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AN ORDINANCE TO AMEND
THE EDUCATION ORDINANCE

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(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:

1 This Ordinance may be cited as the Education Amendment Ordinance.

NOTE: 1 Short title.

General Note: The amendments to the Education Ordinance are intended to implement many of the recommendations of the Special Committee on Education in its Report entitled Learning: Tradition and Change.

2 Sections 2 to 23 of the Education Ordinance are repealed and the following substituted therefor:

2 In this Ordinance

(a) "academic year" means the period commencing on the first day of July in one year and ending on the thirtieth day of June in the following year;

(b) "adult educator" means a person employed by a Board of Education as an instructor or organizer of education programs for adults;

(c) "Board of Education" means a Board of Education of an education division and, except when the context otherwise requires, includes a separate Board of Education;

(d) "community education council" means the community education council of an education district;

(e) "education district" means an area in which one or more schools are located and that is designated by a Board of Education or established as an education district;

(f) "education division" means a division established under section 22 or the regulations;

(g) "education system" includes adult education programs;

(h) "Executive Member" means the Minister of Education;

(i) "local education authority" means the community education council, or if there is no community education council, the Board of Education;

(j) "ratepayer" means a ratepayer under the Municipal Ordinance;

(k) "teaching personnel" means teachers, classroom assistants and adult educators;

(l) "teacher" means a person who holds a subsisting certificate of qualification issued by the Executive Member, and who is employed to teach in a school;

(m) "vacation school" means a program of instruction offered to students at a time when the school is otherwise closed for vacation;

(n) "voter" means

(i) with respect to an education district that coincides with the boundaries of a municipality, a person eligible to vote in a municipal election, and

(ii) with respect to an education district that is not described in subparagraph (i), a person who has resided in the educational district for at least six months, who is a Canadian citizen and has attained the age of nineteen years.

PART 1
ADMINISTRATIVE STRUCTURE OF THE
EDUCATION SYSTEM

General

4(1) The administrative structure of the education system of the Territories shall be organized into education divisions in respect of each there shall be a Board of Education.

(2) Except when otherwise provided, within each education division there shall be education districts and in respect of each district there shall be elected community education councils.

(3) Every Board of Education is responsible for the establishment and dissolution of education districts and schools within its education division.

Community Education Councils

5(1) For each education district there shall be a community education council.

(2) The members of a community education council shall be elected or appointed in accordance with the provisions of this Ordinance and the regulations, and any member may resign from his position by giving notice in writing to the council.

(3) All members of a community education council and all candidates for election to the council shall be resident in the education district for which the community education council is established.

(4) Teaching personnel and other employees of the Board of Education are not eligible to be elected or appointed as members of a community education council.

6(1) Subject to subsection 4(3), every community in the Territories where there is at least one school in operation shall be an education district and every school shall be in an education district.

(2) The limits of an education district shall coincide with the boundaries of the community but the Board of Education of the education division in which the district is located may extend the boundaries of the district for the purpose of providing education services to persons residing outside the boundaries of the community.

(3) A Board of Education may, when it is of the opinion that the education needs of the residents of an education district are not being adequately satisfied, dissolve the community education council for that education district and vest in itself all powers and authority of the council.

7(1) Every community education council shall, by resolution, determine the number of members on the council, being not less than 5 nor more than 9.

(2) After a determination under subsection (1), a community education council may, after consulting the voters of the education district at a general meeting, increase or decrease the number of members subject to the maximum and minimum number of members specified in subsection (1).

Election of Community Education Council

8(1) When the limits of an education district coincide with the boundaries of a municipality

(a) the election of members of the community education council shall be held in conjunction with the municipal election,

(b) the provisions of the Municipal Ordinance respecting the election of a municipal council, including the provisions setting forth the qualifications of candidates and voters and the nomination procedure, apply mutatis mutandis to the election of a community education council, and

(c) the council of the municipality shall, at the first meeting of the municipal council following each annual election, elect one of its members as an ex officio member of the community education council

(i) who shall be a member of the community education council until replaced following the next annual election, but

(ii) who shall not be elected or appointed as a member of the Board of Education nor elected as the chairman of the community education council, nor entitled to vote.

(2) The returning officer for the municipality shall cause a ballot to be prepared for use in the election of the community education council.

(3) Except as otherwise provided, the members of a community education council hold office for a term of two years and an election shall be held each year to replace any member whose term expires that year or whose seat is otherwise vacant.

(4) The two successful candidates receiving the least number of votes at the first election and the member elected under paragraph (1)(c) hold office for a term of one year.

(5) A community education council may appoint persons to fill vacancies on the council until the next election is held.

(6) Where the number of persons nominated for election as members of the community education council is equal to or less than the number of vacant seats on the council, the returning officer shall declare the persons so nominated duly elected.

9 If the limits of an education district do not coincide with the boundaries of a municipality, the Board of Education within whose education division the education district is located shall arrange for the election or appointment of a community education council in accordance with the regulations.

10(1) The members of every community education council shall meet within 60 days of the date of their election to elect one of their number to be chairman for that year.

(2) A majority of the members of a community education council constitutes a quorum.

(3) If the chairman is not present at a meeting of the community education council, the members shall elect one of their members to act as chairman.

11 If a member of a community education council

(a) absents himself from meetings of the council for three consecutive regular meetings without being authorized to do so by a resolution of the council entered upon its minutes, or

(b) ceases to be a resident of the education district,

the council may declare a vacancy in the membership and that person thereupon ceases to be a member of the community education council.

12(1) A community education council may, subject to the approval of the Board of Education, appoint a secretary-treasurer and pay the appointee an honorarium as prescribed by the Board of Education.

(2) A person appointed under subsection (1) shall not be a member of the community education council.

13 A copy of the minutes of each meeting of a community education council shall be transmitted to the Board of Education within ten days after the meeting.

14(1) Every principal shall be an ex officio member of the community education council for the education district in which his school is located but shall not vote at meetings of the council.

(2) Every principal shall, from time to time as required by the community education council, report to the council on the progress of education programs and plans for future programs.

(3) Every principal shall, in co-operation with the community education council, prepare an annual budget proposal for the education district, and shall forward the proposal to the Board of Education.

15(1) Every community education council shall meet as often as is necessary to transact the business of the council and in any event shall meet at least once every two months.

(2) The meetings of a community education council shall be conducted in the language of the majority of the members of the council, unless decided otherwise by the members, and the meetings shall be open to the public.

16 Every community education council shall

(a) discuss all education programs including special, adult and vocational education programs offered in the education district and forward to the Board of Education its opinions of the programs and its views or desires in respect of future programs;

(b) at least once each year, hold a general meeting of the voters of the education district at which the chairman of the community education council shall present a report on the education programs and activities of the district and invite the comments and suggestions of the voters on education matters in the district;

(c) review proposals for the construction of new educational facilities in the education district including proposed building sites and plans for buildings, and advise the Board of Education of its approval or disapproval of the proposals;

(d) advise on appointment of staff for student residences in the education district, review plans for the operation of the residences and advise the Board of Education with respect to those plans;

(e) advise the Board of Education of the special wishes of the residents of the education district with respect to opening and closing dates for schools and education programs, observance of special holidays and related matters;

(f) advise on the recruitment, selection and appointment of teaching personnel and notify the Board of Education if it objects to the appointment of any person;

(g) account for and provide audited statements respecting the expenditure of any monies on request of the Board of Education.

17 A community education council may

(a) advise on and assist in the establishment and operation of special, adult or vocational education centres in the education district, review the selection of students for and their placement in special, adult and vocational programs and advise the Board of Education on these matters;

(b) pay to each of its members an honorarium and expenses as prescribed by the Board of Education;

(c) advise the principals in the education district and the Board of Education of its views on the needs of the education programs with respect to new staff members, including principals;

(d) organize, with the assistance and co-operation of the Board of Education, principals and teaching personnel, special programs for the education district, which may include material from the culture and life style of the local people;

(e) permit the education facilities to be used for purposes other than education programs in accordance with the direction of the Board;

(f) appoint a committee to investigate and report to the community education council on such matters as the community education council considers advisable;

(g) organize supervised lunch-hour programs for the benefit of students who wish to participate.

18 Subject to the prior approval of the Board of Education of the education district in which the community education council is located, a community education council may

(a) select and, acting as an agent of the Board of Education, appoint and arrange for the bonding of a secretary-treasurer for the education district;

(b) pay the secretary-treasurer an annual salary as prescribed by the Board;

(c) request the superintendent of the Board or his delegate to attend regular meetings of the council from time to time as may be required by the community education council;

- (d) review all reports on education programs received from every principal in the education district;
- (e) review education program plans reported to the community education council by the principals and advise the Board of Education with respect to those plans;
- (f) prepare, in co-operation with the principals and the secretary-treasurer, an annual budget proposal for the education district in accordance with the directives provided by the Board of Education and present the proposal to the Board;
- (g) supervise the expenditure of the sum of money annually appropriated for that community education council for the operation of education programs, and institute accounting procedures acceptable to the Board of Education;
- (h) act as the agent of the Board of Education in the appointment of principals, teaching personnel and support staff to the education programs of the education district;
- (i) approve plans for programs associated with the operation of student residences in the education district;
- (j) ensure that all reports, statements or information required by this Ordinance or the regulations are prepared and presented without delay;
- (k) subject to any terms and conditions imposed by the Board of Education, have custody and safekeeping of all the education facilities in the education district that are used for carrying out the education programs of the district, and maintain such premises in a condition satisfactory to the Board;

(1) pay each month all accounts rendered for goods and services received or carried on in the operation of the education programs of the district, from moneys received for that purpose from the Board of Education, but not including the salaries of principals, teaching personnel and support staff.

19(1) A community education council shall keep available to the Board of Education a record of all proceedings of the council or any special committee it may appoint.

(2) The books and accounts of a community education council shall be audited annually by an auditor appointed by the Board of Education.

(3) Notwithstanding paragraphs 18(1)(a) or (h), the principals, teaching personnel, support staff and secretary-treasurer appointed by a community education council are employees of the Board of Education.

20 Every community education council may

(a) organize, with the assistance and co-operation of the Board of Education, principals and teaching personnel, special programs for the education district, which may include material from the culture and life styles of the local people;

(b) advise on and assist in the establishment and operation of special, adult or vocational education centres in the district, review the selection of students for and their placement in special, adult and vocational education programs and advise the Board on those matters;

(c) make rules not inconsistent with this Ordinance or the regulations governing the conduct of its business.

Rae-Edzo School Society

21 The Executive Member may, upon termination of an Agreement between the Commissioner and the Rae-Edzo School Society executed on the 18th day of August 1971 or any subsequent agreement thereto, establish a community education council for Rae-Edzo and the members of the Rae-Edzo School Society shall thereby become members of the community education council, forming part of the education division in which it is located.

