

Standing Committee on Legislation
Submissions Received on
Bill 37, *An Act to Amend the Education Act and the Inuit Language Protection Act*

Nunavut Tunngavik Incorporated/ Qikiqtani Inuit Association/Kivalliq Inuit Association/Kitikmeot Inuit Association
Nunavut Teachers' Association
Inuit Uqausinginnik Taiguusiliuqtiit
Coalition of Nunavut District Education Authorities
Office of the Languages Commissioner
Commission scolaire francophone du Nunavut
Cape Dorset DEA
Coral Harbour DEA
Gjoa Haven DEA
Hall Beach DEA
Iqaluit DEA
Kugaaruk DEA
Naujaat DEA
Pangnirtung DEA
Pond Inlet DEA
Rankin Inlet DEA
Qanak Collective
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Ellsworth, Lena
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Berger, Paul (Lakehead University) et al.
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April 20, 2017

By email, fax and mail

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Dear Premier Taptuna and Mr. Sammurtok:

re: Bill 37 Submission- Request to Withdraw and Fundamentally Rewrite Bill 37

I am writing on behalf of Nunavut Tunngavik Inc., Qikiqtani Inuit Association, Kivalliq Inuit Association and the Kitikmeot Inuit Association (the Inuit Organizations), to provide our joint written submission in response to Chairperson Sammurtok's March 14, 2017, letter on Bill 37. This letter is also in reply to the Premier's March 14, 2017 letter to NTI.

This Bill has too many shortcomings, has stirred too much public concern, and is too important to be made into law. The Bill should be withdrawn and fundamentally rewritten. We urge this Committee to report back to the Assembly accordingly.

There is no evidence of widespread public support for Bill 37. To the contrary, there is considerable known opposition to the Bill, including from the Coalition of Nunavut District Education Authorities (DEAs), NTI's members at its annual general meeting, the Inuit Organizations, and many individuals. Bill 37 goes in the opposite direction of what is needed to address the education and Inuktitut language crises. Against this backdrop, we request that the Standing Committee recommend withdrawal of Bill 37 to allow time for its fundamental rewrite.

Our Values and Vision

The Inuit Organizations share the following values for the education of Inuit children. We believe these values are also held by the Government of Nunavut (GN) and can guide our work together.

- 1. We believe that Inuit parents should be able to exercise their right to a high quality Inuktitut language education for their children, measuring up to standards in southern Canada, and rooted in Inuit Qaujimajatuqangit.**
- 2. We are committed to Inuit children graduating from high school fully bilingual in Inuktitut and English and we believe that, in order to achieve this, Inuktitut must be the main language of instruction (LOI).**
- 3. We believe that our schools are the main public service tool we have to support thriving bilingualism in Nunavut, and that the current threats to our language must drive a shared commitment to the most ambitious targets all parties agree are realizable to deliver Inuktitut as the main LOI from Kindergarten through Grade 12.**
- 4. We are committed to an effective and fully-funded Department of Education Inuit Employment Plan (DOE IEP) to increase the level of Inuit educators, principals and officials to 85%, and allow for effective Inuktitut LOI.**
- 5. We are committed to achieving a Kindergarten to Grade 12 curriculum fully supported by learning resources developed and available in Inuktitut for all subjects and grades.**
- 6. We are committed to real local decision-making by fully trained and funded DEAs that have the authority equivalent to school boards in other parts of Canada. We are committed to DEAs that can support parents and make the important decisions on education.**

- 7. We are committed to our special needs children exercising their right to an equivalent education to other children. We are committed to diagnosis of special needs within Nunavut, provision of necessary adjustments and supports, and children's progress being tracked and available to parents, teachers and educational professionals.**

Our Request

Withdrawal of the Bill will allow time and space for the GN and the Inuit Organizations to work together on the building blocks needed to achieve the above vision. We extend our offer to work constructively with the GN, as detailed below, to fix this situation and move forward in a positive way. Once the necessary building blocks are in place, appropriate amendments to the *Education Act* and *Inuit Language Protection Act* can be considered. This will allow the best possible amendments to be drafted, with a goal of ensuring a high quality education for Nunavut's children, with Inuktut as the main LOI, a win-win.

We believe the necessary building blocks are:

1. Completion of an Article 23-compliant DOE IEP, with identified funding and detailed timelines and targets for Inuit educator training, building on DOE's current draft;
2. Timelines for Inuktut LOI in all schools, based on DOE IEP timelines for Inuit educator training and Inuktut resource development;
3. Embedding of Inuit Qaujimagatuqangit into the curriculum either as a core subject or a core element of other subjects from Kindergarten through Grade 12;
4. Adequate, committed GN funding for support for DEAs to ensure enhanced local decision-making and engagement; and
5. Adequate, committed GN funding for inclusive education to ensure sufficient diagnosis, supports and adjustments, student assessments and record-keeping.

Department of Education Inuit Employment Plan

On April 5, 2017, DOE officials provided a Draft DOE IEP. NTI acknowledges the hard work that went into preparing this document and the value of the core concepts of strengthening career laddering within schools and on-the-job learning opportunities. This draft is an important step toward the planning that is needed to fulfill the Article 23 IEP requirements. What is needed now is a detailed plan for how the Department will get from A to B. This plan should identify how many Inuit teachers and other instructional staff will be trained, over what period of time, in which communities, in what programs, and with what resources.

NTI and the RIAs will support realistic timelines for Inuktut LOI in Kindergarten through Grade 12, once those timelines are based firmly in a strong and mutually agreed DOE IEP. The IEP

must set the timetables for Inuit educator training and hiring based on (1) an analysis of the numbers of teachers/educators needed to deliver Inuktitut LOI in individual communities as swiftly as possible, and (2) individual communities' capacities, potential numbers of attendees for the Community Teacher Education Program and other programs, and plans to conduct the needed training. These elements should drive any new LOI regulation.

In August 2016, Minister Quassa committed to a strong DOE IEP, with *"immediate positive impacts"* on Inuktitut LOI. To do this, the Government must also commit adequate funding to implement its DOE IEP, combined with other sources. This issue was raised in NTI's February 15, 2017 letter:

"To break the inertia, the GN's O&M budget process for 2017-18 must reflect your and your Cabinet colleagues' political commitment to Inuit educator training and yield substantial budgetary resources for this purpose. Your financial commitment and political direction to officials to begin implementation of this critical Inuit Employment Plan is needed now."

The GN's recent budget did not include the necessary major investments to increase Inuktitut-speaking educators, curriculum, and learning resources. The Premier stated only that the GN will *"advocate for new funds"* from the \$50 Million Article 23 Fund. NTI's preliminary analysis is that training costs can be expected to be several times the amount of that Fund, which also has other claims on its use.

As relayed by Mr. Eetoolook in NTI's October 24, 2016 letter to Minister Quassa, the Inuit Organizations' offer to support early and priority access to the Article 23 Fund for educator training is conditional *"on the strength of an appropriate GN financial commitment."* NTI believes that such a commitment for implementation of the DOE IEP, along with the identification of additional resources such as the Article 23 Fund, will allow DOE officials to efficiently embark on the detailed plan for training for this implementation planning period, which extends to 2023.

Importantly, Mr. Eetoolook proposed early action on training, and noted that:

"Even before the IEP is complete, a number of activities can begin, such as preparations for a language specialist training program, doubling of the Community Teacher Education Program and opening discussion with other training providers."

Minister Quassa confirmed the urgency of this situation on November 9, 2016, stating that “[a]cross the board people expect the department to act quickly, decisively and holistically to halt and reverse language loss.”

The Inuit Organizations are eager to work with DOE on early action, and we are looking for GN own-source commitment for such action, in addition to other available sources.

Without such a concerted effort, under Bill 37, the right to education in Inuktitut would arguably be reduced to “majority instruction” and the obligation to provide Inuktitut LOI for Grades 4 to 9 will be unduly delayed until 2029, with no road map to increase the number of educators to provide Inuktitut LOI. Under Bill 37, the obligation to provide Inuktitut LOI for Grades 10 to 12 would be discretionary with the Minister; we believe that, together, these provisions may well erode the political will to strengthen and increase Inuktitut use in early childhood centres and schools.

The Inuit Organizations propose instead that the parties focus on collaboration to complete the development of the DOE IEP, and on appropriately sourced and funded training measures for Inuit educators. When this work is complete, there should be clear direction for the swiftest realistic timelines for Inuktitut LOI in Nunavut schools from Kindergarten through Grade 12 — an effective solution for increased Inuktitut-speaking educators through a measurable and practical IEP.

Inuktitut LOI Curriculum and Resources

The Inuit Organizations need more information about how much Inuktitut LOI curriculum and resources are available to teach all subjects at all grades, and how much still needs to be developed (or adapted). In 2013, the Auditor General called for full disclosure of education information and DOE agreed; yet, from our perspective, information from DOE has been incomplete and, at times, inconsistent. We request that the GN provide the necessary information about the available Inuktitut LOI curriculum and resources, fulfilling its promise of transparency. This would help all of us better understand the measures needed to counteract the erosion of Inuktitut and how our resources can be used most effectively to achieve them.

Inuit Qaujimajatuqangit

The Inuit Organizations propose that DOE work with the DEAs and NTI to make Inuit Qaujimajatuqangit and Inuit Societal Values a core curriculum subject from Kindergarten through Grade 12, or alternatively that it be a core element of other related subjects.

District Education Authorities

The *Education Act Review* showed the need for the GN to heed the 10th Call to Action of the Truth and Reconciliation Commission: ensuring that Indigenous parents have meaningful control over the education of their children. The proposed reduction of DEA authority in Bill 37 is significant and runs counter to Inuit goals and objectives. The Inuit goal continues to be strong DEAs, adequately trained and funded. NTI does not support DEAs losing authority over areas including school and education programs, choice of LOI models, inclusive education oversight and reviews, authority to ensure annual assessments of individual education plans, choice of school calendar dates, direction to principals and establishment of hiring panels for principals and recommendations on selection of principals. We appreciate the challenges and additional work involved in supporting local autonomy and customized approaches to education; we also believe that local autonomy and customized approaches are essential for improved educational outcomes in the long run.

Rather than bypass this challenging work, we believe the GN should greatly increase the practical and financial support provided to DEAs. Ultimately, our children's learning and overall development will be best supported when families, local leadership, and government service providers work together.

Council of DEAs

Bill 37 proposes to replace the Coalition of Nunavut DEAs with a Council of DEAs whose role would be limited to providing support to DEAs on training, school improvement plans, teacher orientation, naming representatives on hiring panels and meeting with DOE twice a year for long-term strategic planning. The DEA Council would be at arms-length from DOE, but its scope and mandate would be legislatively set. NTI would no longer have a seat as an *ex-officio* member. The Inuit Organizations' vision of divisional boards with priorities and control of delivery of education set by majority Inuit members is vastly different from that proposed in Bill 37, where the Council is envisioned only as filling in gaps in DEA authorities.

Inclusive Education

The GN must also allocate adequate financial resources on an ongoing basis to correct the inadequacies of the inclusive education system. This includes, in particular, making available the necessary numbers and types of specialists within Nunavut to facilitate diagnosis of students with special needs, and the implementation of adjustments and supports.

Bill 37 does not significantly improve inclusive education but rather, focuses on process. In so doing, it still falls short of realizing the right to education for special needs students because,

among other things, it does not include adequate support or proper diagnosis through specialist services. Instead of creating a division for special needs students, DOE proposes a Student Achievement Division for provision of support and assessment to all students.

Premier Taptuna promised to end social promotion in November 2013 because he understands the practise means many Inuit who could have graduated high school end up unable to do so, with many unable to enter the workforce for that reason. However, as yet, DOE has not addressed or resolved the problem of social promotion. Without clearly diagnosing and providing needed supports, students will continue to be passed grade to grade without achieving the learning outcomes needed for success in high school and higher graduation grades. Bill 37 proposes that the Executive in Council will be able to pass regulations on curricular outcomes; however, without significant funding, commitments to improve specialist services, and clearer legislative distinctions, we fear that the system will continue to pose more problems than solutions.

Article 32 Obligations

Intricately bound with the above discussion are the GN's obligations under Article 32 to engage meaningfully with the Inuit Organizations. On May 6, 2016, NTI provided the GN with detailed process proposals to address Article 32 of the *Nunavut Agreement* and the GN's Constitutional consultation and accommodation obligations given the potential impact of the legislative amendments on important Inuit Aboriginal and treaty rights. DOE rejected these process proposals.

Detailed engagement with NTI and the RIAs on NTI's proposals never took place prior to the drafting of Bill 37, and so Bill 37 does not include Inuit goals and objectives as required by section 32.2.1(b) of the *Nunavut Agreement*. DOE also did not include any proposed amendments related to the following specific Inuit goals and objectives, among others:

- The requirement to assess Inuktut proficiency prior to teacher training;
- Inuktut proficiency assessment for students, teaching of proper morphology and phonetic use of Inuktut in curriculum;
- Increased Inuktut use in early childhood centres;
- Introduction of junior kindergarten;
- The creation of divisional boards that would have effective powers to control and deliver education (curriculum, education/school programs, inclusive education, early childhood, hiring of staff, and budgets);
- Strengthening of Structured Dialogue provisions, to allow the Coalition (Council) and DEAs to operate in full partnership with DOE on education delivery; and,
- Cooperation between DOE and DEAs on efforts to improve school attendance.

In addition, NTI expressly requested in its June and August 2016 meetings with DOE that it be invited to participate from the early stages in the development of the terms of reference for the ongoing *Nunavut Teachers Education Program* review. This request was rejected, and so the Inuit Organizations' input into the scope of the review is not included.

On other legislative projects, including the *Nunavut Wildlife Act*, the *Official Languages Act* and the *Inuit Language Protection Act*, the Inuit Organizations and GN officials worked cooperatively and effectively on mutually-agreed legislative text before these bills were tabled. The result in all cases was a better product and a smooth legislative approval process.

In contrast, the Inuit Organizations first saw the legislative amendments to the *Education Act* when Bill 37 was published on the Legislative Assembly's website, and received a March 14 invitation to provide written submissions with "specific wording suggestions." This falls far short of the participation required by Article 32, and the standard of cooperation that has worked successfully in the past.

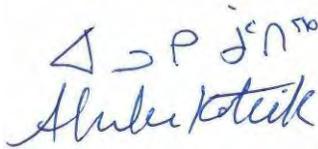
In closing, we believe Bill 37 will not increase Inuktitut LOI in our school system, nor produce Inuktitut LOI curriculum, learning resources, materials or increased budgeting for Inuktitut. We do not believe Bill 37 will improve student achievement with increased graduation rates or attendance rates, reduce school drop-out rates in Grades 10 to 12 or provide much-needed support to special needs students. We believe that reducing DEA authorities will have a negative net impact, far greater than the few benefits of an independent Council with a limited scope and mandate.

For all the above reasons, the Inuit Organizations request that the Committee recommend withdrawal of Bill 37. We seek a redrafting of proposed amendments to the *Education Act* after an Article 23-compliant DOE IEP has been completed, with identified funding and timelines for educator training and Inuktitut LOI, and with adequate funding committed to inclusive education and DEA support. For our part, we are committed to collaborating with the GN to complete a practical and comprehensive IEP, including training, to jointly monitoring progress toward our goals, which we genuinely believe are shared, and to working through challenges along the way. Our educational system is in crisis and our language is under great threat; it is time for all organizations in Nunavut to work together more and find new ways to respond.

Finally, we request an opportunity for the Inuit Organizations to appear as witnesses to supply additional information to the Committee on our views.

We look forward to your reply. In light of the enormous interest— and considerable disquiet— that now exists in Nunavut about the issues addressed by this letter, we will be making this letter available to the public.

Sincerely,

A handwritten signature in blue ink. The top part of the signature is in Inuktitut syllabics, which reads "Aluki Kotierk". Below the syllabics, the name "Aluki Kotierk" is written in a cursive script.

Aluki Kotierk
President, NTI

cc: Hon. Paul Quassa, Minister of Education
Members of the Standing Committee on Legislation
Members of the Legislative Assembly
Coalition of Nunavut DEAs
RIA Presidents



Nunavut Teachers' Association

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Nunavut Teachers' Association Comments Legislative Assembly of Nunavut Bill 37

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Format for this Report

According to the NTA Act, the objectives of the Nunavut Teachers' Association (NTA) are as follows:

- A) to promote and advance the cause of education, particularly in Nunavut;
- B) to promote high ethical standards in the teaching profession;
- C) to promote the continuing education, training, skill and proficiency of its members;
- D) to encourage the entry of residents of Nunavut into the teaching profession;
- E) to advise, assist, govern and discipline its members;
- F) to unite the members of the Association for their mutual improvement, socially, mentally and physically and for their protection and common and individual welfare;
- G) and to enter into collective bargaining negotiations for the purpose of concluding collective agreements with the employers of its members.

This submission of comments on Bill 37 will focus on these 7 objectives of the Nunavut Teachers' Association, in conjunction with 6 areas of NTA responsibility as outlined by NTA Members in the NTA Strategic plan;

- 1. To provide membership protection and support*
- 2. To provide relevant, student centered, teacher – driven Professional Development*
- 3. To represent the membership with affiliates, the employer, and the public*
- 4. To promote solidarity with an informed, active membership within the Association*
- 5. To promote teacher orientation, mentorship and retention*
- 6. To negotiate and safeguard the NTA – GN Collective Agreement*

Much of the research on what our members want cited in this submission has come from responses to a survey carried out in the spring of 2014 by the NTA in cooperation with the Canadian Teachers' Federation (CTF).

The top five areas in which NTA members surveyed cited that they need more support to carry out their responsibilities as educators were;

- Increasing time available for planning and preparation,
- Improving support for children with special educational needs,
- Increasing and improving resources,
- Improving support for ESL/ FSL students and programs, and
- Increasing support from school administration.

These survey results echo the issues raised by our membership in conversations we continue to have on an ongoing basis. It is with these concerns in mind that we present our submission for comments on Bill 37.

Student to Educator Ratio and Inclusion: Class Size and Composition Issues

We are disappointed to learn that there are no class composition guidelines being proposed in Bill 37, and no specific changes to the allocation of educators under the Student Educator Ratio formula.

Under the new proposals for Sections 43 and 43.1, the “main teacher” responsible for a student has now taken on the liaison role between the parents, school administration, school team, and the student. This is in addition to their regular duties and responsibilities as a teacher.

If a teacher were to have a number of students on Individual Student Support Plans, the series of tasks related to these plans, their development, approval, and possible review process has the potential to be a great increase on the workload of individual teachers, who may or may not have expertise or training in areas of support for students with special needs. It seems that unfortunately Bill 37 does not purport to involve any experts in the areas of student needs and accommodations unless the ISSP has reached the review board.

It is important for Nunavut teachers, especially those who may not have specific training regarding students with special needs, have the connection and support they need in order to develop, implement, and evaluate any ISSPs that may be required for their students.

It should also be noted that Bill 37 takes much of the planning for individual students away from the school team, and places that work on the main teacher, while still leaving decisions on student promotion solely in the hands of the school team.

Classroom teachers are not always trained specialists in matters related to students with special needs. It is disheartening to see the plan laid out in Bill 37 for Individual Student Support plans that puts the responsibility solely on the shoulders of classroom teachers, and does not seem to involve experts unless the process gets to a review board stage, where there may not be any opportunity for collaboration, and at which point, relationships between teachers, administration, the school team, and parents may have already been damaged.

NTA proposes that in Sections 43 (4) (a) and (b), the term “main teacher” be replaced with “student support teacher.”

NTA proposes the following wording for Section 43 (5)

If a teacher, **in consultation with the Student Support Teacher**, determines that a student is entitled to adjustments or support under subsection 41(1)...

NTA proposes the following wording for Section 43 (7)

Without restricting the duty of teachers under subsection (5), the main teacher shall, **in consultation with the student’s other teachers, and the Student Support Teacher**, develop an individual student support plan if the main teacher **and thr Student Support Teacher** determines that a student is entitled under subsection 41(1)...

NTA proposes the following wording for Section 43.1 (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 consultation with the Student**

Support Teacher, in accordance with section 43 and the direction of the school team **or principal; and....**

NTA proposes the term “main teacher” be replaced with “principal” in Sections 43.1 (5), 43.1 (6), 43.1 (7)

NTA proposes the following wording for Section 46 (1)

The main teacher shall, **in consultation with the Student Support Teacher.....**

NTA proposes the following wording for Section 46 (2)

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

NTA proposes that in Section 47, “the school team” remain in place, and not be substituted with “the main teacher”

NTA proposes the following wording for Section 47 (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, **in consultation with the Student Support Teacher.....**

NTA proposes that in Section 48, “the school team” remain in place, and not be substituted with “the main teacher”

NTA proposes the following wording for Section 50 (1)(f) and (g)

Is not satisfied with a decision by the main teacher **in consultation with the Student Support Teacher...**

NTA proposes the following wording for Section 51.1 (1)

~~Once quarterly per year at the end of the year,~~ a principal shall.....

Enrollment of Underage and Adult Students

There are already significant challenges facing Nunavut educators regarding individual student supports, resources and planning, differentiated instruction, and class composition. It is the opinion of the Nunavut Teachers' Association that students over 21 years of age should be included in educational opportunities provided by the Government of Nunavut for adults, and should not be included in the regular K – 12 classroom setting.

NTA proposes the following wording for Section 32.

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 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 himself or herself with a school in the district education authority's education district despite the fact that the adult does not reside in that education district.~~

Principal Reports

Among Nunavut educators, Principal positions have some of highest turnover from year to year. This trend is on the rise, and tends to adversely affect our smaller communities more so than Regional Centers.

Administrator workload is a concern for NTA and our members. It is advisable for Principals to have time to be visible in school, to develop a rapport with students and staff. Increasing reporting requirements lessens the time that administrators will have to carry out those very important aspects of a positive school environment.

NTA proposes the following wording for Section 14.

A principal shall, in accordance with the regulations, report ~~quarterly~~ **once per year at the end of the school year** 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.

NTA agrees that Education program plans are an important aspect of our education system, and vital for planning at the school, community, regional and territorial levels. However, as the district education authorities are not employer of teachers, NTA takes issue with teacher certification information being provided to district education authorities. The Department of Education, through the Teacher Registrar's office, already has access to whatever information they may require regarding teacher certification. We fail to see the value of Principal having to gather, collate and present this information, and we see it as a redundant practice.

NTA proposes the following wording for Section 20.1.

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

- (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.~~



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April 21, 2017.

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Re: Bill 37 – An Act to Amend the *Education Act* and *Inuit Language Protection Act*

Dear Mr. Sammurtok,

IUT was established to ensure that the highest quality of Inuktitut is used and promoted, including in education areas covered under ILPA.

Statistics from 1996 and 2006 show a 12% decline in the Inuktitut language use at home over only 10 years. Inuit don't want to see any further decline and erosion of Inuktitut. Education is key to helping to stop it, along with support at home and in the community.

IUT supports bilingual education, but not at the price of weakening Inuktitut, Inuit culture and identity, especially where Inuinnaqtun, Nattilingmiutut and other dialects are already urgently in need of revitalization. Realities in language use are different from region to region, and delaying the delivery of bilingual education until 2029 in grades 4 to 9 and indefinitely in grades 10 to 12 will be detrimental to regions where language use is already low. The department of Education can identify and prioritize measures to increase and improve Inuktitut teaching capacity and resources to maintain and revitalize the language where needed.

As provided for in the *Education Act* and in ILPA, IUT can help with review of language benchmarks, testing of students and assessment of teachers, research and development of resources through standardization of vocabulary and orthography. These can be achieved by identifying priorities and setting timelines.

The IUT would also like to flag that the proposed changes leading to a diminished entitlement to Inuit Language services and a reduction of community involvement may result in a breach of



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section 12 of the *Official Languages Act*. Section 12 deals with communication with and services to the public. Section 12 could be compromised if the requirements set out in that section are not followed, such as the duty of territorial institutions to ensure that members of the public can receive services in the Official Languages, including in the Inuit language.

Regards,

Mary Thompson

Chair

Inuit Uqausinginnik Taiguusiliuqtiit

cc Minister Kuksuk, Minister of Languages

cc Minister Quassa, Minister of Education



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COALITION OF NUNAVUT DEAs

April 21, 2017

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Bill 37 – Proposed amendments to Nunavut Education Act are not acceptable

I am writing on behalf of the Coalition of Nunavut DEAs regarding the proposed changes to the Nunavut Education Act – Bill 37.

TIME TO REVIEW AND RESPOND

First, I understand that according to Rule 68 of the Nunavut Assembly, Bills may not proceed until the Assembly receives the report of the Committee, or 120 calendar days.

Bill 37 is very important to Nunavut because it affects education for our children and future generations. It needs the full 120 calendar days. DEAs Coalition would like to speak to your committee about this bill, not just write letters and we hope that the Standing Committee invites DEA Coalition representatives to speak on these issues.

CONTENT AND GOALS NOT ACCEPTABLE

The DEA Coalition is very concerned with Bill 37. We also cannot support Bill 37 in any form. These are some of our reasons:

Abandonment of Inuit Qaujimagatuqangit (IQ) as a guiding principle for the Act.

These amendments remove the word **Inuit Qaujimagatuqangit** from the Act at least **40 times** and take away local knowledge and authority as a central vision for Nunavut education.

Extraordinary centralization of authority in Iqaluit (HQ) & micro-management of community life

Everything from school calendars to who will teach in which classroom is to be within the approval or authority of the Department of Education. This is a deliberate attempt by the Department of Education in Iqaluit to micro-manage life in every community!

DEAs excluded from important school decisions

We are very concerned with Bill 37 language around DEAs. All changes to DEAs transfer authority to the DoE leaving only local programming and advocacy to DEAs.

This serves to limit the ability of DEAs to have a say in what education can look like in their schools. For example:

- Education Program –local programs can only be enhanced or modified by DEAs with approval by the Minister.
- School Program – DEA oversight for the school program has been lost meaning the partnership between DoE, School Administration and DEAs has been significantly weakened.
- Poor attendance is a major issue in Nunavut as noted in a number of reports. Bill 37 should be taking a proactive approach to addressing this problem by directing Principals to work with DEAs to improve attendance, and ensuring that DEAs are provided with regular reports on attendance issues and trends from data collected in the school.
- Instructional Hours and School Calendars – During community consultations and in a review of submissions for Bill 37 we did not see any collective voice advocating for a standardized school year. CNDEA does not agree that standardizing the school calendars and instructional time will improve the quality of education. In fact, it will serve to diminish registration and attendance. Communities remain closely affected by the seasons in the north. These seasons will not be conducive to what the DOE attempts to legislate.
- DEA role in Staffing and operations – While the CNDEA agrees with the importance of compliance with the *Public Service Act* and the NTA Collective Agreement, Bill 37 proposals do not place any effort on recognizing DEAs as community experts whose voice in staffing processes reflect the interests of the community. The CNDEA has previously stated that the DEAs should have:
 - a. Participation on all panels for teaching hiring, as well as principal and VP appointments/reappointments.
 - b. Consultation with respect to dismissal of principals and VPs.

Daycares restricted, early years learning stopped

The proposed bill limits the ways that DEAs can create childcare space or sponsor early learning. If DEAs don't comply with the Department of Education, there will be no funding and they will be able to run the daycares in our schools, using resources we are not allowed to use.

No priority on Inuktitut language

The Department wants to control language of instruction, yet has taken no responsibility for the lack of planning for Inuktitut teachers or the shortage of learning materials, and wants to be unaccountable on results for another 10 years – still without a plan. The provisions related to language of instruction will further diminish the use of Inuktitut. The amendments must be to the effect of injecting more resources for Inuktitut to be taught from K-12 as soon as possible.

Excluded from Inclusive Education

Students within the Inclusive Education program are the most vulnerable, but the proposed changes mean that plans can be made for them without parent's permission and the DEA will be prohibited from advocating to help parents. In addition, the current *Education Act* should be amended to allocate support and resources for students with behavioral challenges.

Student/Educator Ratios

The Department has not addressed the need for the student/educator ratios to be reformulated and this must be addressed in amendments to the *Education Act*. The amendment must exclude the Principal and vice-principal from the formula.

Loss of DEA Council

Bill 37 proposes to dissolve the Coalition and replaces it with an organization controlled by the Department. In addition, it proposes to remove the collaborative efforts between the NTI and the Nunavut Disabilities Makinnasuartiit Society. The membership of within the Coalition is critical and their voices are vital within the Coalition – Replacing the Coalition with the Council is another example of centralization and control from Iqaluit.

The recommendations in Bill 37, in general, establishes the process of approval of day to day responsibilities and authority to the Minister of Education or designate rather than the elected bodies of the local DEAs. The CNDEA sees this as moving away from decentralization. The DEAs wish to remain the body that has the right and authority to manage its current responsibilities in a teamwork manner with school staff and other pertinent organizations within the communities. We believe the changes will bring isolation and division, moving away from all the years and effort we have put into our schools and our children’s education and that is why we cannot agree with the Recommendations to Bill 37.

We will continue to send you information on our concerns, as one letter is not enough to cover all the details of Bill 37, which takes Nunavut education in a very bad direction.



Donna Adams
Chairperson

CC: Members of the Legislative Assembly
Nunavut DEAs
Board of Directors
Nunavut Tunngavik Incorporated



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Uqauhinut Kamisinaup Havakvia Nunavunmi
Office of the Languages Commissioner of Nunavut
Bureau du commissaire aux langues du Nunavut

THE *EDUCATION ACT* REVIEW

PART 1

RESPONSE TO THE DEPARTMENT OF EDUCATION ON PROPOSED AMENDMENTS TO THE 2008 EDUCATION ACT

September 2, 2016

1. INTRODUCTION

The Special Committee to Review the *Education Act* tabled its final report on November 5, 2015. In response to this report, the Department of Education proposed amendments to the 2008 *Education Act* and the *Inuit Language Protection Act*, and launched public consultations on these amendments. The consultations were conducted over the summer of 2016.

Some of the recommendations made by the Special Committee and the Department of Education are a very important source of concern for the Office of the Languages Commissioner (OLC). Among other things, the Special Committee states: “While the provisions of the *Inuit Language Protection Act* must be taken into account, the Special Committee stresses that the implementation of such cross-legislative requirements must also accommodate the overall objectives of the *Education Act* itself.”¹

In return, the Department of Education states: “It is important to note that any changes to the Act with respect to language of instruction must be made in conjunction with corresponding changes to the *Inuit Language Protection Act* (ILPA) so that the provisions and the underpinning policy intentions and objectives in each statute are harmonized.”²

In preparing our response to the Department of Education on proposed amendments, we have considered the *Nunavut Land Claims Agreement*, the *Education Act*, the *Nunavut Act*, the *Inuit Language Protection Act*, the *Official Languages Act*, various documents respecting the *Education Act* review and relevant case law respecting language rights.

2. BACKGROUND

In 2013, the Auditor General of Canada conducted the first review of the *Education Act* (hereinafter “the Act”). The Auditor General’s report highlighted the poor management and implementation of the Act as well as the Department of Education’s failure to meet the Act’s bilingual education requirements or to properly monitor the implementation of the Act.

The Auditor General also recognized that the increased use of English in homes and the resulting decline of fluency in an Inuit language was a significant factor in the implementation of the Act.

Following this report, the Legislative Assembly established a Special Committee to review the Act. Commencing its review in June 2014, the Special Committee invited stakeholders and the public to provide written submissions on the Act.

¹ LEGISLATIVE ASSEMBLY OF NUNAVUT, *Final Report – Special Committee to Review the Education Act*, Iqaluit, 2015, p. 14.

² DEPARTMENT OF EDUCATION, Letter to all Members of the Legislative Assembly of Nunavut, December 24, 2015, p. 6.

