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COUNCIL OF THE NORTHWEST TERRITORIES
1983 FIRST SESSION

BILL - 83(1)

AN ORDINANCE TO AMEND
THE EDUCATION ORDINANCE

Statement of Purpose

The purpose of this Bill is to create education divisions and to establish Divisional Boards of Education.

DISPOSITION

Date of Notice	1st Reading	2nd Reading	To Committee	Chairman	Reported	3rd Reading	Date of Assent

BILL .. - 83(1)

AN ORDINANCE TO AMEND
THE EDUCATION ORDINANCE

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

1. The Education Ordinance is amended by adding immediately after section 54, the following Part:

"PART II.1

ORGANIZATION AND OPERATION OF EDUCATION DIVISIONS

EDUCATION DIVISIONS

Interpretation

54.1.(1) In this Part, "local education authority" means a community education committee or a community education society.

(2) Notwithstanding any other provision of this Ordinance, this Part shall apply to the organization and operation of education divisions except as otherwise provided in this Part.

Establishment
of education
divisions

54.2.(1) The Executive Member may, by order, establish an education division where

- (a) the local education authority in an education district has presented the Executive Member with a resolution requesting the Executive Member to establish the education district as an education division; or
- (b) the local education authorities of two or more education districts have presented the Executive Member with a resolution of the local education authorities requesting the Executive Member to establish the education districts which the local education authorities represent, as an education division; and
- (c) the local education authority or authorities, as the case may be, have complied with such directions as the Executive Member deems appropriate respecting the establishment of an education division.

Contents of
order

- (2) An order under subsection (1) shall contain
- (a) the name of the education division;
 - (b) the date upon which the education division is established;
 - (c) the boundaries of the education division; and
 - (d) such other matters as the Executive Member deems appropriate.

Education
divisions
may be
prescribed

(3) The Commissioner, upon the recommendation of the Executive Member, may, by regulation, prescribe the education divisions which the Executive Member may establish under this section.

Respon-
sibilities of
Executive
Member

(4) The Executive Member shall be responsible for the maintenance of those lands and buildings used for the delivery of the education program in the education division and for the acquisition of additional lands and the construction or replacement of additional buildings required for the delivery of the education program and he may delegate such responsibilities to a Divisional Board of Education.

Executive
Member to
establish
person-years
for education
division

(5) Upon the formation of an education division and at any time thereafter, the Executive Member shall establish the person-years for that education division and shall identify the number of person-years allocated for employees of the Government of the Northwest Territories and the number of person-years allocated for employees of the Divisional Board of Education.

Public Service
Ordinance
applies

(6) Persons employed by the Government of the Northwest Territories who work in an education division shall be appointed and remunerated in accordance with the Public Service Ordinance and any collective agreement entered into by the Commissioner and the Northwest Territories Teachers' Association or the Northwest Territories Public Service Association shall apply to such persons."

DIVISIONAL BOARDS OF EDUCATION

Divisional
Boards of
Education

54.3.(1) There may be established in an education division, a Divisional Board of Education, which shall be a body corporate.

Composition of Board where one education district

(2) Where an education division contains one education district, the Divisional Board of Education thereof shall be comprised of seven members.

Other provisions apply to Board

(3) Subsections 26(3) and sections 27, 28, 29 and 35 apply mutatis mutandis to members of a Divisional Board of Education referred to in subsection (2).

Composition of Board where more than one education district

(4) Where an education division contains more than one education district, the Divisional Board of Education thereof shall be comprised of one member from each education district appointed by the local education authority of that education district.

Eligibility for appointment

(5) In addition to any other requirement of this Part, a person must be a member of the local education authority of the education district in which he resides in order to be eligible for appointment or election to the Divisional Board of Education for that education district.

Additional members

(6) The Executive Member may, as he deems advisable, appoint additional members to a Divisional Board of Education.

Vacancy

(7) Where a vacancy occurs on a Divisional Board of Education, a member shall be appointed or elected, as the case may be, to replace the former member in accordance with this section.

Term

(8) The term of office of a member of a Divisional Board of Education shall be two years.

Removal from office

(9) Notwithstanding subsection (8), a member of a Divisional Board of Education ceases to be a member if he ceases to be

- (a) a member of the local education authority referred to in subsection (5); or
- (b) ordinarily resident in the education district of the education division of the Divisional Board of Education to which he was elected.

Meetings

(10) A Divisional Board of Education shall meet at least six times a year and sections 30 to 34 of this Ordinance apply to a Divisional Board of Education mutatis mutandis.

**Dissolution
of Board**

(11) Where the Executive Member is of the opinion that a Divisional Board of Education is not adequately fulfilling its responsibilities to an education division under this Ordinance, he may, by order, dissolve the Divisional Board of Education whereupon all of the powers and duties of the Divisional Board of Education vest in the Executive Member or the official trustee, as the Executive Member may direct.

**Grants to
Boards**

(12) The Executive Member shall, in each fiscal year, provide a grant to a Divisional Board of Education for the operation of the programs approved for the education division.

**Duties of
Board**

54.4. Every Divisional Board of Education shall

- (a) administer and manage the educational affairs of the education division in accordance with the intent of this Ordinance and the regulations;
- (b) exercise general supervision and control over the schools in the education division and make such by-laws with respect to school management as may be considered necessary for effective and efficient operation of such schools;
- (c) subject to the regulations, authorize and approve the courses of instruction constituting the basic instructional program of each school in the education division;
- (d) procure a seal;
- (e) subject to this Part, prescribe the powers and duties of the Superintendent;
- (f) subject to subsection 54.2(5) employ a financial officer and arrange and pay for the bonding of the financial officer;
- (g) receive reports from the Superintendent on the operation of each education program in the education division;
- (h) review new education programs proposed to it by the Superintendent;
- (i) prepare an annual estimate of its revenue and expenditures for the operation and maintenance of the education programs for the education division and present the estimate to the Executive Member in the form and at the time required by him;
- (j) receive annually such moneys as are appropriated for its use by the Council of the Northwest Territories;

- (k) supervise and be responsible for the expenditure of all moneys necessary for the payment of the accounts of the Divisional Board of Education;
- (l) provide, maintain and furnish school buildings and execute plans for the construction and alteration of education facilities where so delegated by the Executive Member;
- (m) have custody and safekeeping of all the education facilities in the education division that are used for the education programs of the education division where so delegated by the Executive Member;
- (n) provide adequate library, audio-visual and other resource materials for the education programs in the education division;
- (o) furnish all students with textbooks, exercise books, pens, pencils and all other supplies, either free of charge or at a price fixed by the Divisional Board of Education;
- (p) approve learning materials for use in education programs in addition to those approved by the Executive Member;
- (q) settle all disputes arising in relation to an education program of the education division between a student or his parent or guardian, and the teaching personnel;
- (r) keep a full and accurate record of the proceedings, transactions and financial affairs of the Divisional Board of Education;
- (s) require that all funds in the control of the Divisional Board of Education be kept in a chartered bank, to be paid out by cheques signed by the financial officer and the chairman of the Board or such other member of the Board as may be designated by the Board; and
- (t) prepare or cause to be prepared such reports and returns concerning statistical data, budgetary information and reports respecting the operation of the education programs in the education division as may be required, from time to time, by the Executive Member.

Duties of Board
requiring
consultation

54.5. In consultation with a community education council, a Divisional Board of Education shall

- (a) subject to section 64, set the opening and closing dates for schools in the education division;

- (b) determine which school in the education division a student residing in the education division shall attend;
- (c) provide programs for adult and continuing education;
- (d) subject to subsection 54.2(5), recruit, select and designate Superintendents, other than Superintendents who continue as Superintendents under subsection 54.12(8), principals, teachers, classroom assistants and other instructional staff required to provide the programs offered in the education division; and
- (e) approve the courses of instruction provided in the education division in addition to the basic programs offered in the schools in the education division.

Powers of Board

- 54.6. Every Divisional Board of Education may
- (a) enter into agreements for the provision of a pension to an employee, other than an employee of the Government of the Northwest Territories, on retirement on account of age or disability;
 - (b) pay correspondence course fees;
 - (c) establish programs of instruction for students who, for any reason, 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 services for students and the necessary staff to operate such a program, and set such fees as the Divisional Board of Education deems appropriate;
 - (e) provide resources for recreation, athletic or sports programs;
 - (f) provide a kindergarten program for children in the education division, or in any education district in the education division, who are four years of age on or before the opening day of school;
 - (g) subject to section 54.2(5), employ such persons as may be considered necessary by the Divisional Board of Education for the operation of the education division and fix their wages or remuneration;
 - (h) join and pay fees to educational associations approved by the Divisional Board of Education;
 - (i) allow an employee, other than an employee of the Government of the Northwest Territories, to take a leave of absence for educational purposes;

- (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 as members of the Divisional Board of Education;
- (k) establish committees and assign tasks to them;
- (l) provide interpreter services to assist in the conduct of community education council meetings;
- (m) acquire by gift, devise, lease, purchase or otherwise, personal property;
- (n) permit, on such terms as it considers proper, education facilities to be used for community purposes;
- (o) where so delegated by the Executive Member, operate student residences and boarding programs, and prescribe the fees, if any, to be charged for accommodation; and
- (p) delegate its powers under paragraph 54.4(1) and (m) to a community education council.

Powers of Board requiring consultation

- 54.7. In consultation with a community education council, a Divisional Board of Education may
- (a) establish the length of the school year and for this purpose, section 62 applies mutatis mutandis to a Divisional Board of Education;
 - (b) within the education division, transfer a teacher from one school within an education district to another school within the education district or from one school within an education district to a school in another education district; and
 - (c) terminate the designation of principal or assistant principal by giving notice in writing at least sixty days before the day set as the closing day of school.

Provisions of Ordinance apply to a Board

- 54.8. The following provisions of this Ordinance apply to a Divisional Board of Education mutatis mutandis:
- (a) section 1;
 - (b) section 2;
 - (c) section 3;
 - (d) subsection 39(1);
 - (e) subsection 39(3);
 - (f) section 40;
 - (g) section 54;

- (h) section 55;
- (i) section 57;
- (j) section 58;
- (k) section 60;
- (l) section 61;
- (m) section 65;
- (n) section 66;
- (o) section 67;
- (p) subsection 69(1);
- (q) section 70;
- (r) section 71;
- (s) section 83;
- (t) section 96;
- (u) section 97;
- (v) subsection 98(2);
- (w) section 101; and
- (x) section 103.

Provisions respecting teachers apply

54.9. Sections 84, 85, 86, 87, 88, 89 and 94 of this Ordinance apply mutatis mutandis to teachers employed by a Divisional Board of Education.

Provisions respecting classroom assistants apply

54.10. Section 95 of this Ordinance applies mutatis mutandis to classroom assistants employed by a Divisional Board of Education.

Provisions respecting principals apply

54.11. Section 99 of this Ordinance applies to teachers who are designated as principals of a Divisional Board of Education.

OFFICIAL TRUSTEE AND ADVISORY BOARD

Official trustee

54.12.(1) The Executive Member shall appoint an official trustee for an education division where a Divisional Board of Education has not been established in the education division.

Official trustee is Superintendent

(2) The official trustee is ex officio the Superintendent for the education division.

Advisory Board

(3) Where an official trustee is appointed for an education division, an Advisory Board shall be established for that education division.

Members of Advisory Board

(4) Members of an Advisory Board shall be elected or appointed in the same manner as members are elected or appointed to a Divisional Board of Education.

Powers and duties of official trustee

(5) The official trustee may exercise the powers and shall perform the duties of a Divisional Board of Education and, in so doing, he shall consult with the Advisory Board.

Term

(6) The term of the appointment of an official trustee shall be at pleasure and shall be for two years but may be extended by the Executive Member for a period not to exceed two years.

Revocation of appointment of official trustee

(7) The Executive Member may, at the request of the Advisory Board, revoke the appointment of the official trustee and establish a Divisional Board of Education.

Official trustee continues as Superintendent

(8) Where the appointment of an official trustee is revoked under subsection (7), the person whose appointment was so revoked shall continue as Superintendent for the education division.

COMMUNITY EDUCATION COUNCIL

Community education council

54.13.(1) For each education district in an education division there shall be established a community education council.

Other provisions to apply to community education council

(2) Subsections 5(3), (4), (5), 8(1) and (2), sections 9, 11 and 12, subsections 14(1) and (2), and section 15 of this Ordinance apply mutatis mutandis to a community education council.

Members of community education council

(3) Upon the establishment of an education division, the members of a community education committee or a community education society, as the case may be, are thereby constituted as a community education council and each member shall continue in office for the duration of the term for which he was elected.

Duties of community education council

54.14. Every community education council shall

- (a) meet at least once each month to conduct its business and such meetings shall be open to the public;
- (b) review all reports from the principal and adult educator respecting the education programs offered in the education district;
- (c) review new education program plans for the education division as presented to it by the Superintendent and advise the Divisional Board of Education with respect to those plans;

- (d) prepare an annual budget proposal for the education district in accordance with directions provided by the Divisional Board of Education;
- (e) supervise the expenditure of the sum of money annually provided by the Divisional Board of Education for the operation of education programs in the education district and institute accounting procedures acceptable to the Divisional Board of Education;
- (f) advise the Divisional Board of Education on the selection of staff for the education programs of the education district;
- (g) advise the Divisional Board of Education with respect to the opening and closing dates for schools;
- (h) advise the Divisional Board of Education with respect to education programs for the education district;
- (i) make available to the Divisional Board of Education a record of all proceedings of the community education council or of any committee it may appoint;
- (j) ensure that all reports, statements or other information required by the Divisional Board of Education are prepared and presented when required; and
- (k) convene, at least once each year, a general meeting of the residents of the education district for the purpose of reviewing the progress of education and educational services available in the education district and discussing matters of interest and concern to the residents with respect to future development of programs and services.

Powers of
community
education
council

54.15. Subject to the prior approval of the Divisional Board of Education, a community education council may

- (a) select and, acting as an agent of the Divisional 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 Divisional Board of Education;
- (c) pay to each of its members an honorarium as prescribed by the Divisional Board of Education.

- (d) request the Superintendent to attend, from time to time, meetings of the community education council;
- (e) advise the Divisional Board of Education on the operation of student residences in the education district;
- (f) where so delegated by the Divisional Board of Education and subject to any terms and conditions imposed by the Divisional Board of Education, have custody and safekeeping of all of the education facilities in the education district that are used for carrying out the education programs, and maintain such premises in a condition satisfactory to the Divisional Board of Education;
- (g) declare that the schools in the education district be closed for the observance of a holiday for a local purpose, but such holiday shall not exceed one day in any month or two days in an academic year;
- (h) establish programs of study for use in the school program and in the adult education program of the education district; and
- (i) permit, in accordance with the terms and conditions prescribed by the Divisional Board of Education, the education facilities to be used for community purposes.