction of the Minister,

- (a) assess the progress of each student with an individual student support plan;
- (b) review all individual student support plans;
- (c) alter individual student support plans which require alteration; and
- (d) inform the parents of each student with an individual student support plan of the results of any assessment or review under this subsection, as part of the information provided under subsection 75(2).

#### Responsibility of principal

(2) A principal shall ensure that the main teacher assesses progress and reviews and, if necessary, alters individual student support plans in accordance with subsection (1).

*See S.Nu. 2020,c.14,s.52.*

#### 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 they are entitled under subsection 41(1), the Minister shall ensure that the services or assessments are provided. S.Nu. 2020,c.14,s.122(1)(e).

**Note:** On the earlier of a day to be fixed by order of the Commissioner in Executive Council and July 1 of the year following the year of Assent, section 47 is amended by:

- (a) **by renumbering it as subsection 47(1);**
- (b) **in subsection (1) by**
  - (i) **replacing "the school team" with "the main teacher", and**
  - (ii) **adding "and in accordance with the regulations" after "with the agreement of the Minister"; and**
- (c) **by adding the following after subsection (1):**

#### Request for specialized services or assessments

(2) A parent of a student, a student if the student is an adult, or the district education authority acting on the request of a parent or adult student may, in writing, request that the main teacher determine whether specialized services or assessments are required to ensure that the student is provided with the adjustments and supports to which they are entitled under subsection 41(1).

*See S.Nu. 2020,c.14,ss.53.*



## 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 they are 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 they are 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. S.Nu. 2020,c.14,ss.54,122(1)(f).

**Note:** On the earlier of a day to be fixed by order of the Commissioner in Executive Council and July 1 of the year following the year of Assent, section 48 is amended by:

- (a) **by repealing subsection (2) and renumbering subsection (1) as section 48;**
- (b) **by replacing "school team" wherever it appears with "main teacher";**
- (c) **by repealing paragraphs (a) and (b); and**
- (d) **in paragraph (e) by replacing "by a parent of the student or the student, if the student is an adult" with "under subsection 47(2)".**

*See S.Nu. 2020,c.14,s.54*

## 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.

**Note:** On the earlier of a day to be fixed by order of the Commissioner in Executive Council and July 1 of the year following the year of Assent, section 49 is repealed.

*See S.Nu. 2020,c.14,s.55.*

### 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 a 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. S.Nu. 2011,c.10,s.4(2).

**Note:** On the earlier of a day to be fixed by order of the Commissioner in Executive Council and July 1 of the year following the year of Assent, section 50 is amended by:

**(a) by repealing and replacing subsections (1) to (3) by:**

### Review by review board

**50.** (1) A parent of a student or an adult student may request a review by a review board

established under section 51 if the parent or adult 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 the adjustments and support being provided, as indicated in a notification given under subsection 43(4) or (6);
- (c) has not received notification of the approval of an individual student support plan under subsection 43.1(4) more than 90 days after having been notified under paragraph 43(4)(b) that an individual student support plan will be developed;
- (d) has not accepted an individual student support plan under paragraph 43.1(5)(a) more than 30 days after having initially rejected an individual student support plan under paragraph 43.1(5)(b);
- (e) 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);
- (f) is not satisfied with a decision by the main teacher with respect to specialized services or assessments that are required to ensure that the student is provided with the adjustments or support to which they are entitled under subsection 41(1);
- (g) is not satisfied with a decision by the main teacher that specialized services or assessments are not required to ensure that the student is provided with the adjustments or support to which they are entitled under subsection 41(1), following a request for such services or assessments under subsection 47(2); or
- (h) is not satisfied with the implementation of an individual student support plan.

#### Making request

(2) A request for review under subsection (1) must

- (a) be in writing, but does not have to be in any particular form;
- (b) be made to the Minister.

#### Role of district education authority

(3) A district education authority is not a party to nor an intervener in a review before the review board and may not represent a parent or student before the review board.

#### Parties

(3.1) The following are parties to a review under this section:

- (a) the main teacher;
- (b) the school team;
- (c) the parents of the student, or, if the student is an adult, the student.

#### Stay of interim implementation

(3.2) The review board may stay the interim implementation of an individual student support plan under subsection 43.1(9).

**(b) by repealing and replacing subsection (5) by:**

## Right to be heard

(5) The review board shall give the following an opportunity to be heard:

- (a) the parties;
- (b) the student who is a minor, unless the review board determines that giving this opportunity can reasonably be expected to be inappropriate or harmful to the student.

## Decision

(5.1) The review board shall decide what, if anything, should be done to settle the matter, including

- (a) confirming the individual student support plan or its implementation, with or without amendments made by the review board;
- (b) requiring adjustments and support under subsection 43(5);
- (c) referring the matter back to be reconsidered under sections 43 and 43.1, including
  - (i) recommending further assessments,
  - (ii) recommending adjustments and support under subsection 43(5), and
  - (iii) providing direction on the development of an individual student support plan; and
- (d) providing recommendations or requiring action with respect to the implementation of an individual student support plan.

## Reconsideration

(5.2) Sections 43, 43.1 and this section apply where the review board refers a matter back to be reconsidered under sections 43 and 43.1, except when a parent rejects an individual student support plan under paragraph 43.1(5)(b), in which case they may immediately request a new review of the individual student support plan under this section.

**(c) in subsection (7) by adding "binding and" after "is".**

*See S.Nu. 2020,c.14,s.56.*

## 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.

**Note:** On the earlier of a day to be fixed by order of the Commissioner in Executive Council and July 1 of the year following the year of Assent, section 51 is amended by:

**(a) repealing and replacing subsections (1) to (3) by:**

## Review board

**51.** (1) On receiving a request for review under section 50, the Minister shall establish a review board and

- (a) subject to subsection (2.1), appoint a member of the district education authority designated by the district education authority to be a member of the review board; and
- (b) either
  - (i) appoint an individual from the list established under subsection (5) to be the chairperson of the review board and direct the chairperson to appoint another member of the review board, or
  - (ii) appoint two individuals from the list established under subsection (5) to be members of the review board and designate one of them as the chairperson.

## Appointment by chairperson

(2) Where directed under paragraph (1)(b)(i), the chairperson shall appoint another member of the review board from the list established under subsection (5).

