

HOLDING ON WHILE LETTING GO:
EDUCATION, POLITICS, AND YUKON PUBLIC SCHOOLS, 1960–2003

by

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Abstract

This dissertation presents a history of Yukon's public school system between 1960 and 2003 – a history that is inseparable from Yukon's colonial history as a territory of Canada. This period witnessed a devolution of power from the federal government to the Yukon government that resulted in a shift of the day-to-day political tensions and disputes in Yukon moving from a federal-territorial orientation to a territorial-local one. Two key themes are consistently present in Yukon's political and educational history. The first is the tension between centralization and devolution of power between levels of government. The second is the confidence required by each level of government to devolve or accept power.

Key developments of Yukon's linked constitutional and educational development serve to periodize the history. The creation of the Advisory Committee on Finance in 1960, the appointment of elected Yukon Council members to the territorial Executive Committee in 1970, the arrival of responsible and representative government to Yukon in 1979 via the *Epp Letter*, the passage of the *Education Act* in 1990, and the final devolution of programs and services from the federal government (along with an updated *Yukon Act*) in 2003 all serve as events that show significant shifts in (or the potential to shift) the transfer of power from the federal, through the territorial, to the local level.

Textual documentary sources including federal and territorial government documents and reports, correspondence, newspaper articles, and legislative documents were the primary source materials used to write this dissertation.

Lay Summary

This dissertation presents a history of Yukon's public school system between 1960 and 2003 – a history that is inseparable from Yukon's colonial history as a territory of Canada. This period witnessed a devolution of power from the federal government to the Yukon government that resulted in a shift of the day-to-day political tensions and disputes in Yukon moving from a federal-territorial orientation to a territorial-local one. Two key themes are consistently present in Yukon's political and educational history. The first is the tension between centralization and devolution of power between levels of government. The second is the confidence required by each level of government to devolve or accept power.

Preface

This dissertation is an original, unpublished, independent work by the author, Ryan Sikkes.

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List of Abbreviations

AIP	Agreement in Principle
AYSCBC	Association of Yukon School Councils, Boards, and Committees
CYFN	Council of Yukon First Nations
CYI	Council of Yukon Indians
CSFY	Commission Scolaire Francophone du Yukon
CTBS	Canadian Test of Basic Skills
DIAND	Department of Indian Affairs and Northern Development
ExCom	Executive Committee of the Yukon Territorial Government
EATF	Education Act Task Force
ECMRE	Executive Committee Member Responsible for Education
ERP	Education Reform Project
FFL	French First Language
FNEC	First Nations Education Commission
JCIET	Joint Commission on Indian Education and Training
MLA	Member of the Legislative Assembly
NDP	New Democratic Party
NWT	Northwest Territories
PTA	Parent-Teacher Association
RCEYT60	<i>Report of the Committee on Education for the Yukon Territory 1960</i>
RCEYT72	<i>Report of the Committee on Education for the Yukon Territory 1972</i>
TTFOCT	<i>Together Today for Our Children Tomorrow</i>
UFA	Umbrella Final Agreement
YA	Yukon Archives
YANSI	Yukon Association of Non-Status Indians
YC	Yukon Council
YG	Yukon Government
YLA	Yukon Legislative Assembly
YNB	Yukon Native Brotherhood
YNLC	Yukon Native Language Centre
YNTEP	Yukon Native Teacher Education Program
YTA	Yukon Teachers' Association

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I am quick to admit that I live a very charmed life. Reflecting on all the support I have received during my pursuit of this doctoral degree has affirmed how lucky I am to have so many caring and encouraging people in my life. Completing this degree has been somewhat of a selfish pursuit and I am grateful for all who have indulged my desire to pursue it.

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Dedication

For Katie, Samuel, Sarah, and Bart.

Introduction

In 2013, the Government of Canada, the Government of Yukon, and representatives of various Yukon First Nations' governments signed a *Memorandum of Understanding on Education Partnership* committing all parties to establishing "a partnership in education that will result in the creation and implementation of a joint action plan, for the success of First Nations' learners."¹ Read on its own, this document is laudable because it commits the three governments to working collaboratively for the common good for those whom the system has served least well, historically, using the common measures of academic testing and graduation rates.

Looking back over records from the preceding years, however, one might stumble upon a similar agreement executed in 1981, *An Agreement in Principle with Respect to Indian Education (Kindergarten to Grade 12) in Yukon*, between the same three parties (with the exception that the First Nations were represented collectively by one organization, the Council of Yukon Indians) that committed all parties to objectives very similar to those of the 2013 document.²

A comparison of these two documents leads to the question of why, after more than 30 years, the three parties to both agreements felt it necessary to recommit to the same principles

¹ A note to the reader: Many terms are used to describe Canada's First Peoples. I have opted to use the term Indigenous wherever possible. Direct quotations contain the terms that match those used in the source materials, along with some paraphrases. Government of Canada, *Memorandum of Understanding on Education Partnership*, (2013), <https://www.aadnc-aandc.gc.ca/eng/1363616280284/1363616361810>.

² *An Agreement In Principle with Respect to Indian Education (Kindergarten to Grade 12) in Yukon*, 1981, Pamphlet Collection, Yukon Archives, PAM 1981-0275.

and objectives laid out in the first. For educators and school leaders in Yukon's public schools, a need to renew such a commitment may seem somewhat confusing because they can observe significant resources within the Department of Education focused on ensuring equity and increasing the achievement of Indigenous students through curriculum, language, and experiential opportunities for learning. In addition, significant events such as the settling of First Nations' land claims, the creation of First Nations' self-governments, a complete overhaul of the legislation concerning the governance and operations of Yukon's public schools, and numerous reviews of the education system have taken place throughout this same period. How might one best examine the seemingly contradictory situations of so many developments intended to improve the educational system to best meet the needs of Indigenous learners in contrast to the perception that, in fact, little has changed over the past 30 years? Further, (in what might be considered the broadest research question guiding the development of this dissertation) how might such an examination effectively guide the practice of school leaders?

The answer to these questions (and many others that concern educational developments in Yukon) lies in a comprehensive understanding of Yukon's educational history. The study of history has been described as examining the process of change or its inverse – continuities that have persisted through the years – along with the causes and consequences of such changes or continuities.³ Guiding today's educators and school leaders

³ Peter N. Stearns, "History and Public Policy," in *Social Science and Public Policy: The Roles of Academic Disciplines in Policy Analysis*, ed. George J. McCall and George Weber (Port Washington, NY: Associated Faculty Press, 1984), 91–122; Richard Aldrich, "The Three Duties of the Historian of Education," *History of Education* 32, no. 2 (2003): 133–43.

toward gaining a better understanding of the changes that have occurred over the past decades is the best approach to assisting them to effect more positive changes in the future.

Education systems do not develop in a vacuum. Therefore, the examination of this situation can be enhanced by a broader understanding of the history of Yukon's educational system alongside the history of Yukon itself. Yukon's educational history – especially the history of school governance – is inseparable from its colonial and territorial history. Two themes emerge as a common thread running through the history of Yukon, and its educational system, through the second half of the 20th century. The first is tensions over the centralization and devolution of power between levels of government. The second is the confidence required by both levels of government – the one devolving power and the one receiving it – to transfer it and exercise it effectively and appropriately.

The history that I present here will use these common themes, illustrated by developments in Yukon's educational system, to reveal the shifting of the day-to-day political tensions, from federal-territorial to territorial-local (e.g., Yukon First Nations government, municipality, or school council) over the course of more than 40 years.

I have lived in Yukon for more than 16 years. I worked as a teacher for four years, a vice-principal for five, and a manager in a Yukon Government Crown corporation for two. Currently, I am nearing the end of my sixth year as a secondary school principal. All my years as a teacher and school administrator have been at Vanier Catholic Secondary, a publicly funded Roman Catholic secondary school (Grades 8–12) operated directly by the Yukon Department of Education. I offer the brief autobiographical account that follows because it is integral to how my practice as a school administrator has developed and, subsequently, the research questions that resulted in this dissertation. I will then elaborate

further on four areas where my curiosities combined with my personal history and practice have led to the writing of this dissertation: changes in school processes or reforms, Indigenous education, school governance, and the role of politics in education.

Before moving to Yukon, I lived in Victoria, British Columbia (BC), where I obtained a Bachelor of Education (Secondary) degree from the University of Victoria in 2002 with a focus on instrumental music education, with additional coursework in chemistry. Prior to my university studies, I grew up in a small town in northern BC that was a very homogenous community made up of European settlers and their descendants who moved to the area starting in the early 1900s to make a living in farming, ranching, or forestry. My parents are of European ancestry – my father was born in the Netherlands, and my mother’s parents were born in England and Ireland. My hometown was also located approximately 35 kilometres from a traditional Wet’suwet’en village-turned-Indian-reserve known commonly as Moricetown.⁴ I had Indigenous classmates throughout my school career, but I don’t remember recognizing the marginalization of Indigenous peoples or hearing about residential schools as a child at home or at school.