Divisional Boards of Education

22(1) There are hereby established the following education divisions:

(a) the Baffin Education Division which will include the communities of Arctic Bay, Broughton Island, Cape Dorset, Clyde River, Frobisher Bay, Grise Fiord, Hall Beach, Igloolik, Lake Harbour, Nanisizik, Paugnirtung, Pond Inlet and Resolute Bay;

(b) the Beaufort Education Division which will include the communities of Aklavik, Paulatuk, Sachs Harbour and Tuktoyaktuk;

(c) the Inuvik Education Division;

(d) the Kitikmeot Education Division which will include the communities of Cambridge Bay, Coppermine, Gjoa Haven, Holman Island, Pelly Bay and Spence Bay;

(e) the Keewatin Education Division which will include the communities of Baker Lake, Chesterfield Inlet, Coral Harbour, Eskimo Point, Rankin Inlet, Repulse Bay and Whale Cove;

(f) the Mackenzie-Great Bear Education Division which will include the communities of Arctic Red River, Fort Franklin, Fort Good Hope, Fort McPherson, Fort Norman and Norman Wells;

(g) the South Slave Lake Education Division which will include the communities of Fort Resolution, Snowdrift, Hay River, Hay River Indian Village, Pine Point and Fort Smith;

(h) the Southwest Education Division which will include the communities of Fort Simpson, Fort Liard, Jean Marie River, Nahanni Butte, Trout Lake, Wrigley, Lac la Martre, Tungsten, Rae Lakes, Snare Lakes, Rae-Edzo, Fort Providence and Detah;

(i) the Yellowknife Public Education Division No. 1;

(j) the Yellowknife Separate Education Division No 2.

(2) In accordance with the regulations and with the approval of the Executive Member, a community may be transferred from one education division to another or a new education division established.

(3) The geographic limits of each education division shall be prescribed by the Executive Member.

23(1) Education programs and services for the community of Sanikiluaq shall be provided

(a) by agreement, subject to the views of the community, between the Commissioner, the Executive Member and the Kativik School Board of the Province of Quebec and the Government of the Province of Quebec, as the case may be,

(b) in default of agreement under clause (a), by the Board of Education of the Baffin Division or the Keewatin Division, or both, or

(c) in default of either or both of the Boards of Education referred to in clause (b) being able or willing to provide education programs or services, by the Executive Member or on his behalf.

(2) This Ordinance applies to the residents and to the community of Sanikiluaq except to the extent that all or some of its provisions are specified not to apply

(a) pursuant to an agreement under clause (1)(a), or

(b) by order of the Commissioner.

(3) The Executive Member may determine for the purposes of this section what constitutes the community of Sanikiluaq and who are its residents.

23.1(1) For each education division there shall be a Board of Education.

(2) Subject to section 23.2, each Board of Education shall be composed of persons appointed as its members by community education councils as follows:

(a) if the student population of a community represented by a community education council is less than 100, one member of the council shall be elected to the Board;

(b) if the student population of a community represented by a community education council is 100 or more but less than 300, two members of the council shall be elected to the Board;

(c) if the student population of a community represented by a community education council is 300 or more, three members of the council shall be elected to the Board.

(3) If a doubt arises as to the student population of a community under subsection (2) the doubt shall be resolved in accordance with the regulations.

23.2 The members of the Boards of Education of

(a) the Yellowknife Public Education Division No. 1,

(b) the Yellowknife Separate Education Division No. 2,

(c) the Inuvik Education Division, and

(d) any other Board of Education to which the Schedule applies

shall be composed of seven person elected or appointed in accordance with the regulations.

23.3(1) Every Board of Education is a body corporate composed of its members.

(2) A Board of Education may acquire by gift, devise, lease, purchase or otherwise any real or personal property and dispose of any personal property surplus to its needs.

(3) Real property may only be disposed of with the consent of the Executive Member.

23.4(1) Subject to this section, the term of office of a member of a Board of Education is 3 years.

(2) A member of a Board of Education ceases to hold office if

(a) he ceases to be a member of the community education council that elected him to the Board;

(b) he ceases to be a resident of the Territories;

(c) in the case of a Board to which the Schedule applies, he ceases to be a resident of the education division of the Board to which he is elected;

(d) the member is no longer able to act as a member or fulfill his duties and the Board, by resolution, terminates his term of office.

(3) When a term of office of a member of a Board of Education expires or a vacancy on the Board occurs, the community education council who elected the former member, if any, shall, from amongst themselves, elect a person to membership on the Board to replace the former member.

23.5 Every Board of Education shall meet at least once each month except during the months of July, August and December when a meeting may be held if necessary.

Special Board Meetings

23.6(1) A special meeting of a Board of Education may be called by

- (a) the chairman of the Board, or
- (b) a majority of the members,

after written notice has been given to each member in accordance with subsection (2).

(2) Notice of a special meeting shall state

- (a) the time and place of the special meeting, and
- (b) the nature of the business to be transacted at the special meeting

and the notice shall

- (c) be sent by registered mail to each member at least six clear days before the day of the meeting, or
- (d) be delivered by personal delivery to
 - (i) the member, or

(ii) a responsible person at the members' residence

at least three clear days before the day of the meeting.

(3) Notwithstanding subsections (1) and (2), a special meeting may be held if every member agrees to waive the requirements of subsections (1) and (2).

(4) No business other than that stated in the notice of special meeting shall be transacted at any special meeting of the Board of Education unless all the members of the Board are present, in which case any other business may be transacted.

NOTE: 2 Sections 2 to 23 of the Ordinance presently read:

2. In this Ordinance

- (a) "academic year" means the period commencing on the first day of July in one year and ending on the thirtieth day of June in the following year;
- (b) "adult educator" means a person employed full-time as an instructor or organizer of education programs for adults;
- (c) "Board of Education" means a local education authority continued under section 24 or designated by the Executive Member pursuant to subsection 26(2) and, except where the context otherwise requires, includes a Separate Board of Education;
- (d) "community education committee" means the local education authority for an education district for which no community education society or Board of Education has been designated or established;
- (e) "community education society" means a local education authority designated by the Executive Member pursuant to section 18;
- (f) "Director" means the Director of Education appointed by the Executive Member under subsection 3(3);
- (g) "education district" means an area in which one or more schools are located and that is designated or established by the Executive Member as an education district;
- (h) "education system" includes adult education programs;

- (i) "Executive Member" means the member of the Executive Committee of the Government of the Northwest Territories who is assigned the responsibility for education matters;
- (j) "local education authority" means a community education committee, community education society or a Board of Education elected or appointed for an education district;
- (k) "ratepayer" means a ratepayer under the *Municipal Ordinance*;
- (l) "Superintendency" means an area of the Territories consisting of one or more education districts and administered by a Superintendent assigned to the area by the Executive Member pursuant to paragraph 3(4)(a);
- (m) "teaching personnel" means teachers, classroom assistants and adult educators;
- (n) "teacher" means a person who holds a subsisting certificate of qualification issued by the Executive Member, and who is employed to teach in a school;
- (o) "vacation school" means a program of instruction offered to students at a time when the school is otherwise closed for vacation;
- (p) "voter" means
- (i) in respect of an education district that coincides with the boundaries of a municipality, a person eligible to vote in a municipal election, and
 - (ii) in respect of an education district that is not described in subparagraph (i), a person who has resided in the education district for at least six months, who is a Canadian citizen and has attained the age of nineteen years.
- POWERS OF THE EXECUTIVE MEMBER**
3. (1) The Commissioner is responsible for the administration of this Ordinance and may exercise any or all of the powers herein given the Executive Member.
- (2) The Executive Member shall administer this Ordinance and be responsible for the establishment and dissolution of education districts and schools within an education district.
- (3) The Executive Member shall appoint a Director of Education or shall manage the education system in the Territories.
- (4) The Executive Member shall have charge of and be responsible for
- (a) the division of the Territories into areas called Superintendencies and the assigning of a Superintendent to each such area;
 - (b) the reviewing and approving of all plans for construction of new education facilities and the preparation of plans for new education facilities in education districts other than those for which a Board of Education has been established;
 - (c) the establishment and operation of correspondence courses;
 - (d) the provision of special classes, facilities and instruction for students who require special education programs;
 - (e) the establishment and operation of experimental courses and programs;
 - (f) the provision of suitable and adequate library and resource facilities for all schools other than schools under the jurisdiction of a Board of Education;
 - (g) the provision of educational television where, in the opinion of the Executive Member, facilities are available and the students would benefit;
 - (h) the provision of equipment and facilities for school programs for physical education, athletics and recreation for education districts where there are community education committees;
 - (i) the operation of vacation schools;
 - (j) the maintenance of the standards of instruction in the education system at a satisfactory level;
 - (k) the prescribing of learning materials for use in education programs;
 - (l) the preparation and publication of a calendar for the academic year for each education district;
 - (m) the granting of certificates of qualification for teachers and the classification of teaching personnel;
 - (n) the recruitment, appointment, transfer, payment, suspension and dismissal of teaching personnel and other staff for education programs in education districts that have a community education committee;
 - (o) the payment of teaching personnel and other staff for education programs operated by a community education society;
 - (p) the inspection of and reporting on the professional performance of teaching personnel and other professional staff employed within the education system;
 - (q) the operation of programs for the training of teaching personnel;
 - (r) the employment of counsellors, attendance officers and such other personnel as the Executive Member considers neces-

sary to serve children and adults in the education programs other than those operated by a Board of Education or a community education society;

- (s) the provision to students of meals where in the opinion of the Executive Member such provision is advisable;
- (t) the operation of student residences and boarding programs for students who leave home in order to attend school and the prescribing of the fees, if any, to be charged for accommodation;
- (u) the suspension and expulsion of students other than those who participate in an education program that is under the jurisdiction of a Board of Education or a community education society;
- (v) the provision of interpreter services to assist in the proper conduct of meetings of community education committees and community education societies.

(5) The Executive Member may delegate to the Director any of powers or duties under this Ordinance or the regulations.

SUPERINTENDENTS OF EDUCATION

(1) Subject to the provisions of the *Public Service Ordinance*, Superintendents of Education shall be appointed and each Superintendent shall perform his duties in relation to the Superintendency to which he is assigned by the Executive Member.

(2) A Superintendent shall

- (a) supervise the operation of the education system within his Superintendency including adult education, vocational education, special education and school programs, and any education project assigned by the Executive Member;
- (b) investigate matters relating to education within his Superintendency and report to the Executive Member as required;
- (c) supervise all financial operations of the community education committees and societies within his Superintendency and, in co-operation with the community education committees and societies, prepare an annual budget estimate for his Superintendency;
- (d) attend meetings of the local education authorities for the purpose of receiving their advice and providing them with advice and direction;
- (e) formally inspect or cause to be inspected the work of
 - (i) every teacher on probationary appointment in his Superintendency,
 - (ii) any teacher in the Superintendency in respect of whom the Executive Member requests a report, and

(iii) any teacher in the Superintendency who, on or before the first day of February in that academic year, requests that a report be made with respect to himself,

and present a copy of the report to the teacher whose work is inspected;

- (f) investigate and report on the conduct of any student when requested to do so by a local education authority or the Executive Member;
 - (g) perform such other duties and functions as are assigned to him by the regulations or the Executive Member.
- (3) The duties of a Superintendent may be performed and his powers exercised by his authorized delegate or by the Executive Member.

