

## Actions to Promote Equity and Implement the *United Nations Declaration on the Rights of Indigenous Peoples* in Education:

Ełeyati ts'edi: We are sharing words and taking them into consideration

*Pronunciation: Eh'-kle-yah-ti t'say-di*

A Hotii ts'eeda Response to the GNWT Discussion Paper  
on *Education Act* Modernization  
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## About Hotii ts'eeda

Hotii ts'eeda is a research support unit hosted by the Tłıchǫ Government, and governed primarily by Northwest Territories (NWT) Indigenous Governments. Hotii ts'eeda connects NWT organizations, and communities with researchers and funding to achieve health research and training goals. It is funded by the Canadian Institutes of Health Research.

“Hotii t'seeda” is a Tłıchǫ language phrase. It refers to peace and well-being in mind, body and spirit, and about moving beyond diplomacy to true collaboration so that when we part ways we leave each other in a state of grace.

Hotii ts'eeda's vision is a health system where Indigenous governments, public governments, Indigenous communities and Northwest Territories residents benefit from health research that prioritizes the needs of communities, families and individuals, and that is grounded in an understanding the land, language, culture and way of life form the foundation of Indigenous well-being.

Visit [www.nwtspor.ca](http://www.nwtspor.ca) for more information about Hotii ts'eeda.

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“I am very aware of the gaps in student achievement across the territory. While we are making some headway ... small communities remain in need of greater support. My focus over the life of this government will be to ensure equitable education delivery in all communities in the North.” – Education Minister RJ Simpson, February 2020

Source: Ollie Williams, “Audit finds deeply concerning flaws in NWT education system” Cabin Radio February 6 2020. Accessed online July 13 2021, <https://cabinradio.ca/29842/news/education/audit-finds-deeply-concerning-flaws-in-nwt-education-system/>)

#### GNWT Mandate 2019-2023

Implement the UN Declaration on the Rights of Indigenous Peoples:

Implementing the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) within the constitutional framework of Canada will advance reconciliation.

How we will do it: Work with Indigenous governments to create and implement an action plan that identifies changes required in GNWT legislation and policies to best reflect the principles set out in UNDRIP.

Source: GNWT, *Mandate of the Government of the Northwest Territories 2019-2023*. 9.

#### GNWT Mandate 2019-2023

Increase student educational outcomes to the same level in the rest of Canada:

The NWT education system will require modernization and fundamental changes to focus resources and system-wide efforts on student learning and well-being. Students should have access to a high-quality education regardless of the community they live in or the size of their school.

How we will do it: Modernize the *Education Act* and review education funding framework.

Source: GNWT, *Mandate of the Government of the Northwest Territories 2019-2023*. 27.

## Introduction

This paper responds to the Government of the Northwest Territories' (GNWT) Department of Education, Culture, and Employment's (ECE) *Education Act Modernization: Discussion Paper (GNWT Discussion Paper)*<sup>1</sup> and builds on Hotii ts'eeda's *Tsik'e daa de Enitle dee Ko; Response to GNWT Discussion Papers on Transforming Aurora College to a Polytechnic University*.<sup>2</sup> Hotii ts'eeda's response is informed by a mandate to promote patient-oriented health research, health systems, and wellness in the NWT, building on Indigenous strengths. Hotii ts'eeda partners have been clear that health and wellness is holistic and includes education. Education is a major part of providing NWT residents with opportunities to realize their full potential, and to improve their life circumstances and material conditions, and those of their families and communities.<sup>3</sup>

Hotii ts'eeda's response provides a perspective based on the views of Hotii ts'eeda partners, including the overarching goal of contributing toward implementing the UN Declaration on the Rights of Indigenous Peoples (UNDRIP),<sup>4</sup> in service of Hotii ts'eeda's purpose of working together for good health.

Hotii ts'eeda's response emphasizes revisions to the *NWT Education Act (Education Act or Act)* that promote equity, using UNDRIP as a tool to guide change. It also emphasizes a need to talk about the current funding framework, with a view to equitable distribution of resources. UNDRIP can only be effectively implemented with a whole of government approach. While this paper primarily responds to the *2021 GNWT Discussion Paper*, it recognizes that the GNWT must view UNDRIP implementation as a holistic initiative requiring coordination and cooperation across all of government. To ensure successful implementation, the *Education Act* must link back to overarching GNWT legislation implementing UNDRIP.

This paper is organized into twelve sections, with two appendices. The first section provides general comments and recommendations with respect to the need for and contents of an overarching GNWT UNDRIP implementation law, in addition to *Education Act* changes. The next two sections contextualize the importance of implementing UNDRIP to achieve equity, which are principles that should be used to guide *Education Act* changes in a general way. The following six sections describe rationales for actions to implement UNDRIP articles, and principles of equity in each focus area of the *2021 GNWT Discussion Paper*. The last two sections provide concluding observations and recommendations. Finally, two appendices summarize all recommendations, including correlating each recommendation with specific UNDRIP articles relating to education.

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<sup>1</sup> GNWT, *Education Act Modernization: Discussion Paper* (GNWT: 2021).

<sup>2</sup> Hotii ts'eeda, *Tsik'e daa de Enitle dee Ko; Response to GNWT Discussion Papers on Transforming Aurora College to a Polytechnic University*. (Hotii ts'eeda: 2020).

<sup>3</sup> Hotii ts'eeda, *Tsik'e daa de Enitle dee Ko*, 3.

<sup>4</sup> UN General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples: resolution / adopted by the General Assembly*, 2 October 2007, A/RES/61/295.

## General Comments and Recommendations

UNDRIP describes human rights standards to uphold the minimum standards for the survival, dignity, and well-being of Indigenous peoples globally. Both the Truth and Reconciliation Commission (2015) and the final report of the Inquiry into Missing and Murdered Indigenous Women and Girls (2019) called for UNDRIP's adoption by governments in Canada. During June 2021, the Government of Canada passed federal legislation to create a framework for implementing UNDRIP within all of its laws and responsibilities. Similar to other governments in Canada and globally, the federal government recognizes that socioeconomic gaps between Indigenous peoples and non-Indigenous populations, created through the harms of colonization, must be addressed by incorporating basic human rights standards for Indigenous peoples into its laws, structures, and systems.

The principle of ensuring equity of access to education and educational resources also informs this response to the GNWT Education Modernization Act process. It is clear that Indigenous students are at a disadvantage compared with their non-Indigenous counterparts with respect to education outcomes in the NWT. This paper provides an analysis that sees implementing UNDRIP as a necessary step toward ensuring equity. By committing to implementing the human rights standards described in UNDRIP, the importance of providing education in ways that uphold the human rights of all residents will become clearer to all NWT residents. These approaches include ways required to close the gaps in socioeconomic conditions and outcomes created by systems and policies that have not upheld the human rights of all NWT residents.

By passing an overarching law implementing UNDRIP in the NWT, the GNWT could provide a statutory basis that will ensure alignment of all of its laws and policies to achieve better life circumstances for Indigenous peoples in the NWT.

Hotii ts'eeda recommends that the GNWT pass an overarching law implementing UNDRIP, as well as make changes to the *Education Act*, which include the following elements:

1. A revised Education Act should include an explicit commitment to implementing UNDRIP, and contain recognition of Indigenous government jurisdiction and authorities under modern treaties.
2. A standalone NWT law implementing UNDRIP would provide a legal basis for a whole of government approach to implement UNDRIP. It should include mechanisms for central oversight and coordination, and accountability. All future legislation should include provisions requiring UNDRIP implementation, and create provisions recognizing the authorities of NWT Indigenous peoples' modern treaties.
3. Many recommendations made in this paper could be included through provisions in the *Education Act*, an UNDRIP implementation law, or through other existing intergovernmental mechanisms. GNWT has a responsibility to work with Indigenous

governments to determine which type of mechanism should be used with respect to issues under consideration in its consultation processes and implementing the *Act*.

4. GNWT is responsible for ensuring that adequate resources are available for Indigenous governments to provide advice and undertake decision-making with respect to issues under consideration in its consultation processes and implementing the *Act*.
5. The GNWT budgeting process should require an analysis by each department and agency to demonstrate how its budgeted activities will implement aspects of UNDRIP. Commentary on each department's analysis would be provided by the central oversight mechanism, with any required adjustments requested through the budget review process.
6. The Department of Education, Culture and Employment, with respect to NWT education programming, in consultation with Indigenous governments including through existing intergovernmental mechanisms, should undertake an inventory of existing programs and efforts that implement UNDRIP standards, to better understand best practices and gaps in UNDRIP implementation to assist the department in planning its ongoing approach to UNDRIP implementation.