At Vanier, I was offered a permanent position to teach chemistry and science and embraced the challenge of teaching subjects for which I had content knowledge but little pedagogical training. I chose to pursue a Master of Arts in curriculum studies at UVic to develop my pedagogical knowledge in science and mathematics education because I discovered I had a passion for teaching these subjects that exceeded my desire to teach music. Upon finishing my master’s degree in 2006, I was encouraged to apply for, and subsequently

⁴ Moricetown was named after a Catholic missionary and historian, Fr. Gabriel Morice, OMI.

was offered, the position of vice-principal at Vanier (a position that required a graduate degree) and that had suddenly become vacant.

Finding myself in a school leadership position very early in my career, I was forced to learn quickly the broad strokes of the position, since my master's degree did not include any coursework on or training in school management or educational leadership. This rushed and *ad hoc* approach to leadership development meant that I often failed to notice, much less respond to, the nuances as I went along. The upside was that I needed to question everything – including long-standing practices, philosophies, and traditions. This habit has continued throughout the decade I have served as a school administrator and has, perhaps, contributed to the difficulty in determining a single question or topic on which to write this dissertation.

An example of something I questioned that has led to this dissertation is the following. When I arrived in Yukon, all of our students wrote Alberta achievement tests in Grades 3, 6, and 9 for language arts and mathematics, even though Yukon followed BC curricula. I accepted this practice as a teacher, but early in my tenure as a vice-principal I asked a veteran administrator why this was so. He explained that it was a hasty decision made when Yukon was heading into a territorial election and there was an issue of whether Yukon students could meet provincial standards. According to him, Alberta apparently offered the best deal to license their tests for a one-time assessment at those grade levels. The election came and went, the government changed, but the tests remained in the face of much opposition from teachers and parents. I asked him how this could have happened – why didn't the Department of Education stop the testing after one year as was planned? "Sometimes in Yukon you only have to do things once for them to become tradition," he replied.

Despite my chuckling over his flippant response at the time, I have since come to realize how dramatically it has influenced my desire to write this dissertation because it speaks to the notion of how dramatically past events and circumstances can influence current policies and practices. Many curiosities and questions about my practice re-emerged during my doctoral coursework, and I struggled to focus on one and to choose a methodology that would best help me to evaluate my own practice (and that of others) and make choices to advance my practice. I will admit some initial cognitive dissonance about the prospect of studying the past in order to make better decisions about the future. Ravitch and Vinovskis address this issue, arguing in *Learning from the Past: What History Teaches Us About School Reform* that “unfortunately, many policy makers and analysts believe that current problems are new and unprecedented” and lamenting “the unexamined belief that knowledge of history is not necessary or particularly helpful.” They conclude, however, that “although studies of past educational reforms do not necessarily provide immediate and specific suggestions for improving our present system of schooling, they do contribute to a better understanding of the complex and diverse nature of educational development and change today.”⁵ After considering arguments such as this, and following some sage advice, I was convinced that the discipline of history – a research tradition that examines change and continuity through the study of past events and often documents – was an ideal way to address many of the questions

⁵ Ravitch, Diane, and Maris Vinovskis. *Learning from the Past: What History Teaches Us About School Reform*. Baltimore: The Johns Hopkins University Press, 1995.

about the origins of the policies and procedures that directly affected my practice as one of Yukon's school leaders.

This approach did, indeed, reveal to me the events that led to the testing decision. Specifically, I could verify that debate about Yukon students' achievement levels was being actively used as a partisan political tool in the 1990s and that standardized testing was a direct response. Further, the research helped me to better understand the context – most notably how the centralized structures of the Department of Education were increasingly in conflict with desires for more local control over school programming during that period. Persistent concerns about whether local control was resulting in lower student performance revealed why subsequent governments would not consider changing a flawed (in my opinion, at least) testing regime for more than a decade. This is but one example of how history helped me to better make sense of my practice.

Perhaps because of changes in process or reform attempts developing immediately into “traditions,” I have certainly witnessed skepticism towards ideas that young teachers (and administrators) and the recently arrived from other jurisdictions have brought with them. In general, this skepticism manifested itself as an intense resistance to any change in some schools to the point where I wondered if the resentment directed towards any change efforts that seemed to come from “outside” was systemic. I was often curious about the processes of change in Yukon's schools and how strongly it might be related to the “outsider” influence – of which I was one.⁶ During my time in Yukon, there have been several educational reform attempts that have borne little fruit in terms of systemic change, which again led to my

⁶ And perhaps I am still perceived as one, despite my 16 years of residency.

curiosity about how educational reforms came and went in Yukon. A historical approach is useful in gathering or grouping a collection of similar or related events to shift the focus from the specific people or events to broader forces of change. Such an analysis reveals Yukon's more recent attempts at educational reforms as a collection of politically motivated initiatives, externally imposed on the Department of Education with little to no support within the department for implementation.

Yukon's rural communities, some of which are almost entirely populated by Indigenous families, have a single schooling option operated by the Yukon Department of Education. This situation has raised concerns about the relevance and quality of the education provided to Indigenous students in these schools. Newcomers often wonder, since the Indigenous population is only a fraction of the total population, why Indigenous leaders appear to have such significant influence with other levels of government – influence that can be unhesitatingly used even when it provokes conflict and controversy or is perceived as obstructionist. A common observation is how Indigenous advocacy organizations or First Nations governments can appear completely unwilling to compromise on certain issues, instead choosing to gamble on the courts to possibly achieve an outcome that is more favourable. In addition, new arrivals to Yukon from elsewhere in Canada often use terms like “Indian band” or “Indian reserve” and are confused by the notions of “self-governing First Nation” or “settlement lands” when corrected on their terminology. I will confess that I initially perceived this as pure “political correctness” but have more recently come to understand the long struggle of Yukon's Indigenous peoples for self-determination and recognition of rights and title that were never lost due to treaties.

A historical approach, when looking at Indigenous educational issues, was a useful way to make sense of the speed (or lack thereof) of change. Circling back to the agreements described at the start of this chapter, a historical approach has helped me to identify the specific forces that resulted in the basic concerns of Indigenous parents about their children's education changing so little over such a long period of time. For example, my research revealed that land claim and self-government negotiations during the 1970s and 1980s introduced massive uncertainties into Yukon's future that shifted focus away from educational concerns. Further, this dissertation reveals that the pace of change was influenced by Yukon's Indigenous peoples' willingness to tolerate the uncertainty and exercise great patience in order to achieve an outcome with which they could be satisfied. This is instructive to me, as a school leader, in understanding how my desire to solve problems quickly might not be matched by Yukon's Indigenous community, who are more concerned with ensuring that a proposed solution is the best one.

After my first few months as a Yukoner, I was informed that I had the right – despite having no children and being an employee of the school – to vote in my school's election for school council members. In addition, I was urged by some to exercise this right in the upcoming election to help oust some of the current members who were making life difficult for our principal. This seemed a really odd circumstance considering my experiences in BC where, with some exceptions mostly in the larger cities, school board elections were sleepy affairs that had little or no effect on the operations of most schools. Thus began my education about the governance and operation of Yukon's schools. All of Yukon's public schools (including the Catholic schools) are operated directly by the Department of Education. The deputy minister of education is an appointed civil servant who is the "CEO" of the

Department of Education and oversees all aspects of the operation of schools. During my undergraduate years as a student in the faculty of education, we had the good fortune of having BC's deputy minister of education visit one of our classes. The instructor, upon seeing the blank looks on our faces after announcing the upcoming visit, had to give us a crash course on the organizational structure of typical government ministries and ended his lecture with "the deputy minister will have exactly zero influence on your day-to-day work as a teacher." In Yukon, however, this maxim does not hold true. The bureaucratic apparatus of the Department of Education performs the dual roles equivalent to those of a provincial Ministry of Education and a school board inside one single organization, headed by the deputy minister. This hybrid system is complicated further by the existence of school councils that have significant authority over the operation of individual schools – less than a school board but far more than a Parent Advisory Committee (or "PAC," which exist for most schools in BC). A Yukon school council has the authority to recommend the dismissal of a principal to the superintendent, and several have availed themselves of this ability on occasion. As a principal, I find it quite confusing when the superintendent (to whom a principal reports on a day-to-day basis) issues instructions that a school council finds reasons to oppose. Some principals joke about the "care and feeding" of their school council as one of their primary job duties while others ignore the councils at their eventual peril. This organizational structure of school governance and operations is not matched anywhere in Canada (or perhaps the world). It can certainly be confusing for new administrators and can cause a great deal of uncertainty for all administrators.

This has led me to another research question: Where did this unique structure arise from, and why has it endured? Here history provided answers as well. As this dissertation

will show, this system of governance was rooted in efforts – based on more than seven years of consultation with the public – to create governance structures that were intended to devolve the operation of schools completely away from the territorial government to local school boards. This intent furthered the trend of the ongoing devolution of powers from the federal to the territorial government. School councils were intended as an intermediate step to build capacity in those elected for the additional responsibilities of boards, but school council members grew to enjoy their increased authority without the extra pressures that would come from the additional responsibilities of fully autonomous school boards.