The Special Committee issued its final report in November 2015. This report contained a number of recommendations, but of particular relevance to our concerns is Recommendation 9, which states³:

“The Special Committee recommends that the legislation be amended to ensure that Nunavut’s education system delivers bilingual education according to a single, standardized model for all schools across the territory.”

While the Special Committee acknowledged the Inuit language instruction rights established under the *Inuit Language Protection Act* (ILPA), it was of the opinion that these same rights must accommodate the objectives of the *Education Act*.

The Department of Education (hereinafter “the Department”) filed its response to the Special Committee report on December 24, 2015. The Department agreed with certain recommendations and rejected others. In response to Recommendation 9, the Department proposed to amend not only the *Education Act* but also ILPA, “so that the provisions and underpinning policy intentions and objectives in each statute are harmonized.”⁴

In preparation for its public consultation process, the Department published “A Collective Vision: Policy Intentions for the Proposed Amendments to the 2008 *Education Act*” and a PowerPoint presentation. The Department explains, on page 9, that:

“Provisions in the *Inuit Language Protection Act* with respect to the right of a parent to have their child receive Inuit language instruction will be amended to reflect that the right is to have the majority of instruction be in the Inuit language. This means that 50% or more of instruction must be in Inuktitut. At earlier grades and in some communities where there are particular circumstances, the percentage of courses, subjects, and grade levels will be higher. As more Inuktitut-speaking teachers are trained and enter the system, the higher the percentage of instruction time delivered in Inuktitut will be. It should be noted that there will be continued flexibility to offer French as an additional language.”

The proposed amendments are purportedly aimed at providing greater clarity in terms of the Government’s duty to provide Inuit language instruction and consistency between the Act and the ILPA. The Department further wishes to temper the duties of the Government of Nunavut set out at subsection 8(2) of the ILPA by adding “effective delivery of the Education Program”⁵ to departmental actions.

³ LEGISLATIVE ASSEMBLY OF NUNAVUT, *Final Report – Special Committee to Review the Education Act*, Iqaluit, 2015, p. 14.

⁴ DEPARTMENT OF EDUCATION, Letter to all Members of the Legislative Assembly of Nunavut, December 24, 2015, p. 6.

⁵ *Ibid.*, *A Collective Vision: Policy Intentions for the Proposed Amendments to the 2008 Education Act* 2016, Iqaluit, p. 6.

3. LAWS

3.1. *Inuit Language Protection Act (ILPA)*

The ILPA is aimed at ensuring the protection and promotion of the Inuit language in Nunavut. The duties are described in broad terms as are the Inuit language rights which, according to the preamble, are inseparable from the equality and human dignity of the Inuit.

The ILPA preamble reinforces the importance of the Inuit language to the identity of the Inuit and the future of the Inuit as a people having a distinct cultural and linguistic identity in Canada. By enacting the ILPA, the Government of Nunavut acknowledged that past actions and policies of assimilation have had a destructive impact on the Inuit.

The ILPA is an attempt by the Government of Nunavut to respond to the pressures confronting the Inuit language. It is therefore intended to promote the use and quality of the Inuit language in government, as a language of instruction in schools and as a language of work. Further, the preamble recognizes the obligation of territorial institutions under article 32 of the *Nunavut Land Claims Agreement* (hereinafter “the Agreement”) to “design and deliver programs and services that are responsive to the linguistic goals and objectives of Inuit.”

Subsection 2(1) of the ILPA speaks to the constitutional status of the existing Aboriginal and treaty rights, including “the objectives, rights and obligations affirmed in the Agreement” and the implementation of the Agreement. The ILPA prevails over other legislation, pursuant to subsection 2(2), unless otherwise stated. This would give the ILPA quasi-constitutional status similar to that granted to human rights and official languages legislation, except that the Government of Nunavut can derogate from ILPA if such derogation is expressly set out in the legislation.

Pursuant to subsection 8(1), every parent whose child attends school in Nunavut is entitled to have that child receive Inuit language instruction. The education programs must be designed to ensure that high school graduates are proficient in the Inuit language and must, among other things, provide for means of assessing competency in the Inuit language.

The ILPA is designed to uphold the language rights of the Inuit by imposing specific duties on the Government of Nunavut in order to satisfy the Government of Nunavut’s obligations under the Agreement.

The Minister of Languages is responsible for coordinating, administering and advocating the “full, efficient and effective realization and exercise of the rights and privileges established under the ILPA.” It is clear from subsection 24(2) that the Minister of Education shares with the Minister of Languages the obligation to develop education programs aimed at improving learning and proficiency in the Inuit language.

In addition, subsection 25(3) provides that the Minister of Languages may require a department or public agency to collaborate with the Inuit Uqausinginnik Taiguusiliuqtiit (IUT) for Inuit language proficiency assessments geared toward day care operators, teachers or students under the *Education Act*, the *Nunavut Arctic College Act* or other legislation.

The Languages Commissioner also has responsibilities under the ILPA to safeguard the rights, status and privileges of the Inuit language. This provision permits the Languages Commissioner to take any actions or measures necessary to that end, provided that these are authorized by the ILPA.

Finally, the ILPA provides that a revision be carried out in accordance with section 37 of the *Official Languages Act* (OLA). According to subsection 43(2), the review must also include a review of the status of the IUT. The OLA requires a review every five years by the Legislative Assembly or a Committee of the Legislative Assembly.

3.2. Education Act

According to subsection 120(1) of this act, the Minister of Education is responsible for administering the Act. This responsibility extends to ensuring that district education authorities and schools are adequately equipped to fulfill the purposes of the Act.

In administering the Act, the Minister of Education must respect the Agreement. Consequently, the Inuit must be allowed to participate in the elaboration of social and cultural programs, and Inuit values must be part of the policies, programs and services established by the Government of Nunavut.

The Legislative Assembly, or a Special Committee of the Legislative Assembly, is required to conduct a review of the Act every five years. The review may include an assessment of the administration and implementation of the Act and may include recommendations for amendments to the Act.

4. AMENDING THE ILPA

4.1. The power to amend the ILPA

In our view, the Minister of Education does not have the power to amend or to propose amendments to the ILPA in the context of a review of the *Education Act*.

It is significant that the Special Committee was established for the purpose of reviewing the *Education Act*. The Special Committee made recommendations only in respect of the Act and only called for a flexible approach in applying the ILPA to the Department of Education. At no time was the ILPA under review by the Special Committee.

Likewise, the review conducted by the Office of the Auditor General of Canada did not identify the ILPA as a cause of the failed implementation and administration of the *Education Act*.

Any review of the ILPA must include a review of the IUT, which was not carried out. The Minister was not authorized under the Act, or under the ILPA, to review the ILPA and recommend amendments. In fact, the ILPA provisions respecting the review do not contain wording that authorizes the reviewer to recommend changes to the ILPA. The Minister thus overstepped his jurisdiction by including in his response to the final report of the Special Committee a proposal to amend the ILPA to make that law more consistent with the proposed amendments to the Act.

4.2. How can the ILPA be amended

Subsection 43(1) of the ILPA does not stipulate that the review may include recommendations for amending the ILPA. However, subsection 43(2) requires that the IUT's status and operations be reviewed at the same time.

The *Nunavut Act*, at paragraph 23(1) (n), empowers the Legislative Assembly to make laws for the preservation and promotion of the Inuit language. However, given the preamble to the ILPA and its connection to the Agreement, any revision of the ILPA would conceivably require a greater degree of consultation and a more comprehensive evaluation than that conducted by the Special Committee to review the *Education Act*.

A review of the ILPA should necessarily be initiated by the Languages Commissioner and the Minister of Languages who have the authority to ensure the implementation of the ILPA.

Further, because the ILPA has quasi-constitutional status and is aimed at ensuring the fulfillment of certain treaty obligations by the Government of Nunavut, it is our view that any amendment should also be preceded by appropriate consultation and consideration of the duties, the purpose of the ILPA and the rights established thereunder comprehensively and not just in respect of one obligation.

5. PROPOSED AMENDMENTS TO THE ILPA AND LANGUAGE OBLIGATIONS OF THE GOVERNMENT OF NUNAVUT

Clearly, the Department proposes to reduce the obligations of the Government of Nunavut. The Department proposes to quantify the level of language rights of parents to have their children receive Inuit language instruction.

The ILPA recognizes that Inuit language instruction is paramount to the sustainability of Inuit identity and culture. Because the ILPA seeks to address the obligations established by the Agreement, the quantification of the level of Inuit language instruction is inappropriate. This will also lead to disputes about whether such levels are being attained.

Further, the Department erred in proposing to address shortcomings in its implementation of the *Education Act* by amending the ILPA. The ILPA, as with most human rights-type legislation, sets out individuals' rights in broad terms; for example, everyone has the right to vote in a provincial/territorial or federal election but the *Elections Act* and regulations establish rules that may limit how this right is exercised.

As with any quasi-constitutional legislation, the ILPA must be interpreted purposively. The Department erred when it interpreted its obligations under the ILPA from a literal perspective rather than considering whether its actions, policies and programs meet the requirements of the ILPA. In effect, the ILPA does not stipulate how the Department will achieve its objectives.

From this perspective, we also believe that the Special Committee erred when it qualified sections 8 to 10 of the ILPA as "cross-legislative requirements." The ILPA was enacted to satisfy certain objectives of the Agreement but it does not stipulate how education programs and services are to be designed or delivered. These objectives include encouraging self-reliance and fostering the cultural and social well-being of the Inuit, and promoting their participation in the Government of Nunavut.

6. PROPOSED AMENDMENTS AND VIOLATION OF THE RIGHTS ESTABLISHED UNDER SECTION 35 OF THE *CONSTITUTION ACT, 1982*

It is likely that amending the ILPA in the manner proposed by the Department will result in the violation of the Inuit rights protected under section 35 of the *Constitution Act*. The ILPA preamble establishes that the objectives, rights and obligations affirmed in the Agreement and the implementation of the Agreement form the existing Aboriginal or treaty rights protected by section 35 of the *Constitution Act, 1982*.

Limiting the right to Inuit language instruction in a manner proposed by the Department will result in impacts on the objectives and rights set out in the Agreement. The objectives and rights contained in the Agreement have constitutional status and the remedial nature of those objectives must be considered purposively. Effectively, the ILPA preamble establishes that culture is inherently connected to language and is of paramount importance to the survival of the Inuit. The objective of the ILPA is to achieve the goals of the Agreement by requiring the Government of Nunavut to provide adequate Inuit language instruction that will produce graduates who are proficient in the Inuit language.

7. PROPOSED AMENDMENTS AND FRENCH MINORITY RIGHTS

The Office of the Languages Commissioner is mandated to ensure that language rights as set out in the *Official Languages Act* and the *Inuit Language Protection Act* are upheld and respected by territorial institutions. Our role is to champion three distinct linguistic communities. In this capacity, we believe that any amendment to the *Education Act* that will impact on French minority language education rights requires appropriate consultation and accommodation of the

Commission scolaire francophone du Nunavut. Recognizing that the Department of Education may wish to achieve better accountability and oversight, it is imperative that language rights and minority language education rights not be diminished and that the appropriate balance be achieved.

8. CONCLUSION

The final report of the Special Committee on the *Education Act* identified a number of areas where the Department has failed to properly implement the Act. In response, the Department has proposed to modify its obligations, including those of the Government of Nunavut under the ILPA.

In stating that the amendments to the ILPA and the Act would ensure “that the provisions and under-pinning policy intentions and objectives in each statute are harmonized”, the Department mischaracterized the ILPA. The ILPA is not guided by overriding policy intentions or objectives; rather, it is aimed at meeting the objectives of the Agreement, i.e., promoting and protecting the Inuit language to ensure the cultural survival of the Inuit and to advance the reconciliation contemplated in the Agreement.

The Department’s approach is also problematic because its response focuses solely on the evaluation of a single provision of the ILPA. The proposed amendments will arguably be an ineffective manner in which to limit the Department’s obligations given the ILPA preamble, which recognizes the significant role of language in culture and the sustainable future of the Inuit. Accordingly, there is an elevated risk of creating inconsistencies within the ILPA that would render its application difficult.

The ILPA is not aimed at defining the manner in which education programs and services are delivered in Nunavut. In keeping with the Supreme Court of Canada’s Arsenault-Cameron decision, governments enjoy broad discretion in how they address language rights. Therefore, it is not necessary to amend the ILPA to ensure that the Government of Nunavut can meet its obligation to provide Inuit language instruction to children enrolled in education programs.

Amending the ILPA in the manner proposed by the Department of Education will reduce the language obligations of the Government of Nunavut. As effective transmission of the Inuit language is already critical, the Inuit language will continue to decline in use at an accelerated rate.

An objective of the *Nunavut Land Claims Agreement* is to encourage self-reliance and the cultural and social well-being of the Inuit, which the ILPA preamble and OLA acknowledge can only be achieved through the preservation and promotion of Inuit language rights.



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THE *EDUCATION ACT* REVIEW

PART 2

BILL 37

An Act to Amend the *Education Act* and the *Inuit Language Protection Act*

SUBMISSION TO THE STANDING COMMITTEE ON LEGISLATION

April 21, 2017

1. INTRODUCTION

On September 2, 2016, the Office of the Languages Commissioner submitted its response to the Department of Education on proposed amendments to the *2008 Education Act*.

Since then, the Department of Education revised some of their positions and proposed amendments, and tabled Bill 37, an Act to Amend the *Education Act* and the *Inuit Language Protection Act*, in the Legislative Assembly on March 7, 2017.

On February 20, 2017, we received the Department's Report on the 2016 Consultation on Proposed Amendments to the *Education Act* and a Guide to Bill 37 giving additional information on the revised positions and amendments.

We also received, on February 20, 2017, a letter from the Deputy Minister Kathy Okpik, commenting on the position of the Office of the Languages Commissioner as presented in its September 2, 2016, response. A copy of the letter is attached (Appendix).

We are providing the Standing Committee on Legislation with the Office of the Languages Commissioner's September 2, 2016, Response to the Department of Education because we consider the document as the first part of this submission to the Standing Committee on Legislation.

This submission on Bill 37 provides additional comments for the Standing Committee's consideration concerning Bill 37.

Please note that because the position of Languages Commissioner is presently vacant, the September 2, 2016, Response to the Department of Education and this submission on Bill 37 reflect the **institutional perspective** of the Office.

In preparing today's submission, we considered the *Nunavut Land Claims Agreement* (NLCA), the *Inuit Language Protection Act* (ILPA), scholarly works on constitutional and Aboriginal law, and relevant case law.

2. AMENDING THE *INUIT LANGUAGE PROTECTION ACT* (ILPA)

In our response to the Department of Education (September 2, 2016), we stated that “In our view, the Minister of Education does not have the power to amend or propose amendments to the ILPA in the context of a review of the *Education Act*.”⁶

In her letter to the Office of the Languages Commissioner, Deputy Minister Kathy Okpik, representing the Department of Education (hereinafter “the Department”), states that their mandate to review the *Education Act* does not prevent the Department from introducing amendments to ILPA as part of the “prerogative of the Legislative Assembly to make, review, and amend laws”.⁷

In the context of making, reviewing and amending laws, however, the Minister’s ability can flow from two constitutional frameworks: parliamentary sovereignty and parliamentary privilege.

Parliamentary sovereignty holds that Parliament “is free to make or unmake any law whatever.”⁸ Notwithstanding this overarching power to legislate the substance of laws, parliamentary sovereignty also means that Parliament can restrict the manner of enacting law and the form of future laws.

Parliamentary sovereignty has also been used to restrict the introduction of constitutional amendments in the House of Commons. According to section 1 of the *Act respecting Constitutional Amendments*,⁹ no “Minister of the Crown” can “propose a motion for a resolution to authorize” certain types of constitutional amendments.

Parliamentary privilege, on the other hand, is a set of powers and rights enjoyed by Parliament or legislative assemblies that are necessary for their functions as legislative bodies. The content of privilege is not exhaustively set out in any document, but courts will characterize a power as parliamentary privilege if it is found to meet the necessity test. Nunavut enjoys the same parliamentary privileges as does the House of Commons, by virtue of subsection 16(1) of the *Legislative Assembly and Executive Council Act*.

The introduction of a bill to the Legislative Assembly would appear to be a matter of procedure, and therefore governed by parliamentary privilege. As privilege is grounded in necessity, the Minister of Education must show that the activity for which privilege is claimed is so closely connected to the fulfillment of the Minister’s functions that outside interference would undermine the level of autonomy required to perform those functions efficiently.¹⁰

⁶ OFFICE OF THE LANGUAGES COMMISSIONER, *The Education Act Review – Response to the Department of Education on proposed amendments to the 2008 Education Act*, September 2, 2016, Iqaluit, page 5, section 4.1.

⁷ DEPARTMENT OF EDUCATION, Letter to the Office of the Languages Commissioner of Nunavut, February 20, 2017, p. 1, section 1.

⁸ Peter W. HOGG, *Constitutional law of Canada: loose-leaf edition*, 5th edition, Scarborough, Carswell 2007 at 12-1 [Hogg].

⁹ S.C. 1996, c. 1.

¹⁰ *Canada (House of Commons) v. Vaid*, [2005] 1 S.C.R. 667, paras. 4 to 7.

Privilege however is invoked to prevent outside interference in the functioning of the Legislative Assembly and its members. It is arguable that privilege can be used by one minister to claim prevalence over another in respect of the administration of enactments falling within the latter's authority.

The question then arises as to whether the introduction of bills can be encumbered by ordinary legislation.

The answer is yes, but a derogation of privilege must be express, general wording will not suffice. In *Fédération Franco-Ténoise*,¹¹ the Northwest Territories Court of Appeal considered whether the language of the *Official Languages Act* was sufficiently clear to include an obligation to publish the Hansard in both English and French. The Court found that the Act did not contain the express wording necessary to bind the Speaker of the Legislative Assembly under whose authority the Hansard is published.

The *Inuit Language Protection Act* (ILPA) and the *Official Languages Act* (OLA) provide that every five years, or as the Legislative Assembly may decide, the ILPA and the OLA will be reviewed as well as any other legislation or policies as the Legislative Assembly may direct. This review may include recommendations for amendments to the OLA or the ILPA in order to ensure that these laws achieve their purposes.

There are other factors that lead us to conclude that, while the Minister of Education enjoys parliamentary privileges and prerogatives that would permit the introduction of a bill proposing amendments to the ILPA, the Government of Nunavut has circumscribed these powers to some extent.

Legislative Assembly and Executive Council Act

Firstly, according to the *Legislative Assembly and Executive Council Act*, in exercising these privileges and powers, the Legislative Assembly and its members must keep in mind the guiding principles of Inuit Qaujimajatuqangit. Inuit Qaujimajatuqangit includes, inter alia, decision-making through discussion and consensus, serving and providing for family and community, and working together for a common cause.

This act further recognizes that a minister has responsibility over all matters arising in the department over which the minister has authority. Thus a minister's scope of action would appear to be limited to the department under that minister's authority and the legislation administered by that department.

In other words, it is inconceivable that a minister would have responsibility and the power to act or legislate in respect of another department or legislation administered by that department and over which a different minister has been given responsibility.

¹¹ *Northwest Territories (Attorney General) v. Fédération Franco-Ténoise*, 2008 NWTCA 6, leave to appeal to the Supreme Court of Canada denied.

Interpretation Act

The *Interpretation Act* (IA) requires that legislation, that is remedial in nature, be construed in a “fair, large and liberal” manner that “best ensures the attainment of its objects.” Section 11 of the IA also provides that the preamble contained in legislation forms a part of that legislation and assists with interpreting its scope and purpose.

The ILPA preamble clearly establishes its remedial nature aimed at repairing the harm caused to the Inuit language by government policies of assimilation and societal attitudes. As such, the ILPA must be interpreted so that its objects can be achieved.

ILPA AND OLA

The ILPA recognizes the precarious state of the Inuit language, the obligations of Government of Nunavut under the *Nunavut Land Claims Agreement* (NLCA), and the need to respond by protecting and promoting the Inuit language as a language of education.

Further, enabling any minister of the Legislative Assembly to make or propose amendments to the ILPA would undermine the application of subsection 2(2), which gives primacy to the ILPA over all other enactments, other than the *Human Rights Act*. To find otherwise, as the Department suggests, would lead to a situation where any minister of any department could propose amendments to the ILPA in order to extricate the department from situations of non-compliance.

The OLA also requires the Minister of Languages to monitor and evaluate the performance of the departments of the Government of Nunavut under the ILPA and to review the laws and policies of the Government of Nunavut to ensure consistency, compliance with ILPA, and that these promote the objectives of the OLA and ILPA. Once again, the Government of Nunavut has granted clear powers to the Minister of Languages that extends beyond the ILPA and the OLA to all laws of the Government of Nunavut.

Nunavut Acts Designation Policy

In its letter to the Office of the Languages Commissioner, the Department suggests that the *Nunavut Acts Designation Policy* grants the Department of Education the authority to amend ILPA.¹² A careful reading of the Policy, however, actually supports a different finding.

The Policy states that:

“Unless otherwise indicated, the lead is the department or agency as well as the Minister responsible for implementing the Act and bringing forward legislative changes.”

Until November 21, 2013, the Policy identified the Minister Responsible for Languages as the lead for ILPA. Revised on February 11, 2016, the current Policy establishes an exception, stipulating that Education is responsible for sections 8 and 9. The understanding being that Education is responsible for implementation of the provisions of the ILPA dealing with education.

¹² DEPARTMENT OF EDUCATION, Letter to the Office of the Languages Commissioner of Nunavut, February 20, 2017, p. 2, section 1.

In fact, the Policy expressly states where legislative amendments are designated to a Minister other than the Lead Minister. This is the case for the *Nunavut Arctic College Act*, the *Nunavut Housing Corporation Act*, and the *Qulliq Energy Corporation Act*.

Such an interpretation is supported by section 8 of the ILPA respecting the duties related to education. These duties centre on the design, development, and implementation of education programming. Therefore, the authority of the Minister of Education under the ILPA is to implement policy and programming of Inuit language education, which is a guaranteed right under the ILPA.

Special Legislative Committee

Finally, the history behind Bill 37 also supports the position that the Minister of Education does not enjoy the power to review the ILPA.

In 2013, the Auditor General of Canada issued a report on the status of implementation of programs under the *Education Act*. The Auditor General made various recommendations that applied more to monitoring and following up than to amending legislation in a manner that would reduce the Inuit language obligations on the Department of Education.

As such, a Special Legislative Committee was established for the purpose of reviewing the *Education Act* and the report from the Auditor General. In establishing this Special Committee and defining its purpose, the Legislative Assembly exercised its prerogative. The Special Committee, of which the Minister of Education is a part, cannot of its own volition exceed the stated purpose and scope to include the review of other laws over which it has no authority.

3. QUASI-CONSTITUTIONAL ACTS

In our response to the Department of Education (September 2, 2016), we stated that “Further, because the ILPA has quasi-constitutional status and is aimed at ensuring the fulfillment of certain treaty obligations by the Government of Nunavut [...]”¹³

In its letter to the Office of the Languages Commissioner, the Department erroneously denies the quasi-constitutional status of the ILPA.¹⁴ The preamble of the ILPA states that:

“Understanding, because of the fundamental character of the values expressed and the important objectives of this Act, and on legal authority including sections 15, 25 to 27 and 35 of the *Constitution Act, 1982*, that the *Inuit Language Protection Act* shall enjoy quasi-constitutional status in law;”

¹³ OFFICE OF THE LANGUAGES COMMISSIONER, *The Education Act Review – Response to the Department of Education on proposed amendments to the 2008 Education Act*, September 2, 2016, Iqaluit, page 6, section 4.2.

¹⁴ DEPARTMENT OF EDUCATION, Letter to the Office of the Languages Commissioner of Nunavut, February 20, 2017, p. 3, section 4.

Despite its quasi-constitutional status, the ILPA can nevertheless be repealed or amended by ordinary legislation. This is in keeping with parliamentary sovereignty, which allows some forms of self-imposed restraints on legislative assemblies, but does not permit legislative assemblies to restrain their power to repeal or amend a law.

Quasi-constitutional acts, however, may only be repealed or amended by clear legislative pronouncement. A bill that expressly amends section 8 of the ILPA must satisfy the requirement of clear legislative intent. Although, the proposed amendment would modify section 8, it would not change the quasi-constitutional status of the ILPA.

4. ABORIGINAL RIGHT TO INUIT LANGUAGE EDUCATION

In our response to the Department of Education (September 2, 2016), we stated that “It is likely that amending the ILPA in the manner proposed by the Department will result in the violation of the Inuit rights protected under section 35 of the *Constitution Act*. The ILPA preamble establishes that the objectives, rights and obligations affirmed in the Agreement and the implementation of the Agreement form the existing Aboriginal or treaty rights protected by section 35 of the *Constitution Act, 1982*.”¹⁵

In its letter to the Office of the Languages Commissioner, the Department concedes that “Aboriginal language does hold some constitutional status.”¹⁶ However, the Department recognizes only the English and French languages as enjoying constitutionally-protected education rights.

Section 35 of the *Constitution Act, 1982*, recognizes and affirms “existing Aboriginal and treaty rights.” The NLCA is a modern land claims agreement as contemplated in subsection 35(3) of the *Constitution Act, 1982*, and thus enjoys constitutional protection.

Modern treaties enshrine the rights and obligations of Aboriginal parties and the Crown, which are agreed upon in exchange for the surrender of Aboriginal title and related rights. Because modern treaties result from lengthy negotiations, the text of the treaty is given great weight in interpreting its terms and conditions.

Article 32 of the NLCA is relied upon in support of Inuit language rights, and commits the Crown to the following obligations:

- (a) providing 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, in the Nunavut Settlement Area; and
- (b) endeavouring to reflect Inuit goals and objectives where it puts in place such social and cultural policies, programs and services in the Nunavut Settlement Area.

¹⁵ OFFICE OF THE LANGUAGES COMMISSIONER, *The Education Act Review – Response to the Department of Education on proposed amendments to the 2008 Education Act*, September 2, 2016, Iqaluit, page 7, section 6.

¹⁶ DEPARTMENT OF EDUCATION, Letter to the Office of the Languages Commissioner of Nunavut, February 20, 2017, p. 3, section 4.

Because of the NLCA's modern and sophisticated character, courts have refused to attribute a fiduciary duty to the Crown in fulfilling its treaty obligations¹⁷. Courts have also noted that article 2.9.3 of the NCLA states that its provisions are not to be interpreted in the favour of either the Crown or the Inuit.

Nevertheless, the Nunavut Court of Justice has found the NLCA to be remedial legislation, as provided for in the *Interpretation Act*. The NLCA must therefore enjoy a large and liberal interpretation that supports its remedial purposes.

Thus, in order to provide context to the issue, one must consider the following facts:

- First, the importance of language to the survival of a culture generally, has been acknowledged by the courts on several occasions.
- Second, the significance of language to the Inuit in particular, cannot be overstated. In fact, the objective of establishing an Inuktitut based primary and secondary education system was expressed over 30 years ago, in the *Inuit Declaration of Education and Language Rights*, upon which the NLCA negotiations were founded.
- Third, the beneficiaries themselves frequently affirm the significance of language to the NLCA. In response to Bill 37, the President of the Nunavut Tunngavik Inc. (NTI), Aluki Kotierk, has stated that “Inuit self-determination that is promised in our *Nunavut Agreement* will only be realized when Inuit children are taught in Inuktitut and graduate from high school.”¹⁸

Given this context, it is certainly plausible that the Inuit intended the NLCA to create language obligations, and made this intention known to the Crown.

In any event, the preamble to ILPA is arguably determinative of the issue. The Government of Nunavut admits that Article 32 of the NLCA creates an obligation for it and Canada to “design and deliver programs and services that are responsive to the linguistic goals and objectives of Inuit.” The constitutional status of the NLCA is not contested, so it follows that a constitutionally-protected right to education in Inuit does, in fact, exist.

It is important to note that amendments to the Inuit language education rights contained in ILPA cannot breach the Crown's treaty obligation. That obligation is assessed globally, considering all actions taken both in relation to and distinct from ILPA.

ILPA, however, unquestionably forms a large part of the Crown's strategy to fulfill its obligation. Thus, when the Department of Education states that amending section 8 “places reasonable limits on the statutory right”,¹⁹ it is not imposing a limit on the treaty obligation. The effects can, however, be seen as a setback in terms of fulfilling the obligation.

¹⁷ *Northwest Territories (Attorney General) v. Fédération Franco-Ténoise*, 2008 NWTCA 6, leave to appeal to the Supreme Court of Canada denied, at para 77.

¹⁸ [<http://www.tunngavik.com/blog/news/proposed-gn-amendments-to-education-and-language-laws-wont-solve-education-crisis/>].

¹⁹ DEPARTMENT OF EDUCATION, Letter to the Office of the Languages Commissioner of Nunavut, February 20, 2017, p. 3, section 4.

It is noteworthy that NTI itself has not characterized Bill 37 as a breach of the NLCA. It has, however, characterized the proposed ILPA amendments as a “downgrade” of rights, and Bill 37 as “undermining Inuit rights.”²⁰ On a practical level, it would seem odd, then, to allege a breach of the NLCA when the beneficiaries themselves have not gone that far.

In his 2005 report on the implementation of the NLCA, Thomas Berger noted that the obstacles standing in the way of successful implementation of the NLCA largely revolved around language. He noted that the failure to have Inuktitut as the language of education through Grade 12 had damaging effects on the students, which amounted to an “institutional rejection” of their culture, and reinforcement of the “colonial message of inferiority.” The only remedy, in his opinion, was the implementation of “a bilingual [education] system that works.”²¹

Moreover, the precarious situation of the Inuit language is well established. Experts have noted that the use of Inuit language in Nunavut homes has declined significantly in the last 20 years, and is projected to continue to decline. “As a result, Inuinnaqtun is now considered definitely endangered and Inuktitut is now classified as vulnerable.”²²

Bill 37 proposes to amend subsection 8(1) by striking out “receive Inuit Language instruction” and substituting “receive the majority of the child's school instruction in the Inuit Language”. While such wording would not necessarily breach the obligation to endeavour to reflect Inuit goals and objectives in programs and services or to provide programs and services that are responsive to those linguistic goals, it is unusual to limit the scope of a positive right within the same provisions in which it is provided.

Generally, positive rights should be worded in broad terms. Section 8 currently guarantees Inuit language education rights without establishing any requirement that all instruction be provided in the Inuit language. The level of Inuit language instruction must, however, be sufficient to satisfy the Government of Nunavut’s obligations under the NLCA. In any event, the honour of the Crown demands significant efforts be made in order to satisfy its obligations under the NLCA, the absence of which would entail a breach of treaty.

5. CONSULTATION

In our response to the Department of Education (September 2, 2016), we stated that “The *Nunavut Act*, at paragraph 23(1) (n), empowers the Legislative Assembly to make laws for the preservation and promotion of the Inuit language. However, given the preamble to the ILPA and its connection to the Agreement, any revision of the ILPA would conceivably require a greater degree of consultation and a more comprehensive evaluation than that conducted by the Special Committee to review the *Education Act*. [...] it is our view that any amendment should also be preceded by appropriate consultation and consideration of the duties, the purpose of the

²⁰ NTI submissions to the GN Department of Education, *Further Comments on Chapter 2 - Language of Instruction in the GN Department of Education's Policy Intentions document: “A Collective Vision”*, [<http://www.tunngavik.com/blog/news/nti-hiring-of-inuktitut-speaking-teachers-key-to-education/>].

²¹ Thomas BERGER, *Conciliator's Final Report: Nunavut Land Claims Agreement Implementation Planning Contract Negotiations for the Second Planning Period*, at v-vi, 29.

²² [<http://www.tunngavik.com/blog/news/nti-hiring-of-inuktitut-speaking-teachers-key-to-education/>].

