

LEGISLATIVE ASSEMBLY OF THE
NORTHWEST TERRITORIES
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NORTHWEST TERRITORIES

SESSIONAL PAPER NO. 17
(Second Session, 1965)

RESPONSIBILITY FOR EDUCATION
IN THE NORTHWEST TERRITORIES

DISPOSITION

JUN 24 1965

Accepted as read..... /

Amended.....See Text.

Rejected.....See Text.

Deferred.....See Text.

Not Considered.

Responsibility for Education
In the Northwest Territories

Introduction

At the February 1965 Session, Council requested that a paper be prepared to explain the administration and financing of education in the Northwest Territories and in particular the responsibility of the Council in this area. Council's motion also requested that the paper contain the latest possible attendance figures in the schools as distinct from registration or enrolment. This paper deals with these matters.

Background

1. Schools and Pupils:

Prior to the end of the last war, the only schools in the Northwest Territories were operated by the Roman Catholic and Anglican Churches in the Mackenzie Valley. These mission schools were financed by the Churches themselves with assistance from the Federal Government. Even at this early date, the combination school and pupil residence arrangement was used to serve the scattered native population.

Local initiative in school matters occurred with the formation of the first school district in Yellowknife just prior to World War II.

After the war both the Federal and Territorial Government took a new and much more active interest in providing education services. The first government school was built at Tuktoyaktuk in 1947. By 1955, it was evident that the Churches could not carry on without substantial financial assistance and at this time the Federal Government decided to enter a long term program of providing school facilities. In that year the Federal Government embarked upon a substantial program that included:

(1) the building of schools and pupil residences at Inuvik, Fort Smith, Fort Simpson, Fort McPherson and Frobisher Bay.

(2) in co-operation with the Commissioner the transfer of the function of educating Indian pupils from the Department of Citizenship and Immigration to the Department of Northern Affairs and National Resources. This transfer made possible an ethnically integrated educational system. The provision of the transfer is covered in an agreement between the Commissioner on behalf of the Territorial Government and the Minister of Citizenship and Immigration on behalf of the Government of Canada. The agreement stipulates that the education of Indian children is to be carried on in accordance with the provisions of the Indian Act (including religious provisions) but that no cost of such service is to be borne by the Government of the Territories.

(3) the operation of certain pupil residences under contract, some with the Roman Catholic Church and others with the Anglican Church.

The agreement also states that the practice current in 1955 whereby the Department of Northern Affairs and National Resources provides buildings, equipment, supplies and staff for the administration of education in the Territories should continue.

At present elementary schools are provided in practically all the small settlements and secondary school facilities are available in the larger centres.

Approximately 85% of the Eskimo children, 75% of the Indian children, and almost 100% of the white children of compulsory school age are now attending school. The number of schools in operation within the Territories in March 31, 1965, including Churchill but excluding northern Quebec, was 54. These schools are staffed by 333 teachers and serve 6,067 children. The latest attendance records show that during the period July 1 to December 31, 1964, the percentage attendance was 90.9%.

2. Pupil Residences

To accommodate those pupils who live so far from school that they cannot remain at home and attend, pupil residences have been established. Some of these residences are large, accommodating up to 250 pupils and some are

small accommodating eight to twelve pupils. Some of the large residences are operated by the Anglican or the Roman Catholic church under contract between the Church and the Department. The large residences at Churchill and Yellowknife are operated by the Department. The small residences in the smaller communities are operated by the Department. (For costs see table (1) attached).

3. Higher Education and Other Programs:

Financial assistance for post-secondary education is provided through the territorial program of Financial Assistance for Higher Education and through the federal program of Canada Student Loans.

Some work has been done in the field of adult education. When more staff is made available much more can be accomplished in this important field. In many communities teachers devote much of their out-of-hour time assisting the adults who are interested in learning.