Politics is an odious word for some, and many agree that politics has no place in schools. A simple definition of “politics” was once offered to me as “the allocation of scarce resources” – whether they be money, time, or other finite resources that need to be distributed equitably and rationally. This definition helped me to become comfortable with the notion of politics in an organization to represent how I, as a manager and administrator, allocate resources and evaluate the perspectives of those who would or would not receive what they’d hoped for. What I have just described is what I would label as “small p” politics, as opposed to “large P” politics, which I understand to be the partisan politics that we associate with our larger political systems (e.g., federal parliaments, legislative assemblies, or municipal councils). One of the outcomes of Yukon’s Department of Education being a hybrid ministry/board is that the department is overseen by an elected minister of education who sits as a member of the Yukon Legislative Assembly. Thus, the organizational chain of command between the elected politician who is charged with governing the system (and who plays “large P” politics) and those who operate the schools is quite short.

The short chain of command can be illustrated by an experience I had early in my career as a vice-principal. I helped my superintendent compose a briefing note for the minister of education about the processes of player selection for a Grade 8 volleyball team – in anticipation of the question being raised in the Yukon Legislative Assembly later that afternoon! This situation is not unique to Yukon’s education system – similar incidents occur with regularity in all of the territory’s government departments. As a new teacher in Yukon (and later as a principal), I always found the perceived needs of the “large P” politicians to influence minor operational decisions in some schools discomforting and sometimes downright distasteful. As a current administrator, I have had to learn to analyze my day-to-day decision-making along with my efforts to bring positive systemic changes to the school through “large P” political lenses, which I understand most school administrators in larger jurisdictions do not feel compelled to do (at least not as frequently as I). Here, again, history reveals that this aspect of my practice is rooted in the existential identity of the Yukon territory. Yukon recently celebrated the 40th anniversary of the first election contested with political parties – an election that had a direct effect on Yukon, effectively severing its colonial administrative and legislative relationship with the federal government the following year. A historical examination may not reduce my frustrations about Yukon’s politics, but it has increased my appreciation of how it has helped to achieve a responsible and representative territorial government for Yukoners.

Personal and professional experiences have led me to research and write this dissertation. Each of these four dimensions (school process changes or reforms, Indigenous education, school governance, and the role of politics in education) have seized my attention at various points during research on my doctoral degree, resulting in numerous questions

being raised, each begging for further analysis in order to help me chart a path forward in my practice. Common to the process of working through each question, however, was a point when I would scratch my head and ask myself, “How the heck⁷ did we get to this point...?!” The most effective and instructive answers to this question have come through the process of carefully examining and analyzing past events, circumstances, and forces that influenced change – in short, the historical approach. I have come to feel that this approach is, simply, a critical aspect of good educational practice. Educators and school leaders who have a thorough and complete understanding of the past will, indeed, make better decisions for the future.

Structure of the Dissertation

Each of the first five chapters begins with a brief overview. Chapter 1 begins with a short description of the settlement of non-Indigenous people throughout the territory brought on by two major developments. The first is the discovery of gold in the creeks around what is now known as Dawson City in the traditional territory of the Tr’ondëk Hwëch’in peoples in the late 1800s that resulted in the creation of the Yukon Territory from what had been part of the Northwest Territories. The second is the building of the Alaska Highway, a path cut across the entirety of Yukon from east to west during World War II. Both developments firmly established the federal government as the sole provider of programs and services to all Yukoners. Ottawa’s distant and paternalistic approach to decision-making is demonstrated through two educational issues: The provision of education to Yukon’s Indigenous children

⁷ Or a colourful expletive.

and the dismissal of a long-serving superintendent of schools. Further, as the population concentrated in the newly established capital city of Whitehorse, a concurrent demand for an expansion of the Roman Catholic separate schools revealed a population divided on the question of separate schools that would result in a change in Ottawa's approach to resolving local disputes.

The next phases of Yukon's linked constitutional and educational development are marked by the following events: The creation of the Advisory Committee on Finance in 1960, the appointment of elected Yukon Council (YC) members to the territorial Executive Committee in 1970, the arrival of responsible and representative government to Yukon in 1979, the passage of the *Education Act* in 1990 and an updated *Yukon Act*, which came into force in 2003. Each of these occurred near the beginning of each decade and serve as the periodization of this history.

Chapter 2 covers the period spanning from the creation of the Advisory Committee on Finance in 1960 to the appointment of the first elected Yukon Council to the territorial Executive Committee in 1970. The 1960s was a decade containing a series of incremental changes whereby the federal government began to allow Yukoners to have more of a voice in the decisions that affected their lives. It begins by detailing the work of a Committee on Education in 1960 that helped to resolve some of the tensions created by the rapid expansion of the school system and gave Yukoners an opportunity to provide input into the running of the institution of schools – the first meaningful consultation process sanctioned by Ottawa. More active attempts to integrate Indigenous students into the territory's public schools exposed rifts in the demands of the non-Indigenous settler population as well as of the Indigenous population. The latter were increasingly finding a voice to express their claim to

the land and desired to see themselves better represented in the school system. The federal government's appointment of Yukoners to the powerful position of commissioner, following many requests, did not greatly affect the federal government's complete control over all of Yukon's affairs. However, creative and thoughtful solutions to problems arising in schools (both public and separate) along with increased participation of parents in advisory committees would help the Yukon Council make the case to have its elected members play a greater role in the territory's most influential governance and administrative organ, the Executive Committee.

Chapter 3 starts with the appointment of an elected Yukon Council member to the Executive Committee in 1970 and ends three months short of 1980 with the arrival of responsible and representative territorial governance. The 1970s was a period when the federal government's confidence in elected Yukoners to make responsible governance and administrative decisions increased. It began with the appointment of the first elected Yukon politicians to exercise control over a program area – one of which was education – in 1970. The early 1970s saw Indigenous groups across Canada forcefully arguing for increased rights and opportunities. Yukon's contribution to this fight was the delivery of a seminal document to Ottawa, *Together Today for Our Children Tomorrow*, which started the land claims and self-government negotiations process in Yukon and across Canada. At the same time, the Yukon Council implemented educational legislative reform that enshrined mechanisms for parents to advise school principals and the Department of Education on the operation of their children's schools in a revised *School Ordinance* but did not expand the advisory role. A dispute over the teaching of an Indigenous language in Haines Junction revealed a notable example whereby the voices of the parents needed to be weighed against the needs of the

territorial system and against federal and territorial political priorities. Throughout the decade, the authority of the federally appointed commissioner was continually weakened through letters of instruction issued by the federal minister of Indian and northern affairs in favour of locally elected representatives. This continued through to 1979, when the minister instructed the commissioner to give all her authority to a fully elected Executive Committee.

Chapter 4 covers the period starting with the *Epp Letter* that brought responsible and representative government to Yukon in 1979 and ends with the passage of a progressive piece of education legislation in 1990. This period demonstrated the territorial government's increasing confidence in its own authority, which was demonstrated through an ambitious legislative agenda that showed the territorial government's confidence in the abilities of individual communities to assume more local control of services, including education. The chapter starts with the advent of responsible and representative government in 1979, which was not, initially, followed by a bold new direction for Yukon. Yukoners' newly gained responsibilities were initially tempered by the continuing land claim negotiations and the repatriation of Canada's Constitution. Despite the commitment of Indigenous groups for their children to remain in territorial public schools, there was little in the way of innovations in education in the early 1980s. Widespread public dissatisfaction contributed to the development of an unsanctioned and locally facilitated consultation process about Yukon's schools. Changes continued to be minimal until the middle of the decade when a territorial election resulted in a change of government and the development of a federal-territorial funding agreement, and a revitalization of the land claim negotiation process provided impetus for change. What followed was an intense period of extensive consultations about education with two separate processes, the Joint Commission on Indian Education and the *Education Act*

Task Force, both proposing a radical reconstruction of Yukon's education legislation. Both reports suggested increasing various mechanisms to provide increased local control that were incorporated in a new *Education Act*, assented to in 1990. These mechanisms were intended to allow the territorial government to potentially completely divest itself of the business of running schools, but this did not happen.

Chapter 5 covers the period starting from the passage of the *Education Act* in 1990 and continues through to an updated *Yukon Act* coming into force in 2003. Despite the potential for more local control, the 1990s showed that the territorial government's confidence in devolving its power was not matched by a desire from local groups to accept it. The Department of Education was working hard at the beginning of the decade, anticipating that local school councils would quickly become school boards and assume complete control over the operation of schools. However, the development of self-government agreements that created more questions about the jurisdiction over Indigenous education, and school councils' uneasiness in assuming the increased responsibilities that would come with the increased authority, prevented the widespread transition to school boards. The confidence of the territorial government in their ability to govern education effectively evolved into overconfidence, demonstrated by two failed attempts to institute additional legislative reforms. The first was a hastily developed "back to basics" movement only a few years after the passage of the *Education Act*, and the second was a mandated 10-year review of the *Education Act*. Both were perceived as partisan attempts to use education as a political tool, causing both to ultimately fail in making any significant changes in legislation.

During the end of the 1990s, the federal government released its grip on the last programs and services that it directly controlled through a devolution transfer agreement and a

new *Yukon Act* that gave Yukon almost complete “provincial” powers over programs and services. However, the federal government was not willing to grant similar provincial-type protections and maintained its ultimate control over Yukon’s future.

