



# **18<sup>th</sup> Legislative Assembly of the Northwest Territories**

## **Standing Committee on Social Development**

Report on the Review of Bill 16:  
*An Act to Amend the Education Act*

Chair: Mr. Shane Thompson

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May 30, 2017

SPEAKER OF THE LEGISLATIVE ASSEMBLY

Mr. Speaker:

Your Standing Committee on Social Development is pleased to provide its Report on the Review of Bill 16: *An Act to Amend the Education Act*, and commends it to the House.



Shane Thompson  
Chair

**STANDING COMMITTEE ON  
SOCIAL DEVELOPMENT**

**REPORT ON THE REVIEW OF BILL 16:  
*AN ACT TO AMEND THE EDUCATION ACT***

**TABLE OF CONTENTS**

INTRODUCTION.....	1
PUBLIC ENGAGEMENT.....	2
THE STATUS QUO IS NOT AN OPTION.....	2
ISSUES.....	3
The Role of Standing Committees.....	3
School Funding Formulas.....	3
Monitoring, Evaluation and Accountability.....	4
Communications.....	4
Accommodation of Existing Programs.....	5
Cost and Availability of Childcare.....	6
Impacts on Teachers.....	6
Impacts on Students.....	7
Comparisons with Alberta.....	7
RECOMMENDED ACTIONS.....	8
Recommendation 1.....	8
CONCLUSION.....	8

**STANDING COMMITTEE ON  
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**REPORT ON THE REVIEW OF BILL 16:  
*AN ACT TO AMEND THE EDUCATION ACT***

**INTRODUCTION**

Bill 16, *An Act to Amend the Education Act*, proposes to enshrine the Junior Kindergarten Program (JK) in the territorial “education program” and to regulate entitlement of access for JK students, who could be as young as three years and eight months. The bill also proposes to reduce the mandatory minimum for school instructional hours.

The Standing Committee on Social Development has heard from parents and guardians, educators, school boards and education authorities, and community-based childcare and early childhood education providers on these matters. We regularly heard strong support for northern students and teachers, as well as frustration with the Government’s delivery of programs and services.

The bill’s progress has been unorthodox. JK remains controversial, with some stakeholders still opposed to implementation and others troubled by potential impacts on existing providers. Respecting instructional hours, Northerners have struggled to access clear, accurate information. Indeed, the Government of the Northwest Territories entered into a memorandum of understanding (MOU) attached to a collective agreement with the Northwest Territories Teachers’ Association (NWTTA) – without advising Regular Members of this MOU’s implications.

The Department then directed education authorities to comply with the Strengthening Teacher Instructional Practices pilot project (STIP), a project requiring amendments to the *Education Act* that had not yet received the required standing committee review, the recommendation of the Legislative Assembly, or the assent of the Commissioner.

Standing committees provide oversight to Government activity. They do not rubber-stamp initiatives. Witnesses echoed this, expressing frustration that the Government appeared to presume upon the Committee’s authority and to force a choice between teachers and students. Nevertheless, the Committee believes it is possible, through exercise of its legitimate authority, to act in support of teachers as well as students and their families. We have striven to hear and explore each of the many, sometimes conflicting, perspectives brought forward. This report is the outcome of that work.

## **PUBLIC ENGAGEMENT**

The Committee held public meetings in Yellowknife, Inuvik, and Hay River, advertising these through newspaper, radio, and social media, and held its public clause-by-clause review in Yellowknife on May 25, 2017. Both Yellowknife meetings were also streamed live through the Legislative Assembly's Facebook page, receiving more than 1,000 views together. We also received 27 written submissions and completed a media scan, and have published related correspondence with the Minister of Education, Culture and Employment. These are available on the Committee's webpage at <http://www.assembly.gov.nt.ca/documents-proceedings/news-releases>.

Outside our review of Bill 16, we previously received public witness presentations and written submissions on JK, and also held a public meeting, in December 2016.

The Minister of Education, Culture and Employment has made a number of commitments in response to collaboration between the Committee and himself. We thank him for this and for his department's continuing work.

## **THE STATUS QUO IS NOT AN OPTION**

We are all stakeholders in education. Between 28,500 and 36,700 jobs will open over the next 15 years, with 78 per cent of those requiring post-secondary education and/or significant work experience. Yet we are currently ill-equipped to meet this demand. Although overall graduation rates have risen, low rates in small communities continue to decline, while school attendance, achievement, competitiveness, and resourcing weigh heavily on Northerners' minds. Mr. Mike Harlow, president of the Children First Society board in Inuvik, said, "The last thing this region needs is reduced spending on education. The reality is that we need jobs. We don't have jobs, so the best investment in this region is in education." Ms. Elizabeth-Ann McKay, chair of the Fort Resolution District Education Authority and who travelled from Fort Resolution to Hay River to address the Committee, said,

"When new things are proposed, it never comes with a price tag. We're struggling. There's no new money. We're getting more reductions from the GNWT... Education, being the key priority, needs to be really looked at and funded accordingly."

