

Chapter 14

AN ACT TO AMEND THE EDUCATION ACT AND THE INUIT LANGUAGE PROTECTION ACT

(Assented to November 10, 2020)

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

PART I

EDUCATION ACT

1. This Part amends the *Education Act*.

Subpart 1

References to Inuit Qaujimajatuqangit

2. Subsection 1(1) is amended by adding "and shall be designed to graduate self-reliant and well-educated students" after "Inuit Qaujimajatuqangit".

3. Subsection 11(2) is repealed.

4. Subsection 18(2) is repealed.

5. Subsection 21(2) is repealed.

6. Subsection 37(2) is repealed.

7. Section 38 is repealed.

8. Section 52 is repealed.

9. (1) Subsection 58(6) is repealed.

(2) Subsection 58(10) is repealed and replaced by:

Implementation

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

(3) Subsection 58(13) is amended by replacing "(6)" with "(7)".

10. (1) Subsection 59(2) is repealed.

(2) Subsection 59(5) is repealed and replaced by:

Duty of principal

(5) A principal shall implement the programs developed under subsection (1) in their school.

11. (1) Subsection 61(1) is renumbered as section 61.

(2) Subsection 61(2) is repealed.

12. Section 68 is repealed.

13. Subsection 84(3) is repealed.

14. Subsection 96(2) is repealed.

15. Paragraph 98(b) is repealed.

16. Subsection 114(2) is repealed.

17. Section 114.1 is repealed.

18. Section 122.1 is amended

- (a) by replacing "Inuit Qaujimajatuqangit duties" wherever it appears in subsections (1) and (2) with "Inuit Qaujimajatuqangit responsibilities";**
- (b) in the French version of subsection (2), by replacing "de ces devoirs" with "de ces responsabilités";**
- (c) by repealing subsections (3) to (5); and**
- (d) by repealing and replacing subsection (7) by:**

Definition of "Inuit Qaujimajatuqangit responsibilities"

(7) In this section, "Inuit Qaujimajatuqangit responsibilities" refers to the responsibility to ensure that Inuit societal values and the principles and concepts of Inuit Qaujimajatuqangit are incorporated throughout, and fostered by, the public education system.

19. Paragraph 138(3)(b) is repealed.

20. Section 138.1 is repealed and replaced by:

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 Qaujimajatuqangit by the public education system in its education district; and
- (c) other prescribed matters.

21. Subsection 173(2) is repealed.

Subpart 2

Education Program and Local Community Programs

22. The preamble is amended

- (a) **in the seventh recital by replacing "and school programs" with "**, the education program and local community programs"; **and**
- (b) **in the French version of paragraph (b) of the ninth recital by replacing "et de programmes d'études" with "et de curriculums".**

23. Subsection 3(1) is amended

- (a) **by repealing the definitions of "education program", "local program" and "school program" and adding the following definitions in alphabetical order:**

"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*)

"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*)

"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*)

- (b) **in the definition of "school staff" by replacing "school program" with "education and local community programs".**

24. The heading "SCHOOL PROGRAM" preceding section 7 is replaced with "PROGRAMS IN SCHOOLS".

25. Sections 7 to 10 are repealed and replaced by:

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).

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).

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.

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.

26. Paragraph 13(1)(a) is amended by replacing "school program" with "local community program".

27. Section 14 is repealed and replaced by:

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.

28. Section 16 is repealed and replaced by:

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.

29. Section 17 is repealed and replaced by:

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.

30. Subsection 18(1) is amended

- (a) **by replacing** "In addition to the school program" **with** "As part of the local community program"; **and**
- (b) **by deleting** "early childhood programs in addition to the one referred to in subsection 17(1),".

31. Section 20 and the heading preceding it are repealed and replaced by:

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.

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.

32. Subsection 74(1) is repealed and replaced by:

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.

32.1. The following is added after section 77:

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.

33. Paragraph 138(3)(a) is amended by replacing "the school program" with "the education and local community programs".

34. Section 141 is amended

- (a) in subsections (3) and (4) by replacing "school program" wherever it appears with "education and local community programs"; and**
- (b) by repealing and replacing subsection (7) by:**

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.