Chapter 6 briefly describes some additional educational reform attempts and selected educational issues since 2003 that highlight the shift of political tensions from the federal-territorial to the territorial-local level. These developments suggest that the confidence of both the territorial government and that of local authorities to devolve more control to the local level (either school councils or First Nations governments) has only recently started to have been regained.⁸

Finally, Chapter 7 presents a brief conclusion to the history presented in this dissertation with the suggestion that recent developments at the local level are reminiscent of those that occurred at the territorial level starting in the 1960s.

Four appendices are also included at the end of the dissertation: a list of the powers and duties of school committees, councils and boards in the 1962 and 1974 *School Ordinances* and 1990 *Education Act*; a timeline summary of federal and territorial political changes (1950-2018); school enrolment statistics (1953-2003); and general educational and population statistics (1958-2003).

⁸ The author arrived in Yukon in June 2002 and began in the employ of the Public Schools Branch in September 2002, at which point he became an active participant in the system, and this is one of the reasons that this history ends in 2003.

Figure 1. Map of Yukon.



Map by Sue Thomas, <https://yukonsights.ca/YukonMap.html>. Used with permission.

Figure 2. Yukon Indigenous Language Map.



Map by Yukon Native Language Centre, <https://www.sgsyukon.ca/language-initiatives/yukon-first-nations-languages/>. Used with permission.

Chapter 1 – A Brief History of Yukon (and Its Schools) until 1960¹

The Yukon Territory was created through an act of Parliament in 1898 from land carved off the Northwest Territories as a reaction to a massive influx of miners following the discovery of gold in 1896. The *Yukon Act* established the federal government's authority over the planning and implementation of all programs and services that would be required to support the population. This arrangement was initially welcomed amidst the chaos of "gold fever" but the welcome changed to resentment as permanent settlers desired more control over their own affairs. The construction of the Alaska Highway during WW II brought more settlers and increased criticism of Ottawa's approach to governing and administering the territory.²

Two developments involving educational matters demonstrated the extent to which federal decisions with little or no consultation had drastic effects on lives of Yukoners. The first was changes to the *Indian Act* in 1951 to allow for the education of Indigenous students in provincial and territorial schools and was an example of a national policy that was implemented, with mixed success, in each of Yukon's communities. Secondly, Ottawa revealed its deafness to the concerns and desires of Yukoners through the firing of a popular and long-serving school superintendent.

¹ For a comprehensive treatment of the early years of schooling in Yukon until 1960, readers are recommended to consult Marjorie Almstrom's *A Century of Schooling: Education in the Yukon, 1861–1961*.

² See Figure 1 (on the preceding page) for the route of the Alaska Highway – it is marked as Highway 1 on the map.

These events were followed by intense public debate about separate schools in the late 1950s. The federal government was reluctant to directly intervene, which signalled a shift in their approach that would lead to more opportunities for local decision-making in the 1960s.

Pre-history to the Gold Rush

The vast lands of today's Yukon Territory constitute a land mass the size of France and a home to over 35 000 people. The territory has existed only as a bounded area since an act of the Canadian Parliament – the *Yukon Act* – defined it in 1898. This action by the federal government was a swift and decisive action to “hold on” to this land in the face of a sudden and rapid influx of gold-seekers into the area, spurred on by the discovery of gold at Bonanza Creek in 1896. A primary focus of the *Yukon Act* was to bring law and order to the region, ensuring that judges, courts, jails, and coroners were in place to support the efforts of the North West Mounted Police, who had been sent north to maintain order and Canadian sovereignty in the area.³

Indigenous peoples had been living in the region for thousands of years; their ancestors had arrived by walking over a land bridge from what we now know as Russia during the last Ice Age.⁴ After the arrival of waves of European explorers to the east coast of North America, traders and missionaries started to push west, and there was a constant presence in Yukon of

³ Coates and Morrison, *Land of the Midnight Sun: A History of the Yukon*, (Montreal: McGill Queens University Press, 2017) 83–4; Cameron and Gomme, *The Yukon's Constitutional Foundations, Volume 2: A Compendium of Documents Relating to the Constitutional Development of the Yukon Territory*, (Whitehorse: Northern Directories Ltd., 1991) 50–4.

⁴ Coates, *Best Left as Indians: Native–White Relations in the Yukon Territory, 1840–1973*, (Montreal: McGill Queens University Press, 1991) 3. It should be noted that the theory of a “land-bridge” is disputed by some Indigenous peoples.

both starting in the early 1800s. Fur traders, in particular, created economic relationships with Indigenous peoples. Schools began to emerge as primarily Anglican missionaries established themselves in the few permanent settlements (the Indigenous peoples lived a nomadic lifestyle based on subsistence harvesting) to provide what Marjorie Almstrom (a long serving Yukon teacher and Department of Education official who wrote a comprehensive history of the first 100 years of schooling in Yukon) refers to as the “three Rs” of the time: Reading, writing, and religion.⁵

These schools were often run by clergy (or their wives) and offered instruction, usually through the methods of recitation and rote memorization (since books and other supplies were almost impossible to obtain because of the remoteness and isolation) in the alphabet, reading words and sentences to the point where scriptural passages could be used for instruction, Bible stories and morality tales, basic arithmetic, and handicrafts like knitting and sewing.⁶ While efforts were undertaken to assist Indigenous children and adults in learning English, there were also efforts by missionaries to learn and codify the various Athabaskan dialects spoken in the region in order to assist proselytization, especially in the more northerly latitudes.⁷

While the rest of Canada was trying to deal with the “Indian Problem” in the late nineteenth century, usually through mechanisms contained in the *Indian Act*, the Government of Canada was content to leave Yukon’s Indigenous peoples to live their lives free from

⁵ Coates, *Best Left as Indians*, 21–31; Almstrom, *A Century of Schooling: Education in the Yukon 1861–1961*, 3–5. Again, readers are urged to read both these histories for a thorough and comprehensive treatment of the period covered in this chapter.

⁶ Almstrom, *A Century of Schooling*, 5.

⁷ Ibid., 13–15.

government interference or control. In addition, unlike much of the rest of Canada below the 60th parallel, no treaties were ever negotiated with Yukon's Indigenous peoples – a fact that would have dramatic implications almost a century later.⁸

Klondike Gold Rush and Establishment of Yukon Territory

In 1867, the United States of America purchased the lands now known as Alaska from Russia and began to explore and survey them in earnest. Much of this survey work, done by American companies and workers keen to explore and exploit the vast mineral wealth of the area, resulted in prospectors replacing fur traders as the primary economic driver of settlement in the area that included the Yukon.⁹ Therefore, aside from the Indigenous peoples, it was mostly American settlers and prospectors in Yukon in August 1896 when the discovery of a rich deposit of placer gold triggered the stampede of settlers coming north. This rapid migration is commonly known as the Klondike Gold Rush and, almost overnight, created the largest city in Canada west of Winnipeg: Dawson City.¹⁰

While the Canadian government had a small presence in the area doing surveying work in the late 1800s, the arrival of the North West Mounted Police in 1894 marked the first permanent presence of the government. For several years, communities of prospectors and settlers had popped up beside various creeks and waterways as gold was being discovered. The miners paid no taxes and followed self-imposed rules to maintain order and peace. The

⁸ Coates, *Best Left as Indians*, 162.

⁹ Johnson, *With the People Who Live Here*, (Whitehorse: Legislative Assembly of Yukon, 2009), 6–8.

¹⁰ Coates, *Best Left as Indians*, 36–9.

arrival of the mounted police was the first real assertion of Canada's sovereignty over the area, and their presence dramatically increased after the 1896 gold discovery.¹¹ Prior to the *Yukon Act*, the area was under the control of the government of the Northwest Territories from its headquarters in Regina. The federal government, in conjunction with the mounted police, had created a chief executive position stationed in Yukon to make decisions on behalf of Ottawa because telegrams containing queries and instructions could take up to six weeks to be sent and then arrive back.

The passage of the *Yukon Act* formally created the role of commissioner to provide administrative, executive, and legislative powers to the newly formed territory. This individual was appointed by the Governor in Council (the federal cabinet) and reported to the minister of the interior. He was assisted and advised by a council of six individuals composed entirely of other federal employees. The commissioner was also assisted by other federally funded employees (such as the judge) but could also use territorial revenues from locally collected taxes and permit fees to employ territorial civil servants and make expenditures to provide other services, including the provision of education.¹² The provision of education was not a priority in the early years of the Yukon Territory, since most prospectors did not come with children or remain in the territory long enough to settle and start families. As Dawson City's population grew, several private schools emerged, usually staffed by the few American women who had accompanied their husbands, for the few children who needed schooling. The demand for public schooling did increase along with the population, and it was lamented

¹¹ Coates and Morrison, *Land of the Midnight Sun*, 57–8.