Mr. Adrien Amirault, executive director of the NWTTA, spoke in favour of the bill and advised the Committee that "the status quo is not an option." Other witnesses, although speaking against the bill, also argued that current practices do not suffice. Our role as legislators is to consider views brought forward by those "on the ground" in tandem with proven best practices to assess whether Bill 16 will ultimately bring the territory closer to the change we need.

## **ISSUES**

### **The Role of Standing Committees**

With rare exception, bills creating or amending legislation cannot become law without referral to the appropriate standing committee for review. Several witnesses echoed the Committee's own feeling that with Bill 16, the Department has presumed upon the Committee. The bill's unorthodox progress has also made it difficult for interested parties to participate in consensus government. Witnesses in Yellowknife and Hay River questioned the purpose of the Committee's review if, as the Department has previously indicated, the proposed changes will proceed regardless. Either the Department found tolerable the risk of being able to deliver only a fraction of the "up to 100 hours" committed to during negotiations with the NWTTA, or it presumed the Committee would accommodate the legislative changes required to fulfill the Government's bargaining promises. Neither is acceptable to the Committee.

### **School Funding Formulas**

We repeatedly heard that new programs like JK cannot be implemented without adequate funding. Although the GNWT has committed to "fully fund" the cost of JK implementation in the 13 communities that do not currently offer the program, the Department acknowledges that its funding formulas are tools to determine funding allocations, not tools to determine the adequacy of those allocations. JK funding falls short.

To implement JK, schools are expected to stretch Inclusive Schooling and Aboriginal Language and Culture-based Education funding for thirteen grades (K to 12) across fourteen grades (JK to 12). Indeed, although the Department funds Inclusive Schooling above the legislated minimum, territorial board chairs have already flagged this funding as insufficient and in continued decline. They have collectively called on the Department to restore it to 2012 levels. Although the Department previously suggested JK students following a play-based curriculum may require less support, ECE's data on resident children's school readiness contradicts this claim. Significant transportation costs are also anticipated. Mr. David Wasyliw, president of the Northwest Territories Montessori Society, also expressed concern that the Department's intention to fund JK at a pupil-to-teacher ratio (PTR) of 12:1 is not enshrined in legislation, and so lacks staying power.

Because an amendment related to PTR would fall outside the scope of the bill and so be ruled out of order, the Committee sought the Minister's commitment that JK be funded at a ratio of 12:1 or better for at least the life of the 18<sup>th</sup> Assembly. The Minister has made this commitment and pledged to share current school funding formulas with the Committee. For this we thank him.

The Committee also sought the Minister's commitment to assess JK-specific Inclusive Schooling, Aboriginal Language and Culture-based Education, and transportation costs and to bring forward a supplementary appropriation bill in the next sitting to ensure adequate funding for these services in the 2017-2018 school year. Revision of current funding formulas would be required for surety beyond 2017-2018. In partial response, the Minister has committed to seek increases to Inclusive Schooling Funding should current funding prove insufficient and that the Department will cover transportation costs when those costs are determined. We thank him for these commitments and will continue to press for truly full funding in the outstanding items.

### **Monitoring, Evaluation, and Accountability**

The Committee assessed departmental documents, independent research, and public submissions, and is persuaded that the quality of instruction is generally more important than the number of instructional hours delivered – “quality over quantity.” The Committee is also persuaded that to achieve quality instruction, schools must be adequately resourced and teachers assured of time to perform non-instructional duties such as class preparation, marking, report cards, the implementation of student support plans, and assessment without the stressful expectation of unpaid overtime.

Nevertheless, it is apparent that the three-year STIP pilot project did not originate in the Education Renewal Initiative, which makes only general reference to teacher wellness. Instead, it came from collective bargaining and reflected the Government's fiscal targets. We feel strongly that this should not detract from the concerns of educators seeking a healthier and more effective workplace, but also that a project so lacking clarity of purpose is at risk of failing to serve either teachers or students.

To address this, the Committee sought the Minister's commitment to provide a detailed monitoring, evaluation, and accountability plan for STIP, addressing both student achievement and teacher wellness, by the end of the 2016-17 school year. The Minister has made this commitment, and for this we thank him.