35. Subsection 144(2) is amended by replacing "school program and programs provided under section 17 or 18" with "local community program".

36. Section 145 is amended

- (a) in paragraph (a) by replacing "the school program" with "the education and local community programs"; and**
- (b) in paragraph (d) by replacing "the school program" with "the local community program and local education program enhancements".**

37. Paragraph 150(1)(c) is amended by replacing "the school program" with "the local community program and local education program enhancements".

38. Section 168 is amended

- (a) in subsection (7) by replacing "subsection 17(1)" with "paragraph 17(1)(a)"; and**
- (b) by repealing and replacing subsections (8) and (9) by:**

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.

39. Subsection 200(4) is amended by replacing "sections 17 and 18" with "subsection 17(1) or section 18".

Subpart 3

Languages of instruction

40. Subsections 24(1) and (2) are repealed and replaced by:

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.

41. Section 25 is amended

- (a) in subsection (3) by replacing "subsection 8(2)" with "subsection 8(3)";
- (b) by adding the following after subsection (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.

- (c) by adding the following after subsection (6):

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).

42. Section 28 is repealed and replaced by:

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.

43. The Schedule in the Schedule to this Act is added as a Schedule to the Act.

Subpart 4

Inclusive Education

44. The French version of the fourth recital of the preamble is amended by replacing "l'intégration" with "l'inclusion".

45. Subsection 3(1) is amended by adding the following definition in alphabetical order:

"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*)

46. The French version of the heading "INTÉGRATION SCOLAIRE" in Part 6 is replaced with "INCLUSION SCOLAIRE".

47. 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.

48. Section 41 is amended

- (a) by repealing and replacing subsection (2) 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.
- (b) in the French version of subsection (4) by replacing "l'intégration" with "l'inclusion".**

49. Sections 42 and 43 are repealed and replaced by:

Oversight

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

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.

50. Section 44 is amended by replacing "subsection 8(5)" with "subsection 8(7)".

51. Section 45 is amended

- (a) **in the part of subsection (1) preceding paragraph (1)(a)**
 - (i) **by replacing "and subject to the directions, if any, of the Minister, a principal may" with ", the Minister may, on the recommendation of the principal," and**
 - (ii) **by adding ", on a full or part-time basis," after "setting";**

- (b) in subsection (3) by replacing "decide" with "recommend";**
- (c) by repealing and replacing subsection (5) by:**

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.

- (d) by repealing and replacing subsection (6) 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.

52. 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).

53. Section 47 is amended

- (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).

54. Section 48 is amended

- (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)".**

55. Section 49 is repealed.

56. Section 50 is amended

- (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".

57. 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).

58. The following is added after section 51:

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*.

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.

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.

59. Section 53 is amended

(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".**

60. The following is added after subsection 203.1(5):

Application

- (6) This section does not apply to regulations made under Part 6.

Subpart 5

Education staff

61. Subsection 89(1) is amended by repealing and replacing paragraphs (e) and (f) by:

- (e) Inuksiutiliriji, as defined under subsection 102(1), who are employed under subsection 102(2);

62. The following is added after subsection 96(1):

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.

63. Section 102 is repealed and replaced by:

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.

64. Section 104 is amended

- (a) **by repealing paragraph (5)(b); and**
- (b) **by repealing and replacing subsection (7) by:**

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).

65. Subsection 106(1) is amended by replacing "three years" wherever it appears with "four years".

66. (1) Subsection 112(3) is amended by replacing "three years" with "four years".

(2) Subsection 112(5) is amended by

- (a) **replacing "three years" with "four years"; and**
- (b) **replacing "three-year" with "four-year".**

(3) Subsection 112(6) is amended by replacing "three-year" with "four-year".

Subpart 6

District Education Authorities

67. The following is added after section 83:

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.

68. Section 84 is amended

- (a) **in subsection (1) by replacing "Before the beginning of each school year" with "By March 31 preceding each school year"; and**
- (b) **by adding the following after subsection 84(1):**

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.

69. Section 107 is amended by

- (a) **in subsection (1) by replacing "An" with "Subject to subsection (5), an";**
- (b) **by adding "subject to subsection (5), " at the beginning paragraph (3)(b); and**
- (c) **by adding the following after subsection (4):**

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.