¹² Johnson, *With the People Who Live Here*, 11.

in Dawson City's local newspaper that despite having a population of almost 20,000 English-speaking citizens, it had no public school.¹³

Part of the reason for the delay in the provision of public schools was that the commissioner and his council were federal employees who were not well prepared to provide the services typically provided by provincial or local-level governments, such as education. Many Americans, who were used to having local control over many of the programs and services that the commissioner was expected to provide, became agitated and made demands for elected representatives to be included on the commissioner's council. In particular, the concept of common schooling and its use in helping to civilize unsettled territories was a recent phenomenon in the western United States where many of the gold seekers originated from.¹⁴ These factors led to discussions of what provisions a Yukon school law might contain. There were assumptions that it would likely be based on what was in effect in the Northwest Territories, which included denominational schooling – a notion that would have conflicted with the sensibilities of the Americans who came from a tradition of secular common schools.¹⁵

Commissioner William Ogilvie was able to begin addressing the issue of providing schools in 1899 and, indeed, looked to the Northwest Territories for legislation that could serve as the model for Yukon's. Ogilvie, however, hoped to avoid a sectarian system and proposed such to the heads of Dawson City's four primary denominations (Anglican, Roman

¹³ Almstrom, *A Century of Schooling*, 75.

¹⁴ David Tyack and Elizabeth Hansot, *Managers of Virtue: Public School Leadership In America, 1820-1980* (New York: Basic Books, 1986), 39–44.

¹⁵ David Tyack, *The One Best System: A History of American Urban Education*, (Cambridge: Harvard University Press, 1974); Almstrom, *A Century of Schooling*, 78–9.

Catholic, Presbyterian, and Methodist), who had experience collaborating to deliver health services in the burgeoning community. The Roman Catholic priest, however, would not participate in a non-sectarian system and opted to create a separate school for Roman Catholic families that would be funded by their taxes. The other denominations agreed to a non-sectarian public school, the necessary supplies were ordered, and the school was slated to open in the fall of 1899. However, in a twist of fate, the steamer carrying the supplies sank en route to Dawson City and, faced with increased pressure to provide publicly funded schooling, Ogilvie offered any school that could accept more students a public grant. Following that offer, St. Mary's Roman Catholic School, which had opened in the fall, accepted additional students and received the public funding. Later, despite the opening of the public non-sectarian school, the *School Ordinance* was written to provide public funding to both the public and separate schools, like those in the Northwest Territories. Despite Ogilvie's continued desire for the creation of school boards that could levy school taxes that would cover the entire cost of running the system, the schools – public and separate – were all maintained through territorial grants.¹⁶

The growth of Dawson City resulted in a public and a separate school continuing to operate along with additional public and separate schools in other communities in Yukon, including the small town of Whitehorse, which served as both the terminus of the White Pass and Yukon Railway from Skagway (in the Alaska territory purchased by the United States from Russia in 1867) and the paddlewheel steamers that travelled to Dawson City. Other

¹⁶ Richard Stuart, "Duff Pattullo and the Yukon Schools Question of 1937." *Canadian Historical Review* 64, no. 1 (1983): 25–9.

small schools were created in the “creeks” – the small settlements that remained in the Klondike as prospectors continued to search for new sources of gold. The superintendent of schools had a heavy workload – the supervision, staffing, and inspection of all territorial schools – but was also expected to teach classes in the Dawson Public School, resulting in a succession of superintendents, each leaving after just a few years of service. In 1912, a plebiscite took place with the view of forming school boards, but this was rejected once again in favour of territorial grants to both public and separate schools.¹⁷

Yukon went into a long period of economic decline after the first decade of the 1900s until World War II, with resultant cuts to the government infrastructure to support schools and services. The federal government considered eliminating the Yukon Council, an elected advisory council provided for in the *Yukon Act*, after years of being lobbied for specific (and partisan) appointments for the position of commissioner and after hearing constant hues and cries about shrinking appropriations. Instead, it reduced it to three members, brought most of the decision-making back to Ottawa-based officials, and retitled the position of commissioner to “gold commissioner” in 1918 to signify the more limited duties.¹⁸

World War II and the Alaska Highway

The advent of war in the Pacific during WW II was to bring sweeping and more permanent changes to the lifestyle and economy of Yukon with the construction of the Alaska Highway. With the prospect of war brewing, the American government created the Alaska

¹⁷ Almstrom, *A Century of Schooling*, 99–107; Coates, *Best Left as Indians*, 28.

¹⁸ Johnson, *At the Heart of Gold: The Yukon Commissioner's Office 1898–2010* (Whitehorse: Legislative Assembly of Yukon, 2012), 44.

Highway Commission in 1938 to begin looking at possible routes through the Yukon and to commence negotiations with the Canadian government. A route bypassing Dawson City was chosen and resulted in the construction of several large airfields in Yukon at Watson Lake and Whitehorse. The attack on Pearl Harbor in December 1941 increased the threat of attacks on the continental United States and resulted in a hasty end to negotiations and the immediate start to the construction of a land route to Alaska following the chain of airfields that had already been constructed. Whitehorse, being a nexus of rail, river, and air transportation, became the administrative centre of the road-building and maintenance efforts, resulting in an influx of soldiers and settlers, many of whom were able to bring their families.¹⁹

The construction of the highway had a drastic impact on Yukon's Indigenous population, who transitioned from a more nomadic lifestyle to permanently settle in areas that were close to road access to take advantage of work opportunities in addition to their traditional subsistence and harvesting lifestyle. Since the gold rush, Indigenous peoples had started to participate increasingly in the wage economy. This employment, only in the lowest-paying and least attractive jobs, was seasonal with mining work but became year-round for road construction and maintenance.²⁰

The opening of Yukon through the construction of the Alaska Highway also increased the attractiveness of Yukon to exploration and mining companies. In the late 1950s, the resource-rich north became a national focus as the "Northern Vision" of John Diefenbaker's Progressive Conservative Party and included the "Roads to Resources" concept, which

¹⁹ Coates and Morrison, *Land of the Midnight Sun*, 226–30.

²⁰ Coates, *Best Left as Indians*, 192–3.

brought even more federal infrastructure funding to Yukon. This increase in federal funding, matched by infrastructure funding in communities for municipal developments such as water and sewer works, housing developments, hospitals, and schools, was welcomed by Yukoners even though the funding solidified the firm control of the federal government over the territory's affairs.²¹

Colonial Governance Continues Unabated Postwar

George Jeckell started in the post of commissioner in the early 1930s during one of the lowest points of Yukon's population and economy. He remained in the position during the population explosion of the 1940s, continuing to run territorial affairs while situated in his office in Dawson City, only flying to Whitehorse on occasion to interface with federal or military officials. He minimized the social and educational concerns arising from Whitehorse as temporary problems as he, along with many others, suspected that the highway would not be maintained after the war, which would likely cause Whitehorse to dwindle to its former size.²² It was not worth investing time or money to solve problems for a population that would likely simply disappear in a few years, he likely felt.

Complaints about the welfare of non-Indigenous peoples had resulted in the rise of partisan politics, which also included the formation of socialist political parties that started to

²¹ Smyth, *The Yukon's Constitutional Foundations, Volume 1: The Yukon Chronology (1897–1999)* (Clairledge Press, 1999), 18; Coates and Powell, *The Modern North: People, Politics and the Rejection of Colonialism* (Toronto: James Lorimer & Company, 1989), 24–5.

²² Johnson, *At the Heart of Gold*, 51–2.

exert pressure on the commissioner and Ottawa for more money and resources for Yukon.²³

One such party, the Co-operative Commonwealth Federation (CCF), also began lobbying in earnest for democratic reforms, including the election of the controller (as the commissioner's position had, yet again, been retitled before the war because of more limited duties) and for more direct control of spending by the Yukon Council.²⁴ None of these reforms were realized. After Jeckell and his immediate successor retired, a series of Ottawa-trained bureaucrats were appointed and parachuted in to assume the expanded role of the commissioner to strengthen the federal government's control over the territory's affairs.

These appointments certainly caused some friction between the residents of Yukon, who became increasingly convinced that Ottawa was taking little interest in their desires. A major development that demonstrated Ottawa's unilateral control over Yukon's government and administration was its decision to move the capital from Dawson City to Whitehorse in 1951. After the war, while the number of military personnel did decrease, a sizable number of army, air force, and additional federal employees remained (and would for years) as the road was transferred from military control to the federal Department of Public Works and, finally, to the Yukon government. Whitehorse had grown to a population of 5,800 (compared to Dawson City's year-round population of 500) and was clearly becoming Yukon's economic, transportation, and communications centre. Complaints increased in frequency from Whitehorse's citizens and the military about the ineffective administration of the territory from Dawson City. After years of rumours and speculation, combined with the continued

²³ Johnson, *At the Heart of Gold*, 51–2.

²⁴ Johnson, *With the People Who Live Here*, 244–5.

decline of the mining industry and a lack of road access to Dawson City, Ottawa decided to transfer the capital to Whitehorse. The residents and business-owners in Dawson City feared this would mean the demise of the town and fought the move but to no avail.²⁵

The capital transferred to Whitehorse in March 1953, bringing the seat of government to a crowded, relatively unplanned community with inadequate facilities. Because of assumptions that the highway would be decommissioned after the war, Whitehorse was devoid of much of the basic infrastructure required for a capital city, including schools. Although a new public elementary-secondary school facility had recently been built, the school was almost 100 pupils over capacity after only a year in existence, and a variety of stop-gap measures had to be taken to resolve the problem.²⁶ The federal government immediately recognized the situation as desperate, began looking at longer-term projections, and began planning to get ahead of future growth by building more schools and decentralizing the lower grades into newly developing neighbourhoods.²⁷ Yukon was about to embark on almost 20 years of constant school construction in Whitehorse and outlying communities to cope with the shifts in the economy and changes in Indigenous education policy that would pit, at times, the local wishes of the community against the desires and dictates from Ottawa.