During the clause-by-clause review, an individual Member also proposed consideration of an amendment in keeping with STIP's pilot status and helping to address parents' concerns. The proposed amendment would require, at the end of STIP's three-year term, a formal review by a committee of the Legislative Assembly, which would then make recommendations to the Department.

### **Communications**

Departmental communications on the bill have been inadequate. Although an agreement-in-principle was first reached with the NWTTA in mid-2016, the Committee and the general public learned of STIP in early 2017, when the project was launched. JK implementation policy changed from day to day during the last sitting of the Legislative Assembly. With instructional hours, students and parents were left in doubt

of territorial diplomas until rigorous questioning on the floor of the House secured departmental commitment that our equivalency with Alberta would be protected. It is not surprising that confusion and apprehension has flourished in this environment. Ms. Denise Hurley of Yellowknife told the Committee that she was,

“frustrated and frankly enraged at the level of misunderstanding surrounding Bill 16...The practicality and reasonableness of the implementation of Bill 16 has been lost in the communication debacle surrounding the legislation.”

The Committee itself has dedicated significant time and effort to interpreting and clarifying the bill and its potential impacts for our constituents.

Although we heard relatively few submissions on JK during our review, we do not consider this evidence of a lack of interest. Several witnesses reported that they had previously raised various concerns, but still felt that the Government had not heard them. Ms. Lesa Semmler of Inuvik said, “I’ve spoken vocally and locally on the JK; there’s not much more I can add to that.”

Mx. Jacq Brasseur of Yellowknife also highlighted a shortcoming in both the Department’s engagement and our own: a lack of direct engagement with students themselves. While the opportunity to present or to provide a written submission to standing committees is open to every Northerner regardless of age, and this opportunity was advertised in various mediums, we recognize that northern youth represent an often untapped resource demanding particular attention.

The Committee sought the Minister’s commitment to regularly and publicly report on the outcomes of both JK and STIP, including reporting on identified performance measures. The Minister has made this commitment, and for that we thank him. We look forward to the tabling of these reports in the Legislative Assembly.

### **Accommodation of Existing Programs**

We heard concern from childcare and early childhood education providers that JK implementation would negatively impact their operations. In Yellowknife and in the regional centres, daycares and non-profit organizations such as the Yellowknife Playschool Society, the Northwest Territories Montessori Society, and the Children First Society were apprehensive of having to fundamentally alter their enrolment models, of lacking sufficient enrolment to continue operations, and/or of receiving critical Government direction with little to no advance notice. The Committee is also aware of apprehension among community-based providers of after-school care, who may not be prepared to accommodate JK-aged children.

There is also the matter of the Aboriginal Head Start (AHS) program. The 2016 final technical report on JK recommended that,

“A holistic strategy for early childhood learning and development (which includes JK, where appropriate) needs to be developed, in consultation with the community, to address diverse community needs and contexts (one size does not fit all).”

The Department proposes to address this by proceeding with universal JK and encouraging combined half-day programs – that is, half-day AHS and half-day JK, both optional for parents. Yet while some AHS programs are comfortable operating in tandem with JK, others are uneasy. We heard concerns that in communities with only a handful of three- and four-year-old children, competition between programs is inevitable, with worry that AHS will emerge on the losing side. AHS is also uncomfortable with the idea of altering their enrolment model to accept younger children. For combined half-day programs to succeed, close and sincere Government collaboration with AHS is required, including continued Government support as well as advocacy to federal funding partners. Particularly given that that departmental funding of Aboriginal language and cultural instruction does not currently include JK students, we feel that AHS provides critical and commendable services to children, as its mission statement describes, “[living] proudly as Aboriginal people in the lands of their ancestors.”

### **Cost and Availability of Childcare**

We heard that Bill 16 would negatively impact families by creating irregular childcare demands, e.g. professional development days throughout the year and after-school care for JK students. Although the Government proposes that JK will fulfill its mandate commitment to explore options for free play-based care for four-year-olds, and that parents of JK students will be able to enter or re-enter the workforce sooner, costs, availability, and potential lost-work time remain stressors for families. Further, JK is not childcare. Childcare is outside the “education program” defined in the Act, and so outside the scope of the bill, and though pre- and after-school care challenges many northern families, these fall to the Government to address through its other mandate commitments, not to territorial schools.