ILPA and the rights established thereunder comprehensively and not just in respect of one obligation.”²³

In its letter to the Office of the Languages Commissioner, the Department states that “The proposed change to ILPA has been appropriately consulted upon. The public, education stakeholders and partners, as well as NTI, were given the opportunity to provide comments and concerns during in person meetings, as well as through formal submissions.”²⁴

The duty to consult is an obligation rooted in the honour of the Crown. Its form and nature can vary depending on the circumstances. Inadequate consultation and accommodation can result in the suspension or quashing of government decisions.

Most modern treaties will include stipulations regarding what kind of consultation is required of the parties on a given issue. This must be the starting point in any inquiry into the adequacy of consultation.

Article 32.3.1 creates the Nunavut Social Development Council to promote the principles and objectives of article 32. Since March 2002, the role of the Council has been assumed by NTI.

With respect to social and cultural issues, article 32.3.3 grants the Council the responsibility of, among other things, conducting research, publishing information, consulting and collaborating with community and government, and advising on policies, programs and services.

This article contemplates a role for the Council to consult with both the public and government in fulfilling its mandate. Arguably, any duty to consult flowing from the treaty in the context of language originates from this article.

Despite possible consultation duties in the NLCA, there is also a common law duty to consult when government decisions might adversely affect Aboriginal interests. In our situation, the proposed amendments are an obvious reduction of the right to Inuit language education, and consequently, the threshold for the common law to consult is met.

In the context of the ILPA amendments, it is likely that there is a heightened duty to consult, and possibly accommodate. The Aboriginal interest is established and is of great significance, and there is a direct causal link between the amendments and Inuit language education. The gravity of the potential adverse impacts may, however, be less apparent. At this stage, the duty to consult beyond what is required by the NLCA is a political duty rather than a legal one.

²³ OFFICE OF THE LANGUAGES COMMISSIONER, *The Education Act Review – Response to the Department of Education on proposed amendments to the 2008 Education Act*, September 2, 2016, Iqaluit, page 6, section 4.2.

²⁴ DEPARTMENT OF EDUCATION, Letter to the Office of the Languages Commissioner of Nunavut, February 20, 2017, p. 2, section 2.

6. CONCLUSION

The ILPA is a complex statute that must be interpreted in light of the underlying values and principles and with an eye to the OLA. Given the extensive role of the Languages Commissioner and Minister of Languages in promoting the Inuit language and implementing ILPA's objectives, any amendments proposed to the ILPA should be subject to a broader review of the ILPA.

In the current context, the Minister of Education does not enjoy legislative prerogative to propose amendments to the ILPA. Firstly, the actions of the Minister of Education are not protected by privilege as they are not necessary to the fulfillment of the Minister's functions. Further, the primacy of the ILPA over all other acts of the Government of Nunavut supports the position that the ILPA cannot be modified by the Minister of Education simply to render its linguistic obligations under the provisions respecting education more easily attainable. In this sense, the Minister of Education seeks to address shortcomings through legislative amendment instead of through policy changes that would ensure the objectives respecting Inuit language education are achieved.

In addition, the Policy upon which the Department relies in invoking legislative prerogative does not grant the Minister of Education the power to amend the ILPA provisions respecting Inuit language education. The Minister's powers go to implementing the policies and programs, and delivering the Inuit language education services.

In our response to the Department of Education (September 2, 2016), we stated that "The Department's approach is also problematic because its response focuses solely on the evaluation of a single provision of the ILPA. The proposed amendments will arguably be an ineffective manner in which to limit the Department's obligations given the ILPA preamble, which recognizes the significant role of language in culture and the sustainable future of the Inuit. Accordingly, there is an elevated risk of creating inconsistencies within the ILPA that would render its application difficult."²⁵

Amending a statute like the ILPA that enjoys quasi-constitutional status requires more than a simple bill as proposed by the Minister of Education. There must be clear legislative intent to reduce the Inuit language education rights provided for in the ILPA.

It is also significant that the ILPA references the Government of Nunavut's obligations under the *Nunavut Land Claims Agreement* and establishes Inuit language as a language of education. The incorporation of this treaty in the ILPA sets a much higher threshold for Government actions that would restrict the protected linguistic rights.

²⁵ *Ibid*, p. 8, section 8.

APPENDIX

**LETTER TO THE OFFICE OF THE LANGUAGES COMMISSIONER OF NUNAVUT
FROM THE DEPARTMENT OF EDUCATION - FEBRUARY 20, 2017**

Office of the Language Commissioner of Nunavut
Iqaluit, Nunavut

Sent by email: langcom@langcom.nu.ca

February 20, 2017

To the Office of the Languages Commissioner of Nunavut (OLC):

**Re: Response to the Comments of the Office of the Languages Commissioner
Regarding Proposed Amendments to the *Education Act* and *Inuit Language
Protection Act***

I would like to thank the OLC for its written comments, dated September 2, 2016, regarding the proposals of the Department of Education ('the Department') to amend the *Education Act* and *Inuit Language Protection Act* (ILPA).

Please accept my apology for the delay in responding to you. My team and I spent the fall of 2016 reviewing the entirety of the public and stakeholder feedback, and modifying many of our proposals based on the ideas and concerns that were brought forward.

Consultation feedback was significant and has resulted in substantial changes being made to our proposals. I can advise you at this time that the OLC will be receiving copies of correspondence that I plan to send to all education stakeholders that will include (1) a copy of the report detailing the feedback received during the summer 2016 public and stakeholder consultations and (2) an explanation of how the Department's proposals have evolved as a result of consultation feedback.

In follow up to the consultation feedback of the OLC, I am writing to elaborate on certain issues that were raised, as well as respond to some of the OLC's concerns.

1. **Response to section 4.1:** It is our respectful position that the OLC is incorrect in saying that the Minister of Education is prevented from amending ILPA, because of the scope of the 2014-2105 statutory review of the *Education Act*. To prevent amendment to ILPA on those grounds represents an inappropriate and unjustifiable limit on the prerogative of the Legislative Assembly to make, review and amend laws.

Further, we disagree with the OLC's position that a review of ILPA as a whole is a necessary or mandatory step to take before making changes to an aspect of that legislation. This too represents an inappropriate and unjustifiable limit on the role of government in law-making and the legislative prerogative of the Legislative Assembly. It also represents a mischaracterization of the distinction between ILPA's prescribed statutory review process, and the legislative prerogative of the Legislative Assembly to make amendments to legislation as needed to promote uniformity and complicity with other legislation.

It should be noted that the Minister of Education was delegated the authority to make amendments to sections 8 and 9 of ILPA (via the Government of Nunavut's *Designation of Acts Policy*), which, therefore, authorizes the amendment to subsection 8(1) that the Minister has proposed.

The review clause of ILPA, at subsection 43(1), does not apply in this case, and a review of IUT's status or functioning is not necessary as a prerequisite to making amendments to ILPA outside of the scope of a statutory review. The upcoming statutory review of ILPA will take place separately from the on-going review of the *Education Act*.

The Department does not share the concern of the OLC that the proposed amendment of subsection 8(1) will create inconsistencies within ILPA.

2. **Response to section 4.2:** The proposed change to ILPA has been appropriately consulted upon. The public, education stakeholders and partners, as well as NTI, were given the opportunity to provide comments and concerns during in person meetings, as well as through formal submissions. These comments and concerns have been reviewed and taken into consideration through the revised legislative proposal submitted to Cabinet in the fall of 2016.
3. **Response to section 5:** The Department takes the position that the principle of good governance mandates the development of policies for which the government has the current, and projected, capacity to meet. Our position remains that setting the government up for failure is not good public policy.

The objectives of the proposed change are the following:

1. The proposed textual change will provide the proper legal foundation for the delivery of a bilingual education system, which is in accordance with the intent behind Part 4 of the *Education Act* as it was drafted in 2008—a policy position that was reaffirmed in the report of the Special Committee. The current wording of ILPA does not support the implementation of a bilingual education system;

2. The proposed change will address the reality that the massive shortage of Inuktitut-speaking teachers will prevent the department from fully implementing Inuktitut as a language of instruction as envisioned by subsection 8(1) of ILPA as it currently reads.
3. The proposed change provides a clear definition of the right of Inuit parents to have their child receive instruction in the Inuit language, while at the same time holding the government to account. This change will set a 'floor' with respect to the level of instruction in Inuktitut, but does not prevent the delivery of Inuktitut as a language of instruction at higher levels, as teaching capacity grows across the territory.
4. **Response to section 6:** The Department takes very seriously its role in protecting and revitalizing the Inuit language in Nunavut through a bilingual education program that has, as a central aim, the reversal of language loss across the territory and the development of graduates who are fully functional in the Inuit language. The Department recognizes the integral links between Aboriginal language and Aboriginal culture. In light of its importance to the protection and promotion of Aboriginal culture, Aboriginal language does hold some constitutional status. However, there is no constitutionally protected right to education in Inuit languages – only English and French.

The NLCA includes the objective of encouraging self-reliance and the cultural and social well-being of the Inuit, but it does not have any provisions about the language of education. Section 2(1)(b) of ILPA states that its provisions cannot be interpreted to override the NLCA's objectives and provisions. For example, ILPA cannot be used to limit the implementation of priority hiring policies under Article 23, or the provision of government contracts under Article 24. The Department disagrees with the OLC's interpretation that section 2 of ILPA and/or this statement of objectives from the NLCA grants ILPA quasi-constitutional protection. The Department's position is that it suggests the opposite: ILPA *cannot* subtract from the constitutional protections provided under the NLCA.

Likewise, by virtue of section 2(2), any other legislation can be explicitly exempt from ILPA except the *Human Rights Act*. This alone clearly demonstrates that ILPA is *not* quasi-constitutional legislation akin to the *Human Rights Act* as the OLC suggests. If it were, it too would be paramount to all legislation. Instead, the rights provided for in subsection 8(1) are statutory rights and as such it is well within the prerogative of the Legislative Assembly to make the proposed change. We respectfully disagree with the assertion of the OLC that these changes are prevented by, or in contravention of, section 35 of the *Constitution Act*.

At the same time, the Department recognizes the critical need to increase Inuktitut-teaching capacity, the need for continued development of Inuktitut-teaching resources and the need for high-quality teacher training and supports. To that end, the Department will be taking significant steps to increase Inuktitut-teaching capacity, through an updated Inuit Employment Plan, and to improve the Nunavut Teacher Education Program, through a joint-review of that program with Nunavut Arctic College. The Department's newly formed Educator Development division will play a significant role in ensuring that Inuktitut-speaking teachers have on-going training and supports, which we hope will not only improve program delivery, but also aid in long-term retention of teaching staff.

5. **Response to section 7:** The Department recognizes its obligation with respect to French language minority rights. The proposed amendments that relate specifically to French first language programming have been consulted on with the Commission scolaire francophone du Nunavut and the francophone community. The Department of Education's proposals have been modified based on feedback received. The proposals of the government conform, in their entirety, with its obligations under section 23 of the *Canadian Charter of Rights and Freedoms* and section 157 of the *Education Act*.

I hope the above provides some context to the decision-making involved in our legislative proposals and responds to your concerns.

Again, I would like to thank you for your contributions to our consultations—your engagement on these important issues is appreciated. I look forward to continuing to work with you to ensure that our bilingual education system is designed and delivered in a robust, creative and holistic fashion, with revitalization of the Inuit language as a core objective.

Sincerely,



Kathy Okpik
Deputy Minister of Education

Cc Hon. Paul Quassa, Minister of Education
Hon. George Kuksuk, Minister of Languages, Minister of Culture and Heritage
Pauloosie Suvega, Deputy Minister of Culture and Heritage
John MacDonald, Assistant Deputy Minister of Education



La CSFN est reconnue pour l'excellence de ses services éducatifs et vise le développement du plein potentiel et la construction de l'identité culturelle franco-nunavois de chaque élève.

La CSFN offre un enseignement de qualité aux élèves franco-nunavois qui optimise leur épanouissement et fait d'eux des citoyens engagés.

**PAR COURRIEL (tsammurtok@assembly.nu.ca)
ET TÉLÉCOPIEUR : (867) 975-5190**

Le 21 avril 2017

Monsieur Tom Sammurtok, député
Président, Comité permanent de la législation
Assemblée législative du Nunavut
C.P. 1200
Iqaluit (Nunavut)
X0A 0H0

Monsieur le Président,

Objet : Observations et commentaires de la Commission scolaire francophone du Nunavut (« CSFN ») au Comité permanent de la législation (« Comité ») concernant le projet de loi 37 – Loi modifiant la Loi sur l'éducation et la Loi sur la protection de la langue Inuit

Par la présente, la CSFN transmet au Comité ses observations et commentaires portant sur le projet de loi 37, qui modifie la *Loi sur l'éducation* (« Loi »).

Les observations et commentaires de la CSFN ont comme objectif de s'assurer que les droits constitutionnels de la minorité linguistique qui découlent de l'article 23 de la *Charte canadienne des droits et libertés* (« Charte ») soient respectés.

L'article 23 de la *Charte* garantit des droits à l'instruction dans la langue de la minorité. Afin d'assurer les droits qui découlent de l'article 23 de la *Charte*, la Cour suprême du Canada reconnaît que la CSFN a un droit de gestion et de contrôle exclusif sur les aspects de l'éducation qui touchent la langue et la culture, notamment sur :

- a) les dépenses de fonds prévus pour l'instruction dans la langue de la minorité et pour les établissements;
- b) la nomination et la direction des personnes chargées de l'administration de cette instruction et de ces établissements;

.../2

- c) l'établissement de programmes scolaires;
- d) le recrutement et l'affectation du personnel, notamment des professeurs; et
- e) la conclusion d'accords pour l'enseignement et les services dispensés aux élèves de la minorité linguistique; et
- f) l'emplacement des établissements scolaires de la minorité linguistique (voir par exemple *Mahé c Alberta*, [1990] 1 RCS 342; *Arsenault-Cameron c Île-du-Prince Édouard*, 2000 CSC 1).

Il est essentiel que toute modification à la *Loi* respecte le droit de gestion de la CSFN.

Certains éléments du projet de loi seront mis en œuvre par règlements. La CSFN demeure consciente que ces règlements pourraient avoir un impact sur les droits constitutionnels de la CSFN. Bien que ces règlements ne soient pas présentement devant le Comité, le Comité a néanmoins le mandat d'étudier les règlements qui seront proposés ou adoptés par le gouvernement. Ainsi, les commentaires de la CSFN concernant les règlements constituent un rappel au gouvernement et au Comité que ceux-ci devront respecter les droits qui découlent de l'article 23 de la *Charte*.

I. Les décisions concernant le droit d'admission devraient être déléguées à la CSFN (art 74 du projet de loi, modifiant l'art 32 de la *Loi*)

Le projet de loi 37 prévoit que seul le ministre de l'Éducation peut autoriser un particulier qui n'est pas l'enfant d'un parent ayant des droits en vertu de l'article 23 de la *Charte* à s'inscrire à une école de la CSFN. Ainsi, les décisions concernant les admissions ne relèveraient plus de la CSFN. Par contre, le projet de loi prévoit également que ce pouvoir peut être délégué à la CSFN.

Les amendements aux dispositions relatives à l'admission des élèves à l'école de la CSFN prévus par le projet de loi reflètent la jurisprudence de la Cour suprême du Canada.

Toutefois, bien le texte proposé par le projet de loi 37 soit conforme à l'article 23, il ne s'ensuit pas que cette même présomption de constitutionnalité s'étend à l'exercice discrétionnaire du gouvernement en ce qui concerne les décisions sur les admissions aux écoles de la CSFN. Les décisions sur les admissions ne doivent pas faire obstacle à la réalisation de l'objet de l'article 23, notamment d'assurer l'épanouissement de la communauté franco-nunavoise. Selon la CSFN, elle est la mieux placée pour assurer que les questions d'admission assurent la mise en œuvre efficace de l'article 23 de la *Charte*.

La CSFN est consciente du fait que le Comité ne puisse pas prendre des règlements, ou exercer le pouvoir exécutif. Toutefois, les membres du Comité sont des membres de l'Assemblée législative qui ont tous un rôle important à jouer dans le bon fonctionnement du système d'éducation et de l'épanouissement de la communauté de langue française au Nunavut.

Ainsi, la CSFN souhaite insister qu'afin d'assurer la réalisation de l'objet de l'article 23 de la *Charte*, le pouvoir d'admettre, au cas par cas, des élèves dont aucun parent n'a des droits en vertu de l'article 23 de la *Charte* devrait lui être délégué pour assurer la pérennité de la communauté franco-nunavoise.

II. La CSFN applaudit l'abrogation de l'obligation d'obtenir l'approbation ministérielle pour les programmes d'études élaborés par la CSFN (art 75 du projet de loi, abrogeant le para 168(2) de la *Loi*)

Le projet de loi 37 abroge l'exigence de faire approuver par le ministre tout programme d'études qu'établit la CSFN. Selon la CSFN, cet amendement est positif et met en œuvre le droit de gestion et de contrôle exclusif sur l'établissement des programmes scolaires qui découle de l'article 23 de la *Charte*.

III. Les règlements régissant le devoir d'informer le public devront respecter l'article 23 de la *Charte* (art 77 du projet de loi, modifiant l'art 172 de la *Loi*)

Le projet de loi ajoute l'exigence que le devoir d'informer le public relativement à la prestation de l'éducation publique devra être « en conformité avec les règlements ». Le Comité devra s'assurer que l'élaboration de ce règlement respecte les droits qui découlent de l'article 23 de la *Charte*.

IV. Les rapports demandés par le ministre sur des questions relevant de la compétence exclusive de la CSFN ne peuvent pas être utilisés comme justification pour le gouvernement de s'ingérer dans les aspects de l'éducation qui touchent la langue et la culture (art 78 du projet de loi, modifiant l'article 172 de la *Loi*)

Le projet de loi prévoit que le ministre pourrait exiger de la CSFN un rapport sur une question relevant de sa compétence, notamment sur :

- a) les processus de dotation en personnel;
- b) toute question touchant les fonctionnaires, y compris le directeur général;
- c) les décisions prises concernant la planification, la programmation et les ressources;
- d) le programme d'enseignement, y compris les pratiques d'enseignement, l'inclusion scolaire, le rendement scolaire et le recours aux ressources en appui à l'atteinte de résultats à l'égard du curriculum;
- e) le programme communautaire local.

La CSFN désire d'abord souligner qu'elle aura vraisemblablement besoin de ressources humaines additionnelles pour répondre aux demandes du ministre, en particulier si ces demandes sont fréquentes et détaillées.

La CSFN souhaite également souligner que les rapports demandés par le ministre ne peuvent pas être utilisés comme justification pour le gouvernement de s'ingérer dans les aspects de l'éducation qui touchent la langue et la culture.

Par ailleurs, il convient de souligner qu'il existe des informations qui sont confidentielles (par exemple, en vertu de la *Loi sur l'accès à l'information et la protection de la vie privée*, LTN-O (Nu) 1994, c 20) ou privilégiées qui ne pourraient être partagées avec le ministre, peu importe le contenu de sa demande. Ainsi, toute demande du ministre devra être formulée afin de demander pour des informations qui ne sont ni confidentielles ni privilégiées.

V. Les ententes entre la CSFN et les autres administrations scolaires de district seront régies par règlements (art 79 du projet de loi, modifiant l'art 181 de la Loi)

Le projet de loi prévoit que le commissaire en Conseil exécutif pourra, par règlements, régir les ententes conclues (« *respecting agreement* » en anglais) entre la CSFN et d'autres administrations scolaires de district lorsque la CSFN a besoin d'espaces de salles de classe dans une école d'une autre administration scolaire de district.

La CSFN souhaite rappeler au Comité que la jurisprudence de la Cour suprême du Canada reconnaît à la CSFN un pouvoir de gestion et de contrôle exclusif en ce qui concerne la conclusion d'accords pour l'enseignement et les services dispensés aux élèves de la minorité linguistique. Il ne s'ensuit pas que le libellé de la modification prévue au projet de loi est contraire à l'article 23 de la *Charte*. À titre d'exemple, le règlement pourrait prévoir que l'autre administration scolaire de district doit partager ses locaux lorsque la CSFN a un besoin d'espace, facilitant ainsi l'offre d'un programme scolaire en français par la CSFN.

Toutefois, il convient de souligner que tout règlement pris régissant des ententes avec d'autres administrations scolaires de district ne pourra porter atteinte au droit de gestion de la CSFN protégé par l'article 23 de la *Charte*.

VI. Les décisions sur les placements alternatifs dans la collectivité ou ailleurs devraient demeurer au sein de la CSFN (art 76 du projet de loi qui modifie l'art 170 de la Loi)

La *Loi* prévoit actuellement que si le directeur d'école est d'avis qu'un placement alternatif dans la collectivité ou ailleurs est approprié, il renvoie la question au directeur général de la CSFN. Le projet de loi ferait en sorte qu'il reviendrait au ministre de déterminer si un placement alternatif

serait approprié. Un placement alternatif constitue effectivement l'établissement d'un programme scolaire, sur lequel la CSFN a un pouvoir de gestion exclusif en vertu de l'article 23 de la *Charte*. Ainsi, cette modification, en ce qui concerne la CSFN, est contraire à l'article 23 de la *Charte*.

VII. La CSFN devrait avoir le droit de décider chaque année si elle offrira ou non un programme destiné à la petite enfance (art 29 du projet de loi, remplaçant l'art 17 de la Loi)

Le projet de loi prévoit que l'administration scolaire de district, dont la CSFN, peut décider toutes les cinq années, si elle dispensera ou non des programmes destinés à la petite enfance pour les cinq années suivantes.

La CSFN est d'avis que l'exigence qu'elle ne puisse choisir qu'à chaque cinq années si elle dispensera ou non des services d'éducation destinés à la petite enfance ne respecte pas son droit de gestion qui découle de l'article 23 de la *Charte* en ce qui concerne l'établissement de programmes scolaires. La législature du Nunavut a choisi de permettre aux administrations scolaires de district d'intégrer l'éducation de la petite enfance au système d'éducation public et les programmes destinés à la petite enfance sont essentiels à la réalisation des objets de l'article 23 de la *Charte*. Il s'ensuit que, selon la CSFN, les programmes destinés à la petite enfance en français au Nunavut relèvent du pouvoir de gestion prévu à l'article 23 de la *Charte*. Une mesure législative ne peut pas, sans justification raisonnable, limiter ce pouvoir de gestion. Par conséquent, la CSFN devrait avoir le pouvoir de décider chaque année si, et comment, elle dispensera le programme d'éducation destiné à la petite enfance.

VIII. La CSFN ne devrait pas avoir à obtenir le consentement du ministre pour modifier son plan du programme d'enseignement (art 31 du projet de loi, remplaçant l'art 20 de la Loi)

Le projet de loi prévoit l'élaboration d'un plan du programme d'enseignement, qui devra être élaboré annuellement par le directeur d'école avant le 30 septembre. Le plan comprendra, entre autres, les noms de tous les membres du personnel d'éducation, et tout renseignement concernant leur certification en conformité avec les directives du ministre. Toutefois, le projet de loi prévoit qu'après son élaboration, le plan du programme d'enseignement ne pourra être modifié qu'en conformité avec les directives du ministre ou avec son consentement.

En vertu de l'article 23 de la *Charte*, la CSFN détient un pouvoir de gestion et de contrôle exclusif sur le recrutement et l'affectation du personnel, et toute disposition qui limite ce pouvoir exclusif est contraire à l'article 23 de la *Charte*. La CSFN est d'avis que l'exigence d'obtenir le consentement du ministre pour modifier la liste des noms des membres du personnel de l'éducation serait contraire à l'article 23 de la *Charte*.

La CSFN note, toutefois, qu'il est possible que les directives du ministre régissant toute modification au plan du programme d'enseignement annuel ne soient pas nécessairement contraires à l'article 23. À titre d'exemple, la directive ministérielle pourrait permettre à la CSFN de modifier la liste des membres de son personnel sans devoir obtenir l'approbation ministérielle. Ainsi, il est primordial que toute directive ministérielle concernant le droit de modifier le plan du programme d'enseignement respecte les droits protégés par l'article 23 de la CSFN.

Conclusion

La CSFN vous remercie de l'attention que vous porterez à ses observations et commentaires afin d'assurer le respect des droits constitutionnels de la minorité linguistique qui découlent de l'article 23 de la *Charte*.

N'hésitez surtout pas à communiquer avec la CSFN en cas de questions ou si vous avez besoin d'informations additionnelles.

Veillez agréer, Monsieur le Président, l'expression de nos sentiments les meilleurs.



Luc Brisebois

Président



La CSFN est reconnue pour l'excellence de ses services éducatifs et vise le développement du plein potentiel et la construction de l'identité culturelle franco-nunavoise de chaque élève.

La CSFN offre un enseignement de qualité aux élèves franco-nunavois qui optimise leur épanouissement et fait d'eux des citoyens engagés.

**BY EMAIL (tsammurtok@assembly.nu.ca)
AND BY FAX: (867) 975-5190**

April 21, 2017

TRANSLATION

Mr. Tom Sammurtok, MLA

President, Standing Committee on legislation
Legislative Assembly of Nunavut
P.O. Box 1200
Iqaluit, NU
X0A0H0

Dear Sir,

Re: Submissions and comments from the *Commission scolaire francophone du Nunavut* (“CSFN”) to the Standing Committee on legislation (“Committee”) on Bill 37 - *An Act to amend the Education Act and the Inuit Language Protection Act*

The CSFN hereby transmits to the Committee its submissions and comments on Bill 37, which amends the *Education Act* (“the Act”).

The submissions and comments of the CSFN are intended to ensure that the constitutional rights of the linguistic minority under section 23 of the *Canadian Charter of Rights and Freedoms* (the “Charter”) are respected.

Section 23 of the *Charter* guarantees the right to instruction in the language of the minority. In order to secure the rights under section 23 of the *Charter*, the Supreme Court of Canada recognizes that the CSFN has exclusive management and control rights over those aspects of education which have an effect upon language and culture, including:

- a) the expenditures of funds provided for minority language instruction and facilities;
- b) the recruitment and direction of those responsible for the administration of such instruction and facilities

.../2

- c) the establishment of programs of instruction;
- d) the recruitment and assignment of teachers and other personnel;
- e) the making of agreements for education and services for minority language students;
- f) the location of the minority language school (see, for example *Mahé v Alberta*, [1990] 1 SCR 342; *Arsenault-Cameron v Prince Edward Island*, [2000] 1 SCR 3).

It is essential that any amendments to the *Act* respect the CSFN right to management.

Some components of the bill will be implemented through regulations. The CSFN understands that these regulations could have an impact on the constitutional rights of the CSFN. Although these regulations are not currently before the Committee, the Committee nevertheless has a mandate to study the regulations that will be proposed or adopted by the government. Thus, the CSFN's comments about the regulations are a reminder to the government and to the Committee that said regulations will have to respect the rights recognized under section 23 of the *Charter*.

I. Decisions concerning the right of admission should be delegated to the CSFN (s. 74 of the Bill, amending s. 32 of the Act)

Bill 37 provides that only the Minister of Education may allow an individual who is not the child of a rights holder under section 23 of the *Charter* to register with a school of the CSFN. Thus, decisions about admissions would no longer belong to the CSFN. However, the bill also provides that the minister may delegate this authority to the CSFN.

The amendments to the provisions relating to the admission of students to the CSFN school contained in the bill reflect the jurisprudence of the Supreme Court of Canada.

However, although the text proposed by Bill 37 is consistent with section 23, it does not mean that said presumption of constitutionality extends to the discretionary exercise of authority by the government about decisions made regarding admissions to the CSFN schools. Decisions about admissions must not impede the achievement of section 23 purpose, in particular to ensure the development of the Francophone community of Nunavut. The CSFN believes it is best placed to ensure that admission issues ensure the effective implementation of section 23 of the *Charter*.

The CSFN understands the Committee cannot make regulations or exercise executive power. However, members of the Committee are members of the Legislative Assembly who all have an important role to play in the proper functioning of the education system and the development of the Francophone community in Nunavut.

Consequently, the CSFN wishes to insist that in order to achieve the purpose of section 23 of the *Charter*, the authority to admit, on a case-by-case basis, students whose parents are not rights holders according to section 23 of the *Charter* should be delegated to the CSFN in order to ensure the vitality of the Francophone community of Nunavut.

II. The CSFN applauds the repeal of the obligation to obtain ministerial approval for the curriculums established by the CSFN (s. 75 of the Bill, repealing s. 168(2) of the Act)

Bill 37 repeals the requirement for the Minister to approve any curriculum established by the CSFN. For the CSFN, this amendment is positive and implements the exclusive right to management and control over school curriculum development according to section 23 of the *Charter*.

III. The regulations related to the duty to inform the public must respect section 23 of the Charter (s. 77 of the Bill, amending s. 172 of the Act)

The bill adds the requirement that the duty to inform the public about the provision of public education must be "in accordance with the regulations". The Committee shall ensure that the development of these regulations respect the rights under section 23 of the *Charter*.

IV. Reports requested by the Minister on matters falling within the exclusive jurisdiction of the CSFN cannot be used as justification for the government to interfere with aspects of education which have an effect upon language and culture (s. 78 of the Bill, amending s. 172 of the Act)

The bill provides that the Minister may require the CSFN to provide a report on a matter within 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;
- e) the local community program.

The CSFN first wishes to stress that it will likely need additional human resources to meet the Minister's requests, particularly if these requests are frequent and detailed.

The CSFN also wishes to emphasize that the reports requested by the Minister cannot be used as justification for the government to interfere with aspects of education which have an effect upon language and culture.

It should also be noted that some information is confidential (for example, under the *Access to Information and Protection of Privacy Act*, SNWT (Nu) 1994, c. 20) or privileged, and that it could not be shared with the Minister, regardless of the content of his request. Thus, any request from the Minister must be formulated in a manner asking for information that is neither confidential nor privileged.

V. Agreements between the CSFN and the other district education authorities will be governed by regulations (s. 79 of the Bill, amending s. 181 of the Act)

The bill provides that the Commissioner in Executive Council may make regulations respecting agreements between the CSFN and other district school authorities when the CSFN requires classroom space in a school of another district education authority.

The CSFN wishes to remind the Committee that the jurisprudence of the Supreme Court of Canada recognizes to the CSFN an exclusive power of management and control with respect to the the making of agreements for education and services for minority language students. It does not mean that the wording of the amendment in the bill is contrary to section 23 of the *Charter*. For example, the regulations may provide that the other district education authority must share its premises when the CSFN needs space, thus facilitating the provision of a school program in French by the CSFN.

It should be emphasized, however, that any regulations governing agreements with other district school authorities cannot infringe on the management right of the CSFN protected by section 23 of the *Charter*.

VI. The decisions regarding alternative placement in the community or elsewhere should remain within the CSFN (s. 76 of the Bill, amending s. 170 of the Act)

The Act currently provides that if the principal is of the opinion that an alternative placement in the community or elsewhere is appropriate, he or she shall refer the matter to the Director General of the CSFN. The bill would make it a matter for the minister to determine whether an alternative placement would be appropriate. An alternative placement does in fact constitutes the establishment of a school program over which the CSFN has exclusive management power under section 23 of the *Charter*. Thus, this amendment, with respect to the CSFN, is contrary to section 23 of the *Charter*.

VII. The CSFN should have the right to decide each year whether it will provide or not an early childhood program (s. 29 of the Bill, replacing s. 17 of the Act)

The bill provides that the district education authorities, including the CSFN, may decide every five years whether or not they will provide early childhood programs for the next five years.

The CSFN is of the view that the requirement that it can only choose every five years whether or not it will provide early childhood education services does not respect its management rights under section 23 of the *Charter* with respect to the establishment of school programs. The Nunavut Legislature has chosen to allow district education authorities to integrate early childhood education into the public education system and early childhood programs are essential to achieving the purposes of section 23 of the *Charter*. Consequently, according to the CSFN, programs for early childhood in French in Nunavut fall within the power of management provided for under section 23 of the *Charter*. A legislation cannot, without reasonable justification, limit this power of management. Therefore, the CSFN should have the power to decide annually whether and how it will deliver the early childhood education program.