## Education Modernization Act Context

The Junior Kindergarten to Grade 12 (JK-12) education system is part of a well-being and personal development continuum that starts before birth, explodes during the first years of life, and grows during the JK-12 years as children and youth develop into strong, capable people. The JK-12 education system must prepare NWT youth for success along many different paths, including academic, work, family, and community endeavors. The GNWT education system has recognized that achieving that goal requires that students have access to essential supports such as food, wellness resources, and access to culturally safe education and educational resources.

Currently, there is ample evidence that the JK-12 education in the NWT exists as two systems. One is well-structured and resourced to meet the needs of its children, youth, and communities. This is the JK-12 system in Yellowknife. Students in these schools are, in general, succeeding in their academics at a rate nearly comparable with the rest of Canada, and enjoy access to multiple well-being supports both within the school system and by virtue of their proximity to services that are offered, in some cases, exclusively in Yellowknife.<sup>5</sup>

The second JK-12 system is in small communities outside of Yellowknife, Inuvik, Fort Smith, and Hay River. Here, there are structural, resource, and program insufficiencies that coalesce to

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<sup>5</sup> GNWT, *JK-12 Education System Performance Measures Report*, (GNWT: 2020) 13-14.

create myriad challenges for children, youth, and communities. These challenges result in lower attendance, lower academic achievement throughout JK-12, threateningly low levels of child and youth well-being, and critically low graduation rates.<sup>6</sup>

It is important to note that while at first it may seem that students in Yellowknife do better compared to students in small communities, within both systems Indigenous students appear to be similarly disadvantaged as evidenced by those performance measures where Indigenous and non-Indigenous results are separately reported.<sup>7</sup>

The GNWT has acknowledged the disparities between Yellowknife and smaller communities, and Indigenous and non-Indigenous students, and identifies its goal of modernizing the *Education Act* as addressing these significant gaps in student outcomes, as well as advancing the goal of reconciliation.<sup>8</sup> Against this backdrop, the GNWT Legislative Assembly has committed to implementing UNDRIP within the constitutional framework of Canada to advance reconciliation.<sup>9</sup> Implementing UNDRIP has significant implications for the NWT education system and NWT *Education Act*.

#### The 2020 Auditor General Report

“The report asserts over and over that access to quality education is better in Yellowknife and regional centres than in smaller communities.

It acknowledges that the small size and remoteness of many N.W.T. communities make program delivery difficult.

However, the report found the department made no plan to address regional inequalities, and asserted that “all efforts it undertook” would reduce this disparity.

Teachers in multi-grade classrooms, common in smaller communities, were also given little support.”<sup>10</sup>

The February 2020 report of the Auditor General followed up on a previous audit conducted in 2010 which identified a number of issues that had not been fully acted on by 2020.<sup>11 12</sup> This tells us that the issues identified in 2020 are largely continuous with issues identified a decade

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<sup>6</sup> GNWT, *JK-12 Performance Measures Report*, 13-14.

<sup>7</sup> GNWT, *JK-12 Performance Measures Report*, 107-111.

<sup>8</sup> GNWT, *Discussion Paper: Education Act Modernization*, 2-4.

<sup>9</sup> GNWT, *Mandate of the Government of the Northwest Territories 2019-2023*, (GNWT: 2019) 9.

<sup>10</sup> John Last, “4 takeaways from the audit of the NWT’s education system,” *CBC North*, February 6 2020. <https://www.cbc.ca/news/canada/north/nwt-education-department-system-federal-audit-1.5454922>

<sup>11</sup> Office of the Auditor General of Canada (OAG), *Early Childhood to Grade 12 Education in the Northwest Territories – Department of Education, Culture and Employment*, (OAG: 2020).

<sup>12</sup> Office of the Auditor General of Canada (OAG), *Education in the Northwest Territories – Department of Education, Culture and Employment* (OAG 2010).

before. This is concerning because it indicates that an entire generation of students going through the NWT education system have suffered known barriers and inequities. The implications of these barriers and inequities are plentiful: for the economy, access to jobs, child poverty, and consequent demands placed on housing, health care, social services, etc. Education is a foundational building block for any society. Problems in the system create downstream problems in many other aspects of life for individuals and for society as a whole.

The GNWT has identified implementing UNDRIP as one of its top priorities.<sup>13</sup> Implementing UNDRIP would be transformative, decreasing current inequities by implementing measures to combat systemic racism and disadvantages that are currently built into the distribution of funding and resources within the system. Implementing UNDRIP will not be an event: rather, an UNDRIP approach identifies specific inequities and specific human rights standards that must be met, creating pathways to ensure that the minimum human rights standards articulated in UNDRIP can be integrated into the funding, resource distribution, and policies of the NWT education system.

Reconciliation happens on multiple levels. While reconciliation may be an attitude, it must also be an action plan. Despite the closure of residential schools and government ceasing overtly racist and oppressive policies, systemic racism and colonization has been structured into government bureaucracies and institutions. Changing that reality includes educating individuals, and also viewing how bureaucracies and institutions do things through a reconciliation lens. UNDRIP offers specific human rights benchmarks that can be pursued through specific actions that may be evaluated and measured. This includes cultural safety training for teachers and administrative staff, development of culturally based curricula, valuing Indigenous teaching methods, languages, and culturally based knowledge, and providing social supports to work constructively with the realities of families living with the harms of colonization. Importantly, Indigenous peoples must be included in these efforts from design to delivery, and be partners in all associated decision-making.

The 2021 *GNWT Discussion Paper* makes one mention of UNDRIP, a passing reference acknowledging that it will determine how the changed *Education Act* will “interact” with the UN Declaration.<sup>14</sup>

The 2019-2023 GNWT Mandate includes a commitment to work with Indigenous governments to identify changes in GNWT legislation to implement UN Declaration articles.<sup>15</sup> We view this current process as an opportunity for GNWT to develop a thoughtful approach to integrating UNDRIP into the revised *Education Act*.

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<sup>13</sup> GNWT, *Mandate of the Government of the Northwest Territories 2019-2023*, 9.

<sup>14</sup> GNWT, *Discussion Paper: Education Act Modernization*, 28.

<sup>15</sup> GNWT, *Mandate of the Government of the Northwest Territories 2019-2023*, 9.

## UNDRIP Articles

For reference, the following UNDRIP articles have been identified as having a direct bearing on human rights standards for Indigenous communities and their children with respect to education:

### *UNDRIP Article 14*

1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

### *UNDRIP Article 18*

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

### *UNDRIP Article 19*

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

### *UNDRIP Article 21*

1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.

(cont).

2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

*UNDRIP Article 31*

1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and tradition- al cultural expressions.
2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

*UNDRIP Article 37*

1. Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honor and respect such treaties, agreements and other constructive arrangements.
2. Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements.

*UNDRIP Article 38*

States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

*UNDRIP Article 39*

Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.

## The GNWT Education Act Modernization Discussion Paper: Focus Areas

The modernization lens as laid out in the *2021 GNWT Discussion Paper* includes three main elements: changing the *Act* to increase improvements to the system, clarity, and consistency.<sup>16</sup>

The goal of modernizing the Education Act is to increase opportunities for student success across the territory, while addressing gaps in student outcomes, such as the ones outlined below:

- Gap for small communities persists all the way to graduation;
- More support needed for student achievement in small communities; and
- More individualized learning supports needed for students in Grades 10 to 12.<sup>17</sup>

And,

The work to modernize the education act has the goal of ensuring that system-wide improvements to the education system can occur. Another goal of legislative change is to eliminate confusion about the roles and responsibilities of different authorities that exist in the current Education Act. Creating clarity in the system will in turn create a more efficient education system that ensures student success. It will also help to address issues with inconsistency and a lack of capacity across the education system, which currently makes it hard for everyone to operate efficiently in the best interests of students.<sup>18</sup>

And,

Some of the system wide improvements include

- Improved clarity around roles and responsibilities within the education system
- Improved access to the information needed for evaluation, assessment and monitoring
- Ability to make system-wide improvements to education, rather than region by region
- Ability to streamline administrative processes
- More equitable access to resources across the system
- Clarity on the roles, responsibilities and authorities related to Indigenous self-government implementation of JK-12 education.<sup>19</sup>

The goals of revisions to the *Act* include more equitable access to resources across the system where appropriate given the following findings:

- In 2017-2018 in small communities, NWT high school students were less likely to attend school regularly, with attendance rates between 62% and 66%. This is

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<sup>16</sup> GNWT, *Discussion Paper: Education Act Modernization*, 3.

<sup>17</sup> GNWT, *Discussion Paper: Education Act Modernization*, 2.

<sup>18</sup> GNWT, *Discussion Paper: Education Act Modernization*, 3.