There have been some kindergartens established on a voluntary basis by interested parents but accommodation and staff have not yet been made available for general application of a kindergarten offering within the school system. It has been the policy until quite recently, to provide school accommodation first for all school-age children. Plans are now being considered to offer kindergarten education.

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Administration

The Education Division of the Northern Administration Branch administers and supervises the education system in the Northwest Territories and functions in the northern education system in much the same way as a department of education operates within a province. The Education Division offers advice and service to the Minister and to the Commissioner as required on all educational matters. It also renders advice and guidance for the field staff on education.

The day to day administration of schools is carried on by the field staff of teachers, principals, and superintendents of schools. In as far as possible school operation has been decentralized. Within the framework of the prescribed curriculum teachers are encouraged to adapt their approach to instruction to the immediate needs of the pupils.

The Administration staff, i.e., the Education Division and the Superintendent of Schools at the District and Regional levels are classified civil servants. However, the principals and teachers in the schools occupy what are known as exempt positions within the public service but are not classified civil servants. This arrangement lends flexibility to appointment and ease to administration.

The recruiting of teachers takes place about March of each year. Teachers are required to hold the basic professional

qualifications required in a province and to have at least one year's teaching experience. Additional evidence of competence at higher levels and suitable specialization is required for principals and specialist teachers.

At present the salary scale for teachers is fixed by Treasury Board after the Board receives advice from the Chief of the Education Division and after consultation with the representatives of the Northwest Territories Teachers' Association. A review is held at least every two years and adjustments are usually made at that time. This salary scale recognizes both academic proficiency and length of successful service. In addition to salary, the teachers are eligible for northern service allowances and for Crown-owned housing on the same scale as other federal civil servants in the north. The basic pupil-teacher ratio established in policy is 25 to one for elementary schools and somewhat less than this in secondary schools depending upon the nature of the school offering and the number of pupils. Experience to date is that it has been possible to recruit sufficient qualified teachers to fill all positions in the teaching staff except in some one-room schools and in certain specialist categories.

In the large pupil residences which are operated under contract with either the Anglican or the Roman Catholic Church, the Churches recruit their own staff following certain standards established by the Education Division. The Churches are required to operate the pupil residences

in a manner which will support the school program. The selection of children to be placed in a pupil residence is made by the school administration. Every effort is made to assign pupils to residences closest to their homes. The Department operates and staffs the pupil residences at Yellowknife and at Churchill which are both for older academic pupils and for those taking vocational programs. The house parents of the small pupil residences in the eastern Arctic are recruited by the Department and they are administered through the Arctic District office and are under the direction of the local principal.

Finance

No child or parent makes direct payment for the education of pupils in a federal school in the Northwest Territories. The initial expenditure for the construction and operation of federal schools is made by the Department of Northern Affairs and National Resources, and the Territorial Government Pays its share based on the proportion of Territorial (non-Indian and non-Eskimo) pupils to be accommodated. The Territorial Government pays to the Federal Government an annual operating fee of \$630 for each pupil for whom the Territorial Government accepts financial responsibility. In many localities in the eastern Arctic, where there are no pupils for whom the Territories accepts responsibility, the capital cost falls entirely on the Federal Government. The Territorial Government pays to the Federal Government the actual operating cost for each territorial pupil

accommodated in a pupil residence and it pays a proportional capital cost when the residence is constructed. The actual cost of operating a residence varies according to size and location.

There are three local school districts operating in the Territories: one at Hay River and two at Yellowknife. Three districts build and operate their own schools with grants-in-aid from the Territorial Government. Capital grants amount to 50% of approved capital cost. The remaining 50% or any portion thereof may be borrowed from the Territorial Government.

Grants-in-aid to defray operating expense are paid as follows:

\$210 per pupil for pupils in Grades I - VI

\$285 per pupil for pupils in Grades VII - XII

In the school year 1964-65 the total amount of operating grants to school districts amounted to approximately 43% of total operating cost in the school districts. This percentage is fairly close to the comparable average for all provinces.

