

EDUCATION ACT

INUUQATIGITSIARNIQ POLICY AND DISCIPLINE REGULATIONS

R-018-2011

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(Current to: October 31, 2012)

AS AMENDED BY:

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GLOSSARY OF TERMS USED IN CONSOLIDATIONS

Miscellaneous

c.	means "chapter".
CIF	means "comes into force".
NIF	means "not in force".
s.	means "section" or "sections", "subsection" or "subsections", "paragraph" or "paragraphs".
Sch.	means "schedule".

Citation of Acts

R.S.N.W.T. 1988,c.D-22	means Chapter D-22 of the <i>Revised Statutes of the Northwest Territories, 1988</i> .
R.S.N.W.T. 1988,c.10(Supp.)	means Chapter 10 of the Supplement to the <i>Revised Statutes of the Northwest Territories, 1988</i> . (Note: The Supplement is in three volumes.)
S.N.W.T. 1996,c.26	means Chapter 26 of the 1996 Annual Volume of the Statutes of the Northwest Territories.
S.Nu. 2002,c.14	means Chapter 14 of the 2002 Annual Volume of the Statutes of Nunavut.

Citation of Regulations and other Statutory Instruments

R.R.N.W.T. 1990,c.A-1	means Chapter A-1 of the <i>Revised Regulations of the Northwest Territories, 1990</i> .
R-005-98	means the regulation registered as R-005-98 in 1998. (Note: This is a Northwest Territories regulation if it is made before April 1, 1999, and a Nunavut regulation if it is made on or after April 1, 1999 and before January 1, 2000.)
R-012-2003	means the regulation registered as R-012-2003 in 2003. (Note: This is a Nunavut regulation made on or after January 1, 2000.)
SI-005-98	means the instrument registered as SI-005-98 in 1998. (Note: This is a Northwest Territories statutory instrument if it is made before April 1, 1999, and a Nunavut statutory instrument if it is made on or after April 1, 1999 and before January 1, 2000.)
SI-012-2003	means the instrument registered as SI-012-2003 in 2003. (Note: This is a Nunavut statutory instrument made on or after January 1, 2000.)

INUUQATIGIITSIARNIQ POLICY AND DISCIPLINE REGULATIONS

PART 1

GENERAL

Nature of requirements

1. The requirements set out in these regulations in relation to an Inuuqatigiitsiarniq policy are in addition to any requirements set out in the Act in respect of the policy.

PART 2

CONTENTS OF INUUQATIGIITSIARNIQ POLICY

Statements of purpose, goals, principles, *etc.*

2. (1) An Inuuqatigiitsiarniq policy must contain the following statement of purpose:

The purpose of the Inuuqatigiitsiarniq policy, as provided in subsection 58(2) of the *Education Act*, is to create and maintain a welcoming, positive and safe school environment that is supportive of the students and their education.

- (2) An Inuuqatigiitsiarniq policy must set out
 - (a) the long term goals of the policy;
 - (b) the principles and concepts of Inuit Qaujimajatuqangit in accordance with which the policy was developed, as required by subsection 58(6) of the Act;
 - (c) any other principles in accordance with which the policy was developed;
 - (d) a statement that the purpose and principles referred to in paragraphs (a), (b) and (c) should be used to guide the interpretation and implementation of the policy.

(3) An Inuuqatigiitsiarniq policy must describe the strengths and needs of the community and of the school or schools in the community.

(4) In subsection (3), "strengths and needs" means strengths and needs that are relevant to the Inuuqatigiitsiarniq policy.

Strategies for Managing Student Behaviour

3. An Inuuqatigiitsiarniq policy must provide for the implementation of the system for the management of student behaviour selected under paragraph 58(4)(d) of the Act.

Expected Behaviour of District Education Authority, School Staff, Parents, Visitors

- 4.** An Inuuqatigiitsiarniq policy must set out what is expected of the district education authority, school staff, parents and visitors to the schools under the jurisdiction of the district education authority
- (a) in order to encourage students to carry out their responsibilities; and
 - (b) in order that the district education authority, school staff, parents and visitors may be role models for students.

Consequences for Failure to Fulfill Responsibilities or Meet Requirements

- 5.** (1) An Inuuqatigiitsiarniq policy must set out consequences for students who fail to fulfil their responsibilities or meet the requirements that apply to them under the policy.

(2) An Inuuqatigiitsiarniq policy must provide that the school staff may, in particular cases, vary the consequences as set out in the Inuuqatigiitsiarniq policy.