<sup>19</sup> GNWT, *Discussion Paper: Education Act Modernization*, 3.

approximately 20 percentage points lower than Yellowknife high school attendance rates of 80% and 84%.<sup>20</sup> It means high school students in small communities missed approximately 12 weeks of school in 2017-2018, or almost a third of the school year.<sup>21</sup>

- Between 2015-2016 and 2017-2018, Grade 4 and 7 students in Yellowknife were far more likely to report high well-being in their relationship with adults at school than Grade 4 and 7 students in small communities.<sup>22</sup>
- The NWT's 2018 graduation rate of 61.3% belies a 40-percentage point gap in rates between small communities (at 33%) and Yellowknife (at 72.4%) or regional centres (at 83.1%). The gap appears to be widening with time. The gap between graduation rates in small communities and Yellowknife grew from approximately 18 percentage points in 2007 to the 40 percentage points seen in 2018. While graduation rates in Yellowknife climbed from 2007 to 2018, they declined in small communities during that period.<sup>23</sup>

The gaps in the NWT JK-12 education system are known to the GNWT, education partners, communities, and students. In the 2020 Office of the Auditor General's Report on Early Childhood to Grade 12 Education in the NWT found that "the department did not determine what needed to be done to ensure that students in small communities had equitable access to education programs and services, compared with students in regional centres and in Yellowknife." Further, the Report noted that the department "did not do enough in this area to meet the additional challenges in small communities."<sup>24</sup>

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<sup>20</sup> GNWT, *JK-12 Performance Measures Report*, 91.

<sup>21</sup> GNWT, *JK-12 Performance Measures Report*, 91.

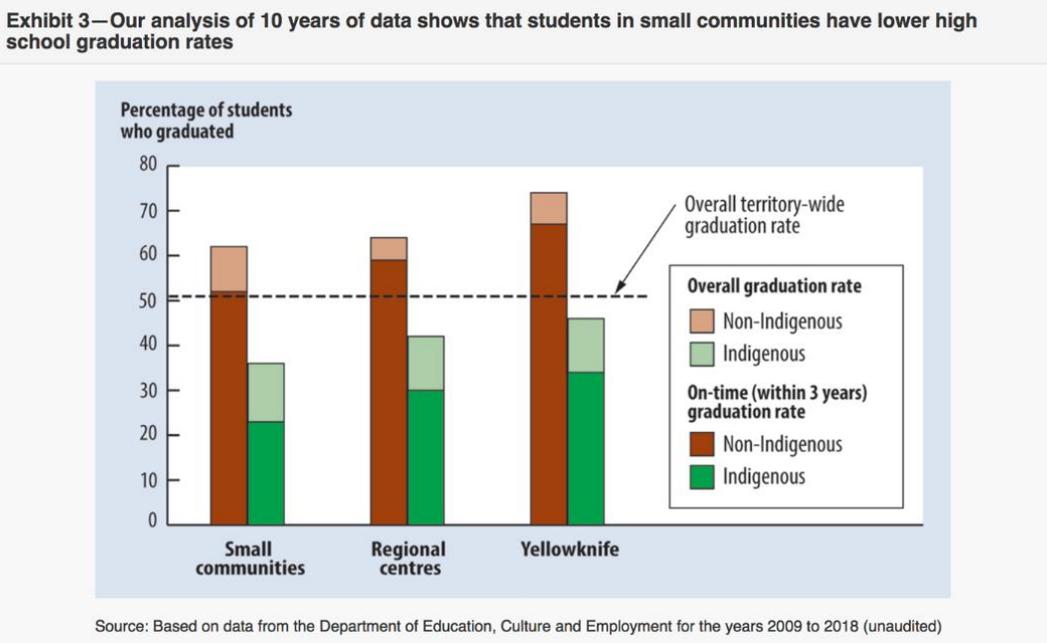
<sup>22</sup> GNWT, *JK-12 Performance Measures Report*, 86-87.

<sup>23</sup> GNWT. *New NWT Graduation Rate*, (GNWT 2020) accessed July 7 2021

[https://www.ece.gov.nt.ca/sites/ece/files/resources/grad\\_rate\\_fact\\_sheet\\_web.pdf](https://www.ece.gov.nt.ca/sites/ece/files/resources/grad_rate_fact_sheet_web.pdf)

<sup>24</sup> OAG, *Early Childhood to Grade 12 Education in the NWT* Paragraph 17.

Graph 1: High school graduation rates in smaller communities and Yellowknife, and with respect to Indigenous and non-Indigenous students (OAG 2020)



▼ **Exhibit 3—text version**

This bar chart shows the percentage of students who graduated between the 2009 and 2018 graduation years who were Indigenous and non-Indigenous, and in small communities, regional centres, and Yellowknife.

The overall territory-wide graduation rate in that 10-year period was just over 50%.

In small communities, among non-Indigenous students, just over 60% graduated overall, and just over 50% graduated on time, within 3 years. Among Indigenous students, about 35% graduated overall, and just over 20% graduated within 3 years.

In regional centres, among non-Indigenous students, about 65% graduated overall, and just under 60% graduated on time, within 3 years. Among Indigenous students, about 40% graduated overall, and about 30% graduated within 3 years.

In Yellowknife, among non-Indigenous students, about 75% graduated overall, and almost 70% graduated within 3 years. Among Indigenous students, about 45% graduated overall, and about 35% graduated within 3 years.

Source: Based on data from the Department of Education, Culture and Employment for the years 2009 to 2018 (unaudited)

<sup>25</sup> OAG, *Early Childhood to Grade 12 Education in the NWT*, Exhibit 3.

## Changes to the Education Act: Equity Through UNDRIP Implementation

During 2020, the department's own evaluation of its Education Renewal and Innovation (ERI) Strategy confirmed this finding.<sup>26</sup> The department notes a finding specific to small communities; "The evaluation recommends revising our ERI goals to make small communities a greater priority. This includes potentially revising our funding approach to increase supports for community schools, and working more closely with Indigenous governments on initiatives that will better support our students."<sup>27</sup>

Student outcomes, child and youth well-being results, and the 2020 education system reports lead Hotiì ts'eeda to propose an equity lens in looking to reform the *NWT Education Act*. The title of the public consultation, taken from the Legislative Assembly priority in the area of K-12 education, has a focus on "modernization". This term suggests the *Act* is simply outdated. This may well be true. However, equity—for smaller communities, and for Indigenous students—appears to be the most pressing issue for the NWT education system and efforts to change its legislation. Efforts to fix problems in the education system must fundamentally address evident disparities described above and in the Auditor General Reports of 2020 and 2010.<sup>28 29</sup>

Equality has been an organizing principle in the education funding framework, notwithstanding some adjustments in recent years. However, equity must be a primary consideration and principle in defining changes to the Education Act, with respect to achieving the intended policy goals as described in the 2021 GNWT Discussion Paper. Equality means treating all equally, with few adjustments to account for unique circumstances. Equity would require the re-distribution of resources to ensure that all students can have access to a quality basic education, which will likely require changing current resource sharing approaches to provide additional supports in areas such as infrastructure, support for teachers in multi-level classrooms, and base funding that is intended to ensure access—either remotely or in person—to programming at all grade levels. Culturally safe education and programs and an equity approach is required to provide a level playing field for all students in the NWT education system.

Equity in access to resources ,and targeting of resources to address the unique needs of small communities in the NWT and Indigenous students in every community, should be a guiding principle of *Education Act* reform and implementation. An equity lens will help the department clarify the purpose and intent of reform to the *Act*, establish the legislative basis for school districts to access resources unique to their students' needs, and identify necessary actions to improve the JK-12 education system in small communities and for Indigenous students

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<sup>26</sup> GNWT "Education Renewal and Innovation 5-Year Evaluation" accessed July 7 2021, <https://www.ece.gov.nt.ca/en/services/education-renewal/education-renewal-and-innovation-5-year-evaluation>

<sup>27</sup> GNWT "Education Renewal and Innovation 5-Year Evaluation" accessed July 7 2021, <https://www.ece.gov.nt.ca/en/services/education-renewal/education-renewal-and-innovation-5-year-evaluation>

<sup>28</sup> OAG, *Early Childhood to Grade 12 Education in the Northwest Territories – Department of Education, Culture and Employment*. 2020.

<sup>29</sup>OAG, *Education in the Northwest Territories – Department of Education, Culture and Employment*. 2010.

throughout the NWT. The principles of equity in access to education and educational resources is upheld by UNDRIP articles 14, 21, and 31; in particular, states are required to provide means and measures to ensure access to culturally appropriate education, in ways that build on Indigenous strengths and support intergenerational transmission and ongoing development of Indigenous culture and practices in the context of and through education programs.

The remainder of this paper combines an equity focus with an UNDRIP implementation lens, to inform discussion elements contained in the *2021 GNWT Discussion Paper*.

### *Successes in the System: Deh Gáh School*

In spite of the systemic disparities identified earlier, creativity and success abound. For example, Deh Gáh School in Got'ie Kue (Ft Providence) in the Dehcho Divisional Education Council (DDEC) serves students from Junior Kindergarten to Grade 12. Deh Gáh School has offered examples of creative, anti-colonial approaches to education to meet the needs of its students.