In the preparation of estimates the Department is able to reconcile estimate items in such a way as to reflect anticipated expenditure of both the Federal and the Territorial authority.

As in other areas of Territorial Government finances, the above details of grants and expenditures for the educational

system in the Northwest Territories are established in the Federal-Territorial Financial Agreement. This is done by forecasting the requirements for new schools for each five-year period and the cost of operating these facilities for the period. By forecasting the division of costs between territorial and federal pupils to be served by these schools, a territorial budget for construction and operation of schools for the next five years is forecast. This is the bulk of the monies then provided by the Federal Government in the Federal-Territorial Financial Agreement to enable the Territorial Government to carry on for the period of the Agreement. For the same period, the Territorial Government agrees to a scale of revenues which it will attempt to raise in support of the cost of operating schools and other government services in the Territories. These revenues come from a variety of sources including the profits derived from the sale of liquor through the Northwest Territories Liquor System. In the last Financial Agreement, the Territorial Government undertook to impose a special property tax of ten mills on taxable property in municipal and local improvement districts where the property is not already taxed for school purposes. This tax is imposed in Fort Smith and Fort Simpson and on the taxable property in Hay River that is not already paying taxes towards the Separate School District there. The tax does not apply in Yellowknife because all taxable property is paying taxes towards one or other of the school districts.

During the eight-year period from 1956 to 1964 the Federal Government has borne either by direct payment in support

of schools or by way of grants to the Territorial Government from 83 to 92% of the annual expenditures on education for operation and maintenance of the school system of the Northwest Territories and for Eskimos in northern Quebec. For the financial year 1964-65, the Federal Government share is estimated at 85% (See Tables 2 and 3 attached). There has been no financial breakdown during this period to show the proportion of the cost which pertained only to Quebec, but since this would be only approximately 10% of the total, the percentage of cost assumed by the Federal Government for the Northwest Territories alone would not be greatly altered if Quebec costs were taken out. In the same period of time the Federal Government assumed from 88 to 99% of the annual capital costs for education construction (schools, pupil residences and teacher accommodation). This does not include the cost of capital support such as the utility services in small communities.

Curricula

The curricula used in the schools of the Northwest Territories are recommended by the Superintendent of Education, who is the Chief of the Education Division, and authorized by the Commissioner. In general, the courses of study that compose the curricula are, with modifications and adaptations, similar to those in adjacent provinces. In the Mackenzie District, the curriculum authorized for the Territories has many distinctive characteristics but resembles also that in use in the Province of Alberta; in the Keewatin District, there is a close resemblance with that of the Province of

Manitoba; and on Baffin Island, that of the Province of Ontario. At the elementary level, these curricula are modified substantially to suit the northern environment. The Education Division has prepared a number of publications which reflect more accurately the needs of northern people. Teachers are deeply involved in this adaptation process and in preparing work study material. The Department is very active in reviewing the need for new texts and producing or arranging for books, pictures, tapes and other visual aids suitable for the northern schools. At the secondary level, the situation is somewhat different. The territorial pupils write the Grade XII provincial examinations and, therefore, must follow the provincial texts and curricula in much greater detail. Until it is possible to set up a separate system of examinations for the Territories, we shall be dependent upon the provinces in this respect.

The policy followed in the construction of courses of studies where these are prepared specially for the Territories, is to encourage basic learning of common knowledge and skill by the direct use of those resources and that knowledge common to the experiences and knowledge of the people in the setting where learning takes place. Teachers everywhere are struggling with this immense problem. At the same time, teachers know that learning must include much content from other contexts and as a consequence many books prescribed for use in southern schools are also prescribed in the north. It is also necessary to keep in mind that transfer of pupils does occur from time to time and, consequently, the sequence in learning as well

as the content needs to bear some resemblance to the situation in southern schools. One aspect of curriculum development which is being currently developed and expanded is to be found in the Home Economics and Industrial Arts Programs. Here much emphasis is placed upon local activity and the development of skills necessary for local living. Vocational education through training and academic up-grading is available to all interested persons in an area of training best suited to the individual. Training programs of this nature have been accelerating during the past few years.