Part II

ORGANIZATION AND OPERATION OF EDUCATION DISTRICTS

GENERAL

5. (1) The education system of the Territories shall be organized into education districts in respect of each of which there shall be a local education authority.

(2) The categories of local education authorities shall be as follows:

- (a) community education committee;
- (b) community education society;
- (c) Board of Education.

(3) The members of a local education authority shall be elected or appointed in accordance with the provisions of this Ordinance and the regulations, and any member may resign from his position by giving notice in writing to the local education authority.

(4) All members of a local education authority and all candidates for election to a local education authority shall be resident in the education district for which that local education authority has been elected or appointed.

(5) Teaching personnel are not eligible to be elected or appointed members of a community education committee or a community education society.

6. The Superintendent may assign students to schools in the education district and, where a student has reached an educational level beyond that offered in the education district, the Superintendent, after consulting the student and his parent or guardian and attempting to comply with their wishes, assign that student to a school in the Territories that provides a suitable program.

7. (1) Subject to subsection 3(2), every community in the Territories where there is at least one school in operation shall be an education district and every school shall be in an education district.

(2) The limits of an education district shall coincide with the boundaries of the community but the Executive Member may extend the limits of the district for the purpose of providing education services to persons residing outside the boundaries of the community.

(3) The Executive Member, within three months after the commencement of this Ordinance, shall publish a list of the education districts in the Territories with a number assigned to each and a designation of the category of local education authority that shall obtain in the education district.

(4) The Executive Member may, where he is of the opinion that the education needs of the residents of an education district are not adequately satisfied, dissolve the local education authority and appoint for that education district and vest in the Director the powers and authority of the local education authority.

COMMUNITY EDUCATION COMMITTEES

8. (1) Every education district for which a community education committee has been designated as the local education authority shall have a committee consisting of five members, not including *ex-officio* members, elected or appointed in accordance with this Ordinance and regulations.

(2) A community education committee may, after consulting the members of the education district at a general meeting held pursuant to paragraph 16(b), increase the number of members to a total not exceeding nine.

ELECTION OF COMMITTEE

9. (1) Where the limits of an education district with a community education committee coincide with the boundaries of a municipality

(a) the election of members of the committee shall be held in conjunction with the municipal election,

(b) the provisions of the *Municipal Ordinance* respecting the election of a municipal council, including the provisions setting forth the qualifications of candidates and voters and the nomination procedure, apply *mutatis mutandis* to the election of a community education committee, and

(c) the council of the municipality shall, at the first meeting of the council following each annual election, elect one of the members of council who shall be a member of the community education committee until replaced following the next annual election.

(2) The Executive Member shall within three months after the commencement of this Ordinance appoint an interim community education committee to act until the first election of a committee, which election shall be held in conjunction with the municipal election next following the commencement of this Ordinance.

(3) The returning officer for the municipality shall cause a ballot to be prepared for use in the election of the community education committee.

(4) Except as provided in subsection (5), the members of a community education committee shall hold office for a term of two years and an election shall be held each year to replace any member whose term expires that year or whose seat is otherwise vacant.

(5) The two successful candidates receiving the least number of votes at the first election and the member elected under paragraph (1)(c) shall hold office for a term of one year.

(6) A community education committee may appoint persons to fill vacancies on the committee until the next election is held.

(7) Where the number of persons nominated for election as members of the community education committee is equal to or less than the number of vacant seats of the committee, the returning officer shall declare the persons so nominated duly elected.

10. Where the limits of an education district with a community education committee do not coincide with the boundaries of a municipality, the Superintendent within whose Superintendency the education district is located shall arrange for the election or appointment of a community education committee in accordance with the regulations.

11. (1) The members of every community education committee shall meet in January each year to elect one of their number to be chairman for that year.

(2) A majority of the members of a community education committee constitutes a quorum.

(3) Where a chairman is not present at a meeting of the committee the members shall elect one of their members to act as chairman.

12. Where a member of a community education committee

(a) absents himself from meetings of the committee for three consecutive regular meetings without being authorized to do so by a resolution of the committee entered upon its minutes, or

(b) ceases to be a resident of the education district, committee may declare a vacancy in the membership and that on thereupon ceases to be a member.

13. (1) A community education committee may, subject to the approval of the Superintendent, appoint a secretary-treasurer and pay appointee an honorarium as prescribed by regulation.

(2) A person appointed under subsection (1) shall not be a member of the committee.

(3) A copy of the minutes of each meeting of the committee shall be transmitted to the Superintendent within ten days after the meeting.

14. (1) Every principal shall be an *ex-officio* member of the community education committee for the education district but shall not vote at meetings of the committee.

(2) Every principal shall, from time to time as required by the community education committee, report to the committee on the progress of education programs and plans for future programs.

(3) Every principal shall, in co-operation with the community education committee, prepare an annual budget proposal for the education district, and shall forward the proposal to the Superintendent.

15. (1) Every community education committee shall meet as often as is necessary to transact the business of the committee and in any event shall meet at least once every two months.

(2) The meetings of the community education committee shall be conducted in the language of the majority of the members of the committee, unless decided otherwise by the members, and the meetings shall be open to the public.

16. Every community education committee shall

(a) discuss all education programs including special, adult and vocational education programs offered in the education district and forward to the Superintendent its opinions of the programs and its views or desires in respect of future programs;

(b) at least once each year hold a general meeting of the voters of the education district at which the chairman of the committee shall present a report on the education programs and activities of the district and invite the comments and suggestions of the voters on education matters in the district;

(c) review proposals for the construction of new education facilities in the education district including proposed building sites and plans for buildings, and advise the Superintendent of its approval or disapproval of the proposals;

(d) advise on appointments of staff for student residences in the education district, review plans for the operation of the residences and advise the Superintendent with respect to such plans;

(e) advise the Superintendent of the special wishes of the residents of the education district with respect to opening and closing dates for schools and education programs, observance of special holidays and related matters, and the Superintendent shall report to the Executive Member on these matters.

17. A community education committee may

(a) advise on and assist in the establishment and operation of special, adult or vocational education centres in the education district, review the selection of students for and their placement in special, adult and vocation programs and advise the Superintendent on these matters;

(b) pay to each of its members an honorarium and expenses as prescribed by regulation;

(c) advise the principals in the education district and the Superintendent of its views on the needs of the education programs with respect to new staff members including principals;

(d) organize, with the assistance and co-operation of the Superintendent, principals and teaching personnel, special programs for the education district, which may include material from the culture and life style of the local people;

(e) permit the education facilities to be used for purposes other than education programs in accordance with the regulations;

(f) appoint a committee to investigate and report to the community education committee on such matters as the community education committee considers advisable; and

(g) organize supervised lunch-hour programs for the benefit of students who wish to participate.

(1) Where fifty voters of an education district for which a community education committee has been designated as the local education authority petition the Executive Member to designate a community education society as the local education authority, the Executive Member may, in his discretion, designate a community education society as the local education authority.

(2) The Executive Member may, upon termination of an Agreement between the Commissioner and the Rae-Edzo School Society, entered on the 18th day of August 1971, designate a community education society as the local education authority for Rae-Edzo with the petition required under subsection (1); and the members of the Rae-Edzo School Society shall thereby become members of the community education society.

19. (1) When the Executive Member designates a community education society as the local education authority, the members of the community education committee are thereby constituted a community education society and each member shall continue in office for the duration of the term for which he was elected.

(2) The Executive Member shall, when he designates a community education society, set a date for the first meeting of the society.

(3) Sections 11 and 12 apply *mutatis mutandis* to community education societies.

(4) The Superintendent for the district and the Director or his representative shall attend the first meeting of a community education society, at which time they shall ensure that the members of the society understand their new duties and responsibilities.

20. (1) The rules and procedures governing the election, appointment and terms of office of members of a community education committee apply to the election of members of a community education society.

(2) Notwithstanding subsection (1), the Executive Members may increase the number of members of a community education society and appoint persons to fill the additional offices until the next regular election.

21. (1) Every community education society shall

- (a) meet at least once each month to conduct its business and such meetings shall be open to the public;
- (b) select and appoint and arrange for the bonding of a secretary-treasurer for the education district;
- (c) pay the secretary-treasurer an annual salary as prescribed by regulation;

(d) have the Superintendent or his delegate attend regular meetings of the society from time to time as may be required by the society;

(e) review all reports on education programs received from every principal in the education district;

(f) review education program plans reported to the society by the principals and advise the Superintendent with respect to such plans;

(g) prepare, in co-operation with the principals and the secretary-treasurer, an annual budget proposal for the education district in accordance with the directives provided by the Director and present the proposal to the Superintendent;

(h) supervise the expenditure of the sum of money annually appropriated for that society for the operation of education programs, and institute accounting procedures acceptable to the Superintendent;

(i) hold a general meeting of the voters of the education district at least once a year, at which the chairman of the society shall present a report on the education programs and activities of the education district and those voters present shall be invited by the chairman to present to the society their comments and suggestions on education matters in the education district;

(j) review and advise on all plans for construction of new education facilities, including plans for new buildings and building sites in the education district;

(k) act as the agent of the Executive Member in the appointment of principals, teaching personnel and non-professional staff to the education programs of the education district;

(l) approve plans for programs associated with the operation of student residences in the education district;

(m) advise the Superintendent of the special wishes of the residents of the education district with respect to opening and closing dates for the schools and education programs, observance of special holidays and related matters, and the Superintendent shall report to the Executive Member on these matters;

(n) ensure that all reports, statements or information required by this Ordinance or the regulations are prepared and presented without delay;

(o) subject to any terms and conditions imposed by the Executive Member, have custody and safekeeping of all the education facilities in the education district that are used for carrying out the education programs of the district, and maintain such premises in a condition satisfactory to the Superintendent for the education district;

- (p) keep available to the Superintendent a record of all proceedings of the society or any special committee it may appoint;
 - (q) permit the education facilities to be used for purposes other than education programs in accordance with the regulations;
 - (r) pay each month all accounts rendered for goods and services received or carried on in the operation of the education programs of the district, from moneys received for that purpose from the Executive Member, but not including the salaries of principals, teaching personnel and non-professional staff;
 - (s) pay an honorarium and expenses to each of its members as prescribed by the regulations.
- (2) The books and accounts of every community education society shall be audited annually by an auditor appointed by the Executive Member.