## Delay in appointment

(2.1) If the Minister requests a district education authority to designate a member to be appointed to a review board, and the district education authority fails to do so within five working days after the request,

- (a) the Minister may appoint an additional individual from the list established under subsection (5) to be a member of the review board; and
- (b) if the Minister exercises the power under paragraph (a), the district education authority may not designate a member of the review board.

**Expert member**

(3) One of the members of the review board must be an individual who has expertise in the types of needs purportedly required by the student.

**(b) repealing and replacing subsection (5) by:****List of members**

(5) The Minister shall establish and maintain a list of potential members for the purposes of this section, and shall indicate their area of expertise, if any, for the purposes of subsection (3).

*See S.Nu. 2020,c.14,s.57.*

**Principal's report to district education authority**

**51.1.** (1) Once quarterly, a principal shall prepare and submit to the district education authority a report on

- (a) the development of individual student support plans;
- (b) the number of reviews under section 50; and
- (c) trends in student needs.

**Personal information**

(2) A report under subsection (1) shall not include any personal information, as defined in the *Access to Information and Protection of Privacy Act*. S.Nu. 2020,c.14,s.58.

**Annual report**

**51.2.** (1) The Minister shall, as part of the annual report under subsection 126(1), prepare a report on inclusive education, including

- (a) a summary of support and services provided during the year; and
- (b) an analysis of student needs and related trends.

**Protection of privacy**

(2) Any information provided in a report under subsection (1) must be provided in the form of aggregate data that is sufficiently general and anonymous that it cannot be used, directly or indirectly, to identify an individual. S.Nu. 2020,c.14,s.58.

**Consultation for directions**

**51.3.** (1) The Minister must consult with the DEA Coalition before providing directions for the purposes of this Part.

**Response**

(2) Where, as part of a consultation under subsection (1), the DEA Coalition provides written recommendations to the Minister and the Minister does not incorporate the recommendations, the Minister shall provide written reasons to the DEA Coalition. S.Nu. 2020,c.14,s.58.

**52. Repealed, S.Nu. 2020,c.14,s.8.**

## 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 authority 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.

**Note:** On the earlier of a day to be fixed by order of the Commissioner in Executive Council and July 1 of the year following the year of Assent, section 53 is amended by:

- (a) by adding the following after paragraph (a):**
  - (a.1) respecting specialized services or assessments under section 47;
- (b) in paragraph 53(g) by replacing "district education authorities" with "the Minister".**

*See S.Nu. 2020,c.14,s.59.*

## 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 their education or their health or safety in the school. S.Nu. 2020,c.14,s.122(5)(k).

## 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 their 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.  
S.Nu. 2020,c.14,s.122(5)(l).

## 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, in consultation with the principals in the education district, 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.

**(6) Repealed, S.Nu. 2020,c.14,s.9(1).**

#### 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.**

**(9) Repealed, S.Nu. 2020,c.14,s.82(b).**

#### Implementation

(10) A principal shall implement the Inuuqatigiitsiarniq policy in their school.

#### 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 (7) to (10) apply, with such modifications as the circumstances require with respect to an amendment.

#### DEA Coalition assigns policy

(13.01) Where a district education authority fails to adopt a Inuuqatigiitsiarniq policy as required under this section or the regulations, or to amend it as required under subsection (12), the DEA Coalition shall assign to the district education authority a Inuuqatigiitsiarniq policy that complies with subsection (2) to (4) and the regulations.

#### Copy to Minister

(13.1) The district education authority, immediately on adopting, or being assigned, 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.
- S.Nu. 2020,c.14,ss.9(2),(3),82(a),(c),(d).

#### 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.

**(2) Repealed, S.Nu. 2020,c.14,s.10(1).**

#### Role of principals

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

#### Minister's assistance

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

#### Duty of principal

(5) A principal shall implement the programs developed under subsection (1) in their school. S.Nu. 2020,c.14,ss.10(2),83.

#### 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 their school. S.Nu. 2020,c.14,s.122(5)(m).

#### School rules

**61.** Subject to the approval of the district education authority, the principal may make rules in respect of their school.

(2) **Repealed, S.Nu. 2020,c.14,s.11(2).**

S.Nu. 2020,c.14,ss.11(1),122(5)(n).

### 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.  
S.Nu. 2020,c.14,s.105.

## 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 their 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. S.Nu. 2020,c.14,s.122(5)(o).

## Counselling services

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

**68. Repealed, S.Nu. 2020,c.14,s.12.**

## 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, in consultation with the Nunavut Teachers' Association,

- (a) 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; and
- (b) may establish and maintain a program of Nunavut-wide assessments to assess other learning outcomes provided for in the curriculum established by the Minister.

#### Principal's role

(2) A principal shall supervise the assessment of the students of their school under any assessment program established by the Minister under subsection (1).  
S.Nu. 2020,c.14,s.32,122(5)(p).

#### On-going assessments

**75.** (1) In addition to any assessments under section 74, a principal shall ensure that the students of their 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. S.Nu. 2020,c.14,s.122(5)(q).

#### 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.

#### Reporting on student assessments and progression

**77.1.** (1) The Minister shall, as part of the annual report under subsection 126(1), prepare a report on student assessments and progression which includes

- (a) aggregate results of Nunavut-wide assessments established under subsection 74(1) for each district education authority, and separately for each grade in each of the models for bilingual instruction established under paragraph 29(b);
- (b) the number of grade 12 graduates in each of the Qikiqtani, Kivalliq and Kitikmeot regions;
- (c) the number of grade 12 students in each of the Qikiqtani, Kivalliq and Kitikmeot regions that achieved a passing grade in diploma level exams in either English or French Language Arts, based on which of those languages is one of their languages of instruction under this Act; and
- (d) for each district education authority, and separately for each grade in each of the Qikiqtani, Kivalliq and Kitikmeot regions,
  - (i) the percentage of students who progressed from one grade to the next, having achieved curriculum expectations,
  - (ii) the percentage of students who were placed in a grade, despite not having achieved the curriculum expectations of the previous grade, and
  - (iii) the percentage of students who were retained in the same grade from one school year to the next.

#### Protection of privacy

(2) The report under subsection (1) must exclude information that could be used, directly or indirectly, to identify an individual. S.Nu. 2020,c.14,s.32.1.

## 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 their duties and responsibilities and did not act in a negligent manner. S.Nu. 2020,c.14,ss.106,122(5)(r).