²⁵ Johnson, *With the People Who Live Here*, 278–80.

²⁶ Almstrom, *A Century of Schooling: Education in the Yukon 1861–1961*, 212; Johnson, *At the Heart of Gold: The Yukon Commissioner's Office 1898–2010*, 58.

²⁷ R. G. Robertson to F. H. Collins, March 23, 1956, Records Office Files Fonds, Yukon Archives, Gov. 2396, file 8.

School Governance and Parent-Teacher Associations

Yukon's unique territorial status affected the way its schools were governed. Yukon did not have the school boards and trustees that most Canadian provinces did, and all schools were run directly by the territorial government. Instead of boards of elected trustees, local Parent-Teacher Associations (PTAs) were one of the few ways that parents had any voice in school operational matters. Not all schools had them because neither teachers (including the principal) nor the superintendent were required under the *School Ordinance* to have mechanisms to maintain or nurture good relationships between parents and the schools. The ordinance only required the superintendent to investigate matters that arose out of disputes when necessary.²⁸ Parents, while having a very vested interest in the operation of and programming offered in schools, had no formal mechanism other than complaining to a federally appointed superintendent to make their opinions heard, ensure that sufficient resources were available, or make any decisions at all about how the schools served their children.

In Whitehorse, where most residents had come from other parts of Canada that had school boards or other forums for giving parents a greater voice in the running of the schools, there was demand for a more formal advisory committee. In 1952, a meeting of the Whitehorse City Council and the Board of Trade resulted in an agreement to form an education committee. It had a chair appointed by the commissioner and six representatives, each designated by the Yukon government, Whitehorse City Council, the Whitehorse Board

²⁸ Yukon, *An Ordinance Respecting Schools*, 2nd Session, 15th Yukon Council, 1950, Assented to 3 November 1950.

of Trade, the commanding officer of the Northwest Highway System, the commanding officer of the Royal Canadian Air Force, and the PTA. The letter sent to each of these bodies inviting them to collaborate alluded to the furnishing of funds for the purchase of school furniture on which some advice was being sought.²⁹ The committee was hit by a setback early on when the commissioner's appointee had to resign due to ill health, which resulted in few meetings being held.³⁰

A year later, Commissioner Wilfred Brown felt it necessary to write to Ottawa seeking advice on the "proper functions" of a PTA, making reference to a recent memorandum that was issued in the Northwest Territories to address a similar issue.³¹ A copy of the memorandum was promptly returned to him by J. V. Jacobson, the superintendent of education, which clearly suggested that the PTA should not "be an organization of parents which takes over from the principal the running of the school or which continually interferes with the administration of the school" and should not "interfere with the functions of a properly constituted school authority but to give assistance and advice to such authority in the carrying out of their legitimate duties." PTAs were not meant to be a forum for the airing of grievances of teachers towards parents or vice versa, nor were they meant to be fundraising or social committees. Instead, their main aim was the collective study of problems that related to the education of children in which "the teacher as a professional educator must be prepared to

²⁹ F. Fraser to A. K. McGregor, July 26, 1952, Records Office Files Fonds, Yukon Archives, Gov. 2396, file 7.

³⁰ L. Higgins to F. Fraser, November 4, 1952, Records Office Files Fonds, Yukon Archives, Gov. 2396, file 7.

³¹ W. G. Brown to J. V. Jacobson, November 9, 1953, Records Office Files Fonds, Yukon Archives, Gov. 2396, file 7.

give a great deal of guidance.”³² These comments were understood to mean that PTAs were to be tolerated but that no sense of control whatsoever would be granted to such a group.

There was local interest in education. PTA meetings were very well attended, with crowds of up to 300 parents at Whitehorse meetings for the public schools. Meeting attendance was bolstered by students through a competition in which the class that had the largest number of parents attending the meeting was given a banner marking the achievement. Education was also a key feature in other public meetings, such as the Whitehorse Board of Trade, which invited speakers such as the territorial judge to opine about school curriculum, facilities, and financing.³³ Public debate about and interest in education was also evident in the newspapers, which, in addition to many letters from writers throughout Yukon about the state of education in the territory, ran articles in the summer months outlining the changes in staffing at the various schools and detailing the qualifications and experience of each incoming teacher or principal.³⁴

Rural schools did, from time to time, find their PTAs useful in lobbying the Department of Education or the commissioner for their facility needs. The Mayo PTA was quick to thank the commissioner for the “proper lighting fixtures sent to be installed in the Intermediate school.”³⁵ Dawson City’s PTA was more urgent with their concerns regarding the poor state of its school, particularly the washrooms, and were able to enlist the help of the

³² J. V. Jacobsen to W. G. Brown, November 19, 1953, Records Office Files Fonds, Yukon Archives, Gov. 2396, file 7.

³³ “Judge Says Territory Should Take over Indian Affairs,” *Whitehorse Star*, October 8, 1959.

³⁴ “Teaching Positions for Yukon Schools,” *Whitehorse Star*, July 16, 1959.

³⁵ J. H. Barwise to W. G. Brown, November 23, 1953, Records Office Files Fonds, Yukon Archives, Gov. 2396, file 7.

medical health officer in their assertion that they would not continue to send their children to the school if the situation was not remedied immediately.³⁶

Responses to these letters of concern were largely dismissive. The Mayo PTA, which had also suggested looking at the salary scales for high school teachers, was told that, while there was “no doubt improvement can yet be accomplished...we are faced to-day [*sic*] with an accumulation of problems which have been arising over the past years, and it is extremely difficult to make haste in solving them within our financial and physical limitations.”³⁷

Education of Indigenous Children in the 1950s

Schooling was a major public concern in Yukon, and two developments in education showed how the federal government played an integral role in Yukoners’ lives – and their educational lives in particular. The first was the federal government’s educational responsibility for Canada’s Indigenous peoples as enshrined in the *Indian Act*.

Yukon’s colonial and territorial history and status, combined with the provisions of the *Indian Act*, had its greatest effect on the education of the territory’s Indigenous youngsters. If non-Indigenous citizens felt that Ottawa had minimal concern for their concerns, attention towards concerns and desires of Indigenous parents for their children was essentially non-existent.

Missionaries’ attempts to provide schools for Indigenous children had been constant since their arrival in the 1850s and had mostly consisted of seasonal day schools where

³⁶ J. H. Barker to F. G. Smith, July 29, 1953, Records Office Files Fonds, Yukon Archives, Gov. 2396, file 7.

³⁷ W. G. Brown to J. H. Barwise, December 2, 1953, Records Office Files Fonds, Yukon Archives, Gov. 2396, file 7.

attendance was sporadic and the longevity of missionaries to carry on the work was often quite short. The passage of the *Indian Act* and subsequent development of a system of residential schools did not bypass Yukon despite its isolation from the rest of Canada. However, it is acknowledged that the pace of residential schooling in Yukon was not as aggressive as in other parts of Canada because of isolation. Prior to WW II, only one federally funded residential school was constructed in Carcross by the Anglican Church. It never exceeded 150 students at any one time. This school, operated much like others throughout Canada, was noted for its substandard nutrition for students, inclusion of work programs that took up much of the day, poor facilities, and abuse by the staff. News of deaths of children while they were attending the school spread widely, and many families were able to resist efforts to have their children sent to the school.³⁸

After the war, as public schools began to emerge in new towns along the highway, Indigenous students were prevented from attending some altogether and reluctantly included in others (usually if they were non-status or of mixed ancestry, the latter sometimes referred to as “half-breeds”). This allowed the churches to maintain their dominion over the education of Indigenous peoples, often by priests and missionaries who immigrated to Canada for that purpose.³⁹ The new highway also increased the ease by which children could be transported away from their families to the schools, leading to an increase in the government’s efforts to provide residential schooling. The Roman Catholic Church started work on its residential

³⁸ Truth and Reconciliation Commission of Canada, *The Inuit and Northern Experience* (Montréal: McGill-Queen’s University Press, 2015), 58–65.