- Governance and Structure, DEA authority: Through the legislative power enabling the school to set its' own calendar, the school used to open earlier than other DDEC schools, providing shorter summer breaks and longer spring breaks in March. The intention was to minimize learning loss during the typical extended summer holiday and provide education and school-based supports year-round.\*
- Culture and Language, Language of Instruction: Based on the Education Act's current provisions for language of instruction, Deh Gáh School provides Dene Zhatié language immersion programming from Junior Kindergarten to Grade 3. Students transition into English as the primary language of instruction in Grade 4, with Dene Zhatié as a second language of instruction or 'core' instruction, as allowed by the Act.\*\*
- Culture and Language, Culture and Land-based learning: Deh Gáh School offers extended on-the-land learning opportunities for all students, with up to 4 weeks of on-the-land day programming for younger students and multi-week on-the-land programming for older students, with optional additional opportunities for high school students. This is possible through the current legislation's provision for the delivery of culture-based school programs taught, where possible, by school staff hired from the local community, and for students to be excused from regular school attendance to participation in traditional activities on the land or other traditional learning experiences away from the community.\*\*\*

How has Deh Gáh School's creative education programming impacted student outcomes? The GNWT does not publicly release JK-12 education system performance measurement data on specific schools due to small populations. However, programming like what is offered at Deh Gáh School makes sense according to previous community engagement and academic literature. Further research and evaluation of Deh Gáh School's approaches and others could shed light on system wide ways to support equitable community-driven education solutions for students and identify the structural barriers to success in the *Education Act*.

\*Dehcho Divisional Education Body, *Dehcho Divisional Education Body Annual Report for the 2017-2018 school year*.

\*\* GNWT, *Annual Reports for the Education Bodies for the 2018-2019 school year and for the 2019-2020 school year*, 7 and 514.

\*\*\*Deh Gáh School "Welcome to Deh Gah School's Education on the Land" accessed July 7 2021, <http://www.ontheland.dehgahschool.com/>

## Governance and Administrative Structure

### *UNDRIP Article 14*

1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

### *UNDRIP Article 18*

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

### *UNDRIP Article 19*

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

Much of the *2021 GNWT Discussion Paper* focuses on governance and structure; a full third is devoted to this topic, suggesting this is where the bulk of the GNWT's challenges with the current *Act* lie. These issues appear to largely stem from overlapping and unclear assignment of authorities based on changes made to the *Act* in 1988 and 1995.

The current structure of the NWT education system reflects *Learning: Tradition and Change in the Northwest Territories* (published sometime between 1982-1988) and *People: Our Focus for the Future* (1994).<sup>30</sup> The current structure of divisional education bodies and local divisional education councils are reflective of the *1988 Education Act's* Community Education Societies and Boards of Education.<sup>31</sup> The governance structure established in response to these

<sup>30</sup> GNWT, *Discussion Paper: Education Act Modernization*, 4-5.

<sup>31</sup> GNWT, *Discussion Paper: Education Act Modernization*, 5.

engagement processes was decentralized and flexible by design. Third party institutions were also envisioned by these processes: centres for learning and teaching, and learning networks.<sup>32</sup> More recently, the *GNWT Education Renewal and Innovation Framework*, published in 2013 (subsequently referred to as *ERI 2013*), was based on wide-ranging engagement over several years. The *ERI 2013* development process included extensive research and review of NWT data in addition to engagement. Its findings remain relevant, especially as many of its key themes and priorities have not been realized. Several relate to education system governance and structure including:

- Enhancing and supporting the school-community relationship;
- Embedding local culture, language, history and natural environment into student learning in order to make it more relevant and meaningful; and
- Increasing flexibility within the system (structures, time frames, etc.).<sup>33</sup>

If governance and structure are framed from an equity perspective, the answer to the question of how to structure the governance of the education system may be self-evident. The *ERI 2013* document emphasizes relationship-building between schools and communities as its number one commitment based on the need for recognition and reconciliation with individuals and communities who suffered acute and ongoing harms of the Indian Residential and Day School systems. Building and supporting relationships between schools and communities requires community-based education input and leadership, whether in the form of the current District Education Authorities or otherwise.

Moving towards equity in the NWT education system requires de-colonization, innovation, and flexibility, similar to the Deh Gáh School example (see textbox inset). This is locally directed work that springs from shared goals between schools and communities.

The Organization of Economic and Cultural Development (OECD) Strategic Education Governance consultations observed that “change in complex education systems is facilitated by forming a long-term shared vision and ensuring a continuous and rich flow of knowledge to help actors to align, adapt, learn and improve.”<sup>34</sup> This type of shared vision and information exchange requires a foundation of trust and respect. Building and sustaining a relationship means shared, distributed power that celebrates self-determination and local autonomy.

Plans for establishing such a process already appear to be in development; the *2021 GNWT Discussion Paper* references a plan to “put in place a JK-12 education system strategic planning process that will require planning and reporting at the school, regional and headquarters level.”<sup>35</sup> This process should also create the mechanisms to decide on levels of responsibility where the Act provides flexibility through assigning roles to multiple parties.

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<sup>32</sup> GNWT, *Learning: Tradition and Change*. (GNWT not dated, approximately 1982-1988). 76, 95.

<sup>33</sup> GNWT *ERI Directions for Change*, 23

<sup>34</sup> Michael Bruneforth, Claire Shewbridge, Rien Rouw, *Moving towards more school autonomy in Austria: Refocusing the role of school supervision*, (OECD Education Working Papers No. 002: 2019). 6

<sup>35</sup> GNWT *Discussion Paper: Education Act Modernization*, 18.

While Hotiì ts'eeda recommends maintaining a primarily localized governance structure for the NWT education system to support equity, the specific organization of the system should be designed for and by Indigenous Government leadership. Administrative clarifications and streamlining could still be possible in this approach. For example, the city of Yellowknife, with a population of 21,372,<sup>36</sup> with 2874 students<sup>37</sup> in attendance at 10 schools,<sup>38</sup> is served by three education bodies delivering public, denominational, and French First Language education. The three separate entities could be streamlined to one entity with mechanisms in place to maintain distinctive foundational pedagogical approaches, and simultaneously reorient resources from administrative to program costs.

This approach is consistent with UNDRIP articles 14, 18, 19, and 21, and is recommended with respect to existing and interim approaches to ensuring Indigenous decision-making with respect to education for Indigenous students. It is not intended to recommend any action with respect to intergovernmental discussions or negotiations with representatives of Indigenous institutions, such as those that may or will take place in treaty or sectoral agreement negotiations.

## Recommendations

7. In partnership with Indigenous governments, and in a way that meets human rights standards as set out in UNDRIP articles 14, 18, 19, and 21, establish or reaffirm regional governing education bodies that align with regional boundaries of existing modern-day treaties, and those in the negotiation progress, and work with Indigenous governments to determine governance of these bodies with clear pathways to draw down decision-making authority through self-government and/or other agreements and laws.

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<sup>36</sup> NWT Bureau of Statistics, "Population Estimates by Community 2020" Accessed July 7 2021, <https://www.statsnwt.ca/population/population-estimates/bycommunity.php>

<sup>37</sup> GNWT JK-12 Performance Measures Report, 25.

<sup>38</sup> GNWT JK-12 Performance Measures Report, 30.

## Funding

### *UNDRIP Article 14*

1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

### *UNDRIP Article 38*

States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

### *UNDRIP Article 39*

Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.

The *GNWT Discussion Paper* identifies how NWT schools are funded in the Structure and Governance section. However, a focused discussion about funding approaches and how these might create barriers to equitable education quality and access is both essential and missing. The JK-12 funding formula determines NWT school budgets and is based on enrollment and supplemented by other factors identified in the *GNWT Discussion Paper*.<sup>39</sup> UNDRIP clearly identifies throughout that implementing UNDRIP will require the state to provide resources, including financial resources. While the GNWT Modernization of the *Education Act* consultation does not include its funding framework (despite that being a companion action listed in the *GNWT Mandate* document), it is impossible to expect significant change through changed legislation without consequential changes to the funding approach.

The current enrollment-basis approach to school funding means that NWT schools are largely funded equally on a per-student basis. An equity lens—providing students different resources to succeed based on what they need—would mean a significant departure from this approach

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<sup>39</sup> GNWT *Discussion Paper: Education Act Modernization*, 14-16.

for the greatest opportunity for system impact. The potential impact of funding formula change is recognized by the GNWT, who prioritized this work in the *2019-2023 Mandate of the Government of the Northwest Territories* by coupling the work of adjusting the funding framework together with *Education Act* changes as a means to achieve the goal of increasing student education outcomes to the same level as the rest of Canada.<sup>40</sup> However, we are not aware of public or other consultations or work on reforming the funding framework, nor of the principles that would inform such consultations or work. Combining the principle of equity with implementing UNDRIP should be the basis for changes to the funding framework.