## 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 their 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. S.Nu. 2020,c.14,s.122(5)(s).

## 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). S.Nu. 2011,c.10,s.4(2).

## PART 10

### INSTRUCTIONAL HOURS AND SCHOOL CALENDARS

#### Definition of "non-instructional school day"

**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.

#### Standardized school dates

**83.1.** (1) The Minister shall, by order, establish three basic school calendars for each school year for each of the Qikiqtaaluk, Kivalliq and Kitikmeot regions, indicating:

- (a) the start and end dates; and
- (b) the dates of professional development days.

#### Timing

(2) The Minister shall endeavour to make the order under subsection (1) at least 29 months prior to the beginning of the school year to which it applies.

#### Consultation

(3) Prior to making an order under subsection (1), the Minister shall consult with the DEA Coalition. S.Nu. 2020,c.14,s.67.

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

**84.** (1) By March 31 preceding each school year, a district education authority shall establish a school calendar for the school year for each of its schools.

#### Conformity with basic school calendar

(1.1) A school calendar shall conform to one of the basic school calendars established under section 83.1 for the school year.

#### 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.

(3) **Repealed, S.Nu. 2020,c.14,s.13.**

#### 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 their 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 the Minister considers necessary or advisable in order for it to be consistent with this Act and the regulations.

S.Nu. 2020,c.14,ss.68,122(2)(a),(5)(t).

#### 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 Inuusilirijiit, being individuals who perform the functions of school community counsellors;
- (e) Inuksiutiliriji, as defined under subsection 102(1), who are employed under subsection 102(2);
- (f) **Repealed, S.Nu. 2020,c.14,s.61.**
- (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. S.Nu. 2020,c.14,s.61.

## 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 their 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.

S.Nu. 2020,c.14,s.122(5)(u).

## Teachers

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

**91.** (1) The following provisions of the *Public Service Act*, and the regulations made in relation to them, do not apply to teachers:

- (a) subsections 10(6) to (9) (appeals to Staffing Appeals Committee);
- (b) sections 16 and 17 (probation);
- (c) section 19 (notice of resignation); and
- (d) section 21 (laying off employees).

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

(2) In applying the following provisions of the *Public Service Act*, and the regulations made in relation to them, to teachers, a reference to the Minister or Deputy Minister shall be deemed to be a reference to the Minister responsible for this Act or the Deputy Minister of the department, as the case may be:

- (a) Part 2 (management and direction);
- (b) section 6 (non-discrimination and affirmative action);
- (c) section 7 (establishment of positions);
- (d) subsection 8(1) (power to appoint and dismiss);
- (e) subsection 10(1) to (5) (appointment by competition);
- (f) section 12 (appointment without competition);
- (g) section 20 (abandonment);
- (h) sections 22 to 26 (suspension, investigation and dismissal);
- (i) section 29 (appointment during extended leave);
- (j) Part 5 (political activity).

S.Nu. 2013,c.26,s.86(2); S.Nu. 2020,c.14,s.108.



#### 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 they have taken up the duties of their 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.

S.Nu. 2020,c.14,s.122(1)(h),(5)(v).

## Resignation, end of school year

**93.** (1) A teacher may resign their 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. S.Nu. 2020,c.14,s.122(5)(w).

## 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 they receive the notice of the termination. S.Nu. 2020,c.14,s.122(1)(i).

### 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. S.Nu. 2013,c.19,s.16(2).

### Orientation and mentoring programs

**96.** (1) The Minister shall, in consultation with the DEA Coalition, 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.

### Content of orientation programs

(1.1) Orientation programs developed under subsection (1) shall include

- (a) an introduction to the Inuit Language; and
- (b) instruction in Inuit culture and history.

**(2) Repealed, S.Nu. 2020,c.14,s.14.**

S.Nu. 2020,c.14,ss.62,84.

### 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 themselves 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.

S.Nu. 2020,c.14,s.122(10).

### Specific additional duties of teachers

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

- (a) diligently teach their students in a manner that promotes their physical, emotional, social, intellectual and spiritual development and encourages them in the pursuit of learning;
- (b) **Repealed, S.Nu. 2020,c.14,s.15.**
- (c) encourage their students to develop positive self-esteem;

- (d) encourage their 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 their 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; and
  - (j) perform such duties and tasks, including attending exercises, activities and meetings, as may be assigned by the principal or as may be otherwise assigned under this Act or the regulations.
- S.Nu. 2011,c.10,s.4(2); S.Nu. 2020,c.14,s.122(1)(j),(5)(x).

#### 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, they 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; and
- (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 their duties, an Ilinniarvimmi Inuusiliriji may consult with and make referrals to such community agencies as they consider appropriate.

S.Nu. 2011,c.10,s.4(2); S.Nu. 2020,c.14,s.122(1)(k),(5)(y).

##### Teacher trainees

**101.** (1) Principals shall cooperate with Nunavut Arctic College 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 their 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 they are assigned for the purpose of their placement.

## Not employees

(4) A teacher trainee is not an employee of the Government of Nunavut or of a district education authority. S.Nu. 2011,c.27,s.16(4); S.Nu. 2020,c.14,s.122(1)(1),(5)(z).

## Definitions

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

"expertise" means skills, knowledge and abilities in Inuit culture and traditions; (*expertise*)

"Inuksiutiliriji" means a person who has been issued a certificate under subsection (4). (*Inuksiutiliriji*)

## Employment of Inuksiutiliriji

(2) A district education authority may employ an Inuksiutiliriji to assist in the instruction of the expertise specified on the certificate of the Inuksiutiliriji issued under subsection (4).

## Recommendation for certification

(3) Where a district education authority is of the opinion that a person has the expertise required to assist in the instruction of the education program, the district education authority may,

- (a) if the person is not an Inuksiutiliriji, recommend to the Minister that the person be certified as an Inuksiutiliriji in the expertise that, in the opinion of the district education authority, the person has; or
- (b) if the person is an Inuksiutiliriji, recommend to the Minister that the Inuksiutiliriji's certificate be updated to add the expertise that, in the opinion of the district education authority, the Inuksiutiliriji has.