70. Section 133 is repealed and replaced by:

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.

71. Section 134 is amended

- (a) in subsection (1) by deleting "attend the meetings of";
- (b) by repealing subsection (4); and
- (c) by repealing and replacing subsection (5) by:

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.

72. Section 136 is repealed and replaced by:

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.

73. Subsection 137(1) is repealed and replaced by:

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*.

Subpart 7

Commission scolaire francophone du Nunavut

74. The following is added after subsection 32(1):

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*.

75. Subsection 168 is amended

- (a) in the part of the subsection (1) preceding paragraph (a), by replacing "curriculum for education" with "education program";**
- (b) by repealing and replacing paragraphs (1)(a) and (b) by:**
 - (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).
- (c) by repealing subsection (2);**

(d) by adding the following before subsection (3):

Ministerial assessments

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

**(e) in subsection (3) by replacing "subsection 8(5)" with "subsection 8(7)";
and**

(f) by adding the following after subsection (3):

Members of public service

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

76. Section 170 is amended by deleting "subsection 45(7) and".

77. Section 172 is amended by adding ", in accordance with the regulations," after "shall".

78. The following is added after section 172:

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.

79. Section 181 is amended by adding the following after paragraph (d):

- (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;

Subpart 8

DEA Coalition

80. The definition of "Inuuqatigiitsiarniq policy" in subsection 3(1) is amended by replacing "established by a district education authority" with "established or assigned".

81. Section 37 is amended

- (a) **in subsection (1) by adding "**, in consultation with the principals in the education district," **after "shall";**
- (b) **by adding the following after subsection (6):**

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.

- (c) **in subsection (7) by adding "**, or being assigned," **after "adopting"; and**
- (d) **by repealing subsection (8).**

82. Section 58 is amended

- (a) **in subsection (1) by adding "**, in consultation with the principals in the education district," **after "shall";**
- (b) **by repealing subsection (9);**
- (c) **by adding the following after subsection (13):**

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.

(d) in subsection (13.1) by adding ", or being assigned," **after "adopting"**.

83. Subsection 59(4) is amended by replacing "The Minister" with "The DEA Coalition".

84. Subsection 96(1) is amended by adding ", in consultation with the DEA Coalition," **after "The Minister shall"**.

85. Subsection 183(5) is amended by replacing " paragraph 190(c)" with " paragraph 190(1)(e)".

86. Section 190 is repealed and replaced by:

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).

87. Section 191 is amended

- (a) by renumbering it as subsection 191(1);**
- (b) in subsection (1) by**

- (i) **replacing "The Minister" with "Subject to subsection (2), the Minister", and**
- (ii) **replacing "the Coalition" with "the DEA Coalition";**
- (c) **in paragraph (1)(a) by replacing "two staff positions" with "at least six staff positions";**
- (d) **in paragraph (1)(b) by replacing "paragraph 190(c)" with "paragraph 190(1)(e)"; and**
- (e) **by adding the following after subsection (1):**

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*.

88. Section 192 is repealed and replaced by:

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; and
- (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.

89. The following is added after section 192:

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.

Subpart 9

Other substantive amendments

90. The preamble is amended by adding the following after the last recital:

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;

91. Subsection 3(1) is amended by replacing the period at the end of the subsection with a semi-colon and adding the following definitions in alphabetical order:

"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*)

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

92. Subsection 32(1) is repealed and replaced by:

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.

93. Subsection 138(1) is amended by adding ", on the recommendation of the Minister," after "may".

94. Subsection 183(4) is amended by replacing "may, by regulation, set out or provide for" with "may, on the recommendation of the Minister, make regulations setting out or providing for".

95. Subsection 200(3) is amended by replacing "section 32" with "subsection 32(1)".

96. Subsection 201(1) is amended

- (a) **by adding "**, other than a student," after "individual"; **and**
- (b) **by replacing "for school purposes" with " for the delivery of the education or local community programs, or other related activities".**

97. (1) Paragraph 203(2)(b) is repealed.

(2) Subsection (3) is repealed and replaced by:

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.

98. Section 204 is repealed and replaced by:

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).