(3) Notwithstanding paragraph (1)(k), the principals, teaching personnel and non-professional staff appointed by a community education society shall be employed in the public service of the Territories.

22. Every community education society may

- (a) organize, with the assistance and co-operation of the Superintendent, principals and teaching personnel, special programs for the education district, which may include material from the culture and life styles of the local people;
- (b) advise on and assist in the establishment and operation of special, adult or vocational education centres in the district, review the selection of students for and their placement in special, adult and vocational programs and advise the Superintendent on these matters;
- (c) make rules not inconsistent with this Ordinance or the regulations, governing the conduct of its business;
- (d) appoint a committee to investigate and report to the society on such matters as the society considers advisable.

BOARDS OF EDUCATION

23. Every Board of Education is a body corporate and shall consist of seven members elected or appointed in accordance with this Ordinance or the regulations.

See Recommendations 3; 4; 9; 10 of the Special Committee.

Under these amendments community education councils will be the successor to community education committees and community education societies. Transitional provisions of this Ordinance will guarantee that existing societies maintain their existing authority and responsibility.

3 Sections 25 to 30 of the Ordinance are repealed and the following substituted therefor:

25(1) Fifty voters of an education district may petition the Executive Member to seek the establishment of the district as an education division.

(2) A petition under subsection (1) shall be presented to the Executive Member at least four months before the next regular municipal election.

(3) The Executive Member, upon receiving a petition described in subsection (1), shall instruct the Board of Education for the education district concerned to call meetings of the ratepayers of the education district to determine whether the ratepayers favour the establishment of the district as an education division.

(4) Notice of a meeting under subsection (3) shall be given as required by the regulations and the meeting shall be held and a poll of the ratepayers conducted in accordance with the regulations.

26(1) If the majority of the ratepayers in an education district referred to in section 25 favour the establishment of an education division, the chairman of the meeting shall, within five days of the conclusion of the meeting, send to the Executive Member the minutes of the meeting and such other forms and information as the Executive Member requires.

(2) The Executive Member, on receiving the minutes and information referred to subsection (1) and on being satisfied that the requirements of this Ordinance and the regulations have been complied with, shall set a date on which an education district shall be established as an education division and determine whether the education division is to be a division to which the Schedule applies.

NOTE: 3 These amendments provide for the right of a majority of ratepayers in an education district to seek the establishment of an education division. Sections 25 to 30 of the Ordinance presently read:

25. (1) Any fifty voters of an education district for which a community education society has been the local education authority for at least two years may petition the Executive Member to designate a Board of Education as the local education authority.

(2) Every petition under subsection (1) shall be presented to the Executive Member at least four months before the next regular municipal election.

(3) The Executive Member, upon receiving a petition described in subsection (1), shall instruct the Superintendent for the education district concerned to call a meeting of the ratepayers of the education district to determine whether the ratepayers favour the establishing of a Board of Education.

(4) Notice of a meeting called under subsection (3) shall be given as required by the regulations and the meeting shall be held and a poll of the ratepayers conducted in accordance with the regulations.

26. (1) Where the majority of the ratepayers favour the establishing of a Board of Education, the chairman of the meeting shall within five days send to the Executive Member the minutes of the meeting and such other forms and information as the Executive Member requires.

(2) The Executive Member, upon receiving the minutes and information mentioned in subsection (1) and upon being satisfied that the requirements of this Ordinance and the regulations have been complied with, shall set a date upon which a Board of Education shall be designated the local education authority for the education district.

(3) The first election of members to a Board of Education shall be held in conjunction with the next regular municipal election following the designation of the Board as the local education authority.

27. Any person is eligible to be elected a member of a Board of Education who

- (a) is a Canadian citizen;
- (b) has attained the age of nineteen years;
- (c) has been ordinarily resident in the education district for not less than one year immediately preceding the day of the close of nominations of candidates for election;
- (d) is not an employee of the Board of Education.

28. (1) The members of a Board of Education elected at the first election following the designation of the Board as the local education authority shall hold office as follows:

- (a) the three candidates receiving the highest, the second highest and the third highest number of votes shall hold office for a term of three years commencing on the first day of January next following their election;
- (b) the three candidates receiving the fourth highest, fifth highest and sixth highest number of votes shall hold office for a term of two years commencing on the first day of January next following their election; and
- (c) the candidate receiving the seventh highest number of votes shall hold office for a term of one year commencing on the first day of January next following his election.

(2) Where the number of candidates nominated for election as members of a Board of Education is equal to or less than seven, the persons nominated are elected and

- (a) the first three candidates nominated shall hold office for a term of three years commencing on the first day of January next following their election;
- (b) the candidates who were fourth, fifth and sixth nominated shall hold office for a term of two years commencing on the first day of January next following their election; and
- (c) the candidate who was seventh nominated shall hold office for a term of one year commencing on the first day of January next following his election.

(3) Where fewer than seven candidates are nominated, the Executive Member shall appoint the number of members necessary to constitute a seven member Board and shall set the term of office of each member so appointed.

29. (1) Following the election of the first Board of Education for an education district, annual elections of members to replace those who have resigned or whose terms of office are due to expire shall be held to coincide with the municipal elections in the education district, and members shall be elected for terms of three years commencing on the first day of January next following their election.

(2) The returning officer for the municipal election shall be the returning officer for the elections of members of the Board of Education.

(3) The provisions of the *Municipal Ordinance* respecting the qualifications of voters, nominations, and for opening and closing the polls, the mode of voting, vacancies and declaration of office apply *mutatis mutandis* to the election of members of a Board of Education.

(4) The provisions of the *Municipal Ordinance* respecting recounts and controverted elections apply *mutatis mutandis* to elections of members of the Board of Education.

(5) The Board of Education shall give notice to the secretary-treasurer of the municipality on or before the fifteenth day of September in each year of the number of vacancies required to be filled to make the Board complete; and shall on or before the first day of October in each year furnish the returning officer of the municipality with a list of the persons entitled to vote for members of the Board of Education within any portion of the education district that is not within the municipality with an indication opposite each name on the list whether the person is a supporter of the public district or the separate district.

(6) Where a municipality has both a Board of Education and a Separate Board of Education, the returning officer and deputy returning officers shall deliver ballots for members of the Board of Education to supporters of the public district only and shall deliver ballots for members of the Separate Board of Education to supporters of the separate district only.

30. (1) Every Board of Education shall meet within thirty days after the first day of January next following the election for the purpose of electing a chairman and vice-chairman and organizing and transacting such other business as may be required and shall meet at least once each month thereafter except during the months of July, August, and December when meetings may be held if necessary.

(2) A special meeting of a Board may be called by

- (a) the chairman of the Board, or
- (b) a majority of the members,

after written notice has been given to each member in accordance with subsection (3).

(3) A notice of a special meeting shall state

- (a) the time and place of the special meeting, and
- (b) the nature of the business to be transacted at the special meeting,

and the notice shall

- (c) be sent by registered mail to each member at least six clear days before the day of the meeting, or
- (d) be delivered by personal delivery to
 - (i) the member, or
 - (ii) a responsible person at the members' residence
 at least three clear days before the day of the meeting.

(4) Notwithstanding subsections (2) and (3), a special meeting may be held if every member agrees to waive the requirements of subsections (2) and (3).

(5) No business other than that stated in the notice of special meeting shall be transacted at any special meeting of the Board unless all the members of the Board are present, in which case any other business may be transacted.

The amendments provide for a mechanism whereby an education district may become established as an education division.

4 Section 37 and 38 of the Ordinance are repealed and the following substituted therefor:

37(1) Each Board of Education is responsible, within its education division,

(a) for the administration and operation of education and education programs from kindergarten to the grade 10 curriculum prescribed by the Executive Member for schools in the Territories, and

(b) for providing opportunities for learning to students in the education division.

(2) Every Board of Education shall

(a) procure a seal;

(b) receive reports on the operation of each school in the education division at least once each month;

(c) review education program plans reported to the Board by the principals of schools in the education division;

(d) prepare an annual estimate of its revenue and expenditures for the operation and maintenance of the education programs for the education division;

(e) prepare an annual estimate of its revenue and expenditures for the provision of all capital items including land, buildings and equipment required for the education programs of the education division for the next financial year;

- (f) present to the Executive Member, in the form and at the time required by the Executive Member, the financial estimates mentioned in paragraphs (d) and (e);
- (g) receive annually such moneys as are appropriated for its use by the Council of the Territories;
- (h) receive annually from the council of the municipality the sum of money determined pursuant to section 39(2.1);
- (i) supervise and be responsible for the expenditure of all moneys necessary for the payment of the accounts of the Board;
- (j) provide, maintain and furnish school buildings and execute plans for the construction and alteration of school buildings;
- (k) employ a superintendent of education for the education division and prescribe his duties, obligations and terms and conditions of employment;
- (l) in consultation with any community education council, recruit and appoint principals, teaching personnel and other staff for the division, but no person shall be so employed if the community education council objects to the appointment of the person;
- (m) have custody and safekeeping of all the education facilities in the division that are used for the education programs of the division, and maintain the premises in a satisfactory condition;
- (n) settle all disputes arising in relation to an education program of the division between a student or his parent or guardian and the teaching personnel;

(o) permit, on such terms as the Board of Education considers proper, the education facilities to be used for purposes other than education programs;

(p) establish and provide, in co-operation with any community education councils,

(i) programs and curriculum for schools in the education division, subject to the approval of the Executive Member, and

(ii) appropriate instruction for all students in the division,

and ensure that that the education programs are conducted in accordance with this Ordinance and the regulations;

(q) provide adequate library, audio-visual and other resource materials for the education programs in the division;

(r) furnish all students with text-books, exercise books, pens, pencils and all other approved supplies, either free of charge or at a price fixed by the Board of Education;

(s) appoint a secretary and treasurer, or a secretary-treasurer, and pay the appointees according to a scale of salaries established by the Board of Education, and arrange and pay for the bonding of the treasurer or secretary-treasurer, as the case may be;

(t) prescribe learning materials for use in education programs;

(u) inspect and report on the professional performance of teaching personnel and other professional staff employed within the education division;

(v) operate student residences and boarding programs for students who leave home in order to attend school and prescribe the fees, if any, to be charged for accommodation.

(3) In consultation with any community education council, every Board of Education shall fix opening and closing dates for schools in its education division and the holidays to be observed and shall notify the Executive Member and the community education councils of those dates.

(4) Notwithstanding subsection (3), the Board of Education shall, with the approval of the Executive Member, establish the length of the school year from between 170 and 200 days.

(5) A Board of Education may, by resolution, delegate any of the duties and responsibilities referred to under subsection (1) to a community education council and thereupon that duty or responsibility becomes a duty or responsibility of the community education council.