VIII. The CSFN should not be required to obtain the consent of the Minister to amend its education program plan (s. 31 of the Bill, replacing s. 20 of the Act)

The bill provides for the development of an education program plan, to be developed each year by the principal before September 30. The plan will include, among others, the names of all education staff, and any information regarding their certification as required by direction by the Minister. However, the bill provides that once developed, the education program plan may only be amended in accordance with the directions or with the consent of the Minister.

Under section 23 of the *Charter*, the CSFN has exclusive power of management and control over the recruitment and assignment of personnel, and any provision limiting this exclusive power is contrary to section 23 of the *Charter*. The CSFN is of the opinion that the requirement to obtain the consent of the Minister to amend the list of names of education staff would be contrary to section 23 of the *Charter*.

The CSFN notes, however, that it is possible that the Minister's directions governing any amendments to the annual education program plan may not be contrary to section 23. For example, the Minister's direction could allow the CSFN to amend the list of its staff without having to obtain ministerial approval. It is therefore essential that any Minister's direction regarding the right to amend the education program plan respects the rights of the CSFN protected by section 23.

Conclusion

The CSFN thank you for the attention given to its submissions and comments in order to ensure that the constitutional rights of the linguistic minority under section 23 of the *Charter* are respected.

Do not hesitate to contact the CSFN if you have any questions or if you need additional information.

We remain sincerely yours.

A handwritten signature in blue ink, consisting of a wavy line followed by a horizontal line.

Luc Brisebois President

February 2017

Member of Legislative Assembly
P.O. Box _____ Community of Cape Dorset

Dear David Joanasie,

Our DEA has reviewed the Department of Education's proposed changes to the Education Act. We agree with some of the suggestions. The DEA feels it is important for decision making to take place at the community level because we know our needs and requirements in the following areas:

- School Program** – continue to monitor, evaluate, and establish school programs.
- Language of Instruction** – continue to decide on language of instruction model.
- Registration and Attendance** – continue to develop registration and attendance policy.
- Inclusive Education** – continue to support, provide learning materials and funding, mediating disputes with parents.
- Inuuqatigiitsiarniq Policy** – continue to oversee suspension and expulsions.
- School Calendar** – set school calendar.
- School Staff** – appoint DEA member to teacher hiring panel, appoint Principal Hiring panel, provide direction to Principal, assess principal's performance, recommend discipline of Principal.
Maintain current structure of Coalition of Nunavut DEAs
- Other:** Most significant road block in communication failures and in working together as a team towards our goals of increasing attendance and overall Education outcomes is that RSO operate outside the EdAct. The RSO's roles and responsibilities, and mandate to work together as a team with DEA and School Administrators, should be clearly defined in the EdAct. That section does not exist in the current Act and appears to be still missing from the proposed changes of the new Act.

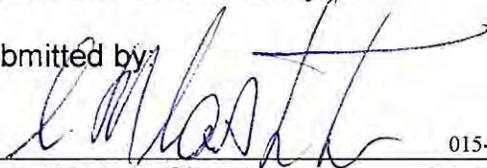
The DEAs were not given ample time to review and discuss the department's recommendations. The consultations were held mostly during the summer months when DEA's and schools are closed. The department's scheduling of the consultations resulted in little to no feedback and response for the many changes being proposed to the Ed Act. There was also a lack of explanations to the recommended changes that left the DEA committees with more questions than answers.

At this point in time, the Department of Education has mismanaged the consultations and this is not fair to the DEAs. We would like to extend our assistance in support of the DEAs to be able to comprehend what the changes mean, how it will affect them, and be able to determine whether the results are good for them or not.

We are willing to work with the Minister and the Department of Education to reach common goals and how best to go forward from here. We extend our time and commitment to overseeing this endeavor through a healthy, two-way communication with you.

Respectfully submitted by:

Claude Constantineau



015-02-17

Feb 27, 2017

DEA Chairperson Name & Signature

Motion #

Date

c.c. Minister of Education
Coalition of Nunavut DEAs

April 19, 2017

Tom Sammurtok, MLA
Chair, Standing Committee on Legislative Assembly of Nunavut
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To MLA Tom Sammurtok

Responses to Bill 37 amendments to Nunavut Education Act

I am writing on behalf of the Coral Harbour DEA regarding the proposed changes to the Nunavut Education Act – Bill 37.

Before I address the issues surrounding Bill 37, I am aware that according to Rule 68 regarding Bills, that Bills may not proceed until the Assembly receives the report of the Committee, or 120 calendar days pass from the day the bill was given second reading. Bill 37 is important to us because it affects the quality of education for our children and future generations and therefore demands that the 120 calendar days is used to its fullest extent, as the review must be thorough and not rushed.

DEAs are greatly concerned with Bill 37. We note that NTI has recommended a total rejection of Bill 37 and we ourselves conclude that Bill 37 must be rejected. After much deliberation in our community of Coral Harbour, the DEA has come to the conclusion that we cannot endorse Bill 37 in any form.

Some of the main points that lead us to our conclusions include:

Inuit Qaujimagatuqangit (IQ)

We are concerned about the reduction of references to IQ in Bill 37 and its impact not only in our schools, but in our society. What message is it sending to our students and to Nunavummiut if our Government takes action to dilute IQ references in our laws and further put our culture and heritage at greater risk of being lost? We also note that IQ is being reduced along with changes to bilingual education. This will weaken the quality of made-in-Nunavut education in regards to our language and culture.

DEA Capacity and Governance

Bill 37 proposes to shift drastically DEA authority. DEAs represent and respond to the individual needs of their communities. A clear example is the proposal to set school calendars as directed by the Minister. DEAs have voiced their concerns about the standardization and centralization of authorities to the Ministers office.

Since 2008, DEAs have consistently sought increases in resources to support their scope of authorities. DEAs responsibilities increased by 43% in the 2008 Act but DEA

operating budgets did not increase. DEAs have been forced to operate in a manner that is underfunded and under-resourced, and this generates a lot of criticism against DEAs. DEAs have consistently sought for full time office managers and yet many DEAs continue to operate with a shared office manager/school secretary, often times in half time positions. This includes ensuring that the office manager is properly trained and remunerated to fulfill the important duties that they must undertake. Training of DEAs to meet the expectations of their role under the current Act has been under-funded and not regularly or consistently delivered.

Hiring and Staffing of Principals

DEAs are concerned with the reduced ability for DEAs to be involved in the hiring, evaluation and firing of Principals, especially since it is the DEA members who know their community needs better than staffing panels that don't live in our communities.

Early Childhood Education

We are gravely concerned with the amendments that are being proposed, in this area. Early Childhood programming was already challenging enough as it is, and the changes will further complicate and separate the children.

Language of Instruction

The targets set in the 2008 *Education Act* have not been a priority and have not been implemented and it is evident in our dropout rates and our graduation rates. We cannot support a bill that proposes to delay these targets, another ten years. The Department must work harder to find the resources it needs to secure more Inuit teachers, including training and staffing, in order to keep Inuit culture alive and thriving in our societies.

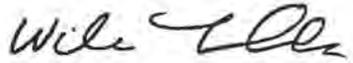
Inclusive Education

Students within this program are the most vulnerable students. Supporting them and their parents must take precedence over procedural matters. Bill 37 further complicates meeting the needs of students and takes away the ability for DEAs to intervene, mediate and represent the interests of these students and/or their parents. As such we cannot support Bill 37. Amending the *Education Act* must focus on accommodating the needs of students in this program in a timely manner. In addition, parents struggle enough as it is, entering the school system. They will likely not approach the assistance of the head of the school. Parents must be able to seek assistance from their DEAs, as they are members of the community.

DEA Council

The Coalition of Nunavut DEAs was created from DEAs. The Coalition emerged because DEAs were frustrated after the regional boards were dissolved. The Coalition was created to advocate in a unified manner on behalf of parents with the Department of Education. Dissolving the Coalition and replacing it with a government established Council will undermine the independent voice of DEAs in their efforts to be the voice of the parents at the local level.

In conclusion, we respectfully demand that you represent our concerns in the Nunavut Legislature and demand a better *Education Act* than what is currently proposed.



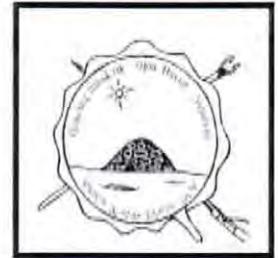
DEA Chair

CC: Members of the Legislative Assembly
CNDEA
NTI
RIA
Hamlet
Coalition



Gjoa Haven District Education Authority

PO Box 220,
Gjoa Haven, NU X0B 1J0
Ph.: 867-360-7201 Fax: 867-360-6204



April 19, 2017

Tom Sammurtok, MLA
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To MLA Tom Sammurtok

Responses to Bill 37 amendments to Nunavut Education Act

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DEAs are greatly concerned with Bill 37. We note that NTI has recommended a total rejection of Bill 37 and we ourselves conclude that Bill 37 must be rejected. After much deliberation in our community of Uqshuuqtuuq, the DEA has come to the conclusion that we cannot endorse Bill 37 in any of its form.

Members of the Coalition have met on two separate occasions with two sets of DEAs, once in Iqaluit on March 27-28th as a Board meeting and once in Rankin on April 11-12, 2017 and have reviewed and discussed at length the content of Bill 37. Some of the main points that lead us to our conclusions include:

Inuit Qaujimajatuqangit (IQ)

We are concerned about the loss of IQ not only in our schools but in our society. Removing references to IQ puts our culture and heritage at greater risk of being lost. We also note that IQ is being proposed to be diminished to the speaking of Inuktitut and only in regards to the Nunavut society. This will weaken the quality of education in regards to our language and culture.

DEA Capacity and Governance

Bill 37 proposes to shift drastically the mandate of the DEAs authority to represent and respond to the individual needs of their communities. A clear example is the proposal to set school calendars as directed by the Minister. DEAs have voiced their concerns about the standardization and centralization of authorities to the Ministers office. DEAs over the years have consistently sought increases in resources to implement DEA authorities. The Coalition has researched, found and distributed information about DEA authorities in Nunavut. For example, the Coalition found that since 2008, DEAs responsibilities increased by 43% but DEA operating budgets did not increase. DEAs have been forced to operate in a manner that is underfunded and under-resourced. As an example, DEAs have consistently sought for full time office managers, and yet most DEAs continue to operate with a shared office manager/school secretary, often times in half time positions. This includes ensuring that the office manager is properly trained and remunerated to fulfill the important duties that they must undertake.

Hiring and Staffing

In regards to hiring and staffing of principals and vice-principals, DEAs are concerned with the reduced ability for DEAs to be involved, especially since it is the DEA members who know their community needs better than staffing panels that don't live in our communities.

Early Childhood Education

We are gravely concerned with the amendments that are being proposed, in this area. Early Childhood programing was already challenging enough as it is, and the changes will further complicate and separate the children.

Orientation and Training

DEAs have always asked to be given an orientation and it is their right to receive it, but these rarely occur, mainly because it is based on RSO schedules that don't accommodate DEAs. DEAs must be properly informed in regards to the important roles that they have. DEAs have accountability and their capacity must be enhanced. The Nunavut *Education Act* is a large and complex document. A 2 hour orientation on this piece of legislation, as well as the roles and responsibilities of members, is simply not adequate.

Language of Instruction

The targets set in the 2008 *Education Act* have not been a priority and have not been implemented and it is evident in our drop out rates and our graduation rates. We cannot support a bill that proposes to delay these targets, another ten years. The Department must be made to work harder to find the resources it needs to secure more Inuit teachers, including training and staffing, in order to keep Inuit culture alive and thriving in our societies.

Inclusive Education

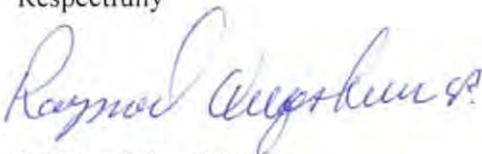
Students within this program are the most vulnerable students. Supporting them and their parents must take precedence over procedural matters. Bill 37 further complicates meeting the needs of students and takes away the ability for DEAs to intervene, mediate and represent the interests of these students and/or their parents. As such we cannot support Bill 37. Amending the *Education Act* must focus on accommodating the needs of students in this program in a timely manner. In addition, parents struggle enough as it is, entering the school system. They will likely not approach the head of the school for assistance. Parents must be able to seek assistance from their DEAs, as they are familiar faces and members of the community.

DEA Council

The Coalition of Nunavut DEAs was created from DEAs. The Coalition emerged because DEAs were frustrated after the regional boards were dissolved. The Coalition was created to lobby the Department of Education in a unified manner. Dissolving the Coalition and replacing it with a government established Council will undermine the voice of DEAs in their efforts to be the voice of the parents at the local level and quite frankly is deemed insulting.

In conclusion, we hereby request that you respond to the issues we have expressed in this letter as soon as possible.

Respectfully



Raymond Quqshuun Sr.
Chairperson

cc: Members of the Legislative Assembly
CNDEA – Donna Adams, Chairperson
NTI – Aluki Kotierk, President
Kitikmeot Inuit Association – Stanley Anablak, President
Hamlet of Gjoa Haven – Joannie Sallerina, Mayor

April 12, 2017

Tom Sammurtok, MLA
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To MLA Tom Sammurtok

Responses to Bill 37 amendments to Nunavut Education Act

Before I address the issues surrounding Bill 37, I would am aware that according to Rule 68 regarding Bills, that Bills may not be proceeded until the Assembly receives the report of the Committee or 120 calendar days pass from the day the bill was given second reading. Bill 37 is important to us because it affects our children and future generations and as such demand that the 120 calendar days is used to its fullest extent, as the review must be thorough and it must not be rushed.

DEAs are greatly concerned with Bill 37. We note that NTI has recommended a total rejection of Bill 37 and we ourselves conclude that Bill 37 must be rejected. After much deliberation in our community of *Hall Beach*, the DEA has come to the conclusion that we cannot endorse Bill 37 in any of its form.

Members of the Coalition have met on two separate occasions with two sets of DEAs, once in Iqaluit on March 27-28th as a Board meeting and once in Rankin on April 11-12, 2017 and have reviewed and discussed at length the content of Bill 37. Some of the main points that lead us to our conclusions include:

Inuit Qaujimagatuqangit (IQ)

We are concerned about the loss of IQ not only in our schools but in our society. Removing references to IQ puts our culture and heritage at greater risk of being lost. We also note that IQ is being proposed to be diminished to the speaking of Inuktitut and only in regards to the Nunavut society. This will weaken the quality of education in regards to our language and culture.

DEA Capacity and Governance

Bill 37 proposes to shift drastically the mandate of the DEAs authority to represent and respond to the individual needs of their communities. A clear example is the proposal to set school calendars as directed by the Minister. DEAs have voiced their concerns about the standardization and centralization of authorities to the Ministers office. DEAs over the years have consistently sought increases in resources to implement DEA authorities. The Coalition has researched, found and distributed information about DEA authorities in Nunavut. For example, the Coalition found that since 2008, DEAs responsibilities increased by 43% but DEA operating budgets did not increase. DEAs have been forced to operate in a manner that is underfunded and under-resourced. DEAs have consistently sought for example full time office managers and yet most, DEAs continue to operate with a shared office

manager/school secretary often times in half time positions. This includes ensuring that the office manager is properly trained and remunerated to fulfill the important duties that they must undertake.

Hiring and Staffing

In regards to hiring and staffing of principals and vice-principals, DEAs are concerned with the reduced ability for DEAs to be involved, especially since it is the DEA members who know their community needs better than staffing panels that don't live in our communities.

Early Childhood Education

We are gravely concerned with the amendments that are being proposed, in this area. Early Childhood programming was already challenging enough as it is, and the changes will further complicate and separate the children.

Orientation and Training

DEAs have always asked to be given an orientation and it is their right to receive it, but these rarely occur, mainly because it is based on RSO schedules that don't accommodate DEAs. DEAs must be properly informed in regards to the important roles that they have. DEAs have accountability and their capacity must be enhanced.

Language of Instruction

The targets set in the 2008 *Education Act* have not been a priority and have not been implemented and it is evident in our drop out rates and our graduation rates. We cannot support a bill that proposes to delay these targets, another ten years. The Department must be made to work harder to find the resources it needs to secure more Inuit teachers, including training and staffing, in order to keep Inuit culture alive and thriving in our societies.

Inclusive Education

Students within this program are the most vulnerable students. Supporting them and their parents must take precedence over procedural matters. Bill 37 further complicates meeting the needs of students and takes away the ability for DEAs to intervene, mediate and represent the interests of these students and/or their parents. As such we cannot support Bill 37. Amending the *Education Act* must focus on accommodating the needs of students in this program in a timely manner. In addition, parents struggle enough as it is, entering the school system. They will likely not approach the assistance of the head of the school. Parents must be able to seek assistance from their DEAs, as they are members of the community.

DEA Council

The Coalition of Nunavut DEAs was created from DEAs. The Coalition emerged because DEAs were frustrated after the regional boards were dissolved. The Coalition was created to lobby the Department of Education in a unified manner. Dissolving the Coalition and replacing it with a government established Council will undermine the voice of DEAs in their efforts to be the voice of the parents at the local level.

In conclusion, we demand that you respond to the issues we have expressed in this letter.

Respectfully

DEA Chair *Goretti Morgan Morgan*

CC: Members of the Legislative Assembly
CNDEA
NTI (?)
RIA (?)
- Hamlet (?)

Solomon Nasook Solomon Nasook

Andrew Baunag 

Jayko Simone 

2) Inclusive Education

In undergoing the “Literacy Action Plan” exercise as mandated by the Department of Education, we’ve learned that the lack of standardization has created serious gaps, especially in Inuktitut. Work that may be going on at the Department of Education to create any language resources do not include DEAs at all.

In addition, Bill 37 puts the responsibility for developing Individual Student Support Plans (ISSPs) with the main teacher and parent (or adult student). The parent or adult student may not be capable of assisting the teacher in this regard. This move from having a School Team develop the ISSPs to placing the responsibility solely on the teacher to develop one with the parent or adult child is irresponsible and it creates more pressure on the teacher to succeed on drafting one virtually on their own – where time and other qualified persons to assist are critical factors. Further, Section 56 of Bill 37 should be amended to allow DEAs to represent parents in front of the Review Council.

3) Inadequate Information Regarding the Proposed Content of Intended Regulations

IDEA members understand that draft regulations may not yet exist. However, we are concerned that there is no proposed content and legislators are being asked to support legislation that has not been fully thought through. Those regulations may have a real impact on classrooms and stakeholders are being asked to make a blind leap of faith.

4) Downloading of Department of Education Responsibilities to the New “DEA Council”

The DEA Council, in our opinion, should not be created nor should it effectively replace the CNDEA. The DEA Council strips away authorities that should remain with DEAs. The proposed makeup, proposed areas of responsibilities of the DEA Council, accountability of the DEA Council are ill-conceived and irresponsible. Give the CNDEA more authority and resources instead.

The Department of Education’s “A Guide to Bill 37” says that there is a lot more accountability and independence with the DEA Council. However, if the Council were to be truly independent then: funding would not flow through the Department of Education; reporting would be directly to the House, via the Speaker, not the Minister of Education; and the Department of Education would not be able to adjust an Attendance or *Inuuqatigiitsiarniq Policy* that was mandated by the Council.

The duties given to the DEA Council are responsibilities that the Department of Education, with its resources, has historically been unable to fulfill. Training and support to DEAs that were the responsibility of the Department of Education will now be the responsibility of a body without the resources of a government department. This downloading of responsibilities is irresponsible, puts more administrative pressure on DEAs, and will not improve student outcomes or experiences in the classroom.

5) School Space Needs Determination

Section 79 of Bill 37, specifically the new regulation making power that will be Section 181(d.2) in the amended Act, is unacceptable. The amendment only addresses the space needs of the CSFN and does nothing to respect the space needs of the “other district education authorities.” If this is to be addressed at all, then the legislation should specify the circumstances under which the CSFN might be defined as “requiring” classroom space and specifically ensure that protections are in place for students of the “other district education authority.” Currently, students are equally represented and protected by their respective DEAs. The proposed regulation making power will remove protections for students of the “other district education authorities” entirely.

Several specific areas of concern were also noted:

- The Elder and Student Representatives who are appointed to DEAs should not be permitted to vote;
- Principal employment terms of Bill 37 are extended to allow a Principal 6 years to achieve their “certificate of eligibility as a principal;” this is unacceptable. Currently, 2008 Education Act is 3 years which we feel is more appropriate;
- DEAs should have absolute control over the development of their schools’ calendars;
- If government wants to make a meaningful change in the classroom, then legislative change is not required. More educators need to be in classrooms. This can be done immediately by: changing the calculation of the Student Educator Ratio to eliminate the Principal and Vice Principal as educators, and equipping schools with more support through the provision of qualified Student Support Teachers and Student Support Assistants.

As a District Education Authority, we have the best interests of our students and parents at heart. We perceive needs in the schools as many and varied, however, we understand that resources are limited. At the end of the day, we wish to have ongoing open, transparent, cordial and collaborative talks with the Department of Education to ensure that as many students who are registering into our schools are graduating.

We want an Education Act which will work effectively for all the parties; at the end of the day, we need stronger legislation that will ensure that students are equipped with all the tools they require to succeed in the language of their choice, that protects them and their parents' right to an inclusive environment with transparent administrative structure. We need to ensure that educators have a system of teaching and learning which will guarantee success for both student and educator alike. We need an Act that will promote harmonious relations between the Department of Education and District Education Authorities to achieve the successes required to deliver a model of education necessary to meet the demands of student and parent alike. The amendments that are proposed in Bill 37 will not achieve these goals and the Bill should be allowed to die on the order paper.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Workman', with a large flourish at the end.

Douglas M. Workman
Chairperson
Iqaluit District Education Authority

cc: CNDEA
MLA Monica Ell
MLA George Hickers
MLA Paul Okalik
MLA Pat Angnakak

Kugaaruk DEA Motion Sheet

Date: May 1 2017

Motion #: 2017-05-01-#2

Be it resolved...

That the Kugaaruk District Education Authority supports standing committee in respect to Bill 37, An Act to Amend the Education Act and the Inuit Language Protection Act.

The changes to Education Act should serve for betterment of education of the INUIT students as well provide additional tools for delivery and improvement of the Inuktitut language.

Mover:

Barthelemy Nirlungayuk [Signature]

Name (print)

Signature

Seconder:

Athol Inakkaq

Name (print)

[Signature]

Signature

Chairperson:

Ovide Atakannuark

Name (print)

[Signature]

Signature

April 12, 2017

Tom Sammurtok, MLA
Chair, Standing Committee on Legislative Assembly of Nunavut
PO Box 1200, Iqaluit NU X0A 0H0
Tel: (867) 975-5000
Fax: (867) 975-5191
Email: submissions@assembly.nu.ca

To MLA Tom Sammurtok

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replacing it with a government established Council will undermine the voice of DEAs in their efforts to be the voice of the parents at the local level.

In conclusion, we demand that you respond to the issues we have expressed in this letter.

Respectfully

Rosie Kopall

DEA Chair

CC: Members of the Legislative Assembly
CNDEA
NTI (?)
RIA (?)
Hamlet (?)

Comment from DEA Elder Representative
Elizabeth Kidkipik; I have been listening
to CBC radio and watch CBC Iglaaq.
I support DEA and coalition with Bill 37
It seems hard and I know coalition is working
hard.

4/24/2017

Pangnirtung District Education Authority
PO Box 54
Pangnirtung NU
X0A 0R0
867-473-8810
Pang_office@qikiqtani.edu.nu.ca

Tom Sammurtok MLA
PO Box 1200, Iqaluit NU X0A 0H0
867-975-5000

Dear Mr. Tom Sammurtok,

Re: Bill 37 proposed amendments to the Education Act and the Inuit Language Protection Act.

As a concerned Nunavummiut I am writing to ask that Bill 37 be withdrawn because:

- It diminishes the Inuit right to Inuktitut language of instruction in our schools.
- It does not focus on increasing the number of Inuktitut-speaking teachers in our schools.
- It does not answer the question of how inuktitut language of instruction will be increased in our schools year by year, and grade by grade, at the urgent pace needed, or at all.
- It does not focus on increasing the Inuktitut resources available for all grade levels and all subjects in kindergarten through grade 12.
- It does not make Inuit Qaujimagatuqangit a curricular subject or element of other subjects in kindergarten through Grade 12.
- It diminishes the authority of community members, and in particular District Education Authorities (DEAs), to make decisions on the education of our children.
- It does not address the need for specialized services diagnosis, adjustments, supports and monitoring, for our special needs children within our communities on a timely basis.

- It does not address the need for adequate funding for training and hiring Inuit educators.
- It does not address the need for adequate funding for DEA support and training.
- It does not address the need for adequate funding for inclusive education for our special needs children.

Please withdraw Bill 37 and focus education reforms on the above important priorities, including commitments of adequate Government of Nunavut funding to these purposes

Sincerely yours,

DEA Chairperson Sakiasie Sowdloopik
Pangnirtung DEA.

April 12, 2017

Tom Sammurtok, MLA
Chair, Standing Committee on Legislative Assembly of Nunavut
PO Box 1200, Iqaluit NU X0A 0H0
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Inclusive Education

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replacing it with a government established Council will undermine the voice of DEAs in their efforts to be the voice of the parents at the local level.

In conclusion, we demand that you respond to the issues we have expressed in this letter.

Respectfully

DEA Chair

A handwritten signature in blue ink, appearing to read "J. Lowell". The signature is fluid and cursive, with a large loop at the end.

CC: Members of the Legislative Assembly
CNDEA
NTI (?)
RIA (?)
Hamlet (?)

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In regards to hiring and staffing of principals and vice-principals, DEAs are concerned with the reduced ability for DEAs to be involved. The DEA members know their community needs better than staffing panels that don't live in our communities. The DEAs work very closely with the school administrators and need to have their opinions considered.

Early Childhood Education

We are gravely concerned with the amendments that are being proposed in this area. Early Childhood programming was already challenging enough as it is, and the changes will further complicate and separate the children. Third party providers should be able to receive funding from Early Childhood Education directly to run their programs without going through the local DEAs. The delivery of programming through daycares should not be a DEA responsibility.

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DEAs have always asked to be given an orientation and it is their right to receive it. These rarely occur, mainly because it is based on RSO schedules that don't accommodate DEAs. DEAs must be properly informed in regards to the important roles that they have and be adequately trained. DEAs have accountability and their capacity must be enhanced.

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Inclusive Education

Students within this program are the most vulnerable students. Supporting them and their parents must take precedence over procedural matters. Bill 37 further complicates meeting the needs of students and takes away the ability for DEAs to intervene, mediate and represent the interests of

these students and/or their parents. As such we cannot support Bill 37. Amending the *Education Act* must focus on accommodating the needs of students in this program in a timely manner. In addition, parents struggle enough as it is, entering the school system. They will likely not approach the assistance of the head of the school. Parents must be able to seek assistance from their DEAs, as they are members of the community elected by their peers.

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The Coalition of Nunavut DEAs was created from DEAs. The Coalition emerged because DEAs were frustrated after the regional boards were dissolved. The Coalition was created to lobby the Department of Education in a unified manner. Dissolving the Coalition and replacing it with a government established Council will undermine the voice of DEAs in their efforts to be the voice of the parents at the local level. The Coalition is needed to offer guidance and support to the DEAs that the RSOs are not able to provide. They offer a clearer understanding of the *Education Act* which allows the DEAs to better serve the students and community.

The proposed recommendations are very much reflective of centralizing responsibilities and authorities to the headquarters and to the Minister of Education. We see this as a step backward. We have been trying our best to communicate and work with the Department staff to no avail. The line of communication from the Minister's office is only from the top down, not vice versa. To say we are frustrated is an understatement.

We do not want more policies and more reporting procedures, we want to build our schools, our staff and our committees. The recommendations undermine all that the team efforts and collaboration that exist within our schools. The Legislative Assembly must communicate with us in a way that accommodates us more, not solely in a beaurocratic manner.

In conclusion, we demand that you respond to the issues we have expressed in this letter.

Respectfully,

Donna Adams
Rankin Inlet DEA Chair

CC: Members of the Legislative Assembly
Coalition of Nunavut DEAs
Nunavut Tunngavik Inc.
Kivalliq Inuit Association
Hamlet of Rankin Inlet

Qanak submission Bill 37

Tom Sammurtok, MLA
Chair, Standing Committee on Legislation
Legislative Assembly of Nunavut
Email: submissions@assembly.nu.ca

Dear Mr. Sammurtok and members of the Standing Committee on Legislation,

Re: Formal feedback regarding Bill 37, proposed amendments to the Education Act and the Inuit Language Protection Act

- *Strike paragraph 101, replace w first sentence of section 14.4*
- *Emphasize third sentence of Section 3, part 9, subpart (3) and, for clarity, add text from section 4, subsection 2.3(i) through to (k)*
- *Replace text in section 5 with paragraph 5 of the preamble to the education act*

These references to paragraphs, sections, subsections and specific text above are made up. They are, however, included to make a point. This method of communicating proposed changes to important legislation is not accessible to the public. Qanak expects that the members of the legislative assembly read through Bill 37. Some Nunavut residents have indicated they read through (at least parts of) Bill 37 also. MLA's had the benefit of accessing expert briefings as well as access to other resources to help make sense of the proposal. Nunavummiut do not enjoy the same access to expert briefings to help understand this proposed legislation. As a result, many Nunavummiut are not in a position to adequately understand what actual changes are being proposed and their potential impacts, and will therefore be excluded from meaningful participation in this discussion.

Nunavummiut deserve a healthy and thorough discussion on such significant matters. A proactive approach to help Nunavummiut understand and publicly discuss this proposal will help support and advance the democratic process.

During the brief consultation period during spring/summer of this past year, members of District Education Authorities (DEA's) and members of the public, as well as representatives of other stakeholder groups expressed a growing level of concern and frustration over the overall consultation process and expressed disappointment for not feeling heard.

A revised legislative proposal was released after the initial consultation period with "significant amendments" based on community concerns. The amendments, however, failed to incorporate and address many significant concerns expressed by citizens. DEA's, which are locally elected parents and community members, with a vested interest in the success of students in our education system, have expressed their key concerns have not been reflected in this bill and appear to, overall, be generally opposed to Bill 37.

Nunavummiut have been vocal in their opposition to a number of key areas proposed in Bill 37. Qanak is encouraged to hear a number of individuals and organizations indicating they are providing formal input to your committee.

Before getting into specific proposed amendments, the above concerns may be seen as reasonable grounds to suggest an outright vote against Bill 37 at this present time. If the government intends to make laws that will have such a significant impact on its residents,

constituents, then it must do so in a manner which encourages and supports informed participation, meaningful dialogue and a respect for existing authorities and legal rights.

Inuit Language Protection Act

Nunavummiut currently enjoy a hard-fought **legal right** to education in the Inuit language. Legislation such as the *Inuit Language Protection Act* are clear on what rights Nunavut parents have with regard to the language of instruction and education of their children in the formal education system.

The proposed amendments to the Inuit Language Protection Act are seen by some Nunavummiut as an attempt to accommodate and excuse the failure to meet the obligations set out in law almost a decade ago. Many Nunavummiut do not vote - should we take away their right to participate in the election processes? Some Canadians, for a variety of reasons, do not have access to clean, safe drinking water - should we diminish their right to clean and safe water? The failure of government to deliver basic rights to citizens is not reason enough to diminish those rights.