## Certification of Inuksiutiliriji

(4) Upon receipt of a recommendation under subsection (3), the Minister shall,

- (a) if the person is not an Inuksiutiliriji, issue a certificate certifying that the person being recommended is an Inuksiutiliriji and stating that the person has the expertise specified in the recommendation; or
- (b) if the person is an Inuksiutiliriji, update the certificate of the Inuksiutiliriji to add the expertise specified in the recommendation. S.Nu. 2020,c.14,s.63.

## Certification

### Certification required, teachers

**103.** (1) An individual shall not be employed as a teacher unless they hold 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.  
S.Nu. 2020,c.14,s.122(1)(m).

## 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 their training as a teacher; and
  - (b) **Repealed, S.Nu. 2020,c.14,s.64(a).**

Same

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

Directions to teacher trainees

(7) A teacher may give directions to a teacher trainee 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. S.Nu. 2011,c.10,s.4(2); S.Nu. 2020,c.14,ss.64(b),122(5)(aa).

### Principals and Vice-principals

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

**105.** (1) The following provisions of the *Public Service Act*, and the regulations made in relation to them, do not apply to principals and vice-principals:

- (a) subsections 10(6) to (9) (appeals to Staffing Appeals Committee);
- (b) sections 16 and 17 (probation);
- (c) section 19 (notice of resignation);
- (d) section 21 (laying off employees).

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

(2) In applying the following provisions of the *Public Service Act*, and the regulations made in relation to them, to principals and vice-principals, a reference to the Minister or Deputy Minister shall be deemed to be a reference to the Minister responsible for this Act or the Deputy Minister of the department, as the case may be:

- (a) Part 2 (management and direction);
- (b) section 6 (non-discrimination and affirmative action);
- (c) section 7 (establishment of positions);
- (d) subsection 8(1) (power to appoint and dismiss);
- (e) subsections 10(1) to (5) (appointment by competition);
- (f) section 12 (appointment without competition);
- (g) section 20 (abandonment);
- (h) sections 22 to 26 (suspension, investigation and dismissal);
- (i) section 29 (appointment during extended leave);
- (j) Part 5 (political activity).

S.Nu. 2013,c.26,s.86(3); S.Nu. 2020,c.14,s.109.

### Tenure

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

### Condition on re-appointment

(2) A principal or vice-principal may only be re-appointed for an additional term if their performance appraisal under section 117 for the final year of their current contract is satisfactory. S.Nu. 2020,c.14,ss.65,122(5)(ab).

### Appointments and re-appointments

**107.** (1) Subject to subsection (5), 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 the Minister 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) subject to subsection (5), 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).

### Delay in appointment

(5) If the Minister requests a district education authority to appoint a member to a panel referred to in this section and the district education authority fails to do so within two working days after the request,

- (a) the Minister may appoint additional members to the panel; and
  - (b) if the Minister exercises the power under paragraph (a), the district education authority may not appoint any members of the panel.
- S.Nu. 2020,c.14,ss.69,122(2)(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 they have taken up the duties of their 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 their 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. S.Nu. 2020,c.14,s.122(1)(n),(5)(ac).

### Resignation

**109.** (1) A principal or vice-principal may resign their 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.

S.Nu. 2020,c.14,s.122(5)(ad).

### 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 they receive the notice of the termination.

S.Nu. 2020,c.14,s.122(1)(o).

### 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 their employment as a teacher after ceasing to be employed as a principal or vice-principal. S.Nu. 2020,c.14,s.122(5)(ae).

### 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 four years if they undertake 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 four 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 four-year period described in that subsection is extended under subsection (6).

#### Extension of time

(6) The Minister may, on application, extend the four-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.  
S.Nu. 2020,c.14,ss.66,122(1)(p).

#### 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.

(2) **Repealed, S.Nu. 2020,c.14,s.16.**

#### 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 their 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 their 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.

S.Nu. 2020,c.14,s.122(5)(af).

#### **114.1. Repealed, S.Nu. 2020,c.14,s.17.**

#### 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 the Minister's 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. S.Nu. 2020,c.14,s.122(6)(b).

## 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 responsibilities 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 Qaujimagatuqangit responsibilities of the Minister and of the principals and other members of the education staff.

(3) **Repealed, S.Nu. 2020,c.14,s.18(c).**

(4) **Repealed, S.Nu. 2020,c.14,s.18(c).**

(5) **Repealed, S.Nu. 2020,c.14,s.18(c).**

#### 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 of "Inuit Qaujimagatuqangit responsibilities"

(7) In this section, "Inuit Qaujimagatuqangit responsibilities" refers to the responsibility to ensure that Inuit societal values and the principles and concepts of Inuit Qaujimagatuqangit are incorporated throughout, and fostered by, the public education system. S.Nu. 2020,c.14,s.18(a),(d).

#### 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.  
S.Nu. 2020,c.14,s.110.

#### 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.
- S.Nu. 2020,c.14,s.111.

#### 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 the Minister's 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). S.Nu. 2020,c.14,s.122(6)(c).

#### 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) Part VIII.1 of the *Nunavut Elections Act* applies to all matters respecting the election of the members of a district education authority.

#### Term of office

(2) Subject to this Act, all members of a district education authority hold office for four years.

#### Dates for term of office

- (3) The term of office of a member of a district education authority
- (a) commences at 12 noon on the day after election day or when the member is sworn in, whichever is later; and
  - (b) ends at 12 noon on the day after the next election day.  
S.Nu. 2011,c.10,s.4(2); S.Nu. 2017,c.21,s.3(3).

#### 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 Elder

**133.** (1) A district education authority may appoint an Elder to the district education authority.

#### Participation of Elder

(2) The Elder appointed under this section has the same rights and responsibilities as members of the district education authority, including the right to vote.

#### Payment

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

#### Term

(4) The appointment of an Elder under this section is for a renewable term of two years. S.Nu. 2020,c.14,s.70.

#### 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 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.

(4) **Repealed, S.Nu. 2020,c.14,s.71(b).**

#### Participation of student representative

(5) Subject to subsection 136(4), the student representative elected under this section has the same rights and responsibilities as members of the district education authority, including the right to 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. S.Nu. 2020,c.14,s.71(a),(c).

#### 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 them in good faith in the exercise of their powers or in the performance of their duties. S.Nu. 2020,c.14,s.122(4)(a),5(ag).

#### Requirement for vulnerable sector check

**136.** (1) When a person is elected or re-elected to be a member of a district education authority, otherwise becomes a member of a district education authority, or is appointed as an Elder under subsection 133(1), they shall submit to the Minister a criminal record check, including a vulnerable sector check, that is dated no more than three months before the day it is submitted to the Minister.