38(1) Every Board of Education may

(a) enter into agreements for the provision of a pension to a teacher or other employee on retirement on account of age or disability;

(b) pay correspondence courses fees in respect of students who are entitled to attend the schools of the education division but for reasons satisfactory to the Board are unable to do so, or for students who are in attendance at a school in the division but who require a course that is not provided in the school but is available by correspondence and that has the approval of the Board;

(c) establish special classes of instruction for students who, for any physical or mental cause, are unable to take proper advantage of the regular school courses of study;

(d) provide equipment and supplies for a noon lunch or other food service for students and the necessary staff to operate such a program;

(e) provide equipment and facilities for school recreation, athletic or sport programs;

(f) provide a kindergarten program for children in the division, or in any education district in the division, who are five years of age on or before the thirty-first day of December, unless subsection 69(2) applies;

(g) employ such persons, in addition to teaching personnel, as may be considered necessary by the Board to ensure the efficient operation of the schools of the education division and fix wages or remuneration;

(h) join and pay fees to the Northwest Territories Trustees Association;

(i) provided opportunities for adult education and continuing education in co-operation with the Arctic College, and provide the names of adult educators employed by the Board to the Arctic College in order that they are registered as associate members of the academic staff of the Arctic College;

(j) pay to each of its members an honorarium according to a scale approved by the Executive Member, and such travelling and other expenses as its members may incur in carrying out their duties and that have been authorized by the Board;

(k) establish committees to monitor or direct any program in its schools;

(l) develop native language programs in all subjects;

(m) provide interpreter services to assist in the conduct of community education council meetings.

(2) A Board of Education may allow a teacher to take a leave of absence for educational purposes but no salary or grant shall be paid to a teacher on educational leave who does not pursue a course of studies approved by the Board.

School Attendance

38.1 A Board of Education may assign students to schools in the education district in which he resides but, if a student reaches an educational level beyond that offered in an

education district, the Board may, after consulting the student and his parent or guardian and attempting to comply with their wishes, assign that student to

- (a) a school in another district, or
- (b) subject to the consent of the Board of Education concerned, an education division that provides a suitable program.

38.2(1) Every superintendent of education appointed by a Board of Education shall, in accordance with the direction of the Board

- (a) supervise the operation of the education system within the education division;
- (b) investigate matters relating to education within the division and report to the Board;
- (c) in co-operation with the community education councils prepare an annual budget estimate for the division;
- (d) attend meetings of community education councils for the purpose of receiving their advice and providing them with advice and direction;
- (e) formally inspect or cause to be inspected the work of
 - (i) every teacher on probationary appointment in the division;

(ii) any teacher in the education division in respect of whom the Executive Member or the Board requests a report, and

(iii) any teacher in the education division who, on or before the first day of February in that academic year, requests that a report be made with respect to himself,

and present a copy of the report to the teacher whose work is inspected;

(f) investigate and report on the conduct of any student when requested to do so by a community education council or the Board of Education;

(g) perform such other duties and functions as are assigned to him by the Board of Education.

(2) Subject to the approval of the Board of Education, the duties of a superintendent appointed by the Board may be performed and his powers exercised by his authorized delegate or by the Board.

NOTE: 4 Sections 37 and 38 of the Ordinance presently read:

37. Every Board of Education shall

- (a) procure a seal;
- (b) receive reports on the operation of each school in the education district at least once each month;
- (c) review education program plans reported to the Board by the principals and advise the Superintendent with respect to such plans;
- (d) prepare an annual estimate of its revenue and expenditures for the operation and maintenance of the education programs for the education district;
- (e) prepare an annual estimate of its revenue and expenditures for the provision of all capital items including land, buildings and equipment required for the education programs of the education district for the next financial year;

- (f) present to the Executive Member, in the form and at the time required by the Executive Member, the financial estimates mentioned in paragraphs (d) and (e);
- (g) receive annually such moneys as are appropriated by the Council of the Northwest Territories for the operation and maintenance of such education programs in the education district for the next fiscal year as are approved by the Executive Member;
- (h) receive annually from the council of the municipality the sum of money determined at a meeting held pursuant to subsection 39 (2);
- (i) supervise and be responsible for the expenditure of all moneys necessary for the payment of the accounts of the Board according to the approved financial estimates;
- (j) provide, maintain and furnish school buildings, and in consultation with the Director, prepare and execute plans for the construction and alteration of school buildings;
- (k) recruit and appoint principals, teaching personnel and other staff for the education programs of the district;
- (l) advise the Executive Member of the opinion of the Board with respect to opening and closing dates for the schools and observance of special holidays and related matters;
- (m) have custody and safekeeping of all the education facilities in the district that are used for the education programs of the district, and maintain such premises in a satisfactory condition;
- (n) settle all disputes arising in relation to an education program of the district between a student or his parent or guardian and the teaching personnel;
- (o) permit, on such terms as the Board considers proper, the education facilities to be used for purposes other than education programs;
- (p) provide instruction appropriate to their learning levels for all students in the district, and ensure that the education programs are conducted in accordance with the provisions of this Ordinance and the regulations;
- (q) provide adequate library, audio-visual and other resource materials for the education programs in the district;
- (r) furnish all students with text-books, exercise books, pens, pencils and all other approved supplies, either free of charge or at a price to be fixed by the Board;
- (s) appoint a secretary and treasurer, or a secretary-treasurer, and pay such appointees according to a scale of salaries established by the Board, and arrange and pay for the bonding of the treasurer or secretary-treasurer, as the case may be.

38. (1) Every Board of Education may

- (a) employ a local Superintendent of Education to perform for the Board such duties otherwise carried out by the Superintendent for the education district as are approved by the Executive Member and the Board may prescribe additional duties and responsibilities for a local Superintendent;
- (b) provide for the payment of a pension to a teacher or other employee on retirement on account of age or disability;
- (c) pay correspondence course fees in respect of students who are entitled to attend the schools of the district but for reasons satisfactory to the Superintendent are unable to do so, or for students who are in attendance at a school in the district but who require a course that is not provided in the school but is available by correspondence and that has the approval of the Superintendent;
- (d) establish special classes of instruction for students who, for any physical or mental cause, are unable to take proper advantage of the regular school courses of study;
- (e) provide equipment and supplies for a noon lunch or other food service for students and the necessary staff to operate such a program;
- (f) provide equipment and facilities for school recreation, athletic or sports programs;
- (g) provide a kindergarten program for children in the district who are five years of age on or before the thirty-first day of December;
- (h) provide, subject to the approval of the council of the municipality, a system of school patrols whereby pupils may assist in the control of motor vehicle traffic on highways or elsewhere so far as such traffic may affect pupils going to or from school;
- (i) employ such persons, in addition to teaching personnel, as may be considered necessary by the Board to ensure the efficient operation of the schools of the education district, and fix wages or remuneration;
- (j) join and pay fees to an association of Boards of Education;
- (k) pay to each of its members an honorarium according to a scale established by the regulations, and such travelling and other expenses as its members may incur in carrying out their duties and that have been authorized by the Board by resolution passed at a regular or special meeting of the Board.

(2) A Board of Education may allow a teacher to take a leave of absence for educational purposes but no salary or grant shall be paid to a teacher on educational leave who does not pursue a course of studies approved by the Board.

5 Subsections 39(1) and (2) of the Ordinance are repealed and the following substituted therefor:

39(1) All property in an education division that is liable to assessment and taxation for municipal purposes under the Municipal Ordinance is liable to assessment and taxation for school purposes.

(2) Every Board of Education shall, as soon as practicable after the final revision of the assessment roll of the municipality, in co-operation with any community education council, discuss the sum required to be raised by the Board for education purposes for the next following academic year, and other matters of interest.

(2.1) After any discussion that is required under subsection (2), the Board of Education shall determine the sum required for education purposes in the education division for the next following academic year, if any, and demand an appropriate proportion of it from each municipality in the education division.

NOTE: 5 Subsections 39(1) and (2) of the Ordinance presently read:

39. (1) Where a Board of Education has been designated as the local education authority, all property within the education district that is liable to assessment and taxation for municipal purposes under the *Municipal Ordinance* is liable to assessment and taxation for school purposes.

(2) Every Board of Education shall, as soon as practicable after the final revision of the assessment roll of the municipality, call a meeting of the ratepayers of the education district to discuss the sum required to be raised by the education district for education purposes for the next following academic year and other matters of interest; and when the meeting has been held the Board shall determine the sum required and demand it of the municipality.

6 Subsection 42(2) of the Ordinance is amended by substituting for the word "district" the words "education division".

NOTE: 6 Subsection 42(2) of the Ordinance presently reads:

(2) The members of a Board who vote for any diversion of debenture moneys shall be jointly and severally liable for the amount so diverted, which may be recovered by action at the suit of the Board or any ratepayer on behalf of the district.

7 Subsections 43(4)(5) and (6) of the Ordinance are repealed and the following substituted therefor:

(4) A Board of Education shall

(a) notify the council of each municipality in the education division of the authorization of the loan by the Executive Member by forwarding a copy of the by-law and the authorization from the Executive Member to the secretary-treasurer of the municipalities concerned, and

(b) request the councils of each municipality to submit the by-law to a vote of the ratepayers in their respective municipalities.

(5) Following a request under subsection (4), the municipality shall thereupon submit the by-law to the ratepayers to be voted on.

(6) The returning officer, or the chairman of the meeting, as the case may be, shall certify to the Board of Education the number of votes cast for and against the by-law.

(7) When the results of the vote from each municipality in the education division have been received, the Board of Education shall total the votes for and against the by-law from the ratepayers of the division.

NOTE: 7 Subsections 43(4), (5) and (6) of the Ordinance presently read:

(4) A Board of Education shall

- (a) notify the council of the municipality of the authorization of the loan by the Executive Member by forwarding a copy of the by-law and the authorization from the Executive Member to the secretary-treasurer of the municipality; and
- (b) request the council of the municipality to submit the by-law to a vote of the ratepayers of the education district.

(5) The municipality shall thereupon submit the by-law to the ratepayers of the education district to be voted on.

(6) The returning officer, or the chairman of the meeting, as the case may be, shall certify to the Board and to the Executive Member the number of votes cast for and against the by-law.

8 Subsection 48(1) of the Ordinance is amended by striking out the words "instruct the Superintendent for the education district concerned to".

NOTE: 8 Subsection 48(1) of the Ordinance presently reads:

48. (1) The Executive Member, upon receiving a petition described in section 47, shall instruct the Superintendent for the education district concerned to call a meeting of the ratepayers of the religious faith indicated on the petition to determine whether those ratepayers favour the establishment of a separate education district.

9 Subsection 48(4) of the Ordinance is amended by striking out the words "as the local education authority".

NOTE: 9 Subsection 48(4) of the Ordinance presently reads:

(4) Where the majority of the ratepayers in the district who are of the religious faith indicated on the petition vote in favour of the establishment of a separate education district, the Executive Member shall establish a separate education district having the same boundaries as the existing education district and shall set a date upon which a Separate Board of Education shall be designated as the local education authority for the separate education district.