Responsibility for Education Policy

Section 13 of the Northwest Territories Act gives the Commissioner-in-Council authority to legislate for "education in the Territories". The Territorial Government has exercised this authority in the form of the School Ordinance.

The legislative authority of the territorial government with respect to education parallels that of the provinces under the British North America Act. There are, however, special considerations in the Northwest Territories which need to be understood in relation to the exercise of this authority. For convenience these are set out under appropriate headings below.

The Constitutional Position - Indians and Eskimos

A reference to the Supreme Court in 1935 resulted in a judgment in 1939 that the power to legislate respecting Eskimos resided in the federal authority. Section 91 of the British North America Act makes it clear that Indians were a federal responsibility and the Court held that the term "Indians" as used in the

British North America Act includes Eskimos. Hence the legislative authority for all matters coming within the class of subject "Indians", which includes Eskimos, was and is federal.

Eskimos and Indians are, of course, full citizens of Canada; all federal, provincial or territorial legislation of general application applies equally to them. They are eligible to vote in federal, provincial and territorial elections. In the Northwest Territories those earning sufficient income pay income taxes, and the normal territorial taxes. The special federal responsibility represents an extra service and not an alternative to normal citizenship.

The Department of Justice has pointed out that, while sections 91 and 92 of the British North America Act distribute between the Parliament of Canada and the various provincial legislatures authority to make laws, they do not impose on Parliament or on any legislature any obligation to make particular laws. Whether or not a particular law ought to be made is a question of policy for consideration and decision by the legislative and executive bodies having jurisdiction in relation to the subject matter of the proposed law.

The Department of Justice has also pointed out that, although Parliament alone has the exclusive legislative authority to make laws in relation to Indians and Eskimos, a provincial legislature may, by properly framed legislation in relation to a matter coming within any of the classes of subjects enumerated in Section 92 and other relevant sections of the B.N.A. Act - e.g. education - include Indians and Eskimos

with other persons in the province for whom any such services may be provided by such legislation. In fact, generally they cannot be excluded. In the case of the Northwest Territories the same principle applies with respect to any of the subjects enumerated under Section 13 of the Northwest Territories Act designating the legislative powers of the Commissioner-in-Council.

Thus, in summary, the federal government has the legislative authority with respect to Eskimos and Indians and the associated responsibility to formulate policies directed toward dealing with Indian and Eskimo problems. This associated responsibility carries with it the responsibility of providing money required to carry out policies in relation to the Indians and Eskimos.

It is the policy of the Government of Canada to make every effort to see that the Indians and Eskimos are placed on the same footing as other provincial and territorial residents in respect to the provision of services to avoid implications of segregation. In the case of the Indians in the Northwest Territories, this policy with respect to education has been implemented by an agreement between the Commissioner and the Minister of the Department of Citizenship and Immigration under which the Commissioner provides an educational service for Indians subject to provisions of the Indian Act but with the costs continuing to be met by the federal government. This particular agreement, or any such agreement, does not have the effect of conferring additional legislative jurisdiction on the province or the territory; the constitutional position remains unchanged. In the case of the Eskimos where

there is no specific federal legislation, other than the annual appropriation acts, the territorial legislative authority may be exercised through laws of general application. Again the constitutional powers of the federal government remain unchanged and may be exercised at any time in the interests of the Eskimos or in the event that special provisions are required which would be beyond the legislative authority of the territorial government.

The constitutional position with respect to Indians and Eskimos is of special significance in the Northwest Territories because 68% of the school population are Indians or Eskimos by comparison with the very small percentages in most of the provinces.