### Disclosure

(2) A member of a district education authority shall, as soon as practicable, disclose to the Minister any occurrence prescribed in the regulations that occurs after the date of the criminal record check submitted under subsection (1).

### Presence on school premises

(3) A member of a district education authority shall not be present on school premises while the school premises are being used for the delivery of the education or local community programs, or other related activities, and children are present, unless the member is accompanied by a member of the education staff or

- (a) the member has submitted the criminal record check required under subsection (1);
- (b) the criminal record check does not disclose any occurrence prescribed in the regulations; and
- (c) there has been no occurrence which the member has disclosed, or was obligated to disclose, under subsection (2).

### Student representative exempt

(4) This section does not apply to the student representative elected under section 134. S.Nu. 2020,c.14,s.72.

## 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

- (a) the education program; and
- (b) 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. S.Nu. 2020,c.14,s.73.

### Additional duties and responsibilities

**138.** (1) The Commissioner in Executive Council may, on the recommendation of the Minister, 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 the education and local community programs;
- (b) **Repealed, S.Nu. 2020,c.14,s.19.**
- (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 the Minister 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), the Minister shall be deemed to have agreed under subsection 149(8) to a structured dialogue with the district education authority with respect to the request. S.Nu. 2020,c.14,ss.33,93,122(2)(c).

Report

**138.1.** A district education authority shall prepare and include in the report referred to in subsection 146(1) a report on Inuit societal values and the principles and concepts of Inuit Qaujimajatuqangit in the education district, including

- (a) the incorporation of Inuit societal values and the principles and concepts of Inuit Qaujimajatuqangit in the public education system in its education district;

- (b) the fostering of Inuit societal values and the principles and concepts of Inuit Qaujimagatuqangit by the public education system in its education district; and
  - (c) other prescribed matters.
- S.Nu. 2020,c.14,s.20.

#### 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 Inuuqatigiitsiarniq, 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 education and local community programs.

#### 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 education and local community programs.

#### 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, the needs of the education and local community programs for the school.

S.Nu. 2020,c.14,s.34.

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 local community program.

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. S.Nu. 2020,c.14,s.35.

Miscellaneous powers

**145.** A district education authority may

- (a) provide transportation to students to enable them to have access to the education and local community programs;
- (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 local community program and local education program enhancements; and
- (e) temporarily close a school for health or safety reasons.

S.Nu. 2020,c.14,s.36.



## 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 to be provided to the Minister under this Act, a district education authority shall provide the Minister with such reports and information as the Minister may require. S.Nu. 2020,c.14,ss.114,122(2)(d).

## 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 the 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 the Minister's 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. S.Nu. 2020,c.14,s.122(6)(d).

### 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 the Minister may direct;

- (b) request reports from the district education authority;
- (c) give directions to the district education authority regarding the local community program and local education program enhancements.

#### 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 the Minister 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. S.Nu. 2020,c.14,s.37,122(2)(e).

#### 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 Minister shall request the Chief Electoral Officer to conduct an election for new members of the district education authority in the same manner as the first election of a district education authority; and
- (c) the Commissioner in Executive Council shall by order, provide for the transition of control from the interim trustee to the newly elected district education authority and revoke the order issued under subsection 150(2).

S.Nu. 2011,c.10,s.4(2); S.Nu. 2017,c.21,s.3(4).

#### Consultation with Chief Electoral Officer

**152.1.** Before an order is made under paragraph 152(c), the Minister shall consult with the Chief Electoral Officer regarding the timing of the order and the conduct of the election for new members of the district education authority. S.Nu. 2017,c.21,s.3(5).

#### 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 them in good faith in the exercise of their powers or the performance of their duties. S.Nu. 2020,c.14,s.122(4)(b),(5)(ah).

## 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; and
  - (g) respecting the provision of information under section 147.
- S.Nu. 2011,c.10,s.4(2).

## PART 13

## FRENCH MINORITY LANGUAGE RIGHTS

## General

## Definition of "rights holder"

**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 their 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*. S.Nu. 2020,c.14,s.122(5)(ai).

### 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, the Minister 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 the decision in accordance with the Minister's duty under section 159. S.Nu. 2020,c.14,s.122(2)(f),(8).

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 the decision in accordance with the Minister's duty under section 159. S.Nu. 2020,c.14,s.122(8).

## 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) Part VIII.1 of the *Nunavut Elections Act* applies to all matters respecting the election of the members of the *Commission scolaire francophone*.

## Term of office

(2) Subject to this Act, all members of the *Commission scolaire francophone* hold office for four years.

## Dates for term of office

- (3) The term of office of a member of the *Commission scolaire francophone*
- (a) commences at 12 noon on the day after election day or when the member is sworn in, whichever is later; and
  - (b) ends at 12 noon on the day after the next election day.

## Rights holders information

(4) The Minister shall, on request, provide the Chief Electoral Officer with information in respect of rights holders to assist Elections Nunavut in registering voters for the election of members of the *Commission scolaire francophone*. S.Nu. 2017,c.21,s.3(6).



## 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 education program provided by the *Commission scolaire francophone*,

- (a) the references to the Minister in the following provisions shall be deemed to be reference to the *Commission scolaire francophone*:
  - (i) subsection 8(1) (providing education program), and
  - (ii) section 10 (teaching and learning materials);
- (b) the references in subsections 8(4) and 96(1) to the DEA Coalition shall be deemed to be references to the *Commission scolaire francophone*;
- (c) subject to directions given to it under subsection 8(7), the *Commission scolaire francophone* shall determine the manner in which it gives effect to the Inuit Language requirements of paragraph 8(5)(a);
- (d) for greater certainty, the *Commission scolaire francophone* shall determine the teaching or learning materials, tools, resources, methods or assessments necessary to give effect to paragraph 8(5)(a);
- (e) the teaching of the Inuit Language in accordance with paragraph 8(5)(a) shall not undermine or dilute the francophone nature and character of the education program or French-language educational facilities;
- (f) if applicable, no language other than French may be used as the underlying language in teaching the Inuit Language in accordance with paragraph 8(5)(a).

**(2) Repealed, S.Nu. 2020,c.14,s.75(c).**

## Ministerial assessments

(2.1) For greater certainty, subsection 74(2) applies to principals under the jurisdiction of the *Commission scolaire francophone*.