10 Section 49 of the Ordinance is amended by substituting for the words "members of a Board of Education" the words "members of a Board of Education to which the Schedule applies,"

Note: 10 Section 49 of the Ordinance presently reads:

49. The provisions of this Ordinance and the regulations respecting the election of members of a Board of Education apply to the election of members of a Separate Board of Education, and a Separate Board of Education has and may exercise all rights, powers and privileges and is subject to the same liabilities and method of government provided in respect of Boards of Education.

11(1) Paragraph 51(2)(a) of the Ordinance is amended

(a) by substituting for the words "municipal assessor" the words "municipal assessors of the municipalities in the education division";

(b) by substituting for the word "districts" the word "divisions".

(2) Subsections 51(4) and (5) of the Ordinance is amended by substituting for the words "education districts" the words "education divisions".

(3) Section 51(5) of the Ordinance is amended by substituting for the word "districts" the word "divisions".

NOTE: 11 Subsections 51(2), (4) and (5) of the Ordinance presently reads:

(2) Where a separate education district has been established,

(a) every owner of assessable property shall record with the municipal assessor a declaration setting forth whether he supports the public education district, the separate education district or both districts in the ratio indicated, and the assessor shall direct that all levies for education purposes be directed to the Board of Education or the Separate Board of Education according to the declarations of the owners, and

(b) every voter who is not a ratepayer shall record with the returning officer a declaration setting forth whether he is a supporter of the public education district or the separate education district.

(4) A corporation may record with the municipal assessor a declaration that it is a supporter of the public or the separate education district, or may declare that all levies on its property for education purposes be directed in a stated proportion to both education districts.

(5) Where no declaration is recorded by a corporation under subsection (4), the school taxes payable by a corporation shall be divided between the public and separate education districts in shares proportional to the number of students enrolled in the two districts.

12 Subsection 55(1) of the Ordinance is amended by substituting for the words "The Executive Member shall prescribe, after consultation with the local education authority," the words "The Board of Education, after consultation with any community education council, shall prescribe".

NOTE: 12 Subsection 55(1) of the Ordinance presently reads:

55. (1) The Executive Member shall prescribe, after consultation with the local education authority, the language of instruction for the years following completion of the first two years of the school program.

13 Section 56 of the Ordinance is repealed and the following substituted therefor:

56 The Board of Education may, with the approval of any community education council concerned, make such special arrangements for the teaching of language as it considers appropriate.

56.1(1) The Executive Member may establish a community language development fund.

(2) The purpose of the community language development fund is to provide money to Boards of Education for the purpose of funding persons or groups in the development of language programs.

(3) An application for a grant from the community language development fund may be made by a Board of Education if

(a) the Board has proposals from a person or group for the development of a language program or some aspect of it,

(b) the Board and any community education council concerned supports the proposal, and

(c) the application meets such other requirements as the Executive Member may establish.

(4) A grant may be made subject to such conditions as the Minister may impose.

NOTE: 13 Section 56 of the Ordinance presently reads:

56. The Superintendent for a district may, with the approval of the local education authority, make such special arrangements for the teaching of languages as he considers appropriate.

Special arrangement for languages and establishment of a community language development fund.

14 Section 59 of the Ordinance is amended by substituting for the words "A community education committee or society" the words "A community education council".

NOTE: 14 Section 59 of the Ordinance presently reads:

59. A community education committee or society may include amounts in its budget proposals for the payment of non-professional workers in parts of the school program that relate to the culture, language or life style of the local people and that are unfamiliar to the professional teachers in the schools of the district.

15 Section 62 of the Ordinance is repealed.

NOTE: 15 Section 62 presently reads:

62. School shall be in session a minimum of one hundred and ninety days in each academic year.

16 Subsection 63(1) of the Ordinance is repealed and the following substituted therefor:

63(1) Schools shall be closed on all Sundays and on those holidays prescribed in the regulations.

NOTE: 16 Section 63(1) of the Ordinance presently reads:

63. (1) Schools shall be closed on all Sundays and on the following holidays:

- (a) New Year's Day;
- (b) Good Friday;
- (c) Easter Monday;
- (d) Dominion Day;
- (e) Labour Day;
- (f) Thanksgiving Day;
- (g) Remembrance Day;
- (h) Christmas Day;

17 Section 64 of the Ordinance is repealed and the following substituted therefor:

64 Every Board of Education shall cause to be published each year on or before the thirtieth of April, a calendar for the academic year commencing on the 1st day of July of that year, setting forth the dates of school opening, school closing and vacation of all schools in the education division.

NOTE: 17 Section 64 of the Ordinance presently reads:

64. (1) The Executive Member shall cause to be published each year, on or before the thirtieth day of April, a calendar for the academic year commencing on the first day of July of that year, setting forth the dates of school opening, school closing and vacations for all schools.

18 Subsection 65(2) of the Ordinance is repealed and the following substituted therefore:

(2) The Executive Member, upon the recommendation of a Board of Education, may alter the minimum and maximum hours set forth in subsection (1) for an education district or for the education division.

NOTE: 18 Subsection 65(2) of the Ordinance presently reads:

(2) The Executive Member, upon the recommendation of a local education authority, in an education district, may alter the minimum and maximum hours set forth in subsection (1) for that education district.

19 Section 68 is repealed.

NOTE: 17 Section 68 of the Ordinance presently reads:

68. The Executive Member 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.

This section is re-enacted in the Department of Education Ordinance.

20 Subsection 69(2) of the Ordinance is repealed and the following substituted therefor:

(2) A Board of Education may include a kindergarten program in any school in its education division and may, with the approval of the Executive Member, prescribe the entrance age to kindergarten program at not less than 4 years of age.

NOTE: 20 Subsection 69(2) of the Ordinance presently reads:

(2) Subject to the approval of the Executive Member, a Superintendent may include a kindergarten program in any school in his Superintendency.

21 Subsection 72(1) of the Ordinance is amended by substituting for the words "The Executive Member" the words "A Board of Education, with the approval of the Executive Member".

NOTE: 21 Subsection 72(1) of the Ordinance presently reads:

72. (1) The Executive Member shall establish programs of special education designed to provide assistance to students who are unable or unlikely to be served to advantage by the regular education program.

22 Sections 75 to 77 of the Ordinance are repealed.

NOTE: 22 Sections 75 to 77 of the Ordinance presently reads:

75. The Executive Member, in co-operation with the Superintendents and local education authorities, shall establish, where feasible, vocational courses to meet the needs from time to time of the residents of the Territories.

76. Any person who is seventeen years of age or over and has been resident in the Territories for at least two years is eligible to make application for admission to an adult or vocational program.

77. (1) The Executive Member may establish a tuition fee for any vocational education program but no fee shall be charged for any course established pursuant to section 75 designed to establish basic literacy for the participants.

(2) There shall be a scale of allowances prescribed by regulation for vocational students and the Executive Member, in accordance with the regulations, shall decide the eligibility of adult education students for allowances.

Vocational projects will be the responsibility of the Arctic College.

23 Section 79 of the Ordinance is repealed and the following substituted therefor:

79 A community education council may

- (a) establish programs of study on any subject,
- (b) subject to the prior approval of the Board of Education, act as agent of the Board in the appointment of teachers and instructors for the program, and
- (c) determine the fees payable by persons enrolled in the program.

NOTE: 23 Section 79 of the Ordinance presently reads:

79. A local education authority may establish programs of study on any subject and may employ teachers or other instructors for such programs and determine the fees payable by persons enrolled in the programs.

24 Section 81 of the Ordinance is amended

- (a) in paragraph (2) (a) by substituting for the word "Director" the word "him";
- (b) in paragraph (2) (c) by striking out the words "the Director to provide for".

NOTE: 24 Subsection 81(2) of the Ordinance presently reads:

(2) Where the Executive Member has authorized the operation of a private school he shall

- (a) require that the principal or person in charge of the private school report to the Director on enrolment, staff, courses of study and other matters in respect of the school,
- (b) direct that an employee of his department inspect the school, in which case the inspecting officer is authorized to enter the school at all reasonable hours and to inspect the premises and all books and documents related to the school, and
- (c) require the Director to provide for the inspection of the work of every teacher, and ensure that a satisfactory standard of instruction is maintained.

25 Section 85 is amended

(a) in subsection (1), by adding to the end thereof the words "enacted under the Department of Education Ordinance";

(b) in subsection (5) by substituting for the words "The Director" the words "A Board of Education".

NOTE: 25 Subsections 85(1) and (5) presently read:

85(1) A teacher may be dismissed for cause or for incompetence at any time in the manner prescribed by regulation.

(5) The Director shall attempt to locate a teaching position for a teacher whose contract is terminated under subsection (4).

26 Subsection 86(1) of the Ordinance is repealed and the following substituted therefor:

86(1) If, in the opinion of a superintendent of a Board of Education, there exists grounds for the dismissal of a teacher, the superintendent

(a) may suspend that teacher from his position while an investigation is carried out, and

(b) shall forthwith notify the Board and any community education council of the suspension.

NOTE: 26 Section 86(1) of the Ordinance presently reads:

86(1) Where, in the opinion of a Superintendent, there may exist grounds for the dismissal of a teacher, the Superintendent

(a) may suspend that teacher from his position while an investigation is carried out, and

(b) shall forthwith notify the Executive Member and the local education authority of the suspension.

27 Section 91 of the Ordinance is amended:

(a) in subsection (2) by substituting for the words " a community education society or the Superintendent after receiving advice from the community education committee" the words "after receiving the advice of any community education council;

(b) in subsection (3) by striking out the words "society or the Superintendent as the case may be".

NOTE: 27 Subsections 91(2) and (3) of the Ordinance presently read:

(2) A Board of Education, a community education society or the Superintendent after receiving advice from the community education committee, shall designate a teacher to be the principal of every school with a staff of more than one teacher.

(3) The Board, society or the Superintendent, as the case may be, may designate a teacher to be acting principal but where an acting principal has been designated, a principal shall be designated within the next twelve month period.

28 Subsection 92(1) of the Ordinance is amended by substituting for the words ", community education society or the Superintendent after receiving advice from the community education committee," the words "after receiving the advice of any community education council".

NOTE: 28 Subsection 92(1) of the Ordinance presently reads:

92. (1) Where a school has a staff of more than ten teachers, the Board of Education, community education society or the Superintendent after receiving advice from the community education committee, may designate a teacher as the assistant principal of that school.

29(1) Subsection 93(2) of the Ordinance is amended by substituting for the words "paragraphs 21(1)(c) and 37(b)" the words "paragraphs 18(d) and 37(2)(b)".

(2) Paragraph 93(3)(f) of the Ordinance is amended by substituting for the words "the local education authority" the words "any community education council".

NOTE: 29 Subsection 93(3) of the Ordinance presently reads:

(3) Every principal shall prepare and submit to the local education authority the reports referred to in paragraphs 21(1)(e) and 37(b).