Funding education according to the *Education Act* is described in the *NWT School Funding Framework*.<sup>41</sup> This renders changes to the funding model less challenging from a process perspective. The GNWT lacks new resources for education. To equitably redistribute resources to small communities, there may be a need to reorient how existing resources are allocated. Neither Canada nor the GNWT provide an accounting of how Treaty 11 federal obligations with respect to education, obligations carried forward into the Dene and Metis land claim agreements, are met through the annual Federal-Territorial financing agreement. Without this information, it is impossible for Indigenous governments and the GNWT to seek additional resources to address what have now become multi-generational failings and challenges in the education system. The *Auditor General's Report* of 2020 did not address the issue of funding.<sup>42</sup>

How might funding be more equitably distributed? Enrollment-based funding models for primary and secondary education are common across Canada. As in the NWT funding formula, a 'base' amount is provided per Full Time Equivalent (FTE) enrolled student. Funding ratios in the NWT funding formula are primarily FTE driven across different categories. With the exception of the Northern Cost Index (NCI) and Consumer Price Index (CPI) adjustments, a school budget and staffing complement is determined by its number of students, regardless of its student profile or student body needs.

In other jurisdictions such as British Columbia, basic FTE amounts are supplemented with additional per-pupil top-ups and grants for different populations, such as Indigenous students or socioeconomically challenged students. British Columbia and other jurisdictions like Alberta, Ontario, Saskatchewan, and Manitoba also have special funding allocated for rural, northern, or remote schools. The NWT applies an approach similar to other jurisdictions by using NPI and CPI. However, NPI and CPI aren't applied to most categories in the NWT funding formula. For instance, they do not factor into teacher or administrative staffing, school support consultants, school counselling, one-time start-up costs for senior secondary education, literacy coordinators, Inclusive Schooling positions, program support teacher staffing, wellness counsellors, or support assistants. Further, the Northern Cost and Consumer Price Indices

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<sup>40</sup> GNWT *Mandate of the Government of the Northwest Territories*, 27.

<sup>41</sup> GNWT *School Funding Framework: School Funding for Education Bodies in the Northwest Territories 2020-2021 School Year* - \$160,437,000, (GNWT 2020).

<sup>42</sup> OAG, *Early Childhood to Grade 12 Education in the Northwest Territories*.

categorize YK1, YCS, Dettah, and Ndilǫ schools as the same, despite differing populations, student needs, and resultant student outcomes.<sup>43</sup>

Supplementing the NPI/CPI approach with a separate funding stream or FTE enrollment adjustment to small community schools would support those schools outside of Yellowknife, Inuvik, Hay River, and Fort Smith, with needed extra funding, while retaining the value of the NCI/CPI adjustment that reflects the significant variation in cost of goods and services across NWT communities. This approach would also make progress toward upholding rights articulated in articles 14, 38, and 39 of UNDRIP.

## Recommendations

8. Revise the NWT Education Funding Framework from an equality-oriented approach to an equity-based approach, adjusting the funding framework so that small communities can access additional and different education and wellness programming which is not only needed, but requires adequate spaces. To that point, ensure that infrastructure bases align with supporting economic and community wellness by, for example, ending the imposition of infrastructure formulas denying facilities such as full-size gymnasiums to smaller communities on the basis of population.
9. Institute a GNWT-wide UNDRIP socioeconomic gaps closing element in all departmental funding frameworks requiring that departments demonstrate collaboration on planning, funding, and implementing infrastructure projects in ways that will provide communities with major infrastructure that will contribute to addressing socioeconomic needs, development and wellness as identified by communities. For example, provision of full size gyms that can be used for multiple purpose, additions of dedicated daycare and cultural spaces.
10. Consider including provisions in the education funding framework to enable and facilitate public-private partnerships, and similar arrangements for educational infrastructure.

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<sup>43</sup> GNWT, *School Funding Framework: School Funding for Education Bodies in the Northwest Territories 2020-2021 School Year* - \$160,437,000, 33.

## Language and Culture

### *UNDRIP Article 14*

1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

### *UNDRIP Article 31*

1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.
2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

Culture and language are protective factors that shield children and youth against harm while they are young as well as later in life; “the use of Indigenous languages and cultures do have positive effects on the health and wellness of Indigenous people.”<sup>44</sup> The final report of the Truth and Reconciliation Commission (2015) documents how Canada created a system of residential “schools” for the express purpose of de-culturing Indigenous children both through their removal from their families and lands, and through the pedagogy, routines, and programs of work that the schools implemented. That system breached many of the articles that can be found in UNDRIP. UNDRIP recognizes the necessity of the close relationship between children’s schooling and language and culture, both as a matter of principle, and with respect to the obvious and well-documented benefits for children’s well-being.

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<sup>44</sup> Onowa McIvor, Art Napoleon, Kerissa M. Dickie *Language and Culture as Protective Factors for At-Risk Communities*, (International Journal of Indigenous Health: 2013). 5.1.6-25. 6.

The benefits of language and culture-based schooling as a foundational element of well-being, together with the continuing legacy of the Indian Residential and Day School period during which Indigenous children were forcibly separated from their language, culture, and land, makes the language and culture section of the *Education Act* of particular importance for consideration. In an equity-oriented education system guided by UNDRIP, it is essential that the *Act* enshrines the right of local education leadership to decide to put language, culture, and land-based education at the centre of their education program, should they choose to do so. It is also essential that this choice be supported by resources, including funding, where necessary.

Despite noted progress, language and culture-based education was found to be an area of weakness for the GNWT in the Canadian Auditor General's 2020 Report, which noted gaps and lags in developing and implementing language and culture-based education programming and supports, including language curriculum.<sup>45</sup> The GNWT has committed to addressing this with language curriculum implementation and revitalization plans, but it cannot do so without the guidance and leadership of local knowledge holders including language and cultural experts. Centralization, or diminished local authority in this area, would not promote culturally based education. Local involvement is critical for the *Act* to empower Indigenous involvement and self-determination with respect to language and culture-based education.

Language- and culture-based education has implications for staffing, language instructors and cultural knowledge-holders' qualifications are different from JK-12 system educators trained in universities. Non-Indigenous teachers lack Indigenous culturally-based language and knowledge. Language and cultural education instruction may take place outside typical school settings, in land-based settings and camps. This has implications for unionized settings with fixed work-day hours. It is important that these considerations are accounted for in legislation or regulations so that language and culture can be prioritized without administrative and human resource barriers.

## Recommendations

11. Maintain legislative authority for local leadership in advancing culture-, land-, and language-based education programming that meet local education goals and support these goals with resources, including funding.
12. Establish mechanisms for education bodies to advance culture- and language-based education programming that meet their needs.
13. In partnership with Indigenous governments, include provisions in the act recognizing and facilitating Indigenous government authority to authorize and certify language and culture

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<sup>45</sup> OAG, *Early Childhood to Grade 12 Education in the Northwest Territories*. 66-67.

knowledge holders for the purposes of providing meaningful advice and decision-making with respect to language and culture-based curriculum.

14. In consultation with Indigenous governments, include provisions in the Act facilitating and ensuring the access of all Indigenous NWT students to education in their own language and culture.

### *Successes in the System: Made-in-the-NWT Curricula*

Innovative NWT curricula are another area of success to highlight in the NWT education system. *Learning: Traditions and Change* (1982) clearly indicated parent and community desire for NWT-specific education programming that connected students to culture and language, and made the education program relevant. *Learning: Tradition and Change* called for independent teaching and learning agencies that would create NWT-curricula to reflect this desire. While the agencies were not created, the GNWT took on this role.

- Beginning in the 1990s, GNWT developed two curricula to support Indigenous culture-based education: ***Dene Kede and Inuuqatigiit***, which each reflect core Dene and Inuit concepts and were developed by teams of Departmental representatives, Inuit and Dene Advisory Committee members, Elders, and special advisors or contributors. \*
- ***Northern Studies 10: Northern Homeland*** followed, providing mandatory instruction on land, language, history and culture in the NWT, including a module on Residential Schools in the NWT and Canada. This curriculum was co-developed by the Department of Education, Culture and Employment, a teacher advisory committee, the Wise People Committee, and pilot teachers and includes Dene-, Inuit-, and Métis-centred perspectives \*\*
- The ***Junior Kindergarten and Kindergarten*** curriculum was developed beginning in 2011 to support the pilot launch of Junior Kindergarten in the NWT, and fully finalized and available in all NWT schools in 2017-2018. The curriculum is play-based, child-centred, research-driven and designed by a team of cultural advisors, curriculum experts, NWT education system experts, and child health specialists. \*\*\*
- The ***Our Languages*** curriculum and Program of Study were finalized and fully implemented in NWT in 2020-2021. It is founded on *Dene Kede* and *Inuuqatigiit* and co-developed by the GNWT and Regional Indigenous governments and organization representatives, and reflects school- and community-based language learning approaches. \*\*\*\*

The lack of a curricula-oriented agency did not stop the NWT from creating made-in-the-NWT curricula to support the NWT education program, showing there is the expertise and ability to develop local content. What do we know about these efforts to make the education program more reflective of the languages and cultures in the NWT, and how have these efforts supported student engagement and outcomes? More curricula-oriented assessment and evaluation could provide insights into this and point the GNWT to the next priority curricula.