Legislation is not designed or intended to make up for potential gaps and shortcomings, nor a statement of ambitious dreams. Policies and plans are intended to address those. Legislation provides a baseline of rights for residents to access programs and services intended for the benefit of the people served by government. Legislation can and must be used to leverage the required resources to facilitate access to the necessary programs and services, not to reduce expectations.

While there are specific examples that can be shared detailing the demand, over the last 30+ years, and the rationale for the desire and need for a quality Inuktitut education in our territory, the above points are the basis for why Qanak cannot and will not support the diminishment of existing legal rights of parents to have their children educated in the Inuit language within the formal education system in Nunavut. Instead, we should be highlighting the fact that we have been unable to meet those targets as proof that we need the federal government to provide more resources to be able to meet those obligations.

DEA Authority

The numerous sections proposing changes in DEA authority being transferred to the Minister are contrary to the idea and principles of local participation, ownership and control. Bill 37 proposes to strip the bulk of responsibility and authority from locally elected district education authorities and centralize these authorities with the Minister (and, in essence, with the bureaucracy).

Qanak has three main priorities: community empowerment, healthy families and healthy children. With regard to community empowerment, the proposed amendments reflected in Bill 37 run contrary to the principles of community empowerment. As such, Qanak cannot and will not support any amendments which result in diminished community empowerment.

DEA's, for years, have expressed the need and desire for more training, support and resources to adequately fulfill their mandate. Their membership has suggested these opportunities for training and access to adequate support and resources have not been provided sufficiently.

Rather than proposing to diminish DEA authorities and responsibilities, we call on the government to assist in providing the necessary supports to allow DEA's to fully realize their potential as positive contributing entities and meaningful partners in the education system.

These two key points - with regard to language rights and DEA authority are about respecting the law and local participation. On the contrary, Bill 37 proposes to diminish existing legal rights, which equates to lowering obligations and expectations, and to limiting local control and authority.

Nunavut, an Inuit territory, was negotiated primarily to allow Inuit the opportunity to utilize our knowledge systems, languages, values and philosophies in a meaningful way in the governance of our territory.

What is needed is for adequate tools to be developed, shared and utilized in order to allow the government and Nunavummiut to live up to the dream of Nunavut.

What is missing?

In addition to other specific changes we find problematic, there are a number of changes to the existing act we wanted to see that we do not. Issues such as social promotion and express statements regarding intimidation/bullying need to be addressed in any future Education Act. We need a way for teachers and principals who hold so much knowledge and experience to provide feedback on our education system without having to fear for their jobs.

There is opportunity for further discussion including DEA's, the Coalition of Nunavut DEA's, Commission scolaire francophone du Nunavut, NTI and other partners and stakeholders. Partnership, discussions and concerted action will benefit the development of sound legislation and supporting policies, programs and services.

Qanak calls on Nunavut MLA's, Ministers, Premier and all departments and agencies to work in good faith with partners and citizens to protect, advance and realize positive rights and support each other in fulfilling our responsibilities as a society.

We commit to participating in open discussion with the GN, DEA's and all stakeholders on this Bill as well as other related issues. If this legislation is to go through, we will work to propose alternate text for specific sections of the proposed legislation. We also make ourselves available to participate in detailed discussions on other areas such as teacher training, learning resources and other matters concerning education in Nunavut.

While recognizing that this is one formal submission as part of this process, we look forward to positive and meaningful discussions and partnership with government and other stakeholders.

Qanak Collective
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Lizzie Aliqatuqtuq

PO Box 11463

Iqaluit Nu

X0A 0H0

April 21 2017

Mr. Tom Sammurtok
Chair, Standing Committee on Legislation
Nunavut Legislative Assembly
P.O Box 1200
Iqaluit, Nunavut
X0A 0H0
Fax: 867-975-5190
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Dear Mr. Tom Sammurtok,

RE: Bill 37 proposed amendments to the *Education Act* and the *Inuit Language Protection Act*.

As a concerned Nunavummiut I am writing to ask that Bill 37 be withdrawn because:

- ❖ [list any items you want to, examples below]
- ❖ It diminishes the Inuit right to Inuktitut language of instruction in our schools.
- ❖ It does not focus on increasing the number of Inuktitut-speaking teachers in our schools.
- ❖ It does not answer the question of how Inuktitut language of instruction will be increased in our schools year by year, and grade by grade, at the urgent pace needed, or at all.
- ❖ It does not focus on increasing the Inuktitut resources available for all grade levels and all subject areas.
- ❖ It does not make Inuit Qaujijimajatuqanit a curricular subject or element of other subjects in Kindergarten through Grade 12.
- ❖ It diminishes the authority of community members, and in particular District Education Authorities (DEAs), to make decisions on the education of our children.
- ❖ It does not address the need for specialized services, diagnosis, adjustments, supports and monitoring, for our special needs children within our communities on a timely basis.
- ❖ It does not address the need for adequate funding for training and hiring Inuit educators.
- ❖ It does not address the need for adequate funding for DEA support and training
- ❖ It does not address the need for adequate funding for inclusive education for our special needs children.

Please withdraw Bill 37 and focus education reforms on the above important priorities, including commitments of adequate Government of Nunavut funding to these purposes.

Taima,



Cc – Pat Angnakak Constituency: Iqaluit-Niaqunnguu

To: Standing Committee on Education
Re: Bill 37 - Proposed changes to Education Act & Inuit Language Protection Act

Thank you for the opportunity to present my concern and thoughts to the proposed changes to the Education Act and the Inuit Language Protection Act. I have several serious concerns about the changes proposed in bill 37, but I will focus on two key issues in this letter.

FIRST: Language rights

As a Nunavummiuq and an Inuk, I am deeply concerned that this proposed bill has gone this far when our leaders and elders argued strongly for decades to have our language rights be enshrined into territorial law. We were promised that Nunavut would stand for our unique language and culture, not just protect our rights to land and resources.

Failing to meet the original targets is not a reason to give up our language rights. In this situation, we should not be weakening the ILPA, we should be putting our heads together to find ways to do better and work smarter. The proposed act speaks to the Department of Education not being able to meet the targets on time. An act is not implemented overnight. It takes vision, planning and setting accountable measures as well concerted efforts by the leadership to guide their various levels of staff in all the regions to implement the goals. It also requires the Department to work with Nunavut Arctic College and other key partners such as the Department of Culture and Heritage, and NTI. Forcing the change of ILPA is not the answer. ILPA is an act that is overarching and that the Education Act must adhere to otherwise our language situation is seriously threatened. Which staff in the Department of Education have provided advice on Inuktitut/Inuktut? Are they experienced Inuit educators? Is the advice based on sound research done in jurisdictions with similar circumstances? How many Inuit with degrees in education do we have in this territory, and why aren't more of them working in the department of Education?

If the Department of Education is spending its energy working to diminish Inuit language rights, rather than finding new and creative solutions, perhaps our government needs to consider a change in the leadership of Education staff.

In March, in a CBC interview, the Minister of Education said the language situation is very strong in Nunavut but we all know that the Inuktut is very weak in some communities. Yes, some communities and families are strong speakers, but overall Inuktut is at risk.

We don't know what plans the Department of Education has to address the language situation. This bill proposes to diminish language rights and postpone targets, but it does not explain what will change to meet those targets in the future. How can we be sure that we won't just miss another deadline?

If the department of education is out of ideas on how to improve outcomes, then it is time for a regime change. Why not use the lawsuit money to hire Inuktitut classroom assistants for every classroom, and encourage or require them to take training every year until they are ready for NTEP and then put them through NTEP (as has been done in the past, when teacher graduation rates were higher). Make sweeping changes to curriculum to be more relevant to Inuit society and culture. Drastically increase land based learning. Find the best Inuktitut speaking teachers and make videos of them teaching subjects. Provide opportunities for things like Inuktitut immersion summer school. This would show students that their language and culture is valued and prioritized, and encourage higher attendance. Improving school attendance is really important and working with parents and DEAs need to continue.

I am desperate for my son to speak Inuktitut, and I hope he will be more fluent than I am. I am doing my best at home, speaking only Inuktitut to him, and sending him to Inuktitut daycare, buying Inuktitut books and music. But I do not stand a chance if you give up on him for 8 hours of every weekday. I want leaders who feel the same burning desire I do for my son to speak Inuktitut. It is not right that just because Inuktitut is stronger in Igloodik or Panniqtuuq that there is nothing in place to strengthen it in communities where it is in rapid decline.

SECOND: Social promotion

This bill does nothing to address social promotion/continuous progress. I was a DEA member for years, chair for several of them, and for a time served on the board of the Coalition. When I was on the coalition, I witnessed when every single DEA across the territory unanimously agreed that they want the social promotion aspect of the continuous progress policy to be scrapped. Our DM's response? "Studies" show that it works, so they're going to stick with it. Their southern experts said that southern studies have shown it works well in a southern context, so in the department's opinion that's reason enough to do it in Nunavut against the will of the parents of the territory.

In most of Canada, mainly English speaking teachers are teaching mainly English speaking children using existing English curriculum with access to plenty of ready-made English teaching resources. In that southern context, only a minority of children are more than a grade level behind their peers in any given subject, so teachers only have to create and deliver a handful of individual learning plans.

However in Nunavut, most teachers do not share the same first language as their students. Inuktitut speaking teachers still have to create their own materials by hand, even for students that are not behind. Inuktitut curriculum does not exist for most grades. The southern studies on continuous progress policies simply do not apply in the Nunavut context. Here, when students are moved through the grades

regardless of academic levels, a large number of students in each class require individual learning plans. There are not enough hours in the day to create and execute that many individual plans. It's an unfair burden to put on our teachers. It's impossible to properly implement with the reality on the ground.

Furthermore, according to the department's own data, the average amount of school missed in a student's career is about 2 years. Even if our teachers could keep up and keep our children progressing smoothly through the years, when they miss that much schooling they are bound to be significantly behind by the time they reach the end of grade 12. I have one huge question that has never been answered at all by any of the leadership in education or any minister or MLA or premier defending this policy. This hugely important question is this:

When a student reaches the end of grade 12 and is years behind, what happens to them? How can we ensure that students who "graduate" actually have the competencies they will need to thrive in life, and to succeed in a southern university, or even in our own college system? I believe that those who argue in favour of the continuous progress policy are afraid to answer this question, because they know the truth - that we are dropping our kids off the edge of a cliff at the end of high school. We are not doing honest assessments of our students' competencies, and we are setting them up to fail in college and university and in their jobs by pretending that they are graduating high school when in fact we are just dumping them at the door when their time runs out.

We do not have enough resources now or in the foreseeable future to properly implement this policy, and pretending otherwise means giving up on an entire generation. *Please*. Address social promotion, and give us a real solution to it. Show us that you will do honest assessments of student competencies so we can be sure our kids are actually progressing, and so we can see where they need help. Show us how you will make this doable and fair for our teachers. Show us how you will accommodate kids who need more time to complete their studies. If you won't do it by holding them back from time to time within the regular K-12 system, create something like CEGEP in Quebec, where students can do an optional 1-2 years if needed to truly finish high school before attempting higher education. Stop sending them out the door at the end of Grade 12 no matter what, leading them to believe that they've graduated, only to see them devastated when they can't handle higher education after giving up housing in their home communities and moving their families. Talk about soul crushing disappointment.

The department of Education seems to be afraid to fail students, afraid to hurt their feelings or self-esteem. But how do you think a student feels when they head into college excited for the future, only to fail miserably? Or when they spend the entirety of high school knowing that they're not getting much of the material?

I think we all know what continuous progress, aka social promotion, is all about. Right now, all it does is artificially raise the graduation statistics. You must stop

lowering the bar to make yourself look good as leaders. I will be impressed with our leadership when you admit these statistics aren't real. Those are leaders I'd get behind, because we can't fix the problem if we keep denying it's there.

I will close by saying this: I am behind the DEAs in their suggestion to kill the bill. Although your committee is comprised of elected politicians, please remember that the DEAs are also made up of community members who have been elected, and they've been chosen to be the voice of all the parents of Nunavut specifically on education issues. Their voices are not to be taken lightly. I've witnessed first hand the department of education's dismissive attitude toward the DEAs for many years. It's time for our MLAs to show strength and leadership, and support the voices of the people they represent. You all know very well that Inuit don't want language rights weakened, and that we don't want our kids graduating without the skills they need. Please, for so many reasons, kill bill 37.

Nakurmiik,

A handwritten signature in black ink, appearing to be 'A. Arnaquq-Baril', written in a cursive style.

Alethea Arnaquq-Baril
Parent. Voter.

Unnusakkut

I am writing to you with great concern over Bill 37 also known as #killbill37.

Let me tell you about myself and my family.

I have raised 4 beautiful babies. 3 of the 4 are English speaking only. My greatest FAIL.

With my last daughter, who is turning 6 years old I was determined to help keep my language alive. I spoke only Inuktitut. I was her translator for anyone who could not speak Inuktitut. Because of my efforts to only speak Inuktitut to my daughter for the first 5 years was important to me. She could not understand her English speaking father. I was very proud of this battle that I won.

Then devastation set in, because of the possibility of bill 37 being passed. I have been getting my daughter ready to be able to be instructed in her mother tongue. 5 years of preparing my whole family. Because in Nunavut we have a right to learn/speak in our own language, a right to promote the use of the language that my grandparents used with me. I realized that my fight is now with my very own people. That the very ones who fought for Nunavut are the ones fighting against the protection of my language. I accept that Paul and Kathy are not my allies, but I will not accept bill 37 without a fight.

The school has been my contact and my resource for my children. My son who has a cochlear implant has needed accommodations and I have met with teachers, his Student support teacher(SST) to come up with accommodations necessary for my son. The Minister will not know my son, or me. Moving the authority to the Minister will cause delays, will cause confusion, will cause relationships with parents/SST to drift apart. My son will feel the effects of Bill 37. How will the Minister know up to date information with each parent? How is the Minister going to know my sons accommodations are being met?

I am hopeful that bill C37 is withdrawn.

We need more Inuktitut speaking teachers in the School.

We need the authority to stay with the school.

Regards,

Bernice Clarke

To the Honorable Tom Sammurток, Standing Committee Members and the Honorable Minister of Education, Paul Quassa,

We are a young family. We have two young children, one who will start kindergarten in the fall. We are writing in opposition to Bill 37 because we want our Inuit children to have the opportunity to learn Inuktitut in school. We believe that Inuktitut is essential to our children's well-being and future success.

We do not agree with the amendment to Section 28 where bilingual education will be phased in for grades 4-9 by 2029. What will happen in 2029 if the capacity is not certified? Will the Act be amended again?

We also do not agree with the language of the Act where the Department of Education will "monitor the teaching capacity" and "certify the capacity *willing* to provide the education program." Here, with the use of the word "willing" Bill 37 provides the Education Department with a future justification for not meeting the objective of bilingual education in 2029. In general, Section 28's intent is very difficult to understand and it should be re-written prior to its approval.

Currently, in Iqaluit, Inuktitut speaking students are penalized when they reach grade nine. Inuktitut speaking students are streamed into the "lowest ability classes". There are three grade nine classes, and Inuit students are over-represented in the two "non-academic" classes. Further, the number of Inuit students is also disproportionately high in the 10-6 and 10-2 classes in comparison to the 10-1 classes, which have far fewer Inuit students. Bill 37 will continue the trend where students in the Inuktitut streams in the Elementary grades will find themselves streamed into the lowest level courses at the high school level. We do not want this segregation by race, language and class to happen to our children or any other students in our schools. We ask for an Education Act that demands a high quality bilingual education for our students now.

We suggest the following as alternative measures to Bill 37:

- High quality bi-lingual instruction with high expectations in both Inuktitut and English for all grade levels
- De-streaming of high school English classes where all students have access to quality education regardless of race, first-language, and class
- Mandatory Inuktitut courses as a graduation requirement
- Mandatory Inuktitut professional development and Inuktitut language learning for all teachers
- Competitive compensation for Inuktitut speaking teachers
- Dedicated funding for Inuktitut learning and instruction
- Summer programs for Inuktitut language learning for students and staff
- Increased funding to Nunavut Teacher Education Program

-Annual conferences and professional development specific to education in Inuktitut

-Consultations between the Department of Education and Inuit teachers to see how Inuit teachers can be better supported

-Consultations between the Department of Education and NTEP graduates to see how NTEP graduates can be better supported

We want to see an amendment that does more than push our children towards losing the opportunity to learn Inuktitut. We do not support Bill 37 but are willing to support bilingual education for our children today.

Parents,

Ceporah Mearns

Jeremy Debicki

Tagalik Eccles
PO Box 777
Rankin Inlet, NU X0C 0G0

April 20, 2017

Tom Sammurtok, MLA
Chair, Standing Committee on Legislation
Legislative Assembly of Nunavut
P.O Box 1200
Iqaluit, NU X0A 0H0
submissions@assembly.nu.ca
Dear MLA Tom Sammurtok,

I am writing to you to ask that you take action immediately at the legislative assembly regarding Bill 37.

MLA Tom Sammurtok, I am very concerned with Bill 37. Inuktit language is only offered up until grade three. Bill 37 would push the deadline for bilingual education for grades four to nine until 2029 and grades ten to twelve indefinitely.

With the creation of Nunavut we were guaranteed our rights to our language and to ensure that our language is protected. With every decade that passes the number of Inuit that speak Inuktit in the home is decreasing at a rapid rate of 12%. Only 11 of the 27 primary schools Nunavut offer Inuktit from grades Kindergarten to three. None of the high school curriculum is offered in Inuktit.

I am currently a student attending Nunavut Sivuniksavut, and will be taking the Law Program in the fall. Here at Nunavut Sivuniksavut we learn History, English, Contemporary Issues and last but not least, Inuktitut. Since coming to Nunavut Sivuniksavut my Inuktitut has improved because I am exposed to the Inuktitut language on a daily basis. If high schools in Nunavut had Inuktit included in their curriculum, the majority of students would improve. If Bill 37 is put into place, it will delay the right to the Inuktit language that the Inuit students are guaranteed in our Land Claims Agreement.

I am writing this letter of submission to urge you, Tom Sammurtok, and the Legislative Assembly's Standing Committee on Legislation to put an end to Bill 37. I envision a future with Inuktit language as the primary spoken language and if Bill 37 is put into place that will only be a dream.

Sincerely,

Tagalik Eccles

Unnusakut,

Please accept this as my submission in regards to Bill 37

As a concerned mother and grandmother I am writing regarding my concerns on the government's proposal to delay the coming into force of section 8 of the Inuit language protection act by at least another 10 years and the watered down recommendations of Bill 37.

We have been waiting since colonialism to have our basic rights recognized and respected and the right to speak in Inuktitut was number one on that list. The creation of Nunavut gave Nunavummiut hope and the promise of language and cultural protection. The GN has already failed in many areas in delivering some of the promises and have extended "deadlines" in the past and it seems this is yet another one of those empty promises which will, if passed will once again be delayed in ten years from now. This looks like the GN is actively participating in and continuing the assimilation policy.

Everybody knows that Nunavut's education is below par and the Department of Education's recommendations is more like a list of excuses to continue and make the curriculum even worse. There is no consistency in the curriculum. Our students when compared nationally are scored way below the rest of Canada. If you are in communities outside of Iqaluit, the curriculum is another year or two behind than those in Iqaluit! And even in Iqaluit, there is no consistency, especially when you compare the schools demographically and racially. It's a fact that Inuit children in Inuktitut streams are taught two grades behind those in the English streams AND every school does not have the same approved and appropriate material. No wonder that when the children are brought together from both streams in middle school that 75 percent drop out! The 75% are Inuit children who were taught two grades behind than the English stream. This also goes for the curriculum in the college which can be seen when compared to other territories and provinces.

No wonder Nunavut has such high rates of unemployment, poverty and suicide. It is not the fault of the children- they are being continually set up to fail and I would go so far as to say that the GN is perpetuating social inequality and should be charged for the high suicide rates. If children start dropping out of school in grade 7 because they are two grades behind then they see no future because they're no longer prepared to live in either world (modern and on-the-land).

The GN has had years to translate the curriculum into Inuktitut- where is it and why do we not have it yet?? The GN can translate the useless Hansard daily but it cannot translate the curriculum after all these years?

The reason why Inuit children are taught in the first 4 years in Inuktitut is not because it's generous but because it's easier to assimilate them after that time. If children learn one language fluently then it's easier to transfer that vocabulary into another language.

But what's happening is, they're doing this too early when we're not yet fluent in either language.

The education system has been treating nunavummiut as mental retards. Being Inuk is like continuing to being in an abusive relationship with its own government (first the Canadian federal government). The Education system is subconsciously telling Inuit that they are stupid and unwanted and in the way and should forget about our language and culture and is succeeding in a rapid pace to continue the eradication of our heritage.

I pray and beg that the Standing Committee and my MLA and all MLA's to please hold the Department of Education accountable and urge them to fix this broken system which continues to harm the first peoples of Nunavut and Canada. It has been violating our basic human rights since prior to the creation of Nunavut.

Please as our elected representatives- please do not pass this bill. Please hold them accountable and urge and demand long awaited changes to our education delivery which has been a great harm and disservice to us all.

In closing, I'd like to share what I see quoted on my MLA's Mr. Okalik 's GN web page: "and the Members of the Legislative Assembly worked to enshrine Inuit rights, customs and language into territorial legislation, such as the Inuit Language Protection Act and the Family Abuse Intervention Act which is based on diversion, a more culturally relevant form of justice."

Qujannamiik,
Lena Ellsworth
PO Box 175
Iqaluit, NU

April 21, 2017

Tom Sammurtok
Chair, Standing Committee on Legislation
Legislative Assembly of Nunavut
Email: submissions@assembly.nu.ca

Dear Mr. Sammurtok and members of the Standing Committee on Legislation,

For reasons I have communicated to the Minister of Education in detail, to the senior officials with the Department of Education, discussed with DEA's and DEA members, and other partners, I am writing to express my rejection of Bill 37 in its current form.

I am also writing to implore your committee to demand a significant change in current direction and approach before being close to being in a position to legislate a new Education Act. Sivumut Abluqta - we need to be looking forward, not backwards. Looking forward doesn't mean forgetting past mistakes and failures, it means using those as lessons towards making the positive changes required to realize our territory's true potential.

As you are aware, many individuals and organizations are calling for the outright rejection of Bill 37. Much of this opposition centres around the government's proposal to delay the coming into force of section 8 of the Inuit language protection act by at least another 10 years. Concerns around the further diminishment of authorities of District Education Authorities also point to a perceived power grab by government.

As you also may be aware, I used to work as Executive Assistant to Minister Quassa. While I will not go into details at this time, I will impart that a large part of my reason for leaving is Bill 37, the changes it proposes, and the process by which it got to this stage.

My understanding is that this current government is under the impression that they are under pressure to pass an education act. If you intend to pass such significant legislation, you must do so in a manner that respects existing rights, validates and addresses concerns shared by community members, DEA's and other partners. The current administration and leadership seems to think that people don't know what we need and want. That we don't deserve the existing rights we have because of the government's failure to meet obligations set out in laws that have been in place for years.

The fact that this Bill 37 has even come forward to this stage as proposed legislation really amazes me.

I encourage and urge you, as individual MLA's to actively talk with your constituents about this. Engage in and encourage public discussion. We are watching. you closely and demand that you work to protect and advance our rights.

The challenges to delivering on the obligations are significant. But they are not impossible.

Rather than spending time and energy working to diminish rights and local participation and authority, spend your time and energy advancing the education system and benefiting the students and our communities. Institute a clear policy against social promotion.

All those resources your department of education is sitting on...the materials developed to support and advance Inuktitut and Inuit education...start using them. Create a detailed plan, and resource it, to address the current significant capacity gap for Inuktitut instruction in schools. This involves training and education, but also the accelerated development of quality teaching and learning materials and a clear legislative framework and series of policies designed to explicitly support (not diminish) the language and culture of

the majority of our residents. Remember the dream of Nunavut? Let us emerge from this nightmare of suicide, school drop-outs, heavy reliance on social assistance.

As a Nunavut resident, as an individual who went through the school system up here, as a parent with children who have gone through, are going through and will be going through the education system up here, I wish to help contribute to a better quality education system.

As legislators, don't give in to perceived pressures to "pass an education act". Demand and expect the best. And set in place a structure in which our students, our communities and our territory will be better prepared to contribute as positive, active members of a constructive society.

And please remember...we are going to be directly affected by all of this. We expect our elected representatives in the legislature to act in OUR best interests...not in making excuses for the administration to continue dragging its feet in areas that are so important to us.

I make myself available to you, as a committee, as MLA's and as individuals to contact me should you wish to discuss these or related matters in further detail.

Qujannamiik

Qajaaq Ellsworth
qajaaq@gmail.com
867.222.3939

April 21, 2017

Tom Sammurток, MLA
Chair, Standing Committee on Legislation
Legislative Assembly of Nunavut
Email: submissions@assembly.nu.ca

To MLA Tom Sammurток

Bill 37 amendments to *Nunavut Education Act*

I am writing as a constituent of Monica Ell and have included her in this correspondence so that she is aware of the issues I have brought to you. I graduated in high school when the Government of the Northwest Territories, and in effect, the Baffin Divisional Board of Education had the authority over the curriculum, management, policy making and hiring of school staff. I acknowledge and give credit to this system that allows me to be resourceful and a proud Inuk. I was raised with the belief that the dream of Nunavut would mean Inuit and communities being the governing people that would make decisions that impact the lives of our children and grandchildren. I have obtained a post-secondary education in Ontario and currently a student at law. Unfortunately, my children have not received the same quality of education. While I am very proud of them all, some have graduated from a system that has not kept their best interests in mind and the rest continue to be educated within this inadequate system.

The Department of Education (DOE) has been failing Nunavummiut since April 1, 1999. The first failure they were allowed to make was for them to make a recommendation to dissolve the Divisional Boards of Education. Their next set of failures included disrespecting Nunavut Tunngavik Inc. (NTI), in an effort to create a made in Nunavut *Education Act*. The failed relationship resulted in District Education Authorities fending for themselves. The first effort towards a new Education Act was ultimately rejected.

Prior to 2008, DEAs realised the only way to better advocate was to create the Coalition of Nunavut DEAs (the Coalition). The DOE reacted by legislating and minimizing their role in yet another failure in the 2008 *Education Act*. The 2008 *Education Act* had called for a review five years after it came into effect. Unfortunately, the DOE failed in their role again when there was no review in 2013/2014. In addition, the DOE has failed to ensure that Nunavummiut are properly educated. This is due to the DOE inadequately funding, training and capacity building in all aspects of education such as teacher training, DEA training, curriculum development, language of instruction and inclusive education.

Bill 37 is a major preventable failure that has been submitted for Standing Committee review. The proposed amendments will have long term damaging affects to Nunavummiut and will be another prime example of another issue that will inevitably lead to failure. I ask you to remember that since 1999, graduation and attendance rates have hardly risen and dropout rates continue to be high. According to the Nunavut Bureau of Statistics, enrolments have consistently averaged about 500 new students. In addition, since 1999, there have only been about 3132 graduates from Nunavut's

education system. This is approximately 1 in 4 Nunavummiut that have graduated. The statistics provided by the Bureau does not provide enrolment data going back to 1999 and only from 2003-2014. When I look at their data, I see a policy of social promotion. Their data indicates that enrolments and graduation rates:

Grade 9	totalled 8137
Grade 10	totalled 12,461
Grade 11	totalled 8050
Grade 12	totalled 6094
Graduates	totalled 3132

These failures now rest on your shoulders, as distinguished Members of the Legislative Assembly of Nunavut. You must decide if these failures will be allowed to continue and you must hold the DOE accountable during your deliberations.

I have gone through Bill 37 and the 2008 *Education Act* several times and am deeply concerned with the direction that the DOE appears to continue to be heading. All other jurisdictions outside of Nunavut have been acting on commitments to empower its indigenous peoples. Nova Scotia for example enacted federal legislation for Mi'kmaw Education to be controlled by Mi'kmaw people. Interestingly enough, their action came into effect in April 1999. They, however, have had an upward trend of graduation rates, including at least a hike of 70% graduation rate and that rate being maintained.

What the Province of Nova Scotia did is in line with Canada's commitments to the United Nations Convention of the Rights of the Child. Articles 29 and 30 speak specifically to indigenous people and education. Canada as a signatory to the Convention must ensure that these articles are implemented. They state:

Article 29

1. States Parties agree that the education of the child shall be directed to:
 - (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
 - (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language. Online at:

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>

What Bill 37 proposes to do is to make the Government of Nunavut liable for going against these articles. The provisions relating to reducing Inuktitut language of instruction, and delaying, removing or reducing provisions in the *Inuit Language*

Protection Act must not proceed. Allowing these amendments to proceed will mean Inuktitut will be lost at a greater pace than it is now.

In addition, students in the inclusive education program or those who must be assessed will experience great difficulties because of the complexities in Bill 37. The DOE conducted community consultations inadequately with Nunavummiut on the fate of their future. They said amendments would make inclusive education easier or simpler, however Bill 37 makes the program a lot more complicated.

This is further exacerbated by the DOE's proposals to tip the balance off the scales in regards to shifting DEA authorities away from the DEAs and into the hands of the Principal, school administration and the Minister. I am appalled that while the Principal and indeed in some circumstances, teachers will have direct access to the Minister, any relationship that the DEA has with the community is diminished and connections to the Minister severed. This can be seen in the inclusive education provisions, where currently, DEAs have oversight and Bill 37 proposes to shift that responsibility to the Principal. In addition, the DEAs role is diminished to "assisting" a teacher to fulfill their duties according to section 43(2) and "a DEA is not be a party to nor intervene before a review before the board", according to section 50(3).

I don't speak for the Coalition, but I was with the Iqaluit District Education Authority when a group of us saw the need for the development of the Coalition. The Coalition is a positive news story from Nunavut, because it emerged out of community level concerns. DEAs were feeling lost with the dissolution of the boards. The DOE proposal to replace the Coalition is a drastic effort to diminish the voice and the decision-making powers of the DEAs. DEA members know their communities, they know their needs and know how to address issues at the community level. Replacing the Coalition with a government established Council would only suppress the local knowledge and proper venue for DEAs to advocate the fate of their children and grandchildren's educational future. The government is a big enough agency, it does not need to control the community driven approaches that are necessary to improve the quality of education in Nunavut.

During this time, I am proud to be a beneficiary of NTI who has made a call for the rejection of Bill 37 by their resolution passed earlier in March. Their leadership and direction encourages me in this regard. I have also heard the Coalition indicate that they want Bill 37 rejected. These are important organizations that represent the interests of Inuit and the field of education. Listening to their recommendation will mean you understand and acknowledge the gravity of the situation. The DOE must be made to take these rejections seriously, rather than ignoring them and bulldozing their own interests over those of all involved.

I sincerely hope and strongly recommend that when the Standing Committee on Legislation meets to discuss Bill 37, that you task your researchers to provide you with the submissions made to the Special Committee to Review the Education Act and the summary of the Special Committees Proceedings in May 2015 be provided to you. You will note from the submissions and the discussions at the Special Committee Presentations, that a lot of hard work and effort was made to make sure that amendments that are proposed have the best interests of Nunavummiut at the forefront. Unfortunately, because the DOE has had its own narrow vision, much of these deliberations and submissions have been ignored.

Many of us Nunavummiut look to your leadership as lawmakers. We demand you to make a difference, to keep the Nunavut dream alive. Please do your part and make sure that if amendments are to occur on the *Education Act*, that you do so with a goal towards increasing the prominence of Inuktitut being taught in our schools. We demand you to ensure that our culture and heritage are incorporate at all levels of the curriculum. We demand that you ensure all students graduate with the adequacy and competency to attend post-secondary education, if that is what they wish to do so. For them to become hunters and seamstresses if that is what they wish to do so. We must, all of us, have confidence in you. We rely on you to pressure the DOE to work harder for our children and grandchildren.