Subpart 10

Non-substantive corrections and clarifications

99. The English version of subsection 2(2) is amended by replacing "five" with "5".

100. The English version of subsection 3(1) is amended in the definition of "District Education Authority" by replacing "District Education Authority" with "district education authority".

101. The English version of subsection 21(3) is amended by replacing "six" with "6".

102. The English version of subsection 30(1) is amended by replacing "six" wherever it appears with "6".

103. The French version of paragraph 34(3)(c) is amended by replacing "10^e, 11^e ou 12^e année" with "dixième, onzième ou douzième année".

104. The French version of subsection 41(1) is amended by replacing "du programme d'études" with "du curriculum".

105. The English version of subsection 65(2) is amended by adding a comma after "or".

106. The English version of subsection 79(4) is amended by adding a comma after "the information".

107. The French version of subsection 80(1) is amended by replacing "ont" with "a".

108. Section 91 is repealed and replaced by:

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).

109. Section 105 is repealed and replaced by:

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).

110. The English version of subsection 123(2) is amended by deleting the comma after "means".

111. The English version of section 124 is amended by deleting the comma after "shall".

112. The English version of subsection 131(4) is amended by replacing "District Education Authority" with "district education authority".

113. The French versions of subsections 134(1) and (3) are amended by replacing "10^e, 11^e ou 12^e année" wherever it appears with "dixième, onzième ou douzième année".

114. The English version of section 148 is amended by deleting "under" after "required".

115. Subsection 173(1) is repealed and replaced by:

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).

116. Subsection 176(3) is repealed and replaced by:

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).

117. Section 178 is amended

- (a) **by repealing and replacing subsections (1) and (2) by:**

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).

(b) by repealing and replacing subsection (6) by:

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).

118. Subsection 179(1) is repealed and replaced by:

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).

119. The English version of paragraph 183(2)(d) is amended by replacing the semi-colon after "insurance" with a comma.

120. The French version of paragraph 202(2)(a) is amended by replacing "un programme d'études" with "un curriculum".

121. The English version of subsection 203(2) is amended by deleting the comma after "regulations".

122. (1) The English versions of the following are amended by replacing "he or she" with "they" and making any grammatical amendments that are necessary to accord verbs with their respective subjects:

- (a) subsections 2(2) and (4) to (6);
- (b) subsection 21(3);
- (c) subsections 34(2) and (5);
- (d) subsections 43(3) and (7);
- (e) section 47;
- (f) paragraphs 48(1)(d) and (e);
- (g) paragraph 49(1)(e) and (f) and subsection 49(2);
- (h) subsection 92(1);
- (i) subsection 94(8);
- (j) section 98;
- (k) subsections 100(1) and (2);
- (l) subsection 101(3);
- (m) subsection 103(1);
- (n) subsection 108(1);
- (o) subsection 110(4);
- (p) subsection 112(3);
- (q) subsection 201(2).

(2) The English versions of the following are amended by replacing "he or she" with "the Minister":

- (a) subsection 84(8);
- (b) subsection 107(2);

- (c) subsections 138(5) and (7);
- (d) section 148;
- (e) paragraph 150(1)(a) and subsection 150(4);
- (f) subsection 161(5);
- (g) subsection 166(7);
- (h) subsection 197(4);
- (i) subsections 202(1) and (5);
- (j) subsection 203.1(3).

(3) The English version of paragraph 4(2)(c) is amended by replacing "he or she" with "the Director".

(4) The English versions of the following provisions are amended by replacing "him or her" wherever it appears with "them":

- (a) section 135;
- (b) section 154;
- (c) subsection 176(6).