\*GNWT *Dene Kede and Inuuqatigiit*. <https://www.ece.gov.nt.ca/en/services/jk-12-school-curriculum/dene-kede-and-inuuqatigiit>; GNWT *Dene Kede K-6 curriculum*. [https://www.ece.gov.nt.ca/sites/ece/files/resources/dene\\_kede\\_k-6\\_full\\_curriculum.pdf](https://www.ece.gov.nt.ca/sites/ece/files/resources/dene_kede_k-6_full_curriculum.pdf); and GNWT *Inuuqatigiit: The Curriculum from the Inuit Perspective*. [https://www.ece.gov.nt.ca/sites/ece/files/resources/inuuqatigiit\\_k-12\\_curriculum.pdf](https://www.ece.gov.nt.ca/sites/ece/files/resources/inuuqatigiit_k-12_curriculum.pdf)

\*\*GNWT *Northern Studies*. <https://www.ece.gov.nt.ca/en/services/jk-12-school-curriculum/northern-studies>; GNWT *Northern Studies Curriculum* [https://www.ece.gov.nt.ca/sites/ece/files/resources/northern\\_studies\\_10\\_curriculum.pdf](https://www.ece.gov.nt.ca/sites/ece/files/resources/northern_studies_10_curriculum.pdf)

\*\*\*GNWT *Junior Kindergarten/Kindergarten* <https://www.ece.gov.nt.ca/en/services/jk-12-school-curriculum/junior-kindergartenkindergarten>; GNWT *NWT Right from the Start: Early Childhood Development Framework and Action Plan* (2013); and GNWT *JK-Kindergarten Curriculum English*. [https://www.ece.gov.nt.ca/sites/ece/files/resources/jk\\_kinder\\_garten\\_curriculum\\_english.pdf](https://www.ece.gov.nt.ca/sites/ece/files/resources/jk_kinder_garten_curriculum_english.pdf)

\*\*\*\* OAG *Early Childhood to Grade 12 Education in the NWT 2020* p. 64, and GNWT *Our Languages Curriculum* [https://www.ece.gov.nt.ca/sites/ece/files/resources/our\\_languages\\_curriculum\\_2020\\_low\\_res.pdf](https://www.ece.gov.nt.ca/sites/ece/files/resources/our_languages_curriculum_2020_low_res.pdf)

## Programming and Curriculum

### *UNDRIP Article 14*

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2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

### *UNDRIP Article 18*

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

### *UNDRIP Article 19*

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

### *UNDRIP Article 38*

States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

### *UNDRIP Article 39*

Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.

The content of the NWT education program, and who should have the authority to set this critical direction, is central to an education system. This decision-making authority determines what knowledge is prioritized and passed on. Because of this fundamental role, decision-making authority for the education program must rest with local education leadership. This creates administrative and resource challenges for the NWT-wide system; should local leadership decide to pursue education programs that are different from the standard GNWT offering, how can they be effectively supported and resourced? Given the relevant UNDRIP articles, it is clear that Indigenous governments should be in control of decision-making with respect to these questions.

*Learning: Tradition and Change* identified the key concern with an education program that does not reflect local decision-making authority and self-determination: “The curriculum is not relevant to the everyday activities of the students, as some students do not feel that the school is an effective or relevant place to be.”<sup>46</sup> While functionally complicated to house this authority at the local level, as the GNWT decision paper describes, it is necessary to assure relevance and appropriateness.<sup>47</sup> This tension requires the GNWT to work closely with education partners on the education program by creating working groups, advisory groups, and bringing in various experts and knowledge holders as needed.

In *Learning: Tradition and Change*, a number of administrative and structural changes were recommended to address the lack of connection between the education program, and NWT students, families, and communities. These included creating Centres for Learning and Teaching independent of either the GNWT or education bodies (called divisional boards in *Learning: Tradition and Change*) to train teachers and develop and evaluate curricula.<sup>48</sup> These steps do not appear to have been taken, yet the GNWT found work-arounds by assembling GNWT and non-GNWT entities to develop NWT-specific curricula that would reflect the unique cultures, languages, and issues found in the NWT (see textbox). In the future, Indigenous governments may take on leadership to create their own curricula and must be supported to do so in keeping with the UN Declaration Article 14.1.

Beyond curricula, the intent of the 1982 proposal for Centres for Learning and Teaching, contained in *Learning: Tradition and Change*, was to provide training to educators. Many NWT-based educators continue to be southern-based Canadians who enter the NWT education system for the first time as new educators. In order to effectively centre NWT Indigenous perspectives and teach the NWT- and non-NWT-developed curricula in an effective way, educators, particularly those new to the profession and the region, need training and support. The GNWT provides new NWT educators optional orientation through the New to the NWT Educators Conference and Residential School Awareness Training.<sup>49</sup> Such training is critical to

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<sup>46</sup> GNWT, *Learning: Tradition and Change*. (GNWT not dated, approximately 1982-1988). 74.

<sup>47</sup> GNWT *Discussion Paper: Education Act Modernization*, 33.

<sup>48</sup> GNWT, *Learning: Tradition and Change*. (GNWT not dated, approximately 1982-1988). 76.

<sup>49</sup> GNWT “Education Renewal and Innovation 5-Year Evaluation” accessed July 7 2021, <https://www.ece.gov.nt.ca/en/services/education-renewal/education-renewal-and-innovation-5-year-evaluation>,

ensuring NWT teachers have the information they need to build relationships with students, families, and communities (which is also a goal of *ERI 2013*),<sup>50</sup> provide education that is free from discrimination (UN Declaration Article 14.2) and advance the Truth and Reconciliation Commission Calls to Action (Action 63.1, 63.2 and 63.4).

#### Recommendations

See Actions 1, 7, 11, and 15.

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and GNWT “New to the NWT Educators’ Conference” accessed July 7 2021,  
<https://www.ece.gov.nt.ca/en/services/prospective-teacher-information/new-nwt-educators-conference>.

<sup>50</sup> GNWT *ERI 2013* 23-25.

## Staffing

### *UNDRIP Article 14*

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3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

### *UNDRIP Article 18*

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

### *UNDRIP Article 19*

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

The education staff section of the GNWT discussion paper does not touch on education certification for Indigenous and cultural knowledge holders, Indigenous language instructors, or other experts who provide important education functions in NWT schools but who may not hold Bachelor of Education or other degrees issued by Western post-secondary institutions. In the absence of an NWT teacher education program, this is an important consideration for the NWT education system; how are these individuals currently recognized and compensated compared to their peers with post-secondary education credentials? This speaks to how Indigenous, cultural, and language knowledge holders are valued in the NWT education system. It may be necessary to adjust hiring, retention, and promotion practices from the current model founded on a Western credential and institutional-experience approach to one that also recognizes Indigenous knowledge and community relationships.

While self-government agreements may recognize that authority to designate teachers of Indigenous culture and languages lies with Indigenous governments, the GNWT could create an

interim mechanism to recognize this is an existing authority to all Indigenous governments. A mechanism could take the form of an intergovernmental agreement with Indigenous governments, or a law recognizing Indigenous authority in this area in the NWT. An action plan could describe a process for ensuring access to required resources for Indigenous governments to assume this authority.

Non-Indigenous teachers are valued members of NWT communities, and often bring unique skillsets and interests that can have significant positive influence on students. Providing non-Indigenous teachers with knowledge and supports, and community-based resources necessary for increasing their own cultural competency and ensuring cultural safety of students will require ongoing collaborative efforts of GNWT and local education governance bodies. Indigenous governments also have a role to play; many currently have land-based orientation programs for teachers, and some have developed education materials suitable for various elements of the NWT curriculum.

Non-Indigenous teachers are the product of a Canadian education system which has not, until very recently, incorporated information about colonization and its ongoing impacts on Indigenous peoples in Canada. Providing anti-racism and cultural safety training will fill in the gaps for teachers who have not had the benefit of access to such training during their educational journeys.

## Recommendations

Recommendations 7 and 8 apply here.

