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AN ORDINANCE RESPECTING THE
ESTABLISHMENT OF THE DEPARTMENT OF EDUCATION

DEPARTMENT OF EDUCATION ORDINANCE

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May 7, 1982

AN ORDINANCE RESPECTING THE ESTABLISHMENT
OF THE DEPARTMENT OF EDUCATION

(Assented to)

The Commissioner of the Northwest Territories, by and with the advice and consent of the Council of the said Territories, enacts as follows:

Short Title

1 This Ordinance may be cited as the Department of Education Ordinance.

Note 1: Short title.

General Note: This Ordinance establishes a department of the public service of the Northwest Territories as the Department of Education and prescribes the functions and responsibilities of the Minister of Education.

Interpretation

2 In this Ordinance,

(a) "board of education" means a Board of Education of an education division under the Education Ordinance;

(b) "Department" means the Department of Education;

(c) "Minister" means the Minister of Education;

(d) "school" means a school operating under the Education Ordinance.

Note 2: Definitions

3 There shall be a department of the public service of the Territories called the Department of Education over which there shall preside the member of the Executive Committee appointed by the Commissioner as Minister of Education.

Note 3: Department of Education

4 That part of the administration of the Government relating to education is under the administration of the Minister of Education unless responsibility for it or any aspect or part of it is specifically assigned to some other person by an Ordinance.

Note 4: Minister's responsibility

Minister's Responsibilities

5(1) The Minister

(a) shall satisfy himself, by whatever means he considers necessary, that education programs undertaken by students in the Territories are at all times of the highest possible standard;

(b) is responsible for providing means by which boards of education may employ sufficient staff to administer, co-ordinate and implement at least its basic educational programs;

(c) in co-operation with boards of education, provide special classes, facilities, staff and instruction for students who require special education programs and assistance;

(d) in co-operation with boards of education, develop and provide distance education to students;

(e) shall generally monitor the establishment, development and implementation of education programs and policies to determine whether the educational aspirations of communities in the Territories are being or will be met.

(2) The Minister may in writing delegate any power, duty or function conferred or imposed on him by this Ordinance or the regulations, or by or under any other Ordinance under his administration, to any employee of the Department or person engaged under section 6.

Note 5: Minister's responsibilities

6(1) In accordance with the Public Service Ordinance there may be appointed a Deputy Minister of Education and such other employees as are required for the purposes of the Department.

(2) The Minister may engage the services of experts or persons having special technical or other knowledge to advise him or to inquire into and report to him on matters under the Minister's administration.

(3) A person whose services are engaged under this section may be paid the remuneration and expenses that the Minister prescribes.

Note 6: Appointments

7(1) The Minister may establish such boards, committees or councils as he considers necessary or desirable to act in an advisory or administrative capacity in connection with any of the policies, programs, services or other matters under his administration.

(2) The Minister may, with respect to any board, committee or council established under this section

(a) appoint or provide for the manner of appointment of its members,

(b) prescribe the term of office of any member,

(c) designate a chairman, vice-chairman and secretary, and

(d) authorize, fix and provide for the payment of remuneration and expenses to its members.

(3) A board, committee or council established pursuant to this section may make rules governing the calling, procedure and conduct of meetings, reporting and such other matters as required.

(4) A board, committee or council established pursuant to this section may exercise such powers and shall perform such duties and functions as the Minister may approve, confer or impose upon it.

Note 7: Administrative or advisory committees

Minister's Advisory Council

8(1) There is hereby established a council to be known as the Minister's Advisory Council.

(2) The Minister's Advisory Council shall be composed of such persons as the Minister appoints as its members from time to time.

(3) Subsections 7(2) and (3) apply to the Minister's Advisory Council, except when otherwise provided in this section or section 9.

Note 8: Minister's Advisory Council established

9(1) The purpose of the Minister's Advisory Council is

(a) to support programs of boards of education by providing a continuous flow of information about the programs and their effectiveness to the Minister;

(b) to provide advice on education, schools and educational programs generally, wherever that advice is required;

(c) to make recommendations to the Minister on all aspects of education and in particular on priorities in the school program.