³⁹ A. Richard King, *The School at Mopass: A Problem of Identity* (New York, NY: Holt, Rinehart and Winston, 1967), 9–10.

school in the late 1940s, with a school opening in 1951 in the British Columbia (BC) village of Lower Post, just a few kilometres outside of Watson Lake, for Roman Catholic Indigenous children from throughout Yukon.⁴⁰ The Baptists opened a hostel and school in Whitehorse aimed towards non-status Indians or “half breeds,” who weren’t eligible to attend residential schools and fared poorly in the territorial public schools.⁴¹

The increased ease in transporting Yukon’s Indigenous children to residential schools, however, was closely followed by a federal government policy change after the war: assimilation of Indigenous peoples through integration into provincial and territorial public schools rather than through segregated schools. This resulted in the federal government choosing to devolve their direct control over the education of Indigenous children to provincial and territorial governments. The federal government amended the *Indian Act* in 1951 to allow for agreements to be made with provincial and territorial governments, other churches, and social agencies to provide schooling for Indigenous children living on-reserve so they could receive an education “in association with other children.” A great deal of public optimism was expressed in newspaper articles and editorials throughout Canada for the change as a strategy to increase assimilation of Indigenous peoples through integration, and the public’s growing unease of segregation policies after WWII.⁴² This change represented a loosening of the federal government’s attempts to assimilate Indigenous peoples aggressively

⁴⁰ Tony Penikett, *Hunting the Northern Character* (Vancouver: UBC Press, 2017), 138.

⁴¹ Truth and Reconciliation Commission of Canada, *The Inuit and Northern Experience*, 65–9.

⁴² Helen Raptis, “Implementing Integrated Education Policy for On-Reserve Aboriginal Children in British Columbia, 1951 – 1981.” *Historical Studies in Education* 20, no. 1 (2008): 118–46. A federal government report, the Hawthorne Report, highlighted early on the problems inherent in these attempts to merge the different lifestyles, approaches to knowledge transfer, parenting styles, and world views and the inherent dissatisfaction in the integrated schools by Indigenous parents, as evidenced by low attendance rates.

to a more devolved approach whereby local authorities would implement the mandate through their local school systems. The attitudes towards Indigenous children and the purpose of their inclusion in the territory's public schools are revealed in the language used in the reports on the school system at the time. In 1951, superintendent Hullah reported that

[t]wenty eight Indian children are attending the public schools of the Yukon Territory. Before admission, these children are examined by a doctor, who certifies the pupils as to cleanliness and freedom from disease. The progress of Indian children is slow, but it is gratifying to note their enthusiasm and improvement in cleanliness. The prospect is that within a few years the stigma of segregation will have been removed, and that the native children will develop into useful citizens.⁴³

Despite the push towards more integrated schooling, most of Yukon's Indigenous children who were enrolled in a school received their basic education at a residential school throughout the 1950s.⁴⁴ The approach of building hostels near the public and separate schools in Whitehorse was expanded as the community grew, and, consequently, the number of Indigenous children living away from their families increased during this time as students transferred to schools offering the higher grades that were not offered in the residential schools, increasing the pressures on school facilities across Whitehorse.⁴⁵

The experiences of the students living in the hostels were similar to those at the residential schools. In addition, their reception in the public or separate schools was often unfriendly, and there was often resentment from non-Indigenous children and their families, along with the suspicion of disease. Yukon's public schools had been following the BC

⁴³ Education in Yukon Territory–Yukon Territorial Schools, Dec. 15, 1951, Records Office Files Fonds, Yukon Archives, Gov. 2396, file 7.

⁴⁴ Truth and Reconciliation Commission of Canada, *The Inuit and Northern Experience*, 84.

⁴⁵ H. Thompson to F. H. Collins, December 17, 1955, Records Office Files Fonds, Yukon Archives, Gov. 2396, file 8.

curriculum since 1934, but the church-run day or residential schools were not required to follow any particular curriculum. This situation, combined with the fact that much of the residential school day consisted of work or chores, resulted in the Indigenous students transferring into the public schools being very far behind academically when compared to white students of similar ages.⁴⁶

The inclusion of Indigenous children in secondary schooling was further limited as only academic university-track courses were offered because there were not sufficient resources to offer both a university- and a commercial-track program. This situation began to change when Ottawa provided a mandate to Commissioner Collins in 1956 to begin a wide-scale expansion of schools in Whitehorse, including the construction of a high school facility (because the public school was still K-12 at the time), to develop a series of neighbourhood elementary schools spread throughout the city, and to plan for a vocational school.⁴⁷

Dismissal of a Superintendent of Schools

The second development that revealed how little authority Yukoners had over their affairs was shown through another clash between Ottawa's desires and local preferences. In 1954, Commissioner Wilfred Brown fired Jack Hulland, the long-serving superintendent of schools. Hulland had been appointed superintendent in 1938, relocating from Whitehorse to Dawson City to take the position, which also required him to teach at the Dawson Public

⁴⁶ Coates, *Best Left as Indians*, 204–5.

⁴⁷ R. G. Robertson to F. H. Collins, March 23, 1956, Records Office Files Fonds, Yukon Archives, Gov. 2396, file 8. There are no references made to “vocational” schooling, only “commercial” focusing on office-related skills.

School while he supervised the entirety of Yukon's public school system: Five schools, nine teachers, and 270 students.⁴⁸ By 1952, that number had grown to 11 schools, 33 teachers, and almost 900 students, with the numbers continuing to rise.⁴⁹ Hulland made his large workload known when he wrote to the territorial treasurer in 1949 to ask for a raise for his wife, who was his part-time secretary. He stated that at the time, in addition to teaching for the entire school day, he answered up to 100 letters per month, acknowledged every application from a prospective teacher, wrote reports as required, ordered supplies and maintained the accounts for all the schools in Yukon, and coordinated with the Canadian Army and Department of Indian Affairs regarding the new schools being built along the Alaska Highway.⁵⁰ As the number of schools, teachers, and pupils continued to increase, he was granted no additional staff and was transferred to the newly designated capital of Whitehorse in advance of the rest of the government in 1952. In Whitehorse, his teaching load was removed, but no assistant principal was engaged in the Whitehorse Public School where his office was located, suggesting that he was to act as the assistant principal of the school when necessary.

Hulland's opinions about expanding the programming offered in the school clashed with those of Commissioner Fraser, who had recently been appointed and who was taking a conservative approach to the addition of other subjects such as art and commercial training (ie. typing), despite Mr. Hulland's suggestions and the desire of the Education Committee (formed

⁴⁸ Almstrom, *A Century of Schooling*, 206.

⁴⁹ Government of Yukon, *Annual Report of the Government of the Yukon Territory 1951–1952*, (Whitehorse: Queen's Printer, 1952)

⁵⁰ R. Hulland to W. A. Wardrop, November 9, 1949, Records Office Files Fonds, Yukon Archives, Gov. 2396, file 8.

a few months earlier in 1952) to offer them.⁵¹ When called to account for a complaint that an art teacher had to be dismissed over the summer and was unable to find employment elsewhere, Fraser responded to his superior that Hulland and the Education Committee had concurred with the conclusion that art or commercial subjects should not be offered within the school and had initiated the dismissal.⁵²

Over the course of 1953, the state of the school in Dawson City, which had always been less than ideal due to a lack of financing for repairs and renovations, became a source of contention when the toilets were condemned by the local health officer and parents were refusing to send their children to the school and pledged to keep them at home until the situation was addressed.⁵³ Commissioner Brown (replacing Fraser who transferred back to Ottawa) was advised by his masters in Ottawa that they assumed “that this condition had arisen within the past year, as you state[d] that you had no knowledge of the condition, and as I have been informed by your predecessor that the condition did not exist during the time that he was in Dawson.” Although it was unlikely that a situation such as that could have arisen within the space of one year, and alongside the numerous requests to the government over the years for heating, plumbing, and painting repairs, it was suggested that “it was unfortunate that the state of affairs was drawn to your attention by the Superintendent of Education” and

⁵¹ F. Fraser to R. Hulland, July 15, 1952, Records Office Files Fonds, Yukon Archives, Gov. 2396, file 7.

⁵² F. Fraser to F. J. G. Cunningham, September 4, 1952, Records Office Files Fonds, Yukon Archives, Gov. 2396, file 7.

⁵³ Petition to Commissioner Brown, August 11, 1953, Records Office Files Fonds, Yukon Archives, Gov. 2210, file 1.

that this situation represented an “indication of inefficiency in this department of your administration.”⁵⁴

Commissioner Brown had also taken it upon himself to ensure that properly functioning PTAs like those in the Northwest Territories were in place, and he was quick to hear parents’ concerns.⁵⁵ In Mayo, there was some question of whether the “education of children in the Yukon would be blighted because of the lack of progressive ideas on the part of the educational authorities in charge,” exacerbated by what was perceived as Superintendent Hulland’s under-response to charges of assault that were filed against the local principal and resulting in the community investigating the formation of a school board.⁵⁶

In 1954, Commissioner Brown fired Hulland from his position as superintendent. Outcry was swift and widespread, with students, parents, and Yukon Council members condemning the move as another example of the autocratic style of the commissioner, perhaps acting on instruction from Ottawa.⁵⁷ An editorial published in the *Whitehorse Star* suggested how this action became a lightning rod for criticism of the state of democracy and local control in Yukon: “Actions such as this, by over-officious Civil Servants indicate to the people of the Yukon just how democratic our present government set up functions. It indicates a complete domination by Ottawa of Yukon affairs and leaves public opinion the only weapon of defence.”⁵⁸

⁵⁴ C. W. Jackson to W. G. Brown, September 3, 1953, Records Office Files Fonds, Yukon Archives, Gov. 2210, file 1.

⁵⁵ J. V. Jacobsen to W. G. Brown, November 19, 1953, Records Office Files Fonds, Yukon Archives, Gov. 2396, file 7.