I would be pleased to clarify any information that may be unclear or require clarification. Respectfully,

A handwritten signature in black ink, appearing to read 'Lori Idlout', with a stylized, flowing script.

Lori Idlout

Cc Monica Ell-Kanayuk,
Member of Legislative Assembly, Iqaluit-Manirayak
Emailed to: MonicaEll-Kanayuk@manirajakmla.ca

Sandra Inutiq
P.O. Box 2347
Iqaluit, Nunavut
X0A0H0

April 21, 2017

Mr. Tom Sammutok
Chair, Standing Committee on Legislation
Nunavut Legislative Assembly
P.O Box 1200
Iqaluit, Nunavut
X0A 0H0
Fax: 867-975-5190
submissions@assembly.nu.ca

Dear, Mr. Tom Sammurtok

RE: Bill 37 proposed amendments to the *Education Act* and the *Inuit Language Protection Act*.

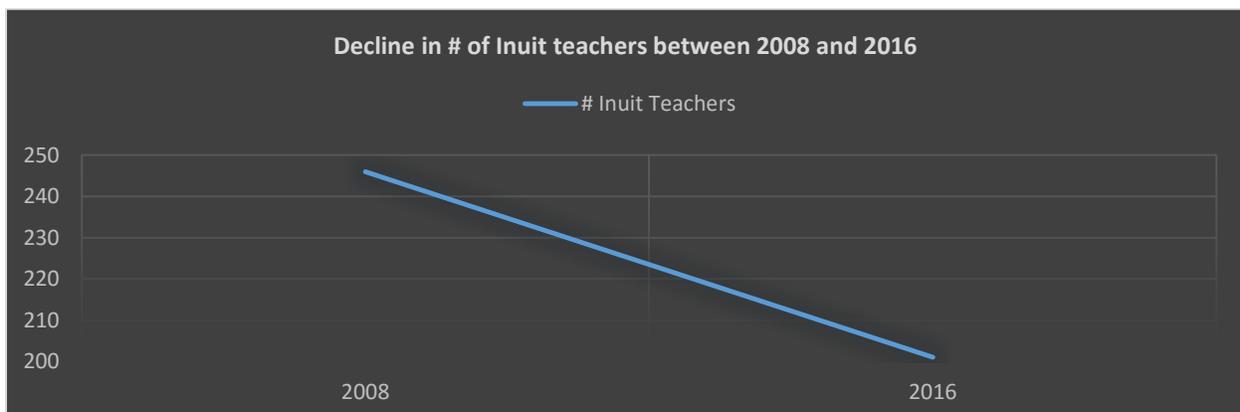
As a Nunavummiut I am writing to ask that bill 37 is withdrawn because it will diminish my existing legal right to have my child educated in Inuktut. Nunavut was created so that Inuktitut would be the working language, including Inuit having the right to learn in their language. The proposed changes to the Education Act (2008) goes against the ideals and the foundation of Nunavut.

There is not only a proposal to amend Inuit Language Protection Act to repeal rights, bill 37 also proposes to postpone Inuktitut Language of Instruction till 2029 for Grades 4-9. That is an additional 12 years of

To add insult to injury the Government of Nunavut is proposing to indefinitely postpone Inuktitut Language of Instruction for Grades 10, 11, 12. This is unacceptable.

With a proposed new target date of 2029, there is still no plan to get there and the date could get set back again closer to the 2029 date with continued language loss. If anything, there should be a requirement in the proposed act to have clear rigorous plan to implement the Education Act (2008).

Indeed, without a plan, the number of Inuktitut speaking teachers has decline between 2006 and 2016:

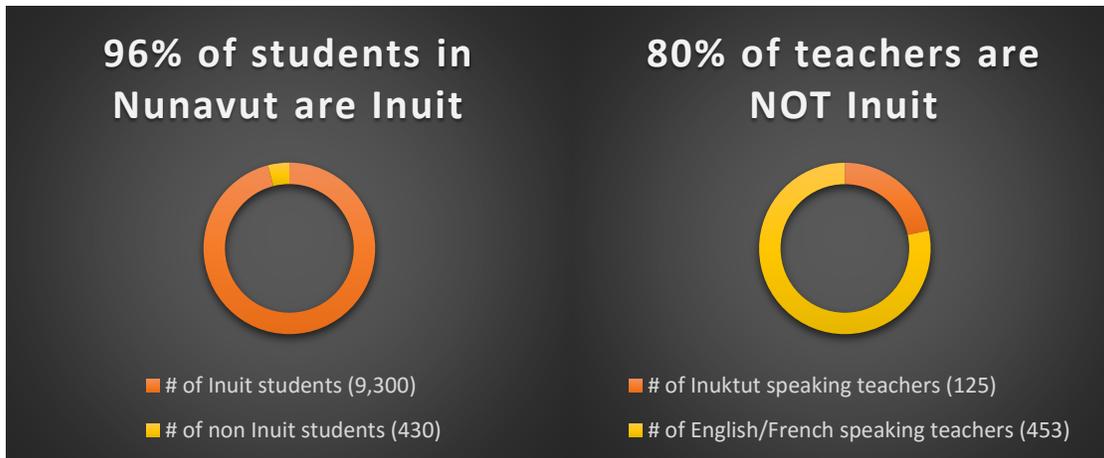


NB: This chart is produced based on public data. NTI has not been able to independently verify these figures.

Sources:

1. Office of the Languages Commissioner, Languages Commissioner's Report 2015-2016, page 182, [http://assembly.nu.ca/sites/default/files/TD%20245-4\(3\)%20EN%20IN%20IKW%20FR%202015-2016%20Annual%20Report%20of%20the%20Languages%20Commissioner.pdf](http://assembly.nu.ca/sites/default/files/TD%20245-4(3)%20EN%20IN%20IKW%20FR%202015-2016%20Annual%20Report%20of%20the%20Languages%20Commissioner.pdf)
2. Then Education Minister Picco, NTI urges short cuts for Inuit teachers, Nunatsiaq News article, February 22, 2008, http://www.nunatsiaqonline.ca/archives/2008/802/80222/news/nunavut/80222_946.html

Today there are 9300 Inuit students enrolled in Nunavut schools and there are 125 Inuktitut-speaking teachers:

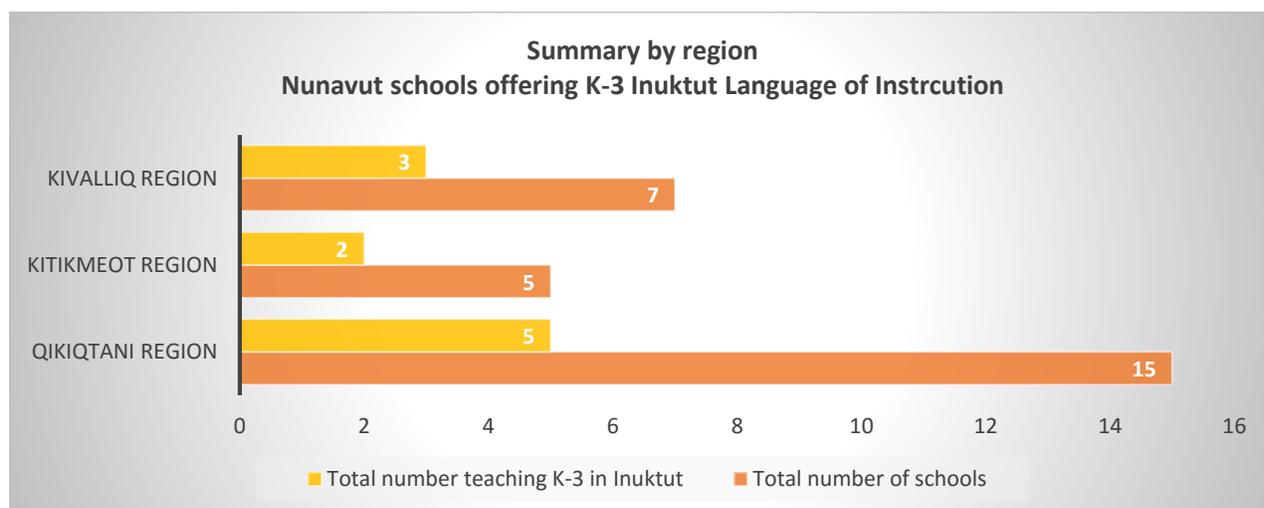


Source: Department of Education presentation

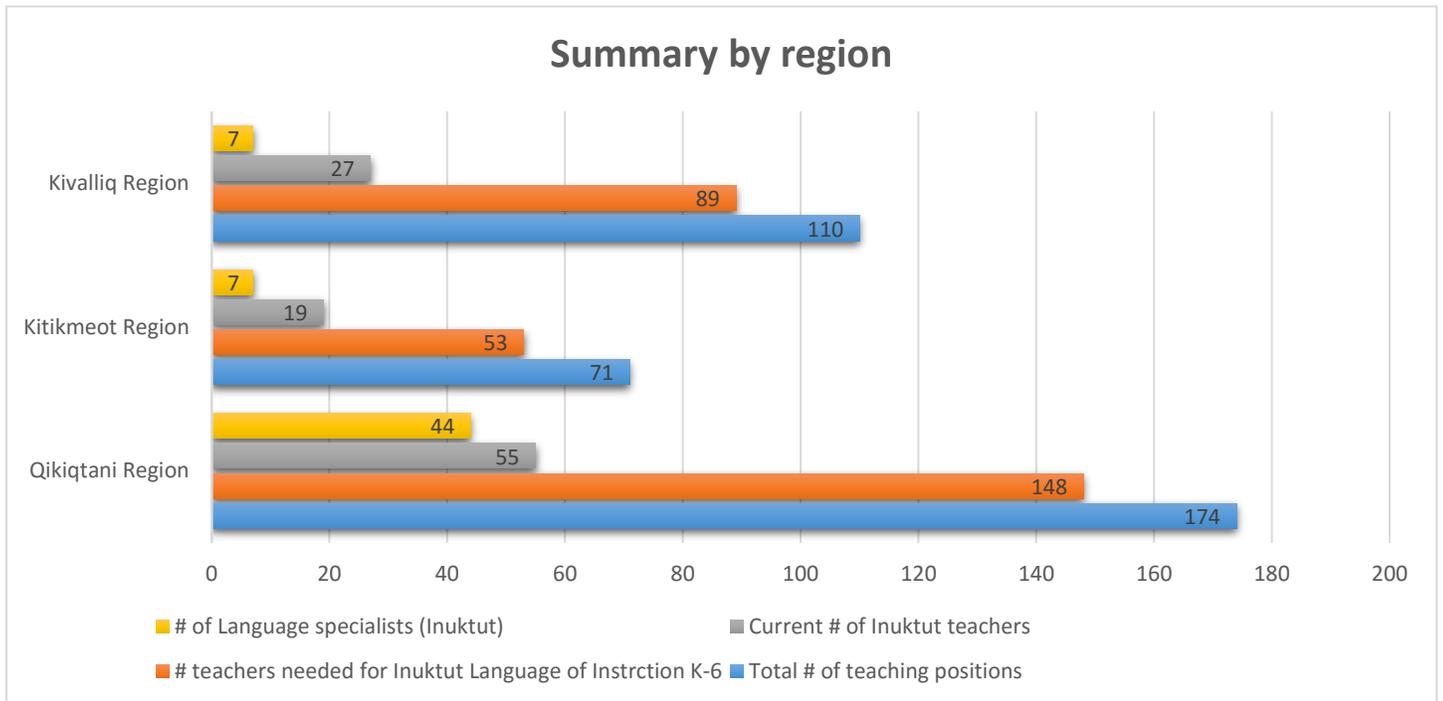
An Inuktitut speaking grade 9 student cannot speak in Inuktitut when they attend school because there are not enough Inuktitut-speaking teachers. How different is this than the residential school era?

The Government of Nunavut must utilize the existing legal right to Inuktitut education as a tool to leverage resources required to facilitate access.

Out of 27 schools in Nunavut, 10 schools offer Inuktitut Language of Instruction from grades K-3:



In order to offer Inuktitut Language of Instruction for grades K-6, 290 Inuktitut speaking teachers are required. If there are 101 Inuktitut speaking teachers today, it means 189 Inuktitut speaking teachers must be trained to be able to offer grades K-6 in Inuktitut language of instruction:



Children spend approximately 30 hours a week. This is a substantial amount of time. We should be using those hours to enhance their sense of identity, learning their language, so that they have a better opportunity to excel academically overall.

In conclusion please withdraw bill 37 and focus education reforms on increasing the number of Inuktitut speaking teachers, and creating curriculum and learning resources.

Thank you for your consideration to my comments.

Sandra Inutiq

April 20th 2017

Emmeline Ipeelie
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Tom Sammurtok, MLA
Chair, Standing Committee on Legislation
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Dear Mr. Sammurtok,

My name Emmeline Ipeelie, I am from Iqaluit, NU. Currently I am attending a college program called Nunavut Sivuniksavut in Ottawa. I am writing to you today to voice my opinion regarding Bill 37, an act to amend the education act and the Inuit language protection act. To take immediate action to show support in our Inuktit language in our Nunavut schools.

I strongly agree that action to preserve Inuktit must be taken now and not wait until 2029. The concerns and points NTI president Aluki Kotierk mentions truly says we Nunavummiut need to take immediate action.

There are statistics proving how fast our Inuktit language is disappearing, there were 246 Inuit teachers that number has dropped to 45 while non-Inuit teachers has increased by 113. There are many of children who are bring taught by non-Inuit teachers teaching Inuktit classes in our schools because of shortage and

no movement being take seriously and recognized. There is strong proof that our language is disappearing fast.

NTI has some great ideas to help take immediate action now such as accommodate and design and deliver a two- year certificate program with the Nunavut Arctic College in each community with on job training. Currently there is 76-language specialist across Nunavut, but having this course design and trained teacher there would be 210 specialist. I really think this is the right approach and should be taken to action.

In our high schools in Nunavut, Inuktut language of instruction is non-existent. Right now Nunavut needs at least 306 more teachers with the ability to teach in Inuktut. As we may all be aware zero percent of the Nunavut high school curriculum is offered in Inuktut, there is not a single school in Nunavut that qualifies as a totally Inuktut environment. NTI is willing to spend \$50 million fro the lawsuit settlement in order to get this running and save our language.

We call recognize there is language crisis in Nunavut, today I am hoping my opinion well show your support and help us take action now and save our Inuktut language.

Thank you,

Emmeline Ipeelie

Jillian Jo H. Kaviok
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Mr. Tom Sammurtok
P.o box 1200
Iqaluit, Nunavut X0A 0H0

April 20, 2017

Dear Mr. Sammurtok:

I am a Nunavut Sivuniksavut student here in Ottawa, Ontario. We study Contemporary Issues, Inuit History, Land claims, English and most importantly, Inuktitut. I speak in Inuktitut and speaking my language is really important to me. This is my first language and I will keep speaking it and won't lose it. Inuktitut should be taught in all schools in Nunavut.

We all want to see our Inuktitut language be protected from our Inuit culture. The Inuit language should be used in all schools from K-12 so that our children will pass on the knowledge and to keep our culture alive. There are many issues that we Nunavummiut face from time to time but why should we fight for our own rights? According to Article 14, it says that Aboriginal peoples have the right to their own language to their education.

However, delaying the the phase will just increase the Inuktitut speaking of our young children in our communities, instead the Federal government should look at it closely and provide us with training for Inuktitut teachers during those 10 years, until 2029. So that people in Nunavut can be trained for all kinds of subjects in Nunavut so it won't be a problem anymore. We Nunavummiut deserve to have respect for our own first language to be protected and to have it in schools according to the article 14.

Sincerely,

Jillian Jo Kaviok

I do not support the bill 37. Our language is endangered. Our children are required to spend most of their time and days in government run schools. Education plays the biggest role in the status of our society.

Delaying an Inuktitut secondary school system is showing that our language is not important. It is a message to young Inuit that being an Inuk and speaking Inuktitut is inferior to English and qallunaaq (western) ways. Our education plays a huge role in how we feel about ourselves, our identity and self worth. In school, I was often struggling with the idea that our ways and language must be less, I must be less than my qallunaaq friends and peers. The government has the power to change that.

At the age of 13, being a new teenager who LOVED hockey, I was selected to take part in a national tournament representing the North in BC and I declined this opportunity because I did not want to miss witnessing April 1, 1999 in my hometown. It was a historic event that made me feel hopeful and proud. That is to just give you an idea of how much I had hope for Nunavut 18 years ago.

When all of the young leaders in the 70's traveled all over what is now Nunavut, they were pitching an idea of separating from the NWT for more control, a more Inuk territory in our own language. The possibility of a government and schools functioning in Inuktitut with our values and worldview being the norm. The idea of this being a reality is what convinced Inuit to vote YES to Nunavut. I highly doubt that if those elders would see where we are and who is actually running the government today, would think "Yup this is what I voted for".

The issue with not having enough students has many solutions. The college can take more serious steps to support and encourage students, rather than having them live in poverty while studying. Living without student financial stress would be an encouragement, setting the system up to be shorter but intensive and requiring a return to service would guarantee Inuit teachers who can teach in Inuktitut.

Taking control away from DEA's after not providing proper support is not a way to be inclusive. Taking control away from our communities is so colonial. Provide proper support and training to our DEA's so they can carry out their duties and be the voice for our students and parents. I was on the DEA and I can tell you how difficult it was, it was as if it was parents, students and the DEA against the teachers and government. We should working together.

I am always critical of government which I think is healthy and a democratic right that everyone who votes has. But having no faith in a government at all is not just being critical. It is fear of all that we have to lose. At the beginning of every term, I have hope always because hope is what keeps us going but more than ever am I hopeless in a governments care for Inuit and our language. I hope that this bill will be withdrawn, because that will give many people more hope again.

Qujannamiik

Jesse Unaapik Mike

April 20, 2017

Mr. Tom Sammurtok, MLA
Chair, Standing Committee on Legislation
Legislative Assembly of Nunavut
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X0A 0H0
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Dear Mr. Sammurtok,

RE: Bill 37 Public Submissions

I am Justin Milton from Pond Inlet, Nunavut, and I'm here to say that the Bill 37 act is, in my opinion, the right step forward for Inuit bilingual education. I believe that Inuit will be better off implementing Bill 37 into the education system in Nunavut due to the circumstances Nunavut is in as of April 20, 2017. I will give you 3 reasons why it is better to execute Bill 37 into the learning minds of Inuit youth.

Firstly, Bill 37 will allow the Government of Nunavut to have more time to prepare for a "bilingual education." Trying to implement bilingual education in 2019 will be very difficult, if not impossible, because there is not enough time to build the curriculum, infrastructure, and resources to have such an teaching. Secondly, the Government of Nunavut does not have enough qualified Inuktitut-speaking teachers for enforcing bilingual education in 2019. Very few Inuktitut-speaking Inuit are in the teacher's workforce. Thirdly, not only are there a low number of Inuktitut-speaking teachers in Nunavut, but they are also outnumbered by unilingual, English-speaking teachers. It is hard to implement a bilingual education if you are the minority.

If Bill 37 is implemented into Nunavut's education system, then it will give Nunavut a chance to regain speed on Inuktitut education. One may argue that rejecting Bill 37 will preserve the Inuktitut language quicker, but in my opinion, Nunavut needs work on preparation for implementing bilingual education. Adding an extra decade will allow the Government of Nunavut to finetune and expand the Inuktitut education to Inuit schools across Nunavut.

Sincerely,

Justin Milton
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Michael Pewatualuk
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Tom Sammurtok, MLA
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Dear Mr. Tom Sammurtok,

My name is Michael Pewatualuk and I am a resident of Pond Inlet. I am writing to you to directly oppose Bill 37, an act to amend the education act and the Inuit language protection act. I do not agree with Bill 37 for two reasons: the act will unnecessarily delay bilingual education by a decade from 2019, and I believe that this act is incongruent with the mission of the Nunavut Land Claims Agreement.

I do not believe that Bill 37 should delay bilingual education in Nunavut from the year 2019 to the year 2029. An entire decade is essentially a child's whole schooling from kindergarten to Grade 12. A child from 2019 to 2029 would not be able to receive bilingual education, which would render bilingual education from 2029 ineffective because our language would be lost by then. If we are to preserve the language of Inuktitut, we should act as soon as possible.

Furthermore, Bill 37 does not honour the Nunavut Land Claims Agreement and will not do it justice. The Nunavut Land Claims Agreement serves to protect our language and our culture.

Aluki Kotierk, who is the President of Nunavut Tungavik Incorporated, opposes Bill 37. The

years that our negotiators have worked hard for our Nunavut Land Claims Agreement would all go to waste if Bill 37 were to come in effect. It would be shameful if our Nunavut Land Claims Agreement is reneged merely because of the thought that Nunavut does not have enough resources to provide bilingual education. Nunavut has the resources for bilingual teachers because there are Inuit that want to become teachers but they just do not know how or where they could become one. Often, the reason that Inuit do not become teachers is because the places to learn teaching is too far away from home.

In the end, I hope that Bill 37 will not pass because I am concerned about the future of our children. I wrote this submission because I felt that this issue is strong enough to warrant it. Bill 37 involves the future of our children and as such, we need to be careful with it. I hope that my submission will be useful and I acknowledge the Legislative Assembly of Nunavut's best intentions for Nunavut's education.

Sincerely,

Michael Pewatualuk

Good afternoon,

Please let me know you received the following submission:

"In the middle of winter, your fire, the energy that heats your home and keeps your family alive is about to die. You are running out of fuel for your fire, the uqsuq you need to keep your qulliq lit is nearly out. It's an emergency that needs everyone's immediate attention, your family will surely die if the fire goes out.

Do you find a way to keep the fire lit, find more resources; whether it's hunting more seal or whale for their fat, trade for or buy more oil, or find another heat source to keep your home warm and your family alive?

Or do you let that fire die out, attempt to wait for the warmer season and hope to find more resources to light your fire and heat your home once winter has passed?

The answer is obvious. In the face of avoidable death by freezing, you find fuel for your fire. You heat your home and you keep your family alive. It will be hard work, but staying alive will be so worth it.

As imperfect as this analogy is, Inuktitut language in Nunavut faces a similar situation. What limited resources there are, including fluent speakers, Inuktitut teachers and language programs there are to keep these languages alive are threatened to be diminished by the proposed Bill 37 - Nunavut Education Act.

For those who advocate for Bill 37, I ask you to check your own privilege and what shapes your perspectives.

Are you Inuk? Will you and the generations to come after you benefit from being multilingual sooner than later?

Do you speak Inuktitut? If you do, have you ever understood what it was like to not be able to speak your mother tongue, to communicate with your elders, to speak the language of your ancestors? If you've always spoken Inuktitut, given the state of education in Nunavut, you likely learned to speak at home, with limited help from formal schooling. Perhaps based on your experience you think this is an absolute okay way for all Nunavummiut to learn Inuktitut? How has being able to speak Inuktitut benefited you? How has your quality of life been improved? Have you taught your children to speak Inuktitut? If yes, could it have been made easier if they were taught their language in school? Perhaps you've internalized the idea that Inuit don't deserve better, or that the most important language for Inuit to learn is English? Where did you learn that idea? Perhaps you've really just lost your passion and vision for Nunavut and Inuit Nunangat in general? Perhaps you truly don't believe that Inuktitut can be taught concurrently with English from preschool through to University? Perhaps you've become complacent as a politician, bureaucrat or educator?

These questions and more deserve to be analyzed by Bill 37 advocates.

I have my own unique Alaskan context. I was raised by a non-Yup'ik mother who could not teach me my mother tongue. My father was absent, he did not teach me to speak Yugtun. My school did not provide this education. You see the education system in most of Alaska still functions to, "kill the Indian, save the man." This purpose is not served by teaching us the language of our ancestors.

As a Yup'ik woman, who cannot speak to many of my elders, or fully interact with my multilingual family members or understand many of the teachings of my ancestors, it is difficult for me to fully express the things that I would give to have been taught to speak Yugtun from a young age through adulthood. My stepdaughter is able to attend the only Inuktitut daycare in Iqaluit, her other parents and I work very hard to make sure she speaks Inuktitut as often as possible. We have a deep fear that she will slowly lose her language as she is forced to speak more and more English when she gets to Kindergarten. In Alaska many communities are now struggling to keep their languages alive, but for generations we never had a say in the matter. We never had our own government to reflect what it was our Indigenous communities needed. Nunavut, you are unique in this.

The fact that anyone in Nunavut, especially Inuit, would not fight harder for language rights, would actually fight against language rights is appalling to me. Those who sought to rip the tongues out of Inuit, to "kill the

Indian, save the man," their work is carried on in the most insidious ways, including actively through Inuit themselves. This is not to say that non-Inuit aren't also actively fighting against language rights. As products of the same Western education system, I am not fully surprised at others inability to think outside of the original vision for the Western education system, this system that was not built by us or for us, but was in fact built to destroy us; our identities, our languages, our spirit.

I hear this beautiful language being spoken in Iqaluit. I hear it more in some communities, less in others and am lifted every time I hear young people speaking it. But I know were it not for their parents being able to speak Inuktuk and working hard to speak it to and with their children, they would not be able to. It doesn't need to, nor should it be this way.

Nunavut, in the face of death, you do not wait until the fuel has run out, or nearly run out to build up the fire. You find what you need to build that fire up as quickly and as feverishly as possible. You cannot wait until spring or summer, you do not have that option."

Moriah Sallaffie

Iqaluit

867-223-2780

Amber Schaubroeck

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April 20, 2017

Tom Sammurtok, MLA
Chair, Standing Committee on Legislation
Legislative Assembly of Nunavut

Dear Mr. Sammurtok

Currently I am attending Nunavut Sivuniksavut and we just read about *Bill 37*. It was complicated at first but once we unknotted the whole article, we started to realize what it actually was, I do not agree that Inuit students should wait another 12 years to get more Inuktitut speaking teachers just to get to grade 9. Surely more people do not agree but this is coming from a graduate student who graduated high school and still did not know any but the basic words in Inuktitut, it was and still is very unfortunate, it was not until I started attending Nunavut Sivuniksavut that I started speaking more Inuktitut, it is a different dialect of course but I am still grateful that the instructors are teaching Inuktitut at this college program.

It is a great idea for most of the elementary schools to have all Inuktitut learning, but that is only up to the 3rd grade. It would mean a lot and be more fortunate for the students to have all inuktitut for the majority of their schooling. Learning their mother tongue in school and at home would make the children more grateful in the future to know their language and also english. English classes or speaking would still be in the school system, just not as frequently as we use it now.

I read in another article that Inuit are not lazy to get a educational teaching job, its just a language barrier and low education. All the other community members say that it is because Inuit are lazy or because they just want to be on social assistance. That is not the issue that is stopping Inuit from having 85% Inuit employment in a workplace, it is a language barrier that makes Inuit not want to go to school or find a decent job for their qualifications. So having Bill 37 to be implemented in 2029 is absurd and just leaves little to no hope for this generation of Inuit children to just give up on their education.

Sincerely yours,

Amber Nukadlaaq Schaubroeck

June Shappa
P.O Box 11119
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X0A 1H0

April 21, 2017

Mr. Tom Sammutok
Chair, Standing Committee on Legislation
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Fax: 867-975-5190
submissions@assembly.nu.ca

Dear, Mr. Tom Sammurtok

RE: Bill 37 proposed amendments to the *Education Act* and the *Inuit Language Protection Act*.

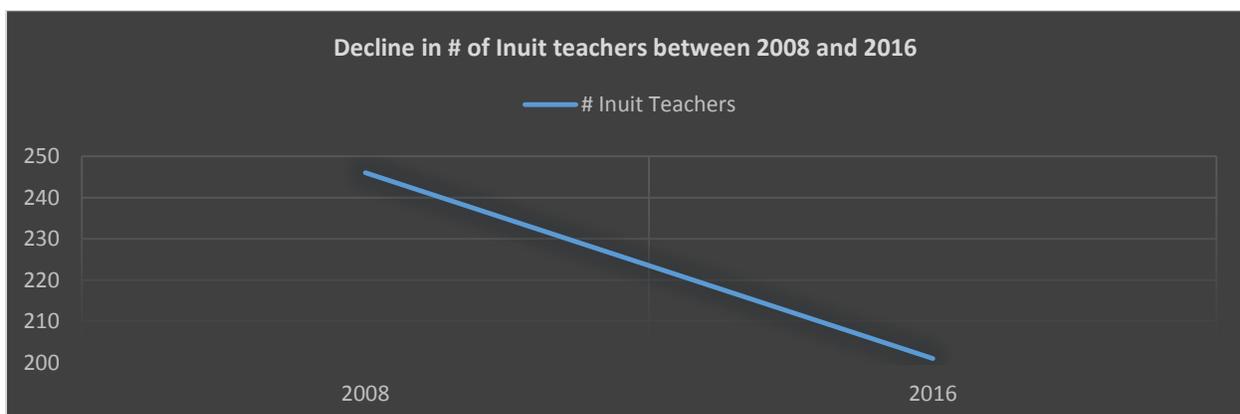
As a Nunavummiut I am writing to ask that bill 37 is withdrawn because it will diminish my existing legal right to education in Inuktut. Nunavut was created so that Inuit would have the right to learn in their language. Bill 37 goes against the ideals and the foundation of Nunavut.

Mr. Sammurtok, bill 37 proposes to postpone Inuktut Language of Instruction till 2029 for Grades 4-9. That's 12 years from now.

And rubbing salt over the wound the Government of Nunavut is proposing to indefinitely postpone Inuktut Language of Instruction for Grades 10, 11, 12. This is unacceptable.

With a proposed new target date of 2029, there is still no plan to get there. No plan to achieve Inuktut Language of instruction.