### **Impacts on Teachers**

We heard that Bill 16 would positively impact teachers. The NWTTA, as well as individual teachers, described significant challenges posed by excessive workload, limited resources, and the need for time within regular working hours to complete non-instructional duties, collaborate with other educators, and participate in professional development, all with the goal of enhancing their capacity to meet the challenges of 21<sup>st</sup>-century classrooms.

Although many other witnesses felt Bill 16 was flawed, those same witnesses repeatedly emphasized their belief that territorial teachers play a vital role and must be supported. Where these witnesses presented alternatives, they largely suggested that

the Government must be held to its bargaining commitments, but that this should be done by hiring more teachers, not by reducing instructional hours. This appears consistent with Alberta's practices. In 2013, then Premier Alison Redford capped teacher instructional time at 907 hours, stating in published correspondence that "Government is not willing to consider reducing the hours students spend learning to get a labour agreement."

### **Impacts on Students**

We also heard that Bill 16 would negatively impact students – particularly that the proposed reduction in instructional hours would limit students' ability to complete Alberta's curriculum and reduce their post-secondary competitiveness. Given the territory's low attendance and graduation rates, some witnesses were also skeptical that reduced hours would serve students. On February 17, 2017, the Department assured the House that no action on its part "would jeopardize the validity of a high school diploma." The Committee takes the Department at its word.

### **Comparisons with Alberta**

Although the Northwest Territories and Alberta share a common curriculum, we know that a broad range of factors affect student participation and achievement. With more than 15 times as many students in the Alberta education system as there are people in the Northwest Territories, the scale of territorial operations alone is very different.

Currently, in the Northwest Territories, students in grades one to six must receive at least 997 hours of instruction. Students in grades seven to 12 must receive at least 1,045. Further, territorial schools vary in instructional hours actually delivered. Several witnesses described the importance of tailoring school calendars and practices to the unique needs of their communities. As with junior kindergarten, it is apparent that one size does not fit all.

In Alberta, students in grades one to nine must receive at least 950 hours of instruction. Students in grades 10 to 12 must receive at least 1,000 hours. However, the province's 'Moving Forward With High School Redesign' project has allowed roughly two-thirds of Alberta high schools to spend more or less time on course material or instruction as needed. Like our own schools, Alberta schools vary in hours actually delivered, and Alberta Education has not documented exact instructional hours in each one participating in the redesign. However, the province is tracking a suite of performance measures. These measures include high-school completion, drop-out rates, diploma exam participation and performance, student/teacher/parent satisfaction, course completion, and intellectual engagement.

During the clause-by-clause review, an individual Member also proposed consideration of a potential compromise: to proceed with a 100-hour reduction to the statutory

minimum for grades one to nine, but to set the minimum for grades 10 to 12 at 1,000 hours. This would match what is mandated in Alberta.

## **RECOMMENDED ACTIONS**

1. That the Department of Education, Culture and Employment review and adjust its school funding formulae to ensure that additional funding accounts for new JK students in Inclusive Schooling, Aboriginal Language and Culture-based Education, and transportation funding from the 2017-2018 school year on;
2. That the Department of Education, Culture and Employment report annually on the implementation of the Strengthening Teacher Instructional Practices pilot project and the Junior Kindergarten Program, including an account of collaboration and engagement with existing childcare and early childhood development service providers, and that these reports be tabled in the Legislative Assembly; and
3. That the Department of Education, Culture and Employment, in its on-going work toward an action plan for universal daycare by March 2018, account for community-by-community needs for after-school care, including care needed on an irregular basis, e.g. on professional development days.

### **Recommendation 1**

**The Standing Committee on Social Development recommends that the Government provide a comprehensive response to this report and its recommended actions within 120 days.**

## **CONCLUSION**

The Committee has learned that when similar changes to instructional hours were initiated in Alberta, they elicited many of the same questions we have heard from witnesses and from our constituents. How will students access the hours they are entitled to? How will students be empowered to succeed? How will boards distribute existing resources and/or obtain new resources to meet both the government's labour commitments and statutory requirements? Similarly, the Committee observes that various jurisdictions in Canada and in the United States are grappling with the challenge of implementing effective, meaningful, and accommodating educational programming for three- and four-year-olds. Here at home the issue has been fraught. Certainly there is much at stake. As the Member for Tu Nedhé-Wiilideh said during the Committee's

clause-by-clause review of Bill 16, “no matter what the outcome, we recognize that there are two sides to this issue and both sides want the best for the children.”

This concludes the Committee’s report on Bill 16, *An Act to Amend the Education Act*. All committee reports are available online at the Legislative Assembly website: [www.assembly.gov.nt.ca](http://www.assembly.gov.nt.ca).