Financial

As will be noted from the appendices attached to this paper, the full operational and capital costs of services extended to Indians and Eskimos are provided from federal appropriations, in addition to the federal subsidies which are paid in order to assist the Territories to meet obligations which are assumed under the financial agreements on behalf of students who are not federal responsibilities. The federal government, therefore, has paid about 85% or more of the operational costs and from 88 to 99% of the capital costs of the educational programs in effect in the Northwest Territories. In fact, of the 15% carried by the Territorial Government approximately 37% is actually provided through Federal subsidy. Therefore, the share of cost borne by the Territorial Government is somewhat

less than 15%. In addition, the Education Division of the Northern Administration Branch is responsible for administration of the educational program.

It is clear, therefore, that the legislative authority vested in the territorial government must be exercised in close consultation with the federal government to ensure co-ordination of policies; to ensure that necessary legislation is provided to meet the general need of any special requirements of Eskimos and Indians; and to meet the very high costs involved in the extension of an educational service to a small widely scattered population.

Responsibility for the determination of an educational policy and the efficient implementation of programs is shared with the territorial government in the framework of the Federal-Territorial Financial Agreement and the report of the Inter-departmental Committee on which it is based. This constitutes an agreement between the two governments as to the type and number of school facilities to be constructed in the Territories within the life of the agreement and provides for the federal subsidies required to enable the territorial government to meet its share of the capital and operating costs. Although dependent largely upon the financial support of the federal government, the programs, policy and legislation are based upon the concept of a partnership. Moreover, it is the federal policy that the territorial government shall play an increasing role with respect to education and other classes of subjects which fall within Section 92 and other

relevant sections of the British North America Act.

School Trustees and School Districts

The Commissioner is empowered to make regulations under the Ordinance, where necessary, for the purpose of carrying out the provision of the Ordinance. So far these regulations have been general in scope but they spell out in some detail provisions for school administration through elected boards of school trustees that operate school districts provided for in the School Ordinance. There are also specific provisions whereby the majority and a religious minority (either Roman Catholic or Protestant) of ratepayers in a school district may organize schools and support them.

It should be noted that education in this context is separate from local or municipal government. The local boards of school trustees are, therefore, completely separated from municipal authority. While local school districts may be organized to operate schools, these schools are subject to general laws and regulations of the territorial government and the Commissioner.

Table Showing

Cost of Operating Large Pupil Residences - 1963-64

Pupil Residence 1963-64	Enrolment		Operating Cost \$	Cost per Pupil \$	Amount Paid By	
	Indian Eskimo	Others			Federal Government \$	Territorial Government \$
Breynt Hall Fort Smith	154	17	153,113	895	139,906	13,207
Fleming Hall Fort McPherson	82	13	114,796	1,208	95,786	19,010
Bompas Hall Fort Simpson	29	5	108,103	3,179	89,146	18,957
Lapointe Hall Fort Simpson	116	12	176,767	1,381	160,516	16,251
Grollier Hall Inuvik	141	61	288,168	1,427	203,851	84,317
Stringer Hall Inuvik	251	22	316,118	1,157	290,336	25,782
Turquetil Hall Chesterfield Inlet	89	-	82,453	926	82,453	-
Total (Contract Pupil Residences)	862	130	1,239,518		1,061,994	177,524
Average				1,250		
Akaitcho Hall	95	65	158,759	992	96,137	62,622
Totals (All Pupil Residences)	957	195	1,398,277		1,158,131	240,146
Average				1,214		

NOTE: (1) Estimated average cost of operating the small pupil residences is \$1,245.