Indeed, without a plan, the number of Inuktut speaking teachers has decline between 2006 and 2016:

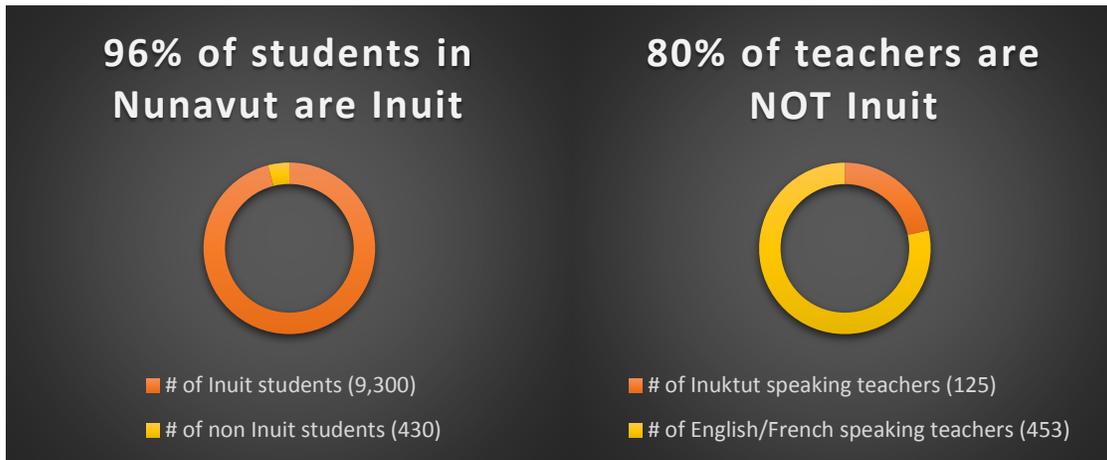


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Sources:

1. Office of the Languages Commissioner, Languages Commissioner's Report 2015-2016, page 182, [http://assembly.nu.ca/sites/default/files/TD%20245-4\(3\)%20EN%20IN%20KW%20FR%202015-2016%20Annual%20Report%20of%20the%20Languages%20Commissioner.pdf](http://assembly.nu.ca/sites/default/files/TD%20245-4(3)%20EN%20IN%20KW%20FR%202015-2016%20Annual%20Report%20of%20the%20Languages%20Commissioner.pdf)
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Today there are 9300 Inuit students enrolled in Nunavut schools and there are 125 Inuktut-speaking teachers:

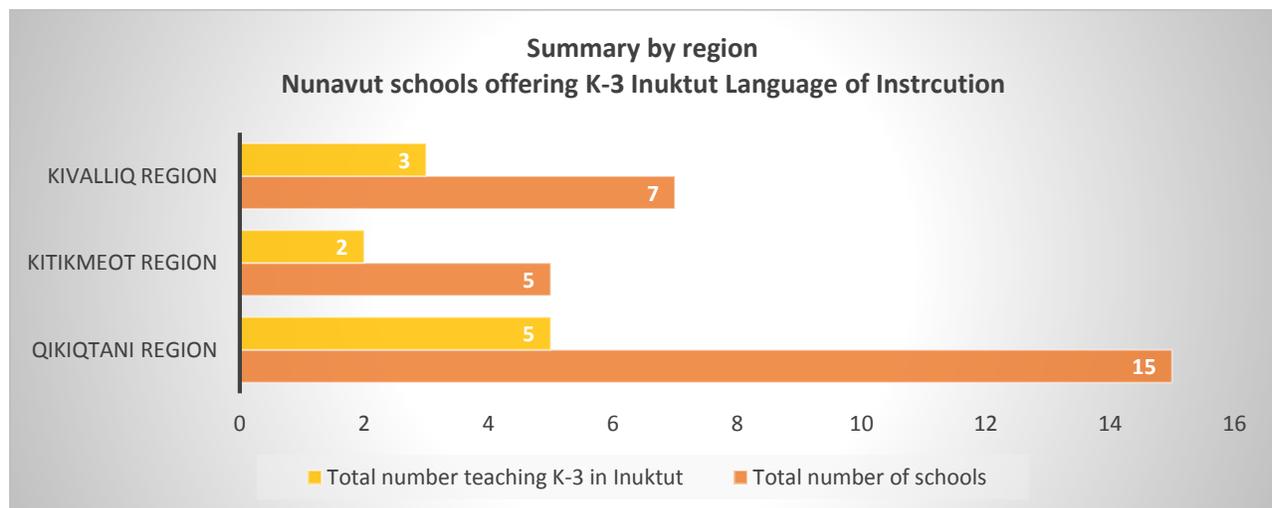


Source: Department of Education presentation

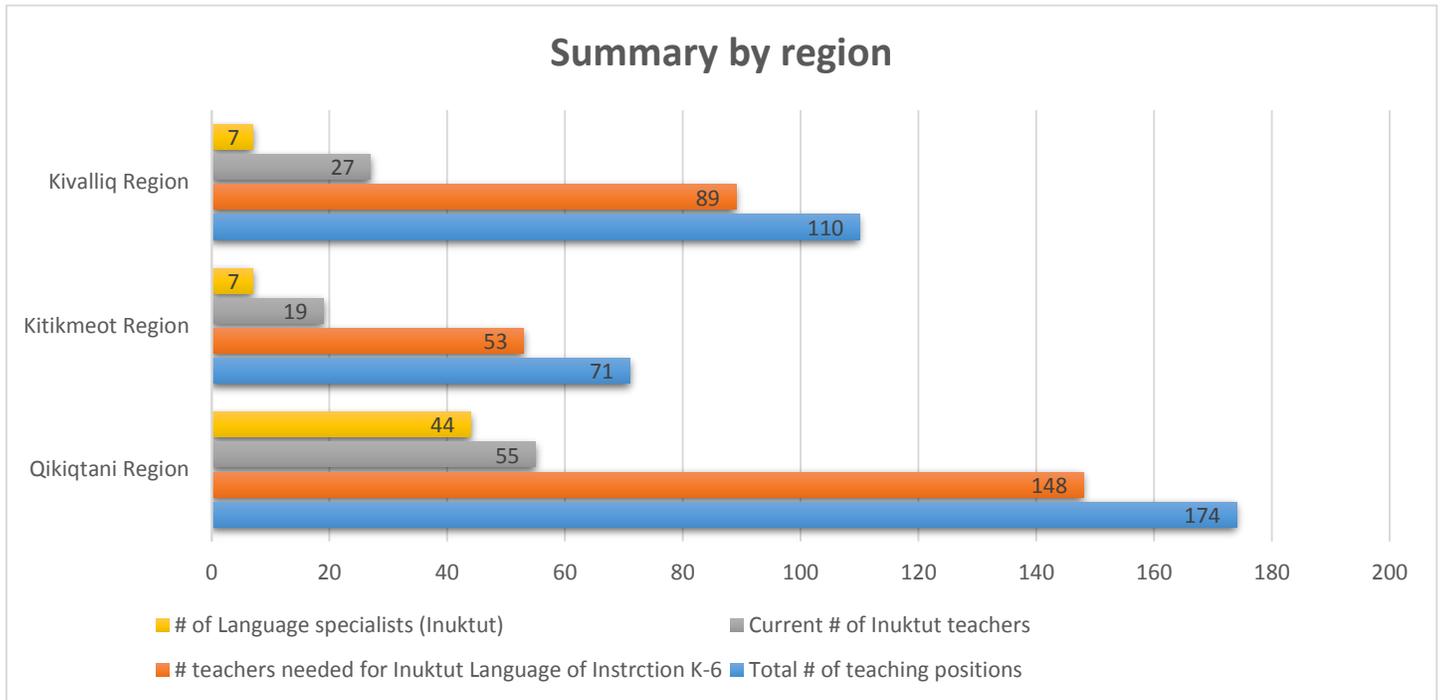
An Inuktut speaking grade 6 student cannot speak in Inuktut when they attend school because there are not enough Inuktut-speaking teachers. How different is this than the residential school era?

The Government of Nunavut must utilize the existing legal right to Inuktut education as a tool to leverage resources required to facilitate access.

Out of 27 schools in Nunavut, 10 schools offer Inuktut Language of Instruction from grades K-3:



In order to offer Inuktitut Language of Instruction for grades K-6, 290 Inuktitut speaking teachers are required. If there are 101 Inuktitut speaking teachers today, it means 189 Inuktitut speaking teachers must be trained to be able to offer grades K-6 in Inuktitut language of instruction:



In conclusion please withdraw bill 37 and focus education reforms on increasing the number of Inuktitut speaking teachers, and creating curriculum and learning resources.

Taima,

June Shappa
Niaqqunnguumiut

Cc: Pat Arnakaq, MLA for Iqaluit

James Takkiruaq
P.O. Box 108
Gjoa Haven, Nunavut
X0B 1J0

To Whom It May Concern,

My name is James Takkiruaq and I am from Gjoa Haven. I am writing to you in hopes of successfully protesting the enactment of Bill 37. I do not believe that this piece of legislature is the key to a brighter future with a bilingual Inuit society. In my opinion, Bill 37 is a way for the government to make up for wasted time when the use of Inuktitut was in a downward spiral, which is experienced most heavily in the Kitikmeot region, my home. I believe that the preservation of the language that our ancestors used since time immemorial is being lost because the government is refusing to take action on it when action is needed the most.

Being from Gjoa Haven, I take even the idea of enacting a piece of legislature such as this to great offence. I feel that the Kitikmeot region is often overlooked when it comes to matters of language preservation. At the rate that the use of language is declining, by the proposed date of 2029, there will be no masters-of-language left to help with the preservation of Inuktitut in the Kitikmeot region. The urgency of this is not, in my opinion, seen as much in other regions as it is in the Kitikmeot.

Bill 37 is a perfect example of how the government does not see the importance of preserving an elegant, beautiful, unique, and ancient language. Growing up, I was not able to speak or understand this language, but I knew the beauty of it listening to the older generation speak it. Now, I am 17 years old and I am attending Nunavut Sivuniksavut and I am now exposed to more dialects and I appreciate the language even more. I am just starting to grasp the stepping stones of learning Inuktitut and now I learn that there is a piece of legislature being released that sends the message "The preservation and education of Inuktitut can wait another decade". The only thing that I can say is that I am disappointed. Disappointed in my government that was fought so hard to obtain, and disappointed in level of effort that has been put in to properly teach our language. It was once said "You cannot put a price on our culture" but it seems that you can certainly put a timer on language, and that time is running out. The land claims, from my understanding was put in place to "save what is left" but there will be nothing left to save if Bill 37 is put into effect.

All of what I say here is said with the utmost respect, and I am not writing to rant about the government, because I know that whatever we do in Nunavut we fought hard to have the right to do whatever we want in Nunavut. However, Inuktitut is something that needs to be placed in high priority and I believe that among the other social problems in the territory it gets lost and pushed aside. I am writing the letter as a reminder that there is a great need for better Inuktitut education. I hope that whatever decision is made, it is made for the good of Nunavummiut, not the convenience of the people who make the decisions.

Yours Truly,

James Takkiruaq

Tom Sammurtok, MLA
Chair, Standing Committee on Legislation
Legislative Assembly of Nunavut
P.O. Box 1200
Iqaluit, NU
X0A 0H0

Thursday, April 20, 2017

Katherine Takpannie
3-236 Hector Hotte Way
Ottawa, ON
K1L 7Y3

To Tom Sammurtok,

In light of the introduction of Bill 37, *An Act To Amend the Education Act and the Inuit Language Protection Act*, by the Minister of Education Paul Quassa, I would like urge the opposition of Bill 37 going to legislation. If Bill 37 were to be implemented, students from grades 4 through 9 throughout Nunavut would detrimentally suffer the instruction of Inuktut until 2030. Already in Nunavut, there are 80% educators who are unilingual.

Ian Martin's report indicated that Inuktut has been declining 12%, per decade. Nunavut's population according to the Government of Nunavut in January 2017 is 37,280. If only 85% of the population is Inuit, that means there are 26, 304 Inuit living in Nunavut today, and from those numbers, 3, 156 are losing Inuktut per decade. In a territory that has 31.7% of the population under 15, the decline of Inuktut will only spiral like a snowball.

Nunavut Tunngavik Incorporated (NTI) has an Inuit employment plan to aggressively train Inuktut-speaking teachers to work in the education system to combat this language crisis. NTI released a paper providing solutions, such as using \$50 million (of the \$255.5 million that Ottawa had been sued for failure of implementation in the NLCA) to provide Nunavut Arctic College to design and deliver a two-year teacher certificate in each community, with on-the-job training. There are 993 Inuktut-speaking substitute teachers in Nunavut as of this year, that would be able to acquire full time employment and a diploma. It is very clear that Nunavut needs more Inuit employment within its territory, and NTI's plan could provide much needed Inuktut trained educators.

I am highly appreciative that the Standing Committee on Legislation has taken the time to read my submission on the matter of Bill 37. As an Inuk who is trying to learn Inuktitut through Nunavut Sivuniksavut, I can already see the loss of language throughout my generation and I am concerned that Bill 37 will only produce more Inuit like myself. Our language is apart of our identity and our culture. We must preserve what we can, while we can. Inuit have the chance to take action and turn this crisis around.

Qujjannamik,

Katherine Takpannie

Sandra Thibaudeau
P.O. Box 627 Iqaluit, NU
X0A 0H0

2017-04-20

Tom Sammurtok, MLA
Chair Standing Committee on Legislation
Legislative Assembly of Nunavut
P.O. Box 1200
Iqaluit, NU X0A 0H0

Dear Sammurtok,

Hello, I am a student currently attending Nunavut Sivuniksavut and I have some concerns about Bill 37. After reviewing numerous articles, I feel that the Bill should be pushed ahead and not wait till 2029 to start teaching Inuktitut in all schools across Nunavut.

From an article in Nunatsiaq Online "Inuktitut language decline in Nunavut spiralling into free fall" said that Inuktitut is being diminished every decade by 12%. That is an extreme number and should be taken in to consideration. By 2029 if the bill gets passed there will be likely less Inuktitut speakers since it is 12 years ahead. If after seeing what had happened in 2008 why not act now and not wait.

Language gives a sense of identity for people. If children are not being taught their language, they will feel like they are not considered an Inuk because they do not speak their mother tongue. I should know because I have been affected by not being taught Inuktitut when I was young, and now people look down on me because of that. I just want to make a difference for our future now. If nothing is being done then we will just end up as history in a text book or museum.

Back then, as Inuit we were taught right off the back Inuktitut when we were young, why wait now to teach it for all age levels. Nunavut was created for the purpose to keep our culture alive. Now it is being lost and we will end up like the Inuviluit, where there is only a few hundred Inuvialuqtun speakers left. Please do not pass Bill 37 for the sake of our culture.

Sincerely,

Sandra Thibaudeau

From: courtney white <whitecourtney638@gmail.com>

Sent: March 19, 2017 11:20 PM

To: Tom Sammurtok

Cc: Paul Okalik

Subject: Inuktut Education

Nunavut needs Inuktut immersion in their schools from K-12. It is not an option it is a right.

Being originally a Nunatsiavut beneficiary and seeing the loss of language through my family and other Inuit in the area it is hard to see Nunavut face the same struggle that Nunatsiavut was unable to overcome.

Nunavut is a territory with much more funding and resources from the government and with the Nunavut Agreement in place to protect the language. It was in the 20th century when Inuktut in Nunatsiavut was on the decline. I am sitting here now as a Nunavut beneficiary with so much hope for my children to learn the language I have struggled to master.

Creating an Inuktut immersion stream for the schools will give my children and the youth of Nunavut the chance to keep the language alive, the chance Nunatsiavut lost because they didn't have the resources in place. Inuktut immersion would provide our future with the chance to be able to learn Inuktut as a second language in the modernized English society we live in. It would allow our children to thrive in both languages and to give them the right to perform their jobs in the future as bilingual beneficiaries. They will not be sitting at their desk job 10-20 years from now wondering how we managed to fail them but not giving them the chance to keep the Inuktut language alive and strong. As a half Inuk/ half qalunaa with dominantly white features it is a constant embarrassment I feel that my Inuktut is not strong enough to be considered Inuk by my own people.

My children and all Inuit children of Nunavut deserve the right to have full access to their language in the English society we live in. We need to protect our children, we need to protect our culture and we need to protect our language! If this was hunting on the table, if this was a conversation on stripping the hunting rights Inuit have from our children's future, it wouldn't even be up for discussion.

Many schools in Ontario offer French immersion, to give children the opportunity to learn both official languages and to keep the language alive. French immersion provides children a chance to learn in both languages. I believe Inuit deserve this chance as well, a stream to learn in both languages, to build our children to be masters of both English and Inuktut will set them up for success to lead our territory and our people.

These children are our future leaders, these children are our family and these children are the only way to keep our language and culture alive.

This is the time where the fate of our language will be decided. This is the time to ensure Nunavut does not lose what Nunatsiavut has lost. This is the time to prove that this is our land and that colonialism has not destroyed us.

Qujannamiik

Courtney White

March 16th, 2017

Premier Peter Taptuna and Prime Minister Justin Trudeau

Open Letter – If Nunavut Revokes Inuit Language and Education Rights, Canada Fails the Test of Nation-building

Dear Premier Taptuna and Prime Minister Trudeau,

We are educational researchers with experience living, working, and researching educational and language-related issues in Nunavut. Like you, we are committed to seeing the Inuit language, Inuktitut, flourish as a foundation of Inuit culture in Nunavut. We consider the maintenance of Inuktitut as a vibrant Indigenous language within the educational system in Nunavut to be critically important. In a globalized world where English is now spoken so widely, incorporating Inuktitut fully into schooling across Inuit Nunangat provides the only real chance for its long-term survival.

We understand the first vision statement in *First Canadians, Canadians First: National Strategy on Inuit Education 2011*, supported by representatives of all four Inuit regions in Canada, that stresses the value of “being bilingual (in the Inuit language and at least one of Canada’s official languages)” and of gaining an education “founded on Inuit history, culture and worldview” (p. 70).

On March 7th, 2017, Bill 37 was tabled in the Nunavut Legislature. It proposes amendments to the 2008 *Nunavut Education Act* and *Inuit Language Protection Act* that would delay the implementation of Inuktitut as a language of instruction in grades 4 to 9 until 2029 – and indefinitely in grades 10 to 12. The 2008 laws, which were based on extensive community consultation and rigorous research into best educational practices, required that Inuktitut become the language of instruction from K-12 by 2019. Bill 37 would remove the right to K-12 schooling in Inuktitut, replacing it with a much delayed and watered down right to a “majority of instruction” in Inuktitut, and only from K-9. Perhaps as troubling, the Government of Nunavut has offered no plan to meet even this goal.

The proposed amendments would create an international human rights case. Canada is a signatory to *The United Nations Declaration on the Rights of Indigenous Peoples*, Article 14 of which guarantees Indigenous peoples the right to an education in their own language. Delaying the phased-in implementation date by 10 years would renege on the commitment made in the Nunavut Legislature in 2008 and in the Canadian Senate in 2009. Nunavummiut deserve to have their linguistic human rights upheld.

Reneging on the commitment to implement official language rights in a territorial public government within the established timeframe has many consequences beyond schooling that negatively impact Inuit identity and the survival of Inuit culture. A substantial body of evidence, some of it from Inuit Nunangat, shows that academic achievement suffers when Indigenous students are forced to learn in their second language from unilingual English-speaking teachers. The impact ripples out across society, preventing a representative number of Inuit in the workforce, including schools, and preventing Nunavummiut from receiving services in Inuktitut in all sectors from healthcare to policing. Justice Thomas Berger made this point in his 2006 *Conciliator’s Report to the Government of Canada* and wrote that the success of Nunavut is a test of nation-building for Canada. When 70% of Inuit children fail to graduate from schools run in English by majority non-Inuit staff, Canada is failing that test. When there are 453 non-Inuit teachers with just 430 non-Inuit children in the system, and 201 Inuit teachers for 9,300 Inuit students, Canada is failing that test.

While we understand that there are serious challenges in providing schooling in Inuktitut across Nunavut on a short timeline, we are distressed that planning has *not* led to an increase in the numbers of Inuit teachers in the school system since the passage of legislation in 2008 requiring K-12 schooling in Inuktitut by 2019. At that time, there were 246 Inuit teachers. That number has fallen by 45 while the number of non-Inuit teachers has increased by 113, leading to a further Anglicization of schooling at precisely the time when the stated GN goal was to increase the numbers of Inuit teachers and strengthen Inuktitut.

While the goal of creating a fully bilingual schooling looks daunting, it is not impossible. There are educational jurisdictions in Canada that are successfully teaching students in an Indigenous language. One of these is Nunavik, where valiant efforts effort to recruit and educate Inuit teachers has resulted in high levels of bilingualism that include Inuktitut and either French or English.

In Nova Scotia, Mi'kmaw Kina'matnewey (MK), an award-winning school governance model, offers students an exceptional education in the Mi'kmaq language and English and many of the principals leading schools are skilled Mi'kmaq teachers committed to strengthening and maintaining their language and culture. In Eskasoni, a Mi'kmaw community, a Mi'kmaw immersion program has been operating for 20 years and the program is now housed in its own school with 26 certified Mi'kmaw educators working in the program. Research is clearly showing the strong and positive effects of the immersion program on Mi'kmaw students' fluency in Mi'kmaw, their sense identity as Mi'kmaw and their overall high academic achievement.

In Nunatsiavut, the Inuit Teacher Education Program has been designed to include intensive Inuktitut language training for future teachers, aggressively moving toward more Inuktitut in schools even where the language is most endangered.

Research in bilingual schools in the United States is also showing how unilingual English-speaking teachers can be equipped to more effectively contribute to the goals of bilingual education. Ongoing professional development of Inuit and non-Inuit teachers is also needed to achieve the Government of Nunavut's 2008 evidence-based educational legislation.

In Nunavut, our research has shown a high level of support for bilingual education and that there are many Inuit youth who would like to pursue a career in teaching. Bold steps by the federal and territorial governments could result in bilingual education becoming a reality in Nunavut. No amendments should be made to delay the implementation of Inuktitut as a language of instruction; rather, a robust and ambitious strategic plan should be presented to recruit more Inuit to teaching and to provide the supports required to retain them in the teaching profession. In addition, funding and staffing should be prioritized for ongoing curriculum and resource development, school-based teacher mentorships, and leadership and administrative professional education and development.

The Nunavut Teacher Education Program (NTEP) needs to embark upon a vigorous recruitment campaign and funding for teacher education and teacher education students should be sharply increased. NTEP students need a wider range of effective immersion courses in Inuktitut and more Inuit instructors and Elders who speak Inuktitut fluently need to be recruited. NTEP must be broadened to prepare Inuit to teach at all grade levels and in all subject areas. Teacher education programs also need to be consistently available in the communities, as they were in the past. Implementation of such a strategic plan would not be easy, but it is possible.

Nunavut cannot do all this alone. While an immediate start should be made by accessing funds from the 2015 settlement agreement, the Government of Canada must make a major investment, as Nunavut is the only province or territory where public services are not delivered in the official language of the majority. Canada's formula financing of the territory must be increased to address this. This should be seen as an essential component of the reconciliation process, a step in supporting the Inuit right to self-determination.

There is a language crisis in Nunavut, and in many real ways the success of the language equals the success of the Territory. This is now a test of the seriousness of Canada's commitment to reconciliation – a test that must be passed.

We call on the Government of Canada to provide support to Nunavut commensurate with the challenge at hand. We call upon the Government of Nunavut to cancel the roll-back of the Inuktitut language of instruction in Nunavut schools and to create a roadmap, with commitments, that will see Nunavut move rapidly toward a fully bilingual education system.

Sincerely,

Paul Berger

Associate Professor, Lakehead University, Chair, Graduate Studies and Research in Education

Fiona Walton

Associate Professor, University of Prince Edward Island, (Retired)

Joanne Tompkins

Associate Professor, St. Francis Xavier University

Shelley Tulloch

Associate Professor, University of Winnipeg

Alexander McAuley

Associate Professor, University of Prince Edward Island

Louis-Jacques Dorais

Professor Emeritus, Université Laval

Frédéric Laugrand

Professor, Université Laval, Director of the Journal *Anthropologie et Sociétés*

Helle Møller

Associate Professor, Lakehead University

Thierry Rodon

Associate Professor, Université Laval, Northern Sustainable Development Chair, Director of the Inter-University Center for Indigenous Studies and Research (CIERA) and the Journal *Études Inuit Studies*

Martha Crago

Professor, Dalhousie University, Vice President, Research

Ian Martin

Associate Professor, Collège universitaire Glendon College, York University

Fred Genesee

Professor, McGill University

Shanley Allen

Professor, University of Kaiserslautern, Dean, Faculty of Social Sciences; Director, Psycholinguistics and Language Development Group, Centre for Cognitive Science

Lynn Aylward
Professor, Acadia University, PhD Program Coordinator

Diane Pesco
Associate Professor, Concordia University, Graduate Program Director, Child Studies

Nina Spada
Professor, University of Toronto

cc

Nunavut MLAs: Paul Quassa; George Qulaut; Monica Ell-Kanayuk; George Hickes; George Kuksuk; Johnny Mike; Keith Peterson; Joe Savikataaq; Tony Akoak; Pat Angnakak; Joe Enook; David Joanasie; Steve Mapsalak; Simeon Mikkungwak; Paul Okalik; Allan Rumbolt; Tom Sammurtok; Isaac Shooyook; Alexander Sammurtok; Pauloosie Keyootak; Emiliano Qirngnuq

Aluki Kotierk, President, Nunavut Tunngavik Inc.

Elizabeth May, Green Party Leader; Thomas Mulcair, New Democratic Party Leader; Rona Ambrose, Conservative Party Leader

Senate Standing Committee on Legal and Constitutional Affairs: Bob Runciman; George Baker; Denise Batters; Pierre-Hugues Boisvenu; Gwen Boniface; Jean-Guy Dagenais; Renee Dupuis; Mobina Jaffer; Serge Joyal; Paul McIntyre; Ratna Omidvar; Kim Pate; Andre Pratt; Murray Sinclair; Vernon White

Auditor General of Canada: Michael Ferguson

From: Ian Martin [<mailto:IMartin@glendon.yorku.ca>]
Sent: April 19, 2017 10:48 AM
To: Submissions <Submissions@Assembly.Nu.Ca>
Subject: Request to Standing Committee - Subpart 3 - Languages of Instruction
Importance: High

Dear Honourable Member Sammurtok,

I have attached a report INUIT LANGUAGE LOSS IN NUNAVUT dated March 7, 2017, which I understand has also been tabled in the Nunavut Legislature, concerning the amendments which the GN is proposing to the 2008 Nunavut Education Act and the Inuit Language Protection Act.

In the report, I urge the Government of Nunavut not to amend the Nunavut Education Act in a way that would delay the implementation target dates for schooling in Inuktitut. I was the coordinator and principal author of the Department of Education's research report, AAJIIQATIGIINGNIQ: LANGUAGE OF INSTRUCTION IN NUNAVUT SCHOOLS (2000), which contributed to the GN's decision to set up a bilingual (Inuktitut-English) language of instruction policy in Nunavut schools. Therefore, my request to the Standing Committee with this submission relates most closely to Subpart 3 - Languages of Instruction.

While I understand that fully implementing the 2008 Education Act will not be possible on the timeline in the legislation, it will be far better for the Government to be in breach of the legislation and working diligently and quickly towards compliance than to change the requirement for schooling in Inuktitut. The former would demonstrate a commitment to Inuit language and culture in Nunavut schooling and the latter a retreat and abandonment of this commitment.

Thank you for receiving this submission. I would be happy to answer questions or provide further information if the Committee so desires.

Sincerely,

Ian Martin
Associate Professor of English
English Department and
Graduate Program in Public and International Affairs
Collège universitaire Glendon College
York University
Toronto, ON

Inuit Language Loss in Nunavut: Analysis, Forecast, and Recommendations

By Ian Martin, Glendon College, York University

March 7, 2017

“That’s the whole reason why the land claims took place, because we were losing our language...I think that’s part of the whole land claims process. Once you have the language the culture is strong.”

--Paul Quassa (2003) current Minister of Education, Nunavut.¹

“Language and culture is very important to us. That is the reason that Nunavut was created. Sometimes we forget why Nunavut was created.”

--Eva Aariak (2008) former Premier, Nunavut.²

“The statistics clearly show Inuit language use and transmission is on a continuing decline. Most troubling is Inuit language use in the home dropped by 12% between 1996 and 2006.

--Sandra Inutiq (2016) former Nunavut Languages Commissioner.³

Introduction

Fear of loss of Inuit Language was a central factor in Inuit leaders’ decision to negotiate a land claim with the Canadian government. As statistical trends cited below show, the leaders were right to be concerned: since 1991, the amount of Inuktitut⁴ spoken in Nunavut homes has experienced a serious decline. This summary report is intended to review some of the history and key data, and assess prospects for the Inuit language in Nunavut.

Assessment of Inuit Language Loss

¹ In A. M. Timpson, “Reconciling Indigenous and Settler Language Interests: Language Policy Initiatives in Nunavut,” *Journal of Canadian Studies* 43, no. 2 (2010): 161.

² Jim Bell, “In Iqaluit, It’s Seven against One on Oct. 27,” *Nunatsiaq News* (Iqaluit, NU), October 24, 2008,

³ Sandra Inutiq, Nunavut Languages Commissioner, *Address to the United Nations International Expert Group*. New York, January 2016.

⁴ Inuktitut is the term now used to encompass both Inuktitut and Inuinnaqtun; in this paper Inuktitut may be referenced in older texts and to describe the Inuktitut of the Eastern Arctic—Kivalliq and Baffin today.

From 1996 to 2011, the number of Inuktitut mother tongue speakers in Nunavut dropped from 88% to 80% . Over the same period, the use of Inuktitut in Inuit homes in Nunavut dropped from 76% in 1996 to a mere 61% in 2011.⁵

At the same time, English spoken mostly in the home has increased from 28.5% in 1991 to 46% in 2011. This steady increase in the percentage of Nunavummiut homes in which English is the most used – means that the percentage today is probably over 50%.

If the home language loss rate of Inuktitut is 12% per decade, then, by 2051, a mere 34 years from now, the Inuit Language will be spoken at home by only 4% of Inuit in Nunavut.

The estimate of 4% of Inuit continuing to use Inuktitut by 2051 may be too generous, however.

Due to “recursion”, a negative feedback loop tends to accompany language loss. That is, the wheel of language loss accelerates as the number of speakers declines and the arenas of Inuit language use inside and outside the home dwindle. For example, as the Inuit language becomes less used in government, schools, and most types of employment, the incentive to sustain Inuktitut is eroded. The latest *Official Languages Annual Report 2015-16*, reports that only 11 of 27 primary schools were able to offer adequate Inuktitut instruction to Grade 3, and only one school used Inuktitut as a language of instruction at Grade 5⁶.

Parallels can be drawn from the French community in Nunavut, who filed a lawsuit in 2015 against the territorial government for insufficient support for a French language school environment. In an interview, Lawyer Doug Garson said that only 40 per cent of the Iqaluit Trois-Soleils Grade 10 to Grade 12 program are offered in French: “If you, as a high school student, want to enjoy a French-language education, you have to be in a totally French environment, where French is spoken in the hallways.”⁷ By way of comparison, zero per cent of the Nunavut high school curriculum is offered in Inuktitut; the percent of Inuktitut spoken in hallways has not been measured, but there is not a single school in Nunavut which would qualify as a “totally Inuktitut environment.”

Inuit Language Decline: The United Nations Assessment

The analysis presented here corresponds, in large measure, with that of UNESCO which regularly surveys the world’s ‘smaller’ languages and assesses their relative potential for survival (“vitality”), to help language communities understand their situation and take appropriate measures if they wish to maintain their language for future generations.

⁵ 2011 National Household Survey "Aboriginal Peoples in Canada: Focus on Inuit in Nunavut" (Released by Statistics Canada - May 8, 2013); and 2011 Census of Population "Mother Tongue and Language Spoken Most Often at Home" (Released by Statistics Canada - October 24, 2012).

⁶ Office of the Nunavut Languages Commissioner, *2015-16 Annual Report* (2017), pg 182.

⁷ Lawsuit demands more resources for Nunavut’s only French-language school- “Why is it unreasonable to seek and to advance our constitutional rights?” Sarah Rogers, Nunatsiaq News. February 20, 2015.

UNESCO evaluates languages according to six levels of vitality:

SAFE -	the language is used by all generations, including children, in all spheres of community life;
VULNERABLE/UNSAFE –	the language is used by some (not all) children, and older generations, but not in all spheres of community life;
DEFINITELY ENDANGERED –	the language is no longer being used at home by all children; parents are preferring to use another language;
SEVERELY ENDANGERED –	the grandparents’ generation are the youngest users;
CRITICALLY ENDANGERED –	the great-grandparents’ generation are the youngest users;
EXTINCT -	there are no speakers left.

In 2015, UNESCO rated Inuktitut (in Baffin and Kivalliq regions) as ‘vulnerable/unsafe’, with Inuinnaqtun (in Kitikmeot region) as ‘definitely endangered’⁸. This means that there are signs of language loss, although it is true that second-language speakers of Inuktitut, uncounted in the UNESCO levels, may carry the language forward in some respects.

The limited use of Inuktitut in government, the absence of the Inuit Language in schools beyond the earliest grades, the rise in the number of Inuit for whom Inuktitut is not a mother tongue, and the trend to more Inuit homes using English, are among the signs that Inuktitut in Baffin and Kivalliq may be on the road toward Definite Endangerment. This direction is diametrically opposite from the direction intended by the Inuit leadership whose intention in carrying out ‘the Nunavut project’ was to make Inuktitut secure.