Progressive Discipline Prior to Suspension or Expulsion

- 6.** (1) An Inuuqatigiitsiarniq policy must set out alternatives to be considered by a principal or the district education authority before suspending a student or by a district education authority before expelling a student.

(2) An Inuuqatigiitsiarniq policy may set out circumstances in which the alternatives referred to in subsection (1) do not have to be considered.

Factors to be Considered Before Suspending or Expelling a Student

- 7.** (1) An Inuuqatigiitsiarniq policy must require that a principal or district education authority, before suspending or expelling a student, must consider the following factors:
- (a) the conduct of the student for which suspension or expulsion is being considered;
 - (b) the previous conduct of the student;
 - (c) previous suspensions, expulsions or other discipline of the student;
 - (d) the needs and strengths of the student;
 - (e) the circumstances of the student outside the school;
 - (f) the student's individual student support plan, if any;
 - (g) the input, if any, given by the school team; and
 - (h) any alternatives to suspension or expulsion that have been used previously in respect of the student.

(2) An Inuuqatigiitsiarniq policy may set out factors that must be considered by a principal or by the district education authority before suspending a student or by a district education authority before expelling a student in addition to the factors listed in subsection (1).

(3) An Inuuqatigiitsiarniq policy must state that the factor referred to in paragraph (1)(g) does not apply so as to require that a principal or the district education authority seek or wait for input from the school team before suspending or expelling a student.

(4) An Inuuqatigiitsiarniq policy must allow a principal or the district education authority to consider factors in addition to those required under subsection (1) or (2).

In School Suspensions

8. For the purpose of providing guidance to a principal in making a decision under section 64 of the Act, an Inuuqatigiitsiarniq policy must set out plans or procedures for facilitating the service of suspensions in the school.

Consultation on Early Return Conditions

9. (1) An Inuuqatigiitsiarniq policy must require that, before imposing conditions under subsection 62(5) of the Act, a principal must consult on those conditions

- (a) with a parent of the student or, if the student is an adult, with the student; and
- (b) with the chairperson of the district education authority or, if the chairperson is not available, with another member of the district education authority.

(2) An Inuuqatigiitsiarniq policy must require that, as part of a consultation under subsection 63(9) of the Act, the district education authority must consult on the conditions to be imposed under subsection 63(10) of the Act.

Review of Inuuqatigiitsiarniq Policy

10. An Inuuqatigiitsiarniq policy must require that it be reviewed not more than three years after its initial adoption and that it be reviewed from time to time after the initial review such that not more than three years elapses between reviews.

PART 3

CONSULTATION ON INUUQATIGIITSIARNIQ POLICY

Consultation During Development Phase

11. (1) A district education authority shall consult with the community and with the staff and students of the school or schools under its jurisdiction in developing its Inuuqatigiitsiarniq policy.

(2) Without limiting its duty to consult more generally, a district education authority shall ensure that it consults on the matters referred to in subsections 2(2) and (3) and in section 4.

Consultation with Staff and Students

12. (1) In carrying out his or her duties under subsection 58(9) of the Act, a principal shall consult with and involve school staff and the students of his or her school on the Inuuqatigiitsiarniq policy other than the matters referred to in subsections 2(2) and (3).

(2) The consultation under subsection (1) shall take place after the consultation required by section 11.

Consultation on Draft

13. (1) After the consultations required by sections 11 and 12 and before finalizing its Inuuqatigiitsiarniq policy, a district education authority shall consult with the community and with the staff and students of the school or schools under its jurisdiction on a draft of the policy.

(2) A district education authority shall make the draft Inuuqatigiitsiarniq policy available to the public and allow at least two weeks for interested persons to make comments.

(3) A district education authority shall give public notice of the consultation stating

- (a) how copies of the policy may be obtained;
- (b) how comments may be made; and
- (c) the deadline for making comments.

(4) A district education authority shall consider all comments received by it before the deadline stated in the notice given under subsection (3).

Consultation on a Review

- 14.** A district education authority shall consult with respect to a review of its Inuuqatigiitsiarniq policy in accordance with the following rules:
- (a) sections 11, 12 and 16 apply with necessary modifications to the consultation; and
 - (b) if an amendment is proposed as a result of the review, section 13 applies with necessary modifications to the draft amendment.

Consultation on an Amendment

- 15.** If a district education authority proposes to amend its Inuuqatigiitsiarniq policy other than as a result of a review, it shall consult with respect to the amendment in accordance with the following rules:
- (a) subsection 11(1) and sections 12 and 16 apply with necessary modifications to the development of the amendment; and
 - (b) section 13 applies with necessary modifications to the draft amendment.