30(1) Paragraph 96(3)(f) of the Ordinance is amended by substituting for the words "the local education authority" the words "any community education council".

(2) The following subsection is added after subsection 96(5):

(6) A Board of Education may admit to its schools a young person who is less than 6 years of age on the 31st day of December of an academic year.

NOTE: 30 Paragraph 96(3)(f) of the Ordinance presently reads:

(3) A child is not required to attend school where
 (f) the Superintendent for the district, after consultation with the local education authority, has stated in writing that he is of the opinion that no suitable program of instruction is offered in the school that the child normally would attend.

31 Subsection 97(2) of the Ordinance is amended by substituting for the words "to be approved by the Executive Member" the words "fixed by a Board of Education".

NOTE: 31 Subsection 97(2) of the Ordinance presently reads:

(2) A tuition fee to be approved by the Executive Member may be charged any student whose parent or guardian is not a resident of the Northwest Territories.

32 Section 98 of the Ordinance is amended

(a) by repealing subsection (1);

(b) in subsection (3), by substituting for the words "The Executive Member" the words "The Board of Education"

NOTE: 32 Subsection 98(1) and (3) of the Ordinance presently read:

98(1) The Executive Member may appoint an attendance officer in any education district other than a district for which a Board of Education has been elected or appointed.

(3) The Executive Member shall prescribe the powers and duties of the attendance officers.

33 Subsection 99(2) of the Ordinance is repealed and the following substituted therefor:

(2) If a principal suspends a student from school, he shall immediately report the matter to the Board of Education and to any community education council and the Board, after consultation with any council may

(a) terminate, confirm or extend the suspension, or

(b) expel the student.

(3) A Board of Education may, by resolution, delegate its authority under subsection (2) to a superintendent appointed by it.

NOTE: 33 Subsection 99(2) of the Ordinance presently reads:

(2) Where a principal suspends a student from school, he shall immediately report the matter to the Superintendent and the local education authority, and the Superintendent, after consultation with the local education authority may

- (a) terminate, confirm or extend the suspension; or
- (b) expel the student.

34 Section 101 of the Ordinance is amended by striking out the words "and, in education districts where there is no Board of Education, the Executive Member".

NOTE: 34 Section 101 of the Ordinance presently reads:

101. Every Board of Education and, in education districts where there is no Board of Education, the Executive Member may make arrangements for the conveyance of students in the district in accordance with the regulations.

35 Section 102 of the Ordinance is amended by substituting for the words "The Executive Member" the words "A Board of Education".

NOTE: 35 Section 102 of the Ordinance presently reads:

The Executive Member may operate student residences or boarding homes for the accommodation of students.

36 Section 103 of the Ordinance is amended:

- (a) by repealing paragraphs (a); (b); (c); (d); (e); (f); (g); (h); (i); and (j);

(b) by substituting the following paragraphs:

(a) governing the nomination, voting procedure and election of members to a community education council when the education district boundaries do not coincide with municipal boundaries;

(b) governing the direction by the Executive Member that a community be transferred from one education division to another whether or not that community is named in an educational division under this Ordinance, and any conditions to be met before a transfer is ordered;

(c) governing any transitional provisions respecting the transfer from one education division to another;

(d) establishing new education divisions;

(e) governing a poll of ratepayers for the purpose of determining whether an education division should be established and designated as a division to which the Schedule applies;

(f) governing the nomination and election of members of Boards of Education and matters relating to the election when municipal boundaries do not coincide with the education division;

(g) designating an education division to which the Schedule applies and governing any matter in respect of the division or its Board that may be necessary from the date of the designation until elections are held in accordance with the Schedule;

(h) prescribing the holidays on which schools shall be closed;

(i) determining the manner in which and the times at which a student population is to be calculated for the purposes of section 23.1 and defining for the purposes of that section and the regulations, the words "student population".

NOTE: 36 Regulations

37 The Ordinance is amended by adding after section 103 the following sections:

103.1 The Commissioner may make regulations:

- (a) designating an education district or education division as a district or division to which regulations made under this subsection apply;
- (b) establishing or providing for the establishment of a co-ordinating agency, giving it a name and describing its purpose and objects;
- (c) establishing or providing a means for planning for the special needs students of the education district or division;
- (d) defining "special needs students" and "special services";

(e) requiring a written plan to be prepared for all students or all special needs students, the persons to be involved in preparing the plan, its contents, the effect of the plan, the manner in which the plans are to be implemented and the person responsible for the implementation;

(f) providing that, notwithstanding any other Ordinance, services or programs to special needs students be co-ordinated through the co-ordinating agency established under this regulation;

(g) governing calling of meetings, conduct of proceedings and the persons to be represented on the co-ordinating agency and the chairman of it;

(h) governing the manner in which funds for special needs students are disbursed and the person to control that disbursement subject to such conditions as may be prescribed in the regulations for the disbursement of funds;

(i) the method of monitoring and reviewing of plans and their implementation and providing for amendment to the plans as the need arises;

(j) governing the nature and type of assessment of special needs students and by whom the assessment is to be made;

(k) governing the establishment and operation of parent groups or groups of other interested persons to exchange information and advocate the needs for special needs students;

(l) providing for meetings between the community education council or Board of Education, or both, with the co-ordinating agency or parents or other groups;

(m) requiring a master plan for special services be developed for each education division addressing such matters as are required in the regulations and may require approval or comment on the plan by the Minister's Advisory Council;

(n) providing for the involvement of parents or guardians in the planning, development and implementation of special services and individual plans;

(o) respecting special needs students or special services to be provided to them for the purpose of providing to them an effective learning program.

PART VII
CENTRES FOR LEARNING AND TEACHING

103.2(1) There is hereby established two centres, namely:

- (a) a Centre for Learning and Teaching serving
 - (i) the Baffin Education Division;
 - (ii) the Beaufort Education Division;
 - (iii) the Kitikmeot Education Division;
 - (iv) the Keewatin Education Division;
 - (v) the Inuvik Education Division;

- (b) a Centre for Learning and Teaching serving
 - (i) the MacKenzie - Great Bear Education Division;
 - (ii) the South Slave Lake Education Division;
 - (iii) the Southwest Education Division;
 - (iv) the Yellowknife Public Education Division No. 1;
 - (v) the Yellowknife Separate Education Division No. 2.

(2) Each Centre shall serve the schools and residents within the education divisions for which it has jurisdiction.

103.3(1) Each Centre shall have a board of directors composed of

(a) the superintendents of education appointed by each Board of Education within its jurisdiction;

(b) the principal of Arctic College having jurisdiction in the education divisions served by the Centre.

(2) The Executive Member shall appoint a chairman for the board of directors of each Centre and the boards may appoint such other officers as they respectively consider necessary.

(3) Each board of directors of a Centre is a body corporate composed of the members of the board from time to time.

(4) The deputy of the Executive Member shall be the secretary of each Centre.

103.4(1) In accordance with the Public Service Ordinance, each Centre shall

(a) employ such staff as it considers necessary and prescribe their terms and conditions of employment;

(b) enter into contracts of service for persons for special projects when required.

(2) Each board of directors of a centre shall provide for the calling and conduct of its meetings and the quorum at the meetings.

103.5 Each Centre shall report annually to the Executive Member on its activities during the preceding 12 months.

103.6(1) Each Centre shall be funded with moneys authorized by the Executive Member and by way of grants either generally or for special projects.

(2) Neither Centre forms part of the Department of Education for any purpose.

103.7 Each Centre is responsible for establishing priorities and policies for educational development, support services and teacher training in the Territories and in particular shall

(a) develop, monitor and evaluate programs of study and education materials for kindergarten to grade 10, students with special needs and for adult education;

(b) provide programs for the training of teaching staff and develop and provide teacher orientation programs for work in the Territories and pre-service and in-service training of teachers;

(c) carry out specific tasks for the Boards of Education;

(d) co-ordinate activities of the Boards of Education with the Arctic College;

(e) conduct educational research and co-operate with Boards of Education in the development of curriculum and research into traditional ways of learning and thinking that may assist both teaching and learning;

NOTE: 37 Provides for regulations to be enacted respecting special needs students (see Recommendations 30-36 of the Special Committee) Also establishes two Centres for Learning and Teaching. (see Recommendation 11 of the Special Committee)

38 The following provisions of the Ordinance are amended by substituting for the word "district" whenever it occurs the words "or education division"

subsection 47(1), (in two places);
subsection 47(2);
subsections 48(1);
subsection 48(2), (in two places);
subsection 48(4), (in five places);
subsection 48(5), (in two places);
subsection 50(1), (in three places);
subsection 50(2), (in two places);
subsection 51(1);
subsection 51(2), (in five places);
subsection 51(4)
subsection 52(1);
subsection 53(1);
paragraph 53(2)(a), (in three places);
paragraph 53(2)(b); (in three places);
subsections 53(3) and (4).

NOTE: 38 Sections 47 - 53 of the Ordinance presently read:

48. (1) The Executive Member, upon receiving a petition described in section 47, shall instruct the Superintendent for the education district concerned to call a meeting of the ratepayers of the religious faith indicated on the petition to determine whether those ratepayers favour the establishment of a separate education district.

(2) The ratepayers of the education district belonging to the same religious faith as the petitioners, whether Roman Catholic or Protestant, are the persons qualified to vote on the question whether or not a separate education district will be established.

(3) Notice of a meeting called under subsection (1) shall be given as required by the regulations and a poll of the ratepayers conducted in accordance with the regulations.

(4) Where the majority of the ratepayers in the district who are of the religious faith indicated on the petition vote in favour of the establishment of a separate education district, the Executive Member shall establish a separate education district having the same boundaries as the existing education district and shall set a date upon which a Separate Board of Education shall be designated as the local education authority for the separate education district.

(5) Where the majority of ratepayers in the district who are of the religious faith indicated on the petition vote against the establishment of a separate education district, no further petition on the same question shall be accepted by the Executive Member for two years after the date of the meeting.

49. The provisions of this Ordinance and the regulations respecting the election of members of a Board of Education apply to the election of members of a Separate Board of Education, and a Separate Board of Education has and may exercise all rights, powers and privileges and is subject to the same liabilities and method of government provided in respect of Boards of Education.

50. (1) A Separate Board of Education may conduct a referendum to determine whether the separate education district should be dissolved, and shall conduct such referendum if twenty-five per cent

of the ratepayers of the separate education district petition the Board to have the separate district dissolved.

(2) Where a referendum under subsection (1) indicates that a majority of ratepayers favour dissolution of the separate district, the Separate Board of Education shall so report to the Executive Member and he shall dissolve the separate district and the Separate Board.

5. (1) The ratepayers of a separate education district shall be liable only to assessments of such rates as they impose upon themselves in respect of the separate schools.