(5) The English versions of the following provisions are amended by replacing "his or her" wherever it appears with "their":

- (a) subsection 2(6);
- (b) subsection 5(1);
- (c) subsections 11(1) and (2.1);
- (d) subsection 13(2);
- (e) subsection 18(4);
- (f) subsection 32(4);
- (g) paragraph 34(3)(j);
- (h) subsection 39(1);
- (i) subsection 41(1);
- (j) subsection 45(4);
- (k) subsection 54(4);
- (l) paragraph 55(2)(e);
- (m) section 60;
- (n) section 61;
- (o) paragraph 66(1)(b);
- (p) subsection 74(2);
- (q) subsection 75(1);
- (r) subsection 79(4);
- (s) subsection 80(2);
- (t) subsection 84(6);
- (u) subsection 90(2);
- (v) subsection 92(1);
- (w) subsection 93(1);
- (x) paragraphs 98(a) to (d) and (f);
- (y) subsection 100(2);
- (z) subsections 101(2) and (3);

- (aa) paragraph 104(5)(a);
- (ab) subsection 106(2);
- (ac) subsections 108(1) and (2);
- (ad) subsection 109(1);
- (ae) section 111;
- (af) subsections 114(7) and (8);
- (ag) section 135;
- (ah) section 154;
- (ai) subsection 156(1);
- (aj) section 199.

(6) The English versions of the following provisions are amended by replacing "his or her" wherever it appears with "the Minister's":

- (a) subsection 25(3);
- (b) subsection 122(1);
- (c) subsection 125(1);
- (d) subsection 149(5).

(7) The English versions of subsections 43(7) and 45(4) are amended by replacing "his or her" with "the student's".

(8) The English versions of subsections 161(6) and 162(3) are amended by replacing, in each provision, the first instance of "his or her" with "the" and the second instance of "his or her" with "the Minister's".

(9) The English version of section 177 is amended by replacing "exercise his or her powers and carry out his or her functions and duties" with "exercise the powers and carry out the functions and duties of the Director General".

(10) The English versions of subsection 31(3) and 97(1) are amended by replacing "himself or herself" with "themselves".

PART II

INUIT LANGUAGE PROTECTION ACT

123. Section 8 of the *Inuit Language Protection Act* is amended

- (a) in subsection (2) by adding "and bilingual education" after "Inuit Qaujimajatuqangit";
- (b) in the French version of subparagraph (2)(d)(i) by replacing "programme d'études" with "curriculum"; and
- (c) adding the following after subsection (2):

Application to kindergarten and grades 1 to 3

- (3) This section applies with respect to kindergarten and grades 1 to 3.

Phased in implementation for grades 4 to 12

(4) With respect to grades 4 to 12, this section shall be phased in and implemented in accordance with the Schedule to the *Education Act*.

PART III

Saving and Transitional

124. Each district education authority shall make an initial election under subsection 17(4) of the *Education Act* during the school year following the coming into force of section 29 of this Act.

125. Each district education authority shall make a decision and choice under subsection 24(1) of the *Education Act* during the school year in which section 40 of this Act comes into force.

126. Despite subsection 83.1(2) of the *Education Act*, when making an order under subsection 83.1(1) of that Act for the first time, the Minister shall provide for the basic school calendars for the three school years following the school year in which the order is made.

127. A certificate issued under subsection 102(4) of the *Education Act* as it read immediately before the coming into force of section 63 of this Act is deemed to be a certificate issued under paragraph 102(4)(a) of that Act as it reads following the coming into force of section 63 of this Act.

128. The appointment of an Elder appointed under section 133 of the *Education Act* as it read immediately before the coming into force of section 70 of this Act is terminated upon the coming into force of section 70 of this Act.

129. With respect to a member of a district education authority who is in office on the day section 72 of this Act comes into force, section 136 of the *Education Act* is deemed to read as it read immediately before the coming into force of section 72 of this Act, until the end of the term of that member.

130. For greater certainty,
(a) section 8 of the *Inuit Language Protection Act*, as amended by this Act, comes into force the day following Assent to this Act; and
(b) Part 4 of the *Education Act* applies in accordance with section 28 of that Act, as amended by this Act.

Coming into force

131. (1) Subject to this section, this Act comes into force on Assent.

- (2) Section 40 and paragraph 41(b) of this Act come into force on the earlier of**
- (a) a day fixed by order of the Commissioner; and**
 - (b) July 1 of the year following the year of Assent..**

- (3) Section 47, paragraph 48(a), section 49, paragraph 51(d), sections 52 to 57 and section 59 of this Act come into force on the earlier of**
- (a) a day fixed by order of the Commissioner; and**
 - (b) July 1 of the year following the year of Assent.**

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.