The Road Not Taken: Inuit Language of Government

Prior to the creation of Nunavut, Inuit organizations and the federal Department of Indian Affairs and Northern Development (DIAND) predicted and planned for a territorial government with public services delivered in the Inuit language. In numerous speeches and negotiations, Inuit leaders expressed concern about the loss of Inuktitut in particular due to the southern-style education system, with its majority staff of monolingual English-

⁸ UNESCO Interactive Atlas of the World's Languages in Danger (www.unesco.org/languages-atlas) 2015.

speakers. The Nunavut Land Claim Agreement (1993) identified the Inuit language as a key factor to be considered by government in its hiring (Article 23).

In Volume 2 of my *Aajiiqatigiingniq* 2000 report⁹, called "Sources and Issues", I reviewed Ron Mackay's report, *The Cost of Implementing Inuktitut as an Official Language in Nunavut* (1984). Mackay's work was commissioned by DIAND in response to the Nunavut Constitutional Forum's 1983 *Building Nunavut* report which asserted that "Inuktitut must be fully protected and enhanced by the Nunavut constitution. Perhaps there is no more fundamental goal of a Nunavut government, nor one more essential to guarantee the survival and unique contribution of Inuit in Canada"¹⁰.

The *Cost of Implementing Inuktitut* was one of two research initiatives commissioned by DIAND to prepare for Nunavut. The second was research to prepare a transition plan to divide the NWT, which culminated in a large report for DIAND by Coopers and Lybrand in 1992¹¹.

The Cost of Implementing Inuktitut as an Official Language in Nunavut gives detailed estimates of the staffing and cost implications of creating a government that could function and deliver public services across all departments in the language of the public: Inuktitut. Mackay estimated the staffing increase required to achieve this objective to be approximately 110 PYs across the entire government. He estimated start-up costs across all government departments to total \$21.5 million in 1984 dollars (\$45.4million in 2016), and the ongoing annual operating and maintenance costs to be \$8.4 million (\$17.7million in 2016 dollars).

In 1993, 1997¹², 1998¹³, and 1999, NTI's leadership informed government that Inuktitut as the language of government had always been a key objective in creating Nunavut and thus should be included as an incremental cost of establishing the new territory or as part of its formula-financing. This was in keeping with the 1996 guidelines established by the federally appointed group overseeing set-up of the new territory, the Nunavut Implementation Commission: "In gauging levels of govt programs and services, formula financing arrangements should take full account of any existing deficiencies in the supply of such programs and services...based on factors outside the control of the Nunavut

⁹ *Aajiiqatigiingniq, A Report on Language of Instruction Volume 2: "Sources and Issues"*, (2000) Ian Martin. Published by the Nunavut Department of Education.

¹⁰ Nunavut Constitutional Forum, *Building Nunavut: A working document with a proposal for an Arctic Constitution*, (Nunavut Constitutional Forum, 1983) p. 18.

¹¹ Coopers and Lybrand Consulting Group (1991) *Financial Impact of Division of the Northwest Territories - Phase I Report* ; and (1992) *An Estimate of Costs - Creating and Operating the Government of Nunavut* .

¹² Natsiq Alainga-Kango, Secretary-treasurer, NTI letter to John Todd, NWT Minister of Finance, and Jack Anawak, Interim Commissioner (Nov. 6, 1997)

¹³ "Any future plans for implementation of the Nunavut Government must address the crucial issue of using Inuktitut as a working language." Natsiq Alainga-Kango, Secretary-treasurer, NTI letter to Jack Anawak, Interim Commissioner (Jan. 7, 1998)

govt...including costs associated with the delivery of govt programs and services in the Inuit language, as well as Canada's official languages.”¹⁴

In 1998, the senior federal advisor in the Office of the Nunavut Interim Commissioner, Marie-Antoinette Flumian, commissioned an estimate of the cost of Inuktitut as a language of government, and the matter was brought forth to be included in briefing binders for the discussions on the first formula financing for the Nunavut territory led by Finance Minister Paul Martin. However, behind closed doors, senior officials in the Federal Finance Department decided to remove Inuit language of government from discussions and “address these issues at a later date”¹⁵. That “later date” never arrived.

The historical record is recounted here in part to lament the road not taken. Had Canada supported the Inuit language with similar levels of funding as it provides to other provinces for English and French services, perhaps the survival of Inuktitut would not be in question today. Canada might also have avoided running afoul of Section 36 of the Canadian Charter of Rights and Freedoms; which guarantees “essential public services of a reasonable quality” to all Canadians. In 1998, citing S.36, Nunavut's Interim Commissioner, Jack Anawak, warned Finance Minister Paul Martin of “startling disparities”¹⁶ between Nunavut public services and those of other provinces, in part due to the failure of financing negotiations to address the language issue.

On the matter of education, for example, the Nunavut Constitutional Forum had demanded “... that Inuktitut be a language of instruction in the Nunavut schools at all levels as soon as practicable”¹⁷. As a result, *The Cost of Implementing Inuktitut* report focused on federal funding for Inuit teacher training and for Inuktitut curriculum development. Had Mackay's report for DIAND been followed, his 13 year implementation time-line (1985-1998) anticipated the training of an Inuit teaching cohort of 260 Inuit teachers, ready for the new Nunavut school system in 2000, for \$15 million (in 2000 dollars). Mackay also recommended that Canada spend \$10m to build an Inuit teacher training facility in Nunavut. The Inuit curriculum development costs for the same period were estimated to be \$8 million (in 2000 dollars). Updating these figures to 2016 yields Inuit teacher training costs of \$21 million, Inuktitut curriculum development costs of \$9.3 million, and a teacher training facility costing \$21 million. Adding up to approximately \$50 million in current dollars, Mackay's was the first, and apparently, the last, detailed calculation of the federal

¹⁴ Recommendation #9-16 (4), *Footprints 2* (NIC, 1996)

¹⁵ “Finance Canada Question 10: Are there other items for which the determination of funding levels should be left open-for finalization at a later date?... GNWT: Yes. A number of items have been identified which we know will have costs associated with them, but the size of the cost is currently not known. The requirement to make Inuktitut a working language in Nunavut is one example.” Margaret Melhorn NWT Deputy Minister of Finance letter to Barbara Anderson, Dept of Finance Canada (Jan. 8, 1998).

¹⁶ Interim Commissioner Jack Anawak letter to Paul Martin, Minister of Finance, Canada (April 28, 1998).

¹⁷ Nunavut Constitutional Forum, *Building Nunavut: A working document with a proposal for an Arctic Constitution*, (Nunavut Constitutional Forum, 1983) p. 18.

transfer necessary to allow the new territory to implement strong Inuktitut bilingualism throughout its K-12 system.

By not funding the delivery of Nunavut public services in the language of the Nunavut public, the federal government appears to have saved itself cumulatively over \$300 million (2016 dollars, over 18 years); however the costs to the Inuit language and culture may prove to be fatal. Speaking before a Senate Committee in 2009, “Witnesses testified that ... government services are provided mainly in English and that this has the effect of making Inuit Language speakers feel like they are strangers in their own land.”¹⁸

Meeting the Article 23 Target – Urgent Need For A Major IEP Commitment

Article 23 of the Nunavut Land Claim Agreement envisioned a majority Inuit public service functioning in Inuktitut, but, as an APTN investigative report recently discovered¹⁹ – Article 23 of the Land Claim Agreement is largely being ignored. This is particularly noticeable in the Education ministry, where a disproportionate number of (monolingual-English-speaking) non-Inuit are occupying senior administration positions and teaching positions.

There is scant evidence of interest from the Nunavut Department of Education in a comprehensive Inuit Employment Plan—one with timelines and targets and conforming to the NLCA. In 2006, the Department of Education published the *Qalattuq 10 Year Educator Training Strategy*²⁰ – a plan for which no action was ever taken. The *Qalattuq Strategy* envisioned training 304 Inuit educators from 2008 to 2012, and was of sufficient scope and urgency that it deserves revisiting and updating.²¹

It is nothing short of scandalous that no detailed IEP was implemented and funded by the Department at the time of the passage of the 2008 Education Act, since without a funded Inuit Teacher Development Plan, the objectives set out in the Act amounted to little more than ‘legislative dead letters’ and existed only on paper. My personal belief is that the vested interests of non-Inuit teachers and administrators trumped the land claim-mandated rights of Inuit. In the years following 2008 there have been no major efforts to increase the numbers of Inuit teachers; meanwhile the reduction of the use of Inuktitut in the schools and the absence of Inuktitut as a language of instruction has reinforced an English-dominant education system—not a bilingual one. Furthermore, although not all new Inuit teacher graduates are sufficiently strong in their language to teach in Inuktitut, I am not aware of any non-Inuit teachers currently qualified as Inuktitut-bilingual. The only

¹⁸ *Language Rights in Canada's North: Nunavut's New Official Languages Act*, Final Report. Standing Senate Committee on Legal and Constitutional Affairs. June 2009. Pg 19.

¹⁹ Kathleen Martens, “APTN Investigates: Article 23.” *APTN*, February 3, 2017; Holly Moore “Article 23: Inuit teaching students say loss of Inuktitut in the classroom leading to vanishing Inuit culture.” *APTN*, January 31, 2017

²⁰ *Qalattuq 10 Year Educator Training Strategy: 2006-2016*. Nunavut Department of Education. July 2006.

²¹ *Qalattuq 10 Year Educator Training Strategy*; pgs 4, 66-74.

educators teaching in Inuktitut are Inuit. So when the Department of Education recruits a majority of its teachers, principals, and senior staff from outside Nunavut, then it is entrenching an English language bureaucracy.

What would an IEP for education need to consider?

The starting point for an IEP would have to be a definition of the demand – the numbers of Inuit teachers needed to reach the 85% Inuit proportion of the teaching workforce as mandated by Article 23. According to the Department’s current Language of Instruction (LOI) figures²², the total number of Inuktitut-bilingual teachers required is 431. Subtracting the number of Inuktitut-bilingual teachers actually working in classrooms—125, all Inuit—the result is 306. The Nunavut system, then, has a shortfall of 306 Inuktitut-speaking Inuit teachers.

Currently, the only supplier of Inuit teachers is the Nunavut Teacher Education Program. NTEP graduates an average of 12 teachers per year; when calculated with a retention rate of 75%²³, that equals 9 Inuit teachers per year that the Dept of Education retains into employment long term. The majority of these teachers are Inuktitut-bilingual; which is a testament to their individual and family effort, since “Nunavut students could not hope to maintain mature, academic Inuit language proficiency when bilingual education end[s] in grade six.”²⁴

Therefore, at this rate, and if NTEP were to offer intensive Inuktitut upgrading, it would take 34 years ($9 \times 34 = 306$) for the program to produce the 306 additional Inuit teachers necessary to deliver Inuktitut schooling K-12. By the year 2051.

However, with the bulk of the current 125 Inuktitut-speaking teachers reaching retirement age before 2051, the actual date of reaching this target is more likely to be 2071 than 2051. Clearly, a “business as usual” approach will not work. Government must swiftly and properly fund and implement a robust IEP for educators. The Department could draw inspiration from the *Qalattuq Strategy*, recalibrated to respond to today’s needs. Qalattuq aimed to add 304 educators over 4 years, therefore there is already a prototype for adding 300 Inuit educators over a short time frame. As for money to fund such efforts, the 2015 *Settlement Agreement*²⁵ between government and Inuit created a \$50 million fund available for this purpose right now. There is a good argument to be made for the majority of the \$50

²² Nunavut Department of Education, Language of Instruction Presentation. July 2016

²³ Ibid.

²⁴ M. Lynn Aylward, “The Role of Inuit Languages in Nunavut Schooling: Nunavut Teachers Talk about Bilingual Education” *Canadian Journal of Education* 33, 2 (2010): pg. 315. I have been informed that NTEP has had to relax its Inuktitut requirement in order to recruit Inuit, as incoming Inuit teacher trainees coming out of Nunavut high schools have lower quality of Inuktitut than previous generations. If this is true, it should be studied, as it is evidence of recursion, the deteriorating cycle of language loss that I mention on pg 2.

²⁵ *Moving Forward in Nunavut: an Agreement Relating to Settlement of Litigation* (May 4, 2015); Nunavut Tunngavik Inc., Government of Canada, Government of Nunavut.
<http://www.tunngavik.com/files/2015/05/FINAL-SETTLEMENT-AGREEMENT-PROOF.pdf>

million to be assigned to Inuit educator IEP and training as the multiplier effect would be felt throughout the public service.

Since the current NTEP supply is far below that required, there must be urgent attention given to different forms of supply. Without rapid increase in funding and training for Inuktitut educators in *all* the various credential streams²⁶, including NTEP, Inuit will never achieve their right to education in their Indigenous language. Without adequate use at school, and without the school interacting with home and community and government (the principal employer) in the Inuit official language, Inuktitut will decline, and be lost. Nunavut schools are contributing substantially to a vicious and accelerating circle of language loss. The schools are essentially acting as engines of assimilation into English.

The Context of Inuktitut Language Maintenance or loss

But even robust Article 23 ‘urgent action’ to increase numbers of Inuit educators, as I have proposed above, will not on their own be enough to counteract the fast-moving forces of linguistic assimilation faced by Inuktitut speakers in the territory.

The most recent statistical analysis done by the Nunavut Languages Commissioner’s office was summarized by former Commissioner Sandra Inuitiq in 2016:

“The statistics clearly show language use and transmission is on a continuing decline. Most troubling is language use in the home dropped by 12% between 1996 and 2006. Our efforts since the creation of the territory have not reversed the huge force of past assimilation policies that continue to have hold. Nunavut needs to make a much more aggressive effort to reverse language loss.”²⁷

Indeed, in 2011²⁸, nearly 9,000 Inuit (about 33% of Nunavut Inuit) reported English as their mother tongue and 14,000 (about 50% of Nunavut Inuit) said that English was the language most often spoken in the home. This data shows that Inuktitut language maintenance is increasingly vulnerable to the pressures from English in homes in the very territory where it is (still) the majority language.

This decline of Inuktitut language use in homes, coupled with the present policy of diminishing the presence of Inuktitut in the schools – makes it all the more urgent that citizens and policy-makers heed the Language Commissioner’s call for a much more aggressive effort to expand the use of Inuktitut in all public services in Nunavut.

The Education System

²⁶ Regulations in the 2008 Education Act provide for a variety of credential streams of shorter duration to bring educator trainees into the schools, where they can be mentored and eventually advanced (“laddered”) into degree-equivalent responsibilities.

²⁷ Sandra Inuitiq, Nunavut Languages Commissioner, *Address to the United Nations International Expert Group*. New York, January 2016.

²⁸ 2011 Census of Population “Mother Tongue and Language Spoken Most Often at Home” (Released by Statistics Canada - October 24, 2012).

The realization of the dream of Nunavut allowed many Inuit to hope that the future of Inuktitut would be secure, and that by using the new instrument of ‘a public government education system’, the language would be transmitted to younger generations. The *Aajiiqatigiigni* study (2000) found that there was a desire for a strong bilingual education system in the new territory, with Inuit Language spreading beyond Grade 4. Parents were aware of the importance of English, but they wanted additive, not subtractive, bilingualism in Nunavut schools. Parents wanted Inuktitut to be the language of instruction from kindergarten to grade 12, with opportunities along the way to acquire English as a second language – but not at the cost of failing to fully develop their mother tongue. Parents imagined a future in which Nunavut’s high school graduation rates would be comparable to those in the rest of Canada, but with the added ‘bilingual and bicultural advantage’ of these graduates being fluent in both languages in their spoken and written forms, and with both conversational and culturally-grounded academic competency in each.

However, in practice, the Inuit language has been restricted to the lower grades from 1 to 3, after which English is the sole medium of education. Difficult as it may be for outside observers to believe, there has been no increase in presence of Inuktitut in the schools since before Nunavut was created. Even if there were 100% fluent Inuktitut teachers, there is no set of resources and curricula across all subjects and grades in Inuktitut, and no plan to produce one. Inuktitut is taught only as a subject (not as a language of instruction), sporadically, in some higher level courses with Inuit cultural content. For the most part, without any form of supportive transition from Inuktitut in Grade 3 to English in Grade 4, the experience for Inuit students is described by the current Assistant Deputy Minister of Education as “jarring.” This ‘weak form’ of ‘early-exit’ bilingualism contributes to widespread language loss, and to massive school drop-out. 70% of students do not graduate from high school—the worst rate in North America.

New research by UNESCO’s Global Education Monitoring project reports a strong correlation between non-mother-tongue schooling and lack of reading proficiency. In countries where children are forced to go to schools that do not operate in their mother tongue, almost 90% fail to pass reading proficiency tests.²⁹ There are obvious parallels for Nunavut: the only jurisdiction in North America where the majority of children are forced to go to school in a language that is not their mother tongue.

Younger Inuit are being denied their birthright: an education in their mother tongue, which is the best foundation for them to acquire advanced levels of English, as a second language.

This is both a personal and a collective tragedy. As Mr Justice Thomas Berger said in his 2006 *Conciliators’ Report*³⁰, having Inuktitut as a language of instruction throughout the education system is essential for future generations of Inuit to develop the advanced

²⁹ <https://gemreportunesco.wordpress.com/2017/02/20/multilingual-teaching-does-more-than-just-improve-learning/>

³⁰ Thomas R. Berger. *Conciliator’s Final Report: “The Nunavut. Project”*. (April 6, 2006). The author of this paper served as an advisor on bilingual education for the Berger report.

knowledge of the language necessary to successfully occupy the positions in Nunavut's public service which were promised by Canada in the Nunavut Agreement, and to build a confident new generation of bilingual Nunavut Inuit high school graduates ready to meet the educational and economic challenges of the Canadian Arctic in the 21st century.

Unfortunately, despite passing three important pieces of Inuit language legislation in 2008 (an Official Languages Act, the Inuit Language Protection Act, and the Education Act), the territorial government has made no efforts to develop adequate curriculum across all subjects and grades, nor train Inuit teachers in sufficient numbers, to comply with the legislation. Language investments from Ottawa for Inuit Language education are a mere 10% of the per capita federal government supports for French language schooling in Nunavut³¹: an extreme asymmetry potentially contributing to feelings of discrimination³².

Nunavut is the only jurisdiction in Canada with two official language minorities. Both the Anglophone and Francophone minorities are presumably equally eligible for special funding for school services under Canada's official language minority support program. The Franco-Nunavummiut have done so, but the Nunavut Anglophone population has not exercised this right. The result is that Nunavut's Department of Education has ostensibly decided to fund English-language education for the 'undeclared' Anglophone minority out of a budget that ought to be earmarked for the Inuktitut majority. If the Anglophone minority were defined as an official language minority, and received appropriate dedicated funding, it would permit the repurposing of the majority of Nunavut's education funding to be dedicated to Inuktitut-medium schooling, where it is desperately needed.

However, with all Nunavut schools operating in English after Grade 3 or 4, and with a teaching force composed almost exclusively of English-speaking teachers from southern Canada, there is little incentive for Nunavut Anglophones to self-identify as a minority, since English-speaking students are well-served throughout the territory. English has become the default 'majority' language in all 42 schools in the territory, despite serving fewer than 400 'minority' Anglophone students. It's the 9300 Inuit students who are struggling to find their place and speak their language in what has become a southern-oriented Anglo-dominant Nunavut school system.

With the government's removal of Inuit-run Regional School Boards and the increased marginalization of Inuit Language in schools, the Nunavut public government has allowed previously strong home-school-community relationships to weaken. It is regrettable, but perfectly understandable, that some Inuit parents, seeing the schools limiting Inuktitut to instruction at or close to the level of 'baby talk', to get the message coming from the school that their language has limited value, and increasingly decide to convert their homes into English-speaking homes, so as to conform to the school's Anglo-dominant language model.

³¹ *Language Rights in Canada's North: Nunavut's New Official Languages Act*, Final Report. Standing Senate Committee on Legal and Constitutional Affairs. June 2009. Pg 20.

³² Former Language Commissioner Sandra Inutiq noted this possibility in her January 2016 speech to the United Nations Experts' Meeting.

Of course, in many Inuit homes, the language and culture gap between the home and the school, coupled with the inability of a southern-oriented school system to support young people's emergent Inuit identities, leads to massive rates of school abandonment. Indigenous communities which support language promotion and cultural continuity have lower rates of teen suicide.³³ —a point made by the Prime Minister in a June 2016 APTN interview.

The objective of the Inuit leadership has been consistent over the past four or more decades; they have called for Inuit to have similar rights as those enjoyed by English and French speakers to raise their children in their own language, to have schools offer a full instructional program in their own language, and to allow Inuit to work in and receive public services from a Nunavut government that operates in the majority public language.

"We assert the right to use Inuktitut in all facets of life in Nunavut. ... We insist too that our children have the constitutional right to be educated in Inuktitut."

-- TFN President Paul Quassa (Signing of the Nunavut Agreement-in-Principle with Canada, 1990)

Promoting the Intellectualization of Inuktitut for use "in all facets of life"

"A language is not just a body of vocabulary and a set of grammatical rules; it's a flash of the human spirit, the means by which the soul of a culture comes into the material world. Every language is an old-growth forest of the mind, a watershed of thought, an ecosystem of social and spiritual possibilities. To lose a language is like dropping a bomb on the Louvre." Ken Hale, eminent linguist.³⁴

The Nunavut project required that such a view of Inuit Language be translated into a territory-wide place-based education system which respected the prime importance of the land as a place for learning, even in sedentarized communities. Language extinction comes about not just due to the death of fluent mother tongue speakers, but also due to the decay of the quality of the language and the decay of the philosophical complexity encoded in the language's concepts, and the lack of opportunity to transmit this quality and complexity to the coming generations.

For Inuktitut to survive in the way intended by Inuit leaders, to be used "in all facets of life" in the new territory, there had to be a commitment to adapting the traditional language to a broad range of traditional and modern domains, including medicine, mental health and wellness, midwifery, technology, ecological economics, psychology, sociology, and of course high school and college level curricula. The collective right to one's language includes the

³³ Michael J. Chandler & Christopher Lalonde, "Cultural Continuity as a Hedge Against Suicide in Canada's First Nations." *Transcultural Psychiatry* (Vol 35, Issue 2, 1998).

³⁴ Obituary for Ken Hale: Davis, Wade "A Dead End for Humanity". *Globe and Mail/Opinion* Dec 28, 2000

collective right to one's ontology and epistemology. In Nunavut, this includes the right of young Inuit to knowledge that has come to be called Inuit Qaujimajatuqangit (IQ).

There must be a serious effort undertaken to harness the knowledge and wisdom about these domains from elders and fluent first language speakers, and serious efforts to reform delivery of related services and social functions to incorporate these mother tongue insights and philosophical contributions. Developing such new functional contexts for Inuktitut by drawing upon traditional knowledge and expressions, and ensuring their intergenerational transmission is what will guarantee the relevance and flourishing of the language – “in all facets of life.”

IQ-grounded academic language skills would allow the younger generation to fully participate in conversations with elders and other fluent speakers and thereby acquire the cultural and epistemological ways of thinking available through elder-mentored experience on the land (especially) and apply these ways of thinking in the classroom. This storehouse of conceptual resources is necessary to interpret IQ for the twenty-first century, to enrich modern Inuit identity through traditional conceptual frameworks, so as to be able to manage a modern territorial government, functioning primarily in Inuktitut as the working language of government.

However, 18 years after division, the higher intellectual domains of Inuit language still remain to be developed and deployed in the Nunavut school system, and time is running out. The lack of investment means these fields of Inuit knowledge are dying off with the passing of the last generation of elders capable of transmitting this knowledge. Mr Justice Thomas Berger arrived at this conclusion a decade earlier:

“The Inuit of Nunavut are faced with the erosion of Inuit language, knowledge, and culture. Unless serious measures are taken, there will over time be a gradual extinction of Inuktitut, or at best its retention as a curiosity, imperfectly preserved and irrelevant to the daily life of its speakers.” (The Nunavut Project: Conciliator’s Final Report, 2006.)

A positive development, with the 2008 Inuit Language Protection Act, was the setting up of the Inuit Uqausinginnik Taiguusiliuqit (Inuit Language Authority) to provide authoritative Inuit Language resources for all fields and branches of knowledge, and consequently Inuit Language educators could be supported by a body concerned with ‘intellectualization’.

However, the Authority isn't able to be responsible for intellectualization of Inuktitut on its own. There needs to be a strong research-and-development curriculum body inside the Department of Education, and at Nunavut Arctic College, to translate IQ into prototype instructional units in Inuktitut, which would allow for Inuktitut to be used as a language of instruction throughout the K-12 and college systems. Perhaps the research work could be modelled on the excellent Curriculum and School Services branch under the direction of Shirley Tagalik in Arviat, which flourished in the first decade of the new century. That IQ-practicing unit drew upon the wisdom of elders such as Mark Kalluak, and built upon the

groundbreaking work of the NWT-era Inuuqatigiit Curriculum Project³⁵ as the ethno-epistemological basis for the development of made-in-Nunavut learning materials suitable for grades 4-10. I have every certainty that the majority of Canadian universities would, if asked, accept a Secondary School Certificate of Graduation based on a made-in-Nunavut Secondary School Curriculum, taught through Inuktitut and English as languages of instruction as a pre-requisite to post-secondary studies.³⁶

In this way, 'the Inuktitut stream' would be no less rigorous, academic, and connected to modern fields of knowledge as 'the English stream'. In fact, in a strong 'additive' bilingual system such as the Qulliq model proposed under the 2008 Education Act, the two languages would strengthen each other. Such a commitment to promoting the intellectualization of Inuktitut for educational purposes would require a sustained commitment from the Department of Education to develop both curricular resources and Inuit teachers capable of teaching this curriculum, perhaps along the lines of the successful experience of the Inuit of Greenland or the Sami of Norway.

Recommendations

1. Canada should commit to adequately resourcing and staffing the territorial and federal public services in Nunavut to operate in the Inuit language. The federal bilingualism efforts of the 1970s, reinforced and applied to Indigenous languages by the Truth and Reconciliation Commission's Calls to Action, provide a template for this type of system-wide effort. The federal government should adjust its formula financing for Nunavut to include clear, predictable, adequate, multi-year funding to permit the territory to operate and deliver its public services in the official language of the public: Inuktitut. The implementing of Inuit language rights are an essential part of Aboriginal rights under Section 35 of the Constitution and are required under TRC Calls to Action 10, 13, 14, 15. As Canadian Senators concluded in 2009: "In our view, in exchange for this surrender of territory, the Government of Canada committed itself to supporting the Inuit's rights as an Aboriginal people, including their cultural and linguistic rights. This commitment must be expressed not only through "fine words," but also by providing adequate and sustained financial resources to the citizens of Nunavut and assisting in their efforts to enhance, promote and protect their linguistic heritage."³⁷

³⁵ *Inuuqatigiit: The Curriculum from the Inuit Perspective*. Northwest Territories. Department of Education, Culture and Employment. 1994

³⁶ In 2006, when I was working in the Curriculum and School Services Branch in Arviat under Shirley Tagalik, the office contacted the admissions officers of the seventeen Canadian universities which receive the majority of Nunavut students with this question related to the Curricular material being developed at the time; and we received a 100% rate of agreement. A bilingual made-in-Nunavut IQ-based curriculum was acceptable to all the admissions officers we contacted at that time; and today, in the wake of the Truth and Reconciliation Report, I have no doubt that the response would be equally positive.

³⁷ *Language Rights in Canada's North: Nunavut's New Official Languages Act*, Final Report. Standing Senate Committee on Legal and Constitutional Affairs. June 2009. Pg 20.

2. Canada should update the *Cost of Implementing Inuktitut* report and use a modernized planning schedule and cost estimates to deliver adequate equalization payments to allow the public services of the Nunavut government to function in the language of the public: Inuktitut.
3. Canada should recognize the unique 'dual-minority' status of both official minority language groups in Nunavut, and reform its Charter supports accordingly. Canada should identify and separate funding for schooling for the Anglophone minority population in Nunavut, as it does for the Francophone. This would allow for the bulk of the territory's education funding to be devoted to Inuit language schooling.
4. Canada should contribute to the financing required to support Inuktitut as an official language of the territory to a comparable extent with that which it supports the other official languages of Canada. To do so would be in keeping with the *Calls to Action of the Truth and Reconciliation Commission's Final Report*, which reminds us that Canada spends only \$14 million annually for the preservation and revitalization of (all 90) Aboriginal languages, while the Official Languages Program for English and French cost in the order of \$350 million for the promotion of linguistic duality and the development of official language minority communities across Canada.
5. At the Nunavut territorial level, the three acts of 2008 (the Nunavut Official Languages Act, the Inuit Language Protection Act, and the Education Act) express the need for Inuit language protection activities to be sufficiently funded so that they can be carried out in the way they were intended. If they were properly funded and implemented, they would be the best existing legislation on Indigenous languages anywhere in North America, and arguably in the Western Hemisphere. But the gap between legislative intentions and on-the-ground reality in Nunavut communities is enormous. They can, however, be used as a guide to what is needed.
6. As the largest employer in Nunavut, the territorial government must urgently draft and implement comprehensive Inuit Employment Plans, as detailed in Article 23 of the NLCA, with timelines and targets, and adequate funding levels to achieve their objectives. Specifically, the Department of Education should properly fund and implement a robust IEP for educators. The Department could draw inspiration from the prototype 2006 *Qalattuq Strategy*, which aimed to add 304 educators over 4

years. The difference between 2006 and 2017 is that there is funding available for this purpose right now, namely from the 2015 *Settlement Agreement*.³⁸

7. The Nunavut Department of Education and Nunavut Arctic College, should establish a strong research-and-development curriculum body responsible for intellectualization of Inuktitut, converting IQ into prototype instructional units, and developing teaching resources and curricula in Inuktitut, which would allow for Inuktitut to be used as a language of instruction throughout the K-12 and college systems, and allow the development of intellectually challenging books, resources and curricula for all subject areas and for all school grades.

Conclusion

In the words of former Nunavut Languages Commissioner Sandra Inuitiq, “Nunavut needs to make a much more aggressive effort to reverse language loss.”³⁹ The realization of the dream of Nunavut allowed many Inuit to hope that the future of Inuktitut would be secure. That hope is receding. Inuktitut is in serious decline. Without intensive efforts by the territorial and federal governments, Inuktitut will be ‘definitely endangered’ by 2051.

It is incumbent on Canada to ensure that the Nunavut territory can offer the same level of public services as do other provinces and territories. This requires that Canada enable the Nunavut territory to deliver public services in the language of the public. In Nunavut, the language of the public is Inuktitut.

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[Professor Martin](#) was author of the 2000 *Aajiqatigiingniq* report on language of instruction in Nunavut schools, a study that contributed to the Nunavut Education Department's first bilingual education strategy 2004-2008. In 2006, he served as a consultant on bilingual education on the Conciliator’s Report on the Nunavut Project, written by Mr. Justice Thomas Berger. In addition to his research, Professor Martin has worked extensively with educators and teachers to train local Inuit researchers on early

³⁸ *Moving Forward in Nunavut: an Agreement Relating to Settlement of Litigation* (May 4, 2015); Nunavut Tunngavik Inc., Government of Canada, Government of Nunavut.

<http://www.tunngavik.com/files/2015/05/FINAL-SETTLEMENT-AGREEMENT-PROOF.pdf>

³⁹ Sandra Inuitiq, Nunavut Languages Commissioner, *Address to the United Nations International Expert Group*. New York, January 2016.

childhood language assessment and curriculum. In 2011-12, he was contracted by the Kitikmeot Inuit Association as an applied linguist to work with a team of researchers to develop a KIA Language Revitalization Strategy. In addition to specializing Inuit education and languages, Professor Martin also teaches "Indigenous language policy in the Americas" at York University's Master's program in Public and International Affairs. He is co-author of the Glendon Truth and Reconciliation Declaration on Indigenous Language Policy, a policy paper promoting implementation of the TRC's Calls to Action on language legislation for Canada's Indigenous languages.