15. Review and update or establish anti-racism and discrimination language in the *Act* or associated Regulations.
16. Include a provision in the Act requiring mandatory cultural competency training for all Departmental and school staff in the NWT.
17. In partnership with Indigenous governments, continue to provide and improve upon existing cultural competency and safety training for non-Indigenous NWT educators.
18. In partnership with Indigenous governments, include provisions in the act recognizing and facilitating Indigenous government authority to authorize and certify language and culture knowledge holders for the purposes of providing instruction in NWT schools.
19. Partner with NWT Indigenous governments to develop legislation recognizing Indigenous government authorities to certify Indigenous knowledge and language holders, bridging the gap that exists in that area prior to Indigenous governments drawing down law making authority under self government agreements. Ensure that funding and resources are identified to support the work required to implement this authority.

20. Review education certification requirements to ensure Indigenous, cultural and language knowledge is recognized and valued commensurate to educators certified by Western post-secondary institutions.

## Measurement and Accountability

### *UNDRIP Article 14*

1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

### *UNDRIP Article 21*

1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

The education system cannot fix what it does not measure. Five of the nine 2020 Auditor General report recommendations were related to monitoring and accountability in the NWT education system.<sup>51</sup> There is work to do in monitoring the NWT education system and understanding first what outcomes are desired, and then what progress is being made towards them. The *2019-2023 GNWT Mandate* commits the GNWT to “Increase student education outcomes to the same level as the rest of Canada.”<sup>52</sup> This is not specific enough to work towards.

Meaningful progress on education outcomes requires the GNWT to work with Indigenous government and education partners, including students, on what this means: what education outcomes are of importance to NWT students, families and communities? What does student success mean and, in that context, what does high quality education look like?

<sup>51</sup> OAG *Early Childhood to Grade 12 Education in the NWT* 27, 34, 45, 51, 62, 63, 64, 65, 74.

<sup>52</sup> *GNWT Mandate of the Government of the Northwest Territories 2019-2023*, 27.

Shared understanding of these basic concepts will be the foundation of the NWT education system, and may be different from region to region and across Indigenous governments. It is vital that these discussions take place and set the stage for the NWT education system moving forward. The actual measurement and evaluation of the system is easy compared to coming to shared understanding of these concepts.

Once shared concepts are arrived at, the GNWT can borrow and adapt measurement, monitoring and evaluation approaches from other jurisdictions with similar goals, structures, challenges, and *curricula*. These technical approaches are not the challenge in measurement—it is the lack of shared understandings and common goals that hamper measurement.

## Recommendations

Recommendation 11 applies here.

21. Include provisions in the revised *Act* to establish accountability goals and mechanisms with UNDRIP articles as their basis for all parties; including education bodies, Indigenous Governments, and the GNWT, to ensure the recognition and protection of UNDRIP standards in the updated *Education Act* is maintained over time.

## Conclusion

The proposals suggested in this paper align with the approach and vision described in the Department's own *ERI 2013*, the departmental responses to the OAG Audits on Education (both 2010 and 2020), and the GNWT Mandate 2019-2023.<sup>53 54 55 56</sup> They also include actions premised on achieving equity in education access in part through implementing UNDRIP. This paper recognizes the good work happening in the NWT education system, including innovation and reconciliation-oriented work at the school, education body, and departmental levels. Where the recommendations differ from the current approach is by offering an additional frame for the NWT education system to consider during the work of legislative revision: alignment with UNDRIP's overall principles and the articles specific to education.

Hoti ts'eeda urges the GNWT to establish an equity over "equality" approach, using UNDRIP as the guiding tool to organize actions and resources. This means, alongside engagement on modernizing the *Education Act*, the GNWT must reconsider its approach to funding and identify ways it can ensure required resources reach the children most vulnerable to the issues that decrease their access to education and the quality of the education they can access. Beyond adjustments to the funding framework, this means developing, nurturing and maintaining genuine partnerships across the education system that support innovative community land- and culture-based education through local decision-making autonomy and authority. This means preserving the flexibility of the Act and reducing ambiguity through strategic processes that support shared planning, priority-setting, and assignment of roles and responsibilities to achieve success. Overall, this means taking an approach to the Act that aligns with UNDRIP.

It is also important to recognize that education is connected to many social determinants of health and wellness. Changes to the Education Act are not enough on their own to improve the NWT education system, including equity in access. Many factors impact students, factors well beyond the scope of an education law or education system. The efforts of GNWT with respect to changing the *Education Act* can only be fully realized if they are supported by a whole of government effort to implement UNDRIP.

## Recommendations for the Education Act Modernization Process

That GNWT identifies and includes relevant UNDRIP articles in discussion papers and public consultation materials with respect to changes to the *Education Act*; and, identifies ways that the legislation may incorporate the relevant UNDRIP articles.

This approach should be used in consultation processes with Indigenous governments.

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<sup>53</sup> GNWT, *Education Renewal and Innovation Framework: Directions for Change*, 15-26.

<sup>54</sup> OAG, *Early Childhood to Grade 12 Education in the NWT*, paragraphs 27, 34, 45, 51, 62, 63, 64, 65, 74.

<sup>55</sup> OAG, *Education in the Northwest Territories*, paragraphs 37, 52, 63, 66, 72, 84, 87, 92, 96.

<sup>56</sup> GNWT, *Mandate of the Government of the Northwest Territories*, 9.

## Appendix A. Education Act Modernization Recommendations

### *Whole of Government Commitment*

1. A revised Education Act should include an explicit commitment to implementing UNDRIP, and contain recognition of Indigenous government jurisdiction and authorities under modern treaties.
2. A standalone NWT law implementing UNDRIP would provide a legal basis for a whole of government approach to implement UNDRIP. It should include mechanisms for central oversight and coordination, and accountability. All future legislation should include provisions requiring UNDRIP implementation, and create provisions recognizing the authorities of NWT Indigenous peoples' modern treaties.
3. Many recommendations made in this paper could be included through provisions in the *Education Act*, an UNDRIP implementation law, or through other existing intergovernmental mechanisms. GNWT has a responsibility to work with Indigenous governments to determine which type of mechanism should be used with respect to issues under consideration in its consultation processes and implementing the *Act*.
4. GNWT is responsible for ensuring that adequate resources are available for Indigenous governments to provide advice and undertake decision-making with respect to issues under consideration in its consultation processes and implementing the *Act*.
5. The GNWT budgeting process should require an analysis by each department and agency to demonstrate how its budgeted activities will implement aspects of UNDRIP. Commentary on each department's analysis would be provided by the central oversight mechanism, with any required adjustments requested through the budget review process.
6. The Department of Education, Culture and Employment, with respect to NWT education programming, in consultation with Indigenous governments including through existing intergovernmental mechanisms, should undertake an inventory of existing programs and efforts that implement UNDRIP standards, to better understand best practices and gaps in UNDRIP implementation to assist the department in planning its ongoing approach to UNDRIP implementation.

### *Governance and Structure*

7. In partnership with Indigenous governments, and in a way that meets human rights standards as set out in UNDRIP articles 14, 18, 19, and 21, establish or reaffirm regional governing education bodies that align with regional boundaries of existing modern-day treaties, and those in the negotiation progress, and work with Indigenous governments to determine governance of these bodies with clear pathways to draw down decision-making authority through self-government and/or other agreements and laws.

### *Funding*

8. Revise the NWT Education Funding Framework from an equality-oriented approach to an equity-based approach, adjusting the funding framework so that small communities can access additional and different education and wellness programming which is not only needed, but requires adequate spaces. To that point, ensure that infrastructure bases align with supporting economic and community wellness by, for example, ending the imposition of infrastructure formulas denying facilities such as full-size gymnasiums to smaller communities on the basis of population.
9. Institute a GNWT-wide UNDRIP socioeconomic gaps closing element in all departmental funding frameworks requiring that departments demonstrate collaboration on planning, funding, and implementing infrastructure projects in ways that will provide communities with major infrastructure that will contribute to addressing socioeconomic needs, development and wellness as identified by communities. For example, provision of full size gyms that can be used for multiple purpose, additions of dedicated daycare and cultural spaces.
10. Consider including provisions in the education funding framework to enable and facilitate public-private partnerships, and similar arrangements for educational infrastructure.

### *Language and Culture*

15. Maintain legislative authority for local leadership in advancing culture-, land-, and language-based education programming that meet local education goals and support these goals with resources, including funding.
16. Establish mechanisms for education bodies to advance culture- and language-based education programming that meet their needs.
17. In partnership with Indigenous governments, include provisions in the act recognizing and facilitating Indigenous government authority to authorize and certify language and

culture knowledge holders for the purposes of providing meaningful advice and decision-making with respect to language and culture-based curriculum.

18. In consultation with Indigenous governments, include provisions in the Act facilitating and ensuring the access of all Indigenous NWT students to education in their own language and culture.

### *Programming and Curriculum*

See Recommendations 1, 7, 11, and 15.

### *Staffing*

Recommendations 7 and 8 apply here.