Record of Consultations and Report

- 16.** (1) A district education authority shall keep a record of consultations held under this Part.
- (2) A district education authority shall prepare a report summarizing the consultations and shall submit the report along with the copy of the policy or amended policy submitted to the Minister under subsection 58(13.1) of the Act.

PART 4

OTHER MATTERS

Duty of Principal re: School Staff

- 17.** A principal shall ensure that the school staff understand the Inuuqatigiitsiarniq policy of the district education authority.

Role of Inuuqatigiitsiarniq Committee

- 18.** The committee established for Inuuqatigiitsiarniq under paragraph 140(c) of the Act shall, in accordance with the directions of the district education authority, assist the district education authority in the development or review of the Inuuqatigiitsiarniq policy.

Communication with Parents

19. A principal shall inform the parents of the students in his or her school about the Inuuqatigiitsiarniq policy of the district education authority.

Student Records

20. The principal shall ensure that the information included in a student's record relating to a suspension or expulsion includes

- (a) the reasons for the suspension or expulsion;
- (b) the plan made under section 66 of the Act; and
- (c) in the case of a suspension, a statement of its length and of whether or not it was served in the school.

Notice of Early Return Conditions

21. (1) Conditions to be imposed under subsection 62(5) or 63(10) of the Act must be set out in either

- (a) the notice of suspension given under subsection 62(6) or 63(11) of the Act, as the case may be; or
- (b) a separate written notice given without delay to the persons described in subsection (2)
 - (i) by the principal, if the conditions are being imposed under subsection 62(5) of the Act; or
 - (ii) by the district education authority, if the conditions are being imposed under subsection 63(10) of the Act.

(2) A notice given under paragraph (1)(b) shall be given to the same persons as were given notice under subsection 62(6) or 63(11) of the Act, as the case may be.

Copies of Notices of Suspension or Expulsion

22. (1) When a principal gives a notice of a suspension under subsection 62(6) of the Act or a notice of early return conditions under paragraph 21(1)(b) of these regulations, he or she shall also give copies of the notice to the Minister and to the district education authority.

(2) When a district education authority gives a notice of a suspension under subsection 63(11) of the Act, a notice of early return conditions under paragraph 21(1)(b) of these regulations or a notice of an expulsion under subsection 65(3) of the Act, it shall also give copies of the notice to the Minister and to the principal.

(3) The principal of a school under the jurisdiction of the *Commission scolaire francophone* shall give a copy of a notice under subsection (1) to the Director General instead of to the Minister and the Director General shall give a copy to the Minister.

Transition

- 23.** (1) If a district education authority developed and adopted an Inuuqatigiitsiarniq policy before the coming into force of this section
- (a) the district education authority shall, before July 1, 2012, make such amendments to the policy as are necessary in order to comply with these regulations;
 - (b) if it did not consult with the community while developing the policy, the district education authority shall, before July 1, 2012, reconsider the entire policy and hold a consultation on it; and
 - (c) if it did consult with the community while developing the policy, the district education authority shall, unless it has already done so, prepare a report summarizing the consultations and submit the report to the Minister.
- (2) The following rules apply to a consultation required by paragraph (1)(b):
- (a) sections 11, 12 and 16 apply with necessary modifications to the consultation; and
 - (b) if an amendment is proposed to the Inuuqatigiitsiarniq policy as a result of the consultation, section 13 applies with necessary modifications to the draft amendment.
- (3) If a district education authority did not develop and adopt an Inuuqatigiitsiarniq policy before the coming into force of this section
- (a) it shall develop and adopt an Inuuqatigiitsiarniq policy before July 1, 2012;
 - (b) the discipline policy and the code of conduct of the district education authority continued under subsection 16(2) of the *Transition Regulations (2010 to 2012)* continue until the earlier of
 - (i) the day the Inuuqatigiitsiarniq policy comes into force, and
 - (ii) the end of June 30, 2012;
 - (c) the discipline policy and a code of conduct continued by paragraph (b), until replaced by an Inuuqatigiitsiarniq policy, are together the Inuuqatigiitsiarniq policy of the district education authority and shall be implemented as if they had been developed and adopted as the Inuuqatigiitsiarniq policy of the district education authority.

Commencement and Application of Sections 20, 21 and 22

- 24.** Sections 20, 21 and 22 come into force 30 days after the day on which these regulations are registered with the Registrar of Regulations and apply only with respect to suspensions and expulsions made on or after the day those sections come into force.

Repeal

- 25. Section 16 of the *Transition Regulations (2010 to 2012)* is repealed.**