(2) Where a separate education district has been established,
 (a) every owner of assessable property shall record with the municipal assessor a declaration setting forth whether he supports the public education district, the separate education district or both districts in the ratio indicated, and the assessor shall direct that all levies for education purposes be directed to the Board of Education or the Separate Board of Education according to the declarations of the owners,
 and

(b) every voter who is not a ratepayer shall record with the returning officer a declaration setting forth whether he is a supporter of the public education district or the separate education district.

(3) Where property is held by two or more persons as joint tenants or tenants in common, such persons shall be assessed in proportion to their interest in the property and the levies directed to the Board of Education or the Separate Board of Education according to their declarations.

(4) A corporation may record with the municipal assessor a declaration that it is a supporter of the public or the separate education district, or may declare that all levies on its property for education purposes be directed in a stated proportion to both education districts.

(5) Where no declaration is recorded by a corporation under subsection (4), the school taxes payable by a corporation shall be divided between the public and separate education districts in shares proportional to the number of students enrolled in the two districts.

(6) Every declaration recorded under this section shall continue in force and be acted upon until it is withdrawn, varied or cancelled.

52. (1) Any member of a Board of Education or a Separate Board of Education who is convicted of an offence against this Ordinance for which a penalty is provided, or who absents himself from meetings of the Board for three consecutive months without being authorized to do so by resolution entered upon its minutes, or who ceases to be a resident of the district, shall vacate his seat.

(2) No person is eligible for nomination or election as a member of a Board of Education or a Separate Board of Education or shall remain a member thereof if he has been convicted of an offence punishable by imprisonment for five years or more within the preceding twenty-four months or whose imprisonment as a result of such conviction has terminated within the preceding twenty-four months.

53. (1) Every Board of Education or Separate Board of Education shall admit to its schools without charge any child whose parent or guardian is a resident of that district.

(2) For the purpose of this section,

(a) a person who is resident within an education district and who, on the first day of an academic year is recorded as a supporter of the public education district, shall be deemed not to be a resident of the separate education district for that academic year, and

(b) a person who is resident within a separate education district and who, on the first day of an academic year is recorded as a supporter of the separate education district, shall be deemed not to be a resident of the public education district for that academic year.

(3) The Board of Education or the Separate Board of Education may admit a student to its school whose parent or guardian is not a resident of the district and may charge that parent or guardian a fee established by the Board.

(4) Notwithstanding the other provisions of this section, the Executive Member may direct a Board of Education or a Separate Board of Education to waive the fee under subsection (3) for students outside the district who, because of a lack of other school facilities, must attend a school under the jurisdiction of a Board; and the Board shall comply with the Executive Member's direction.

39 The following provisions of the Ordinance are amended by substituting for the word "Superintendent" whenever it occurs the words "Board of Education"

subsection 57(1);

section 74

paragraph 94(c);

paragraphs 96(3)(a) and (f)

NOTE: 39 Consequential amendments.

40 The following provisions of the Ordinance are amended by substituting for the words "education district" whenever they occur the words "education division":

subsection 39(3);

section 40;

subsection 45(1);

subsection 98(2).

NOTE: 40 Consequential amendments.

41 The Ordinance is amended by adding the following after section 105:

SCHEDULE

1 This Schedule only applies to

(a) the Yellowknife Public Education Division No. 1,

(b) the Yellowknife Separate Education District No. 2,

(c) the Inuvik Education Division, and

(b) to any other education division specified in the regulations as an education division to which this Schedule applies.

2(1) When an education division is designated under the regulations as a division to which this Schedule is to apply, the Executive Member shall set a date upon which an election shall be held for membership on the Board of Education.

(2) The first election of members to a Board of Education shall be held in conjunction with the next regular municipal election following the designation referred to in subsection (1).

3 Any person is eligible to be elected a member of a Board of Education who

(a) is a Canadian citizen;

- (b) is at least nineteen years old;
- (c) has been ordinarily resident in the education division for not less than one year immediately preceding the day of the close of nominations of candidates for election;
- (d) is not an employee of the Board of Education.

4(1) The members of a Board of Education elected at the first election following the designation of the education division under the regulations hold office as follows:

(a) the three candidates receiving the highest, the second highest and third highest number of votes hold office for a term of three years commencing on the first day of January next following their election;

(b) the three candidates receiving the fourth highest, fifth highest and sixth highest number of votes hold office for a term of two years commencing on the first day of January next following their election, and

(c) the candidate receiving the seventh highest number of votes hold office for a term of one year commencing on the first day of January next following his election.

(2) If the number of candidates nominated for election as members of a Board of Education is equal to or less than seven, the persons nominated are elected and

(a) the first three candidates nominated hold office for a term of three years commencing on the first day of January next following their election;

(b) the candidates who were fourth, fifth and sixth nominated hold office for a term of two years commencing on the first day of January next following their election, and

(c) the candidate who was seventh nominated holds office for a term of one year commencing on the first day of January next following his election.

(3) If less than seven candidates are nominated, the Executive Member shall appoint the number of members necessary to constitute a seven member Board and shall set the term of office of each member so appointed.

5 Following the election of the first Board of Education for an education division, annual elections of members to replace those who have resigned or whose terms of office are due to expire shall be held to coincide with the municipal election in the education division, and members shall be elected for terms of three years commencing on the first day of January next following their election.

6(1) The returning officer for the municipal election shall be the returning officer for the election of members of the Board of Education.

(2) The provisions of the Municipal Ordinance respecting the qualifications of voters, nominations and for opening and closing the polls, the mode of voting, vacancies and declaration of office apply mutatis mutandis to the election of members of a Board of Education.

(3) The provisions of the Municipal Ordinance respecting recounts and controverted elections apply mutatis mutandis to elections of members of the Board of Education.

7(1) The Board of Education shall give notice to the secretary-treasurer of the municipality on or before the fifteenth day of September in each year, of the number of vacancies required to be filled to make the Board complete.

(2) A Board of Education shall on or before the first day of October in each year furnish the returning officer of the municipality with a list of the persons entitled to vote for members of the Board of Education within any portion of the education division that is not within the municipality, with an indication opposite each name on the list whether the person is a supporter of the public district or the separate district.

8 Where a municipality has both a Public Board of Education and a Separate Board of Education, the returning officer and deputy returning officer shall deliver ballots for members of the Board of Education to supporters of the public division only and shall deliver ballots for members of the Separate Board of Education to supporters of the separate division only.

9 Every Board of Education shall meet within thirty days after the first day of January next following the election for the purpose of electing a chairman and vice-chairman and organizing and transacting such other business as may be required.

NOTE: 41 The Schedule provides for the election of members of Board of Education who are elected from the public at large.

TRANSITIONAL PROVISIONS

42 Every local education authority that is

- (a) a community education committee, or
- (b) a community education society,

at the coming into force of this section becomes a community education council composed of the same members for the same term of office.

NOTE: 42 Community education committees and societies become community education councils.

43(1) In addition to the powers and responsibilities given to a community education council, the community education societies named in subsection (2), upon the coming into force of section 42, having the powers and responsibilities specified in section 18 of the Education Ordinance without any delegation of authority by the Board of Education.

(2) Subsection (1) applies to

- (a) Hay River Education Society;
- (b) Gjoa Haven Education Society;
- (c) Clyde River Education Society;
- (d) Igloolik Education Society;
- (e) Baker Lake Education Society;
- (f) Eskimo Point Education Society;
- (g) Coral Harbour Education Society;

- (h) Nakasuk Education Society, Frobisher Bay;
- (i) Pond Inlet Education Society;
- (j) Cape Dorset Education Society;

NOTE: 43 This section guarantees the right of exiting community education societies to retain the powers they have as societies under the repealed provisions of the Education Ordinance.

44(1) This section applies to every Board of Education except those Board of Education to which the Schedule to the Education Ordinance applies.

(2) At the first meeting of a Board of Education, the members shall agree on their terms of office so that

(a) not more than a third of the members hold office for three years,

(b) not more than a third of the members hold office for two years, and

(c) the remaining members hold office for one year.

(3) In default of agreement under subsection (1) or by agreement, the members of the Board of Education shall determine their first terms of office by lot.

NOTE: 44 First Board of Education for those Boards composed of representatives of community education councils.

45 The Boards of Education of the Yellowknife Public Education District No. 1 and the Yellowknife Separate Education District No. 2 continue as corporate entities with the same membership

and for the same term of office under the names respectively of the Yellowknife Public Education Division No. 1 and the Yellowknife Separate Education Division No. 2.

NOTE: 45 Transitional provision for Yellowknife Boards of Education.

46(1) The Executive Member may establish one or more interim governing authorities of Boards of Education or for the Centres for Learning and Teaching and if he does, may:

(a) appoint one or more persons as members of the interim governing authority and, if he appoints more than 1 member, shall designate 1 of them as its chairman;

(b) specify the name of the Interim Governing Authority;

(c) confer and impose on the Interim Governing Authority any powers or duties he considers necessary in connection with the carrying out of its responsibilities.

(2) The member or members of the Interim Governing Authority

(a) may be paid remuneration for the performance of their duties, and

(b) shall be paid travelling and living expenses while absent from their ordinary places of residence in the course of their duties,

at the rates prescribed by the Executive Member.

NOTE: 46 Interim governing authorities for Boards of Education or the Centres for Learning and Teaching.

47(1) An Interim Governing Authority is a corporation with the name given to it by the Executive Member and consists of the persons appointed as its member or members.

(2) An Interim Governing Authority shall exercise its powers and duties until it is dissolved by a further order of the Executive Member.

(3) The Executive Member may make any order he considers necessary in respect of the disposition of the rights, property, debts and obligations of the Interim Governing Authority on its dissolution.

NOTE: 47 Dissolution.

48(1) Notwithstanding anything in the Education Ordinance, an Interim Governing Authority of a Board of Education may

(a) prescribe procedures respecting the nomination and election of the first Board of Education in relation to any matter not provided for or inadequately provided for in the Education Ordinance;

(b) exercise or perform the powers and duties of

(i) a Board of Education until the commencement of the Board's first meeting, and

(ii) a superintendent of education appointed by the Board;

(c) exercise the powers and duties referred to in paragraph (b) either in its own name or in the name of the Board.

(2) An Interim Governing Authority for a Centre for Learning and Teaching may exercise or perform the powers and duties of the board of directors of the Centre until the commencement of the board of directors' first meeting.

NOTE: 48 Authority of the Interim Governing Body.

49 The Commissioner may make regulations providing for any matter not provided for or insufficiently provided for in the Education Ordinance and any regulation so made

(a) shall be tabled at the next ensuing sitting of the Council, and

(b) ceases to have effect after the last day of the next ensuing session of the Council.

NOTE: 49 Temporary regulations.

50(1) This Ordinance or any provision thereof shall come into force on a day or days to be fixed by order of the Commission.

(2) An order under subsection (1) may apply to all or any part of the Territories.