15. Review and update or establish anti-racism and discrimination language in the *Act* or associated Regulations.
16. Include a provision in the Act requiring mandatory cultural competency training for all Departmental and school staff in the NWT.
17. In partnership with Indigenous governments, continue to provide and improve upon existing cultural competency and safety training for non-Indigenous NWT educators.
18. In partnership with Indigenous governments, include provisions in the act recognizing and facilitating Indigenous government authority to authorize and certify language and culture knowledge holders for the purposes of providing instruction in NWT schools.
19. Partner with NWT Indigenous governments to develop legislation recognizing Indigenous government authorities to certify Indigenous knowledge and language holders, bridging the gap that exists in that area prior to Indigenous governments drawing down law making authority under self government agreements. Ensure that funding and resources are identified to support the work required to implement this authority.
20. Review education certification requirements to ensure Indigenous, cultural and language knowledge is recognized and valued commensurate to educators certified by Western post-secondary institutions.

### *Measurement and Accountability*

Recommendation 11 applies here.

21. Include provisions in the revised Act to establish accountability goals and mechanisms with UNDRIP articles as their basis for all parties; including education bodies, Indigenous Governments, and the GNWT, to ensure the recognition and protection of UNDRIP standards in the updated Education Act is maintained over time.

## Appendix B. UNDRIP Articles and Action Recommendations Correlation

Modernization Act Issue Area	UN Declaration Article	Recommended Actions
<p><b>All Areas and Complementary Actions to Ensure Education Act Compliance with UNDRIP</b></p>	<p>Article 21</p> <p>1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.</p> <p>2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.</p> <p><i>Article 37</i></p> <p>1. Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honor and respect such treaties, agreements and other constructive arrangements.</p> <p>2. Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements.</p> <p>Article 38</p> <p>States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.</p>	<p>1. A revised Education Act should include an explicit commitment to implementing UNDRIP, and contain recognition of Indigenous government jurisdiction and authorities under modern treaties.</p> <p>2. A stand-alone NWT UNDRIP law would provide a statutory basis for a whole of government approach to implement UNDRIP. It should include mechanisms for central oversight and coordination, and accountability. All future legislation should include provisions requiring UNDRIP implementation, and create provisions recognizing the authorities of NWT Indigenous peoples' modern treaties.</p> <p>3. Many recommendations made in this paper could be included through provisions in the <i>Education Act</i>, an UNDRIP implementation law, or through other existing intergovernmental mechanisms. GNWT has a responsibility to work with Indigenous governments to determine which type of mechanism should be used with respect to issues under consideration in its consultation processes and implementing the <i>Act</i>.</p> <p>4. GNWT is responsible for ensuring that adequate resources are available for Indigenous governments to provide advice and undertake decision-making with respect to issues under consideration in its consultation processes and implementing the <i>Act</i>.</p> <p>5. The GNWT budgeting process should require an analysis by each department and agency to demonstrate how its budgeted activities will implement</p>

	<p>Article 39 Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.</p>	<p>aspects of UNDRIP. Commentary on each department's analysis would be provided by the central oversight mechanism, with any required adjustments requested through the budget review process.</p> <p>6. The Department of Education, in consultation with Indigenous governments including through existing intergovernmental mechanisms, should undertake an inventory of existing programs and efforts that implement UNDRIP standards, to better understand best practices and gaps in UNDRIP implementation, to assist the department in planning its ongoing approach to UNDRIP implementation.</p>
<p><b>Governance and Administration</b></p>	<p><i>Article 14</i></p> <p>1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.</p> <p><i>Article 18</i></p> <p>Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.</p> <p><i>Article 19</i></p> <p>States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and</p>	<p>7. In partnership with Indigenous governments, and in a way that meets human rights standards as set out in UNDRIP articles 14, 18, 19, and 21, establish or reaffirm regional governing education bodies that align with regional boundaries of existing modern-day treaties, and those in the negotiation progress, and work with Indigenous governments to determine governance of these bodies with clear pathways to draw down decision-making authority through self government and/or other agreements and laws.</p>

	implementing legislative or administrative measures that may affect them.	
<b>Funding</b>	<p>Article 14</p> <p>1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.</p> <p>2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.</p> <p>3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.</p>	<p>8. Revise the NWT Education Funding Framework from an equality-oriented approach to an equity-based approach, adjusting the funding framework so that small communities can access additional and different education and wellness programming which is not only needed, but requires adequate spaces. To that point, ensure that infrastructure bases align with supporting economic and community wellness by, for example, ending the imposition of infrastructure formulas denying facilities such as full-size gymnasiums to smaller communities on the basis of population.</p> <p>9. Institute a GNWT-wide UNDRIP socioeconomic gaps closing element in all departmental funding frameworks requiring that departments demonstrate collaboration on planning, funding, and implementing infrastructure projects in ways that will provide communities with major infrastructure that will contribute to addressing socioeconomic needs, development and wellness as identified by communities. For example, provision of full size gyms that can be used for multiple purpose, additions of dedicated daycare and cultural spaces.</p> <p>10. Consider including provisions in the education funding framework to enable and facilitate public-private partnerships, and similar arrangements for educational infrastructure.</p>
<b>Language and Culture</b>	<p>Article 14</p> <p>1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.</p>	<p>11. Maintain legislative authority for local leadership in advancing culture-, land-, and language-based education programming that meet local education goals and support these goals with resources, including funding.</p>

	<p>2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.</p> <p>3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.</p> <p>Article 31</p> <p>1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.</p> <p>2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.</p>	<p>12. Establish mechanisms for education bodies to advance culture- and language-based education programming that meet their needs.</p> <p>13. In partnership with Indigenous governments, include provisions in the act recognizing and facilitating Indigenous government authority to authorize and certify language and culture knowledge holders for the purposes of providing meaningful advice and decision-making with respect to language and culture based curriculum.</p> <p>14. In consultation with Indigenous governments, include provisions in the Act facilitating and ensuring the access of all Indigenous NWT students to education in their own language and culture.</p>
<p><b>Programming and Curriculum</b></p>	<p>Article 14</p>	<p>Recommendation 1 applies here.</p>

1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.

2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.

3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

*Article 18*

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

*Article 19*

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

*Article 38*

States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

*Article 39*

Indigenous peoples have the right to have access to financial and technical

Recommendation 7 applies here.

Recommendation 11 applies here.

Recommendation 15 applies here.

	<p>assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.</p>	
<p><b>Staffing</b></p>	<p>Article 14</p> <ol style="list-style-type: none"> <li>1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.</li> <li>2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.</li> <li>3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.</li> </ol> <p><i>Article 18</i></p> <p>Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.</p> <p><i>Article 19</i></p> <p>States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.</p> <p>Article 21</p> <ol style="list-style-type: none"> <li>1. Indigenous peoples have the right, without discrimination, to the improvement of their</li> </ol>	<ol style="list-style-type: none"> <li>15. Review and update or establish anti-racism and discrimination language in the <i>Act</i> or associated Regulations.</li> <li>16. Include a provision in the Act requiring mandatory cultural competency training for all Departmental and school staff in the NWT.</li> <li>17. In partnership with Indigenous governments, continue to provide and improve upon existing cultural competency and safety training for non-Indigenous NWT educators.</li> <li>18. In partnership with Indigenous governments, include provisions in the act recognizing and facilitating Indigenous government authority to authorize and certify language and culture knowledge holders for the purposes of providing instruction in NWT schools.</li> </ol> <p>Recommendation 7 applies here.</p> <ol style="list-style-type: none"> <li>19. Partner with NWT Indigenous governments to develop legislation recognizing Indigenous government authorities to certify Indigenous knowledge and language holders, bridging the gap that exists in that area prior to Indigenous governments drawing down law making authority under self government agreements. Ensure that funding and resources are identified to support the work required to implement this authority.</li> </ol> <p>Recommendation 8 applies here.</p> <ol style="list-style-type: none"> <li>20. Review education certification requirements to ensure Indigenous, cultural and language knowledge is</li> </ol>

	<p>economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.</p> <p>2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.</p>	<p>recognized and valued commensurate to educators certified by Western post-secondary institutions.</p>
<p><b>Measurement and Accountability</b></p>	<p><i>Article 31</i></p> <p>1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.</p> <p>2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.</p> <p><i>Article 37</i></p> <p>1. Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honor and respect such treaties, agreements and other constructive arrangements.</p> <p>2. Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in</p>	<p>21. Include provisions in the revised Act to establish accountability goals and mechanisms with UNDRIP articles as their basis for all parties; including education bodies, Indigenous Governments, and the GNWT, to ensure the recognition and protection of UNDRIP standards in the updated Education Act is maintained over time.</p> <p>Recommendation 11 applies here.</p>

<p>treaties, agreements and other constructive arrangements.</p> <p><i>Article 39</i></p> <p>Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.</p>	
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