**Directions re: delivery of education program**

(3) Directions under subsection 8(7) 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.

**Members of public service**

(3.1) For greater certainty, section 88 applies to school staff under the jurisdiction of the *Commission scolaire francophone*.

**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 paragraph 17(1)(a) to the Inuit Language and to Inuit culture shall be deemed to be references to the French language and to francophone culture respectively.

**School improvements plans**

(8) A principal under the jurisdiction of the *Commission scolaire francophone* shall send copies of the school improvements plan as required by subsection 20(3) to the Director General and not to the Minister.

**Copies to Minister**

(9) The Director General shall give a copy of any school improvements plan referred to in subsection (8) to the Minister. S.Nu. 2020,c.14,ss.38,75(a),(b),(d),(e),(f).

**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 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*. S.Nu. 2020,c.14,s.76.

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

## Duty to inform

**172.** The *Commission scolaire francophone* shall, in accordance with the regulations, keep the residents of Nunavut informed about the provision of public education under its jurisdiction. S.Nu. 2020,c.14,s.77.

## Request for reports

**172.1.** (1) The Minister may, by written request submitted to the chairperson of the *Commission scolaire francophone*, require the *Commission scolaire francophone* to provide a report on a matter within the its jurisdiction, including on

- (a) staffing processes;
- (b) any issue involving public servants, including the Director General;
- (c) decisions made respecting planning, programming and resources;
- (d) the education program, including instructional practices, inclusive education, student achievement and the use of resources to support curricular outcomes; and
- (e) the local community program.

## Deadline

(2) As part of a request made under subsection (1), the Minister may set a date before which the *Commission scolaire francophone* must provide the report.

## Duty to report

(3) The *Commission scolaire francophone* shall provide any report requested under subsection (1) within the time specified under subsection (2), or, if no time is specified, within a reasonable time. S.Nu. 2020,c.14,s.78.

## Non-application of certain provisions in Part 12, administration

**173.** (1) The following provisions do not apply to the *Commission scolaire francophone*:

- (a) sections 127 and 128 (establishment of education districts and district education authorities);
- (b) subsections 130(1), (2) and (4) (composition and remuneration of district education authority);
- (c) section 131 (election of members of district education authority);
- (d) section 132 (attendance by principal at district education authority meetings);
- (e) subsection 137(1) (general duty of district education authorities);
- (f) subsection 138(3) (considerations made before making regulations);
- (g) section 147 (duty to inform residents).

**(2) Repealed, S.Nu. 2020,c.14,s.21.**

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. S.Nu. 2020,c.14,s.115.

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 the following provisions 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*:

- (a) subsection 3(1) (management and direction);
- (b) section 4 (delegation of authority);
- (c) sections 8 to 10 and 12 (appointments and dismissals);
- (d) sections 16 and 17 (probation);
- (e) section 19 (notice of resignation);
- (f) section 20 (abandonment);
- (g) section 21 (laying off employees);
- (h) sections 22 to 26 (suspension, investigation and dismissal);
- (i) section 28 (leave of absence);
- (j) section 29 (appointment during extended leave);
- (k) Part 5 (political activity).

## 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 22 of the *Public Service Act* in relation to grievances and applying subsections 22(2) to (5) 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 5 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 them by the *Commission scolaire francophone*. S.Nu. 2011,c.10,s.4(2); S.Nu. 2013,c.26,s.86(4); S.Nu. 2020,c.14,ss.116,122(4)(c).

#### Directions of *Commission*

**177.** The Director General shall exercise the powers and carry out the functions and duties of the Director General in accordance with any directions of the *Commission scolaire francophone*. S.Nu. 2020,c.14,s.122(9).

#### 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 the following sections, and the regulations made in relation to them, 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*:

- (a) section 89 (education staff);
- (b) section 91 to 94 (hiring, dismissal, resignation and termination of teachers);
- (c) section 97 (professional development);
- (d) section 105 (application of *Public Service Act* with respect to principals and vice-principals);
- (e) section 106 (tenure of principals and vice-principals);
- (f) sections 108 to 111 (dismissal, resignation and termination of principals and vice-principals);
- (g) section 112 (certification of principals and vice-principals);
- (h) section 113 (acting principal or vice-principal);
- (i) sections 114 to 116 (duties of principals and vice-principals).

#### 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 subsections 91(2) and 105(2) shall be deemed to have been delegated to the Director General with respect to applying the following provisions 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*:

- (a) subsection 3(1) (management and direction);
- (b) section 4 (delegation of authority);
- (c) subsection 8(1) (power to appoint and dismiss);
- (d) subsections 10(1) to (5) (appointment by competition);
- (e) section 12 (appointment without competition);
- (f) section 20 (abandonment);
- (g) sections 22 to 26 (suspension, investigation and dismissal);
- (h) section 29 (appointment during extended leave);
- (i) Part 5 (political activity).

### 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 22 of the *Public Service Act* in relation to grievances; 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 5 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) The following provisions do not apply to the *Commission scolaire francophone* or to principals and vice principals under its jurisdiction:

- (a) section 107 (appointments and re-appointments);
- (b) subsections 108(3) to (7) (dismissal);
- (c) section 117 (appraisal);
- (d) section 118 (discipline).

### 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). S.Nu. 2013,c.26,s.86(5); S.Nu. 2020,c.14,s.117.

### 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 the following provisions of the *Public Service Act*, and the regulations made in relation to them, 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:

- (a) subsection 3(1) (management and direction);
- (b) section 4 (delegation of authority);
- (c) sections 8 to 10 and 12 (appointments and dismissals);
- (d) sections 16 and 17 (probation);
- (e) section 19 (notice of resignation);
- (f) section 20 (abandonment);
- (g) section 21 (laying off employees);
- (h) sections 22 to 26 (suspension, investigation and dismissal);
- (i) section 28 (leave of absence);
- (j) section 29 (appointment during extended leave);
- (k) Part 5 (political activity).

### 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 5 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 22 of the *Public Service Act* in relation to grievances and applying subsections 22(2) to (5) 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.

S.Nu. 2011,c.10,s.4(2); S.Nu. 2013,c.26,s.86(6); S.Nu. 2020,c.14,s.118.