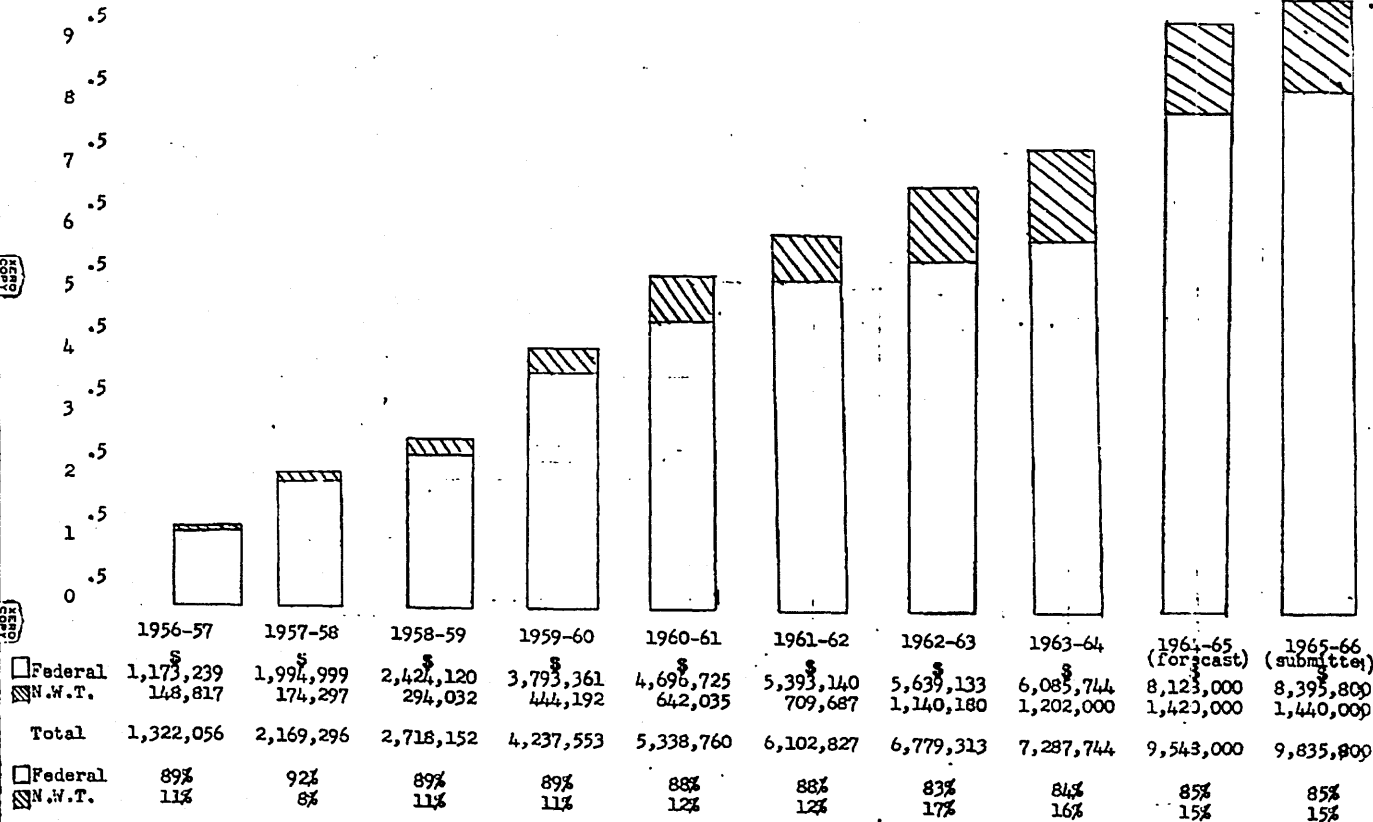
(2) The figures for Akaitcho Hall include one quarter which does not reflect the recent addition.

June 11, 1965.