⁵⁶ J. H. Barwise to W. G. Brown, November 23, 1953, Records Office Files Fonds, Yukon Archives, Gov. 2396, file 7.; Johnson, *With the People Who Live Here*, 298.

⁵⁷ Johnson, *With the People Who Live Here*, 298; Almstrom, *A Century of Schooling*, 228.

⁵⁸ Editorial, *Whitehorse Star*, April 2, 1954.

As the reinstatement of Mr. Hulland would have undermined the authority of the commissioner, the protests to Ottawa initially went unheeded. However, the Yukon Council's next sessions were dominated by particularly intense opposition and criticism of both the commissioner and his Ottawa-based masters, and Hulland was eventually reinstated for a short time before he retired. Following his retirement, he was elected to the Yukon Council for a single term before retiring once again, and for the last time, to BC⁵⁹

Growth of Roman Catholic Separate Schools and Sectarian Divisions

In the late 1950s, conflict arose regarding the funding of separate schools for Yukon's Roman Catholic families. Provisions for Roman Catholic separate schools throughout most of the provinces of Canada were part of the larger minority rights protections in the *British North America Act*. Similar provisions were included in school legislation for the Northwest Territories (which was patterned after Manitoba's legislation), which served as the template for Yukon's legislation.⁶⁰ Thus, the legislative provisions for separate denominational schools that carried over to Yukon (simply because of the legislation chosen to serve as the template), combined with the fluke sinking of a steamer carrying supplies for a non-sectarian public school in 1899, resulted in the existence of publicly funded Roman Catholic schools in Yukon. Over 50 years later, their continued existence would erupt into vigorous debate that the federal government was reluctant to address directly, leaving an opportunity for Yukoners

⁵⁹ Smyth, *The Yukon Chronology*, 18; Almstrom, *A Century of Schooling*, 229.

⁶⁰ Ronald Manzer, *Public Schools & Political Ideas: Canadian Educational Policy in Historical Perspective* (Toronto: University of Toronto Press, 1994), 56; Cameron and Gomme, *A Compendium of Documents*, 4.

to exercise more influence in the resolution of the issue and opening the door to more local control being devolved from Ottawa.

Debates surrounding the public funding of such a separate school system had been ongoing since the first public grants were issued in 1899 and enshrined in Yukon's *School Ordinance* of 1902. The debates also addressed questions of who, ultimately, was in charge of the separate schools – the Roman Catholic Church that operated them, or the Yukon government that funded them.

Although St. Mary's Catholic School became the first publicly funded school in Yukon in 1899, a non-sectarian school was quickly established thereafter. However, the precedent of a separate system for Roman Catholic schools was established with a continuously operating Roman Catholic school in Dawson City (and, for periods, in Whitehorse). Attempts to eliminate the territorial government's grants to the separate schools included a failed plebiscite to create a school board for the Roman Catholic separate schools in 1913, which allowed the grants to Roman Catholic schools to continue.⁶¹

During the Alaska Highway construction, a Catholic school re-emerged in Whitehorse in the 1940s to support the growing number of Catholic families, both military and civilian. The church sought no funding to construct the schools and only approached the government for an operating per capita grant after they were built. This situation changed in the mid-1950s when it became clear to Bishop J. L. Coudert that students in the Roman Catholic school ought to have a facility that was comparable to the recently constructed public school.

⁶¹ Almstrom, *A Century of Schooling*, 213.

The public school was already close to capacity soon after it was built, so there was some interest in entertaining the bishop's proposal that a new school be built, financed in equal portions by the territorial government, the Department of Defence, and the church.⁶² The territory's finances were once again in decline once the population decreased after the war, and one attempt to control expenditures was the controller's reduction of the per capita grant to the Roman Catholic schools by 25 per cent. Devolving some of the costs of new school construction to the church was attractive to both the territorial and federal governments.⁶³

Ottawa did have some reservations about expanding its funding to separate schools, including capital funding, and a long exchange of letters between the bishop, the controller, and various officials in Ottawa helped to clarify the funding situation over the five decades that the schools had received territorial funding and making the case for funding that was equivalent to the territory's public schools in all aspects.⁶⁴

Negotiations regarding the construction costs of the new school continued and eventually resulted in the federal and territorial governments contributing almost \$250,000 towards the cost of the new school, which was expected by the bishop to cost just short of \$350,000. The Catholic Sisters of Providence, a religious order from Quebec, would staff the

⁶² J. L. Coudert to H. A. Young, October 30, 1952, Records Office Files Fonds, Yukon Archives, Gov. 2210, file 5.

⁶³ Almstrom, *A Century of Schooling*, 215.

⁶⁴ J. L. Coudert to H. A. Young, February 6, 1953, Records Office Files Fonds, Yukon Archives, Gov. 2210, file 5.

school and absorb the remaining costs of construction.⁶⁵ Christ the King School was constructed and ready to accept students in 1956.⁶⁶

This long and complicated, but ultimately successful, negotiation, which affirmed for Catholics their right to have a separate school system that was on par with the public system, emboldened them to continue to make requests of the territorial and federal governments. August 1956 saw a meeting between the bishop, the commissioner, a Yukon Council member, and the superintendent of schools to discuss several issues that had arisen concerning the operation of Christ the King School. The meeting was initiated after the bishop and the principal of the school had started advertising on the radio that Christ the King School would be offering kindergarten, commercial classes, and an expansion into Grades 9 and 10, all without the approval of the superintendent of schools. The issue of the superintendent having authority over the school's programming, since the territory provided the operating funds, was discussed and agreement reached for cooperation in operational matters.⁶⁷ This agreement, along with the agreement to increase the per capita grant to the school, was communicated to Ottawa. Ottawa's response contained the minister's concern about the development of commercial courses in the school because it might present some competition for the desired one large territorial high school and vocational school.⁶⁸

⁶⁵ W. G. Brown to J. L. Coudert - Draft, February 1955, Records Office Files Fonds, Yukon Archives, Gov. 2210, file 5; J. L. Coudert to W. G. Brown, April 2, 1955, Records Office Files Fonds, Yukon Archives, Gov. 2210, file 5.

⁶⁶ Almstrom, *A Century of Schooling*, 216.

⁶⁷ F. H. Collins to R. G. Robertson, August 8, 1956, Records Office Files Fonds, Yukon Archives, Gov. 2210, file 7.

⁶⁸ R. G. Robertson to F. H. Collins, August 15, 1956, Records Office Files Fonds, Yukon Archives, Gov. 2210, file 7.

The Catholic community, in the light of the favourable relations with the territorial and federal governments and faced with increasing enrollment and the desire to continue the education for students coming from the Lower Post, BC, Indian residential school, continued looking to expand Christ the King in 1958 to accommodate more pupils and additional grades.⁶⁹ There was resistance from both the federal government and the Yukon Council because the expansion into Grades 9 and 10 was originally intended to be a temporary solution until a larger public high school could be constructed for all students.⁷⁰ Continued correspondence then began to put many of the agreements made in the summer of 1956 into question and resulted in a long letter from the bishop to Commissioner Collins in which he asserted that these issues and the territory's newfound resistance to allowing Roman Catholic pupils from outside of Yukon to attend the school (meaning students from the Lower Post, BC, residential school) would cause scandal for the territorial government if it were revealed and debated in the press.⁷¹

These threats did not result in the desired outcome for the bishop, and in November 1958, the Catholic community of Whitehorse presented a formal petition, signed by over 500 Catholic ratepayers to the territorial government to create a separate Catholic high school. However, rather than the territory being shamed in the press for their lack of support, public debate erupted over the issue of funding for separate schools, much of it played out in the

⁶⁹ J. L. Coudert to F. H. Collins and Yukon Council, March 15, 1958, Records Office Files Fonds, Yukon Archives, Gov. 2210, file 6.

⁷⁰ F. J. G. Cunningham to F. H. Collins, March 25, 1958, Records Office Files Fonds, Yukon Archives, Gov. 2210, file 6.

⁷¹ J. L. Coudert to F. H. Collins, August 12, 1958, Records Office Files Fonds, Yukon Archives, Gov. 2210, file 6.

chambers of the Yukon Council.⁷² Over the course of 1959, numerous newspaper articles, editorials, and letters to the editor appeared in the *Whitehorse Star* debating the merits of both sides of the issue. The main concern opposing the move to create a Catholic high school was based on economics and expediency. There were only around 12 students in the current Grade 12 program at the public high school (again, which only offered university-track high school courses). The ability of the territory to finance construction of additional facilities was questioned as well. There was also the issue of previous “gentleman’s agreement[s]” regarding the grades that the Catholic schools were to restrict themselves to. This agreement, it was noted, had already been violated when the Catholic schools started offering Grades 9 and 10 a few years previously.⁷³ Similar debates had occurred earlier in the decade when the armed forces had planned to construct their own elementary school near the base and the Yukon Council had successfully convinced them to fund a territorial school rather than creating a separate system for military families.⁷⁴

The main argument for the creation of the additional high school was the rapidly increasing number of students and the legislated right to separate schooling for the Roman Catholic community that was enshