



Bill 81: An Act to Amend the Education Act FAQ

What amendments to the *Education Act* require regulations to be developed/amended?

New regulations are anticipated to be required for:

- Ministerial Access to Student Records and Disclosure of Information
- Development of an Oversight Committee
- Creating the ability for a DEA/DEC to request mediation when both are assigned the same power/duty in their regulations
- Inclusive Schooling Directive: details could be included in the Student Record Regulations, Safe School Regulations, or in new Regulations.

Amendments to existing regulations are anticipated to be required for:

- [Transportation of Students Regulations](#): updates regarding the requirement to provide student transportation
- [Funding Regulations](#): updates to terminology and sections regarding transportation
- [Regulations for each of the Education Bodies](#) – updates to ensure that each body has the appropriate authority, permit mail-in ballots where appropriate, revising/restating quorum if necessary

What are the plans to get the necessary regulations in place?

Under s. 151 (5) of the *Education Act*, the Minister shall consult with Education Bodies regarding proposed contents of the regulations, including drafts of the regulations. The process is expanded on within the *Consultation Regulations*.

The Department of Education, Culture and Employment will engage with Education Bodies on the development of and amendments to any regulations required to support amendments to the *Education Act*. This will include consultation of all Education Bodies on the final versions of the regulations, as per the legislated requirements.

What are the next steps and timelines for implementing legislative amendments?

The following is a tentative schedule for bringing amendments into force:

- August 2023: Bill 81 anticipated to receive third reading and assent
- September 3 – October 31, 2023: Anticipated transition period between Assemblies
- November 2023 – May 2024: Formal engagement with Education Bodies on regulations
- December 2023-January 2024: Internal work done to make changes to school funding related to transportation
- Spring 2024: Public posting of new/amended regulations for 30 days
- July 2024 (end of 2023-24 school year): Regulations completed to allow time for schools and Education Bodies to become compliant by the start of the 2024-2025 school year
- September 2024 (start of 2024-25 school year): Regulations come into force

Student Transportation

Why is the GNWT proposing to change the student transportation language from something education bodies may do, to something they shall do?

The first step to student educational success is ensuring they can get to school. The intent of the proposed amendment is to make sure transportation is not a barrier to students accessing the education program.

The Department is aware of the logistical, labour market and fiscal challenges related to providing student transportation and remains committed to supporting Education Bodies in delivering services so that all students in every community are able to get to school.



How will the GNWT work with Education Bodies on amendments to the regulations?

The Department will work closely with Education Bodies on proposed amendments to the *Transportation of Students Regulations* to set the scope and parameters for how the mandatory provision of transportation services will be implemented in the NWT. ECE is committed to ensuring the changes allow for flexibility in the delivery of student transportation based on the unique needs and contexts of regions and communities.

How will student transportation be funded?

ECE recognizes that there will be funding implications associated with the change in the legislation that ensures students have transportation to access the education system, and is committed to investing the necessary dollars for the provision of student transportation. This will look different from community to community and will be based on flexible models.

The Department will work to advance any required changes to school funding during the winter-spring 2023/2024 to ensure that Education Bodies have the necessary funding to implement the regulation changes for the start of the 2024-2025 school year.

What transportation models are currently being used by Education Bodies in the NWT?

Current transportation models in the NWT vary greatly and range from contracting the operation and infrastructure to a third party, to owning the infrastructure and managing operations internally. ECE envisions a variety of models will continue to exist following amendments to the Act.

Existing transportation service models include the following scenarios:

- Transportation needs are contracted entirely to a third-party (including infrastructure).
- The local Indigenous government owns the transportation infrastructure and provides it at no cost to the Divisional Education Council for student transportation. (Note: cost-sharing is likely to be considered in the future). The Divisional Education Council uses GNWT transportation funding to subsidize the costs of providing transportation to all communities.
- The Divisional Education Council owns their own bus fleet and contracts the operations to a third-party.
- The District Education Authority owns/operates a bus for Junior Kindergarten students, and contracts bus services from a third-party for K-12 students.
- The Education Body owns and operates their bussing program in its entirety, which includes owning a garage and busses and employing their own mechanics and bus drivers.

Oversight Committee

Why is ECE proposing amendments to allow the Minister to create an oversight committee?

The *Education Act* currently contains mechanisms under s. 113 for the Minister to investigate an Education Body when it's believed the Education Body is not performing its role or carrying out its duties under the Act. These accountability provisions do not serve the education system in a proactive way, and instead require there to be a deficiency identified before an audit can be initiated. This process often feels punitive and adversarial.

The intention of the Oversight Committee is to explicitly provide the Minister with the authority to identify opportunities to improve the delivery of the education program and to work with Education Bodies to make those improvements. The new provisions would also allow an Education Body to ask the Minister to initiate an audit to help in any circumstance, defined or not defined in the *Education Act*. These committees are intended to be supportive and address issues before they arise to avoid utilization of the powers granted in section 113, except where necessary.



ECE sees the Committee as a mechanism to be able to work cooperatively with Education Bodies to look at and make improvements to operations or program delivery across the education system. Similar to an Internal Audit Bureau function in government, these committees will be equipped to identify opportunities to improve the delivery of the education system and support implementation of these improvements, further advancing our commitments to improve monitoring and evaluation of the education system and addressing the findings and recommendations of the Office of the Auditor General.

How will Education Bodies be included in plans for an Oversight Committee?

ECE will engage with Education Bodies to develop the regulations that will establish processes for oversight committees established as needed under the Act. Terms of Reference for oversight committees will be developed in consultation with Education Bodies, and are anticipated in most cases to include membership from the education authority.

Information Sharing

Why is the GNWT enhancing information sharing in the legislation?

In 2010, the Office of the Auditor General identified deficiencies in how the department was monitoring the education system and ensuring the system as a whole is working toward improving student outcomes. Similarly, the *2020 Report of the Auditor General of Canada on Early Childhood to Grade 12 Education in the Northwest Territories* found that the Department did not take sufficient steps to collect and use data to understand how it might make changes to address persistent gaps in student outcomes. This report also recommended that the Department identify, collect, and analyze the data required to adequately measure student outcomes so that it can identify necessary changes to the education system.

The proposed amendments in Bill 81 will allow for better access to the information required to evaluate and monitor student progress and inform education system decisions to improve student outcomes.

Will information sharing create an administrative burden and require added investment by the GNWT and/or Education Bodies?

The Department is committed to ensuring that information sharing does not create an additional administrative burden for the education bodies. Although there will likely be some increased work upfront, ECE anticipates taking on the financial and administrative weight of operationalizing this change, which will ultimately reduce the amount of work required for Education Bodies to report data.