(2) The Minister's Advisory Council shall report regularly to the Minister and shall act on all matters referred to it for action or advice by the Minister.

10 The Commissioner or the Minister may enter into agreements with any person, board of education, Arctic College or other body on any matter respecting education or the operation of education in the Territories.

Note 10: Agreements.

11 The Minister may charge fees for any services provided, research done or materials provided by the Department.

Note 11: Fees for services.

Regulations

12 The Commissioner may make regulations

(a) for the apportionment and distribution of all money appropriated to the Minister's administration for the purpose of making grants for education in the Territories;

(b) respecting grants to boards of education, the Arctic College, Secretariat for Learning and Centres for Learning and Teaching and such other persons as he considers desirable;

(c) respecting the qualification of classroom assistants and the manner in which they may upgrade their qualifications;

- (d) providing a scale of allowances for adult education students and prescribing the qualifications for eligibility to receive allowances and any conditions attached to them;
- (e) respecting certificates of qualification for teachers and providing for the issuing of certificates and the fees therefor;
- (f) providing for the manner of dismissal of a teacher for cause or for incompetence;
- (g) prescribing the honorarium and expenses payable to members of a board of reference under the Education Ordinance;
- (h) providing for the rules of procedure and conduct of hearings of a board of reference under the Education Ordinance;
- (i) respecting the conveyance of students;
- (j) defining "distance education" for the purposes of this Ordinance and the regulations;
- (k) concerning the definition, administration, operation, management, control and licensing of all kindergarten education programs in the Territories;
- (l) providing for the establishment and operation of correspondence courses and the fees to be charged in connection with them.

Note 12: Regulations

Investigations

13(1) The Minister may appoint one or more persons to inquire into and report on

(a) any appeal, complaint or dispute arising from the decision of a board of education, or

(b) the condition of one or more schools, or

(c) any other matter related to education,

and the person or persons appointed may take evidence on oath.

(2) The Minister may, on receipt of the report, make such order as to him seems proper.

Note 13: Investigators

14(1) The Minister may appoint in writing a person to examine and inspect

(a) the financial condition, or

(b) the administrative condition, or

(c) any other matter connected with the management, administration or operation,

of a board of education or community education council and the person appointed by the Minister may examine, inspect and take copies of

- (d) all books of record and account,
- (e) all bank books, and
- (f) any other records, papers, documents or things.

(2) The books, papers, documents and things mentioned in subsection (1) shall be made available to the person appointed by the Minister at the time he requests them from the person having custody of them.

(3) A person appointed pursuant to this section shall report to the Minister on his examination and inspection and, on receipt of the report, the Minister may, notwithstanding any provision of the Education Ordinance, make such order as to him seems proper.

Note 14: Management, administration and operation of boards of education and community education councils

15(1) The Minister

(a) if a board of education or community education committee fails to comply with an order made under subsection 13(2) or subsection 14(3), or

(b) where he considers it in the public interest to do so,

may, subject to such terms and conditions as he considers necessary, appoint an official trustee to conduct the affairs of a board of education or community education council.

(2) An official trustee appointed under subsection (1)

(a) has the powers and duties conferred by the Education Ordinance upon a board of education and community education council, as the case may be;

(b) shall be remunerated out of the funds of the board of education or community education council or otherwise, as the Minister determines, and

(c) notwithstanding the Education Ordinance has, with the prior approval of the Minister, power to

(i) borrow money,

(ii) pass a by-law, and

(iii) revoke any resolution or by-law concerning school administration or education that may be passed or may previously have been passed by a board of education or community education council.

(3) On the appointment of an official trustee the members of the board of education or community education council, as the case may be, cease to hold office.

(4) An official trustee holds office during the pleasure of the Minister.

Note 15: Official trustee

16 This Ordinance or any provision thereof shall come into force on a day or days to be fixed by order of the Commissioner.

Note 16: Coming into force