



April 20, 2017

By email, fax and mail

The Hon. Peter Taptuna
Premier of Nunavut
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Mr. Tom Sammurtok, MLA
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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 The Bill should be withdrawn and fundamentally rewritten.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 Qaujimagatuqangit

The Inuit Organizations propose that DOE work with the DEAs and NTI to make Inuit Qaujimagatuqangit 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 Inuktitut proficiency prior to teacher training;
- Inuktitut proficiency assessment for students, teaching of proper morphology and phonetic use of Inuktitut in curriculum;
- Increased Inuktitut 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.

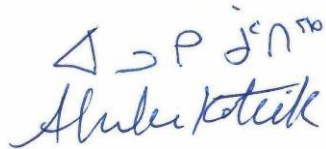
In closing, we believe Bill 37 will not increase Inuktitut LOI in our school system, nor produce Inuktitut LOI curriculum, learning resources, materials or increased budgeting for Inuktitut. We do not believe Bill 37 will improve student achievement with increased graduation rates or attendance rates, 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,

Handwritten signature of Aluki Kotierk in blue ink. The signature is written in a cursive style and includes the name in Inuktitut syllabics above the English name.

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