## 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) **Repealed, S.Nu. 2017,c.21,s.3(7).**
- (b) **Repealed, S.Nu. 2017,c.21,s.3(7).**
- (c) **Repealed, S.Nu. 2017,c.21,s.3(7).**
- (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;
  - (d.1) respecting the information provided under section 172;
  - (d.2) respecting agreements between the *Commission scolaire francophone* and other district education authorities when the *Commission scolaire francophone* requires classroom space in a school of another district education authority, including
    - (i) number of teachers,
    - (ii) supervision of teachers and students,
    - (iii) registration of *Commission scolaire francophone* students in classes offered in the school,
    - (iv) participation of *Commission scolaire francophone* students in the local community programs of the district education authority,
    - (v) enrolment and funding formulas,
    - (vi) administration of examinations,
    - (vii) report cards, and
    - (viii) teachers of the *Commission scolaire francophone* participating in professional development activities offered in the school;
- (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; and
- (f) respecting the amount of the remuneration and expenses payable to members of the *Commission scolaire francophone*.  
S.Nu. 2011,c.10,s.4(2); S.Nu. 2017,c.21,ss.3(7),79.

## 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; and
- (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, on the recommendation of the Minister, make regulations setting out or providing 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(1)(e).

**(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. S.Nu. 2011,c.10,s.4(2); S.Nu. 2020,c.14,ss.85,94,119.

### 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: subsection (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);

- (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; and
- (f) respecting funding formulas and limitations in respect of money to be made available to district education authorities by the Government of Nunavut.  
S.Nu. 2011,c.10,s.4(2).

## PART 15

### DEA COALITION

#### Duties of DEA Coalition

**190.** (1) The DEA Coalition shall

- (a) provide training to district education authorities;
- (b) assist district education authorities in developing school improvements plans under section 20;
- (c) support district education authorities in the development of any teacher orientation programming they provide;
- (d) name a representative to sit on each hiring panel used for the hiring of senior regional staff of the department; and
- (e) meet with staff of the department twice annually to assist the Minister in long-term planning for the public education system, including with respect to
  - (i) the roles and responsibilities of district education authorities,
  - (ii) any matter under this Act on which the DEA Coalition must be consulted,
  - (iii) the education program, including the curriculum, bilingual education and inclusive education, and
  - (iv) territorial targets for literacy, bilingualism, attendance, school environments and discipline.

#### Ministerial responsibility

(2) 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; and
- (b) staff of the department meet with the DEA Coalition twice annually to assist the Minister in long-term planning for the public education system, including those matters described in paragraph (1)(e).  
S.Nu. 2020,c.14,s.86.

### Funding

- 191.** (1) Subject to subsection (2), the Minister shall provide the DEA Coalition with amounts, determined by the Minister in consultation with the DEA Coalition,
- (a) to fund at least six 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(1)(e); 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.

### Effect of non-compliance

(2) The Minister may reduce or suspend the payment of amounts under this section if the DEA Coalition has not complied with a requirement under this Act or the *Societies Act*. S.Nu. 2020,c.14,s.87.

### Annual report

- 192.** (1) Within the six months of the end of each fiscal year, the DEA Coalition shall prepare and submit to the Minister an annual report which must include
- (a) an accounting of the use of amounts provided under section 191;
  - (b) a report on the operations and activities of the DEA Coalition;
  - (c) a report on the state of education in Nunavut from the perspective of district education authorities and communities, including
    - (i) the incorporation and fostering of Inuit societal values and the principles and concepts of Inuit Qaujimajatuqangit in the public education system,
    - (ii) the education program,
    - (iii) the implementation of bilingual education and inclusive education goals, and
    - (iv) the roles and responsibilities of district education authorities;
  - (d) reports on other matters related to the education system, if requested by the Minister prior to the end of each fiscal year.

### Information from district education authorities

(2) District education authorities shall provide the DEA Coalition with any information it requires for the purpose of preparing the report referred to in paragraph (1)(c).

### Report to be tabled

(3) The Minister shall table the report submitted under subsection (1) in the Legislative Assembly during the first sitting of the Assembly after the report is submitted that provides a reasonable opportunity for tabling the report. S.Nu. 2020,c.14,s.88.

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

## DEA Coalition by-laws

- 193.** (1) Despite the *Societies Act*, the by-laws of the DEA Coalition
- (a) must provide that any district education authority may become a member;
  - (b) must not provide for the expulsion or suspension of a district education authority as member;
  - (c) must not provide for membership to any person other than a district education authority, the Nunavummi Disabilities Makinnasuaqtiit Society or Nunavut Tunngavik Incorporated;
  - (d) must not provide for the appointment of persons other than members of district education authorities to more than 30% of its directorship positions.

## Same

(2) As soon as practicable after registering a change to its by-laws under the *Societies Act*, the DEA Coalition shall send a copy of the registered by-laws to the Minister. S.Nu. 2020,c.14,s.89.

**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 plebiscite has been held in accordance with the

*Plebiscites Act* 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 the Minister considers necessary or advisable for the conduct of the plebiscite and, if the majority of eligible ratepayers vote in favour of establishing the school, the Minister shall take such steps as the Minister 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 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 of "ratepayer"

(6) In this section, "ratepayer" means a ratepayer as defined in the *Cities, Towns and Villages Act*. S.Nu. 2011,c.10,s.4(2); S.Nu. 2013,c.25,s.241(2); S.Nu. 2020,c.14,s.122(2)(g).

### 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 their duties, a member of a school staff may collect personal information relating to a student from persons other than the student. S.Nu. 2020,c.14,s.122(5)(aj).

### 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 subsection 32(1) 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 subsection 17(1) or section 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. S.Nu. 2020,c.14,ss.39,95.

### 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, other than a student, who creates or attempts to create a disturbance on the school premises while the school premises are being used for the delivery of the education or local community programs, or other related activities.

#### 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 they are 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. S.Nu. 2020,c.14,ss.96,122(1)(q).

### 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 the Minister 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 the Minister considers necessary or advisable and the operator shall follow the directions. S.Nu. 2020,c.14,s.122(2)(i).

## 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) **Repealed, S.Nu. 2020,c.14,s.97(1).**
- (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; and
- (f) providing for identifying numbers to be assigned to students and governing the use of such numbers.