EXPENDITURE ON EDUCATION - N.W.T.
OPERATION AND MAINTENANCE

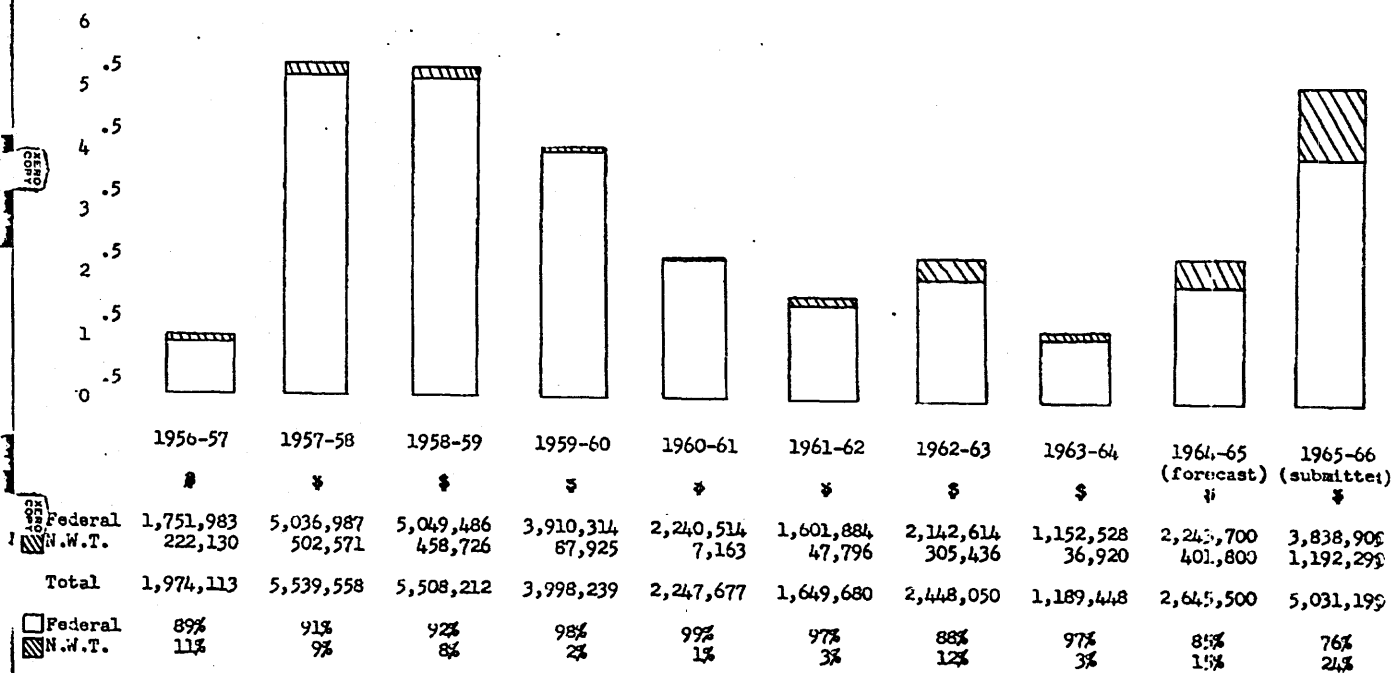
Table 2

Millions
of Dollars



NOTE: Approximately 37% of the 15% of total territorial expenditure incurred in 1964-65 was directly attributable to monies derived from federal subsidy.

Table 3

EXPENDITURE ON EDUCATION - N.W.T.
CONSTRUCTIONMillions
of Dollars

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LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

5TH COUNCIL, 30TH SESSION

RECOMMENDATION TO COUNCIL INDEX

- 1-30 The Establishment of Smaller Game Zones in the Northwest Territories
- 2-30 Local Option - Liquor Sales
- 3-30 Territorial Corrections Program
- 4-30 Fur Export Ordinance - Fur Export Tax
- 5-30 Muskox Hunting Queen Elizabeth Islands
- 6-30 Resident Moose Hunting Game Management Zones
 Zones 3, 4, 5, 6 and 10
- 7-30 Radio Communication - Anderson River, Peel River
- 8-30 Selection of a Suitable Site for the New School and Pupil
 Residence In the Yellowknife-Rae Area
- 9-30 Observance of Canada Centennial in the Northwest Territories
- 10-30 Economic Development - Upper Mackenzie.