### Interim and transitional regulations

(3) The Minister may make regulations providing for such interim and transitional matters as are considered necessary or advisable in connection with the implementation of this Act and such regulations may provide that they apply despite this or any other Act. S.Nu. 2011,c.10,s.4(2); S.Nu. 2020,c.14,s.97(1),(2),121.

## 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 the Minister 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).

## Application

(6) This section does not apply to regulations made under Part 6.  
S.Nu. 2020,c.14,ss.60,122(2)(j).

*Public Printing Act*

**204.** Despite the *Public Printing Act* and its regulations, only the following appointments under this Act require publication in the *Nunavut Gazette*:

- (a) the registrar under section 119;
- (b) an interim trustee under subsection 150(2) or paragraph 151(1)(d).  
S.Nu. 2008,c.15,s.204; S.Nu. 2020,c.14,s.98.

*Universities and Degree-Granting Institutions Act***Act enacted**

**205.** *The Universities and Degree-Granting Institutions Act set out in the Schedule is enacted.*

**PART 17**

**REPEALS AND COMING INTO FORCE**

**Repeal**

**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.

**Repeal**

**207.** The *Divisional Education Councils Dissolution Act*, S.Nu. 1999,c.4, is repealed.

**Coming into force**

**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

### Note

**The following provision has been deleted for the purposes of this consolidation:**  
*Universities and Degree-Granting Institutions Act*

**SCHEDULE****(Section 43)****SCHEDULE****(Sections 25 and 28)****PHASING IN AND APPLICATION OF INUIT LANGUAGE PROVISIONS  
GRADES 4 TO 12****Definition**

**01.** In this Schedule, "Inuit Language Arts" means a class or course that is focused on teaching the Inuit Language.

**Application**

**1.** (1) This Schedule applies to the application of Part 4 of this Act and section 8 of the *Inuit Language Protection Act*.

**Inuinnaqtun**

(2) A provision of this Schedule or the regulations made under section 6 that refers to Inuinnaqtun applies only in the area of Nunavut described in paragraph 1(2)(a) of the *Inuit Language Protection Act*.

**Inuktitut**

(3) A provision of this Schedule or the regulations made under section 6 that refers to Inuktitut applies only outside the area of Nunavut described in paragraph 1(2)(a) of the *Inuit Language Protection Act*.

***Commission scolaire francophone***

(4) For greater certainty and subject to section 168 of this Act, the requirements of this Schedule apply with respect to Inuit Language Arts taught as a second language in schools under the jurisdiction of the *Commission scolaire francophone*.

**Language retention and revitalization**

**2.** The retention and revitalization of the Inuit Language must be the primary consideration in making decisions respecting all matters to which this Schedule applies.

**Application dates**

**3.** (1) Part 4 of this Act and section 8 of the *Inuit Language Protection Act* apply to grades 4 to 12,

- (a) with respect to Inuit Language Arts, as of the application dates specified in Tables 1 to 3 below; and
- (b) with respect to all other courses, as of the application dates specified in the regulations.

## Earlier implementation

(2) The Minister shall endeavour to implement Part 4 of this Act and section 8 of the *Inuit Language Protection Act* earlier than the application dates referred to in subsection (1).

## Curriculum, materials and training

4. (1) With respect to all courses to which this Schedule applies, the Minister shall produce, or arrange for the production of, curricula, teaching materials and training that are culturally and linguistically relevant,

- (a) with respect to Inuit Language Arts, as soon as practicable but not later than the application dates specified in Tables 1 to 3 below; and
- (b) with respect to all other courses, by the application dates specified in the regulations.

*Commission scolaire francophone*

(2) If applicable in accordance with section 168 of this Act, the duty of the Minister in paragraph (1)(a) is deemed to be a duty of the *Commission scolaire francophone*.

Table 1: Inuit Language Arts – Inuktitut as a first language

Grade(s)	Application date
Grade 4	July 1, 2026
Grade 5	July 1, 2028
Grades 6 to 8	July 1, 2033
Grade 9	July 1, 2035
Grade 10	July 1, 2036
Grade 11	July 1, 2038
Grade 12	July 1, 2039

Table 2: Inuit Language Arts – Inuktitut as a second language

Grade(s)	Application date
Grade 4	July 1, 2028
Grade 5	July 1, 2030
Grades 6 to 9	July 1, 2031
Grade 10	July 1, 2032
Grade 11	July 1, 2033
Grade 12	July 1, 2034

Table 3: Inuit Language Arts – Inuinnaqtun

Grade(s)	Application date
Grade 4	July 1, 2030
Grade 5	July 1, 2032
Grades 6 to 9	July 1, 2034
Grade 10	July 1, 2035
Grade 11	July 1, 2036
Grade 12	July 1, 2037



#### Retention and recruitment strategy

**5.** (1) The Minister shall develop and maintain a strategy for the retention and recruitment of Inuit Language teachers for the purpose of implementing Part 4 of this Act and section 8 of the *Inuit Language Protection Act*.

#### Teacher education

(2) The Minister shall provide the Nunavut Arctic College with any reasonable assistance it requires with respect to its Inuit Language teacher education programs.

#### Regulations

**6.** (1) Subject to subsection (3), the Commissioner in Executive Council may make regulations specifying the application date of Part 4 of this Act and section 8 of the *Inuit Language Protection Act*.

#### Different application dates

- (2) Regulations under this section may
- (a) provide for different application dates by grade level and subject;
  - (b) provide for different application dates for Inuktitut and Inuinnaqtun; and
  - (c) be made at different times with respect to matters specified in paragraphs (a) and (b).

#### Delaying application date restricted

(3) The Commissioner in Executive Council may not, without the consent of the Legislative Assembly in the form of a resolution, amend or repeal regulations made under this section if the repeal or amendment would have the effect of delaying or eliminating an application date specified in the regulations.

#### Amendments

(4) For greater certainty, the Commissioner in Executive Council may, without the consent of the Legislative Assembly, amend regulations made under this section other than as specified in subsection (3).

#### Full repeal

(5) For greater certainty, subsection (3) does not apply to an order made under subsection 28(3) of this Act.

#### Provision of Inuit Language instruction

**7.** Nothing in this Schedule or the regulations is to be interpreted as

- (a) preventing Inuit Language instruction in any grade; or
- (b) affecting the operation of Part 4 of this Act or section 8 of the *Inuit Language Protection Act* with respect to Kindergarten to Grade 3.

S.Nu. 2020,c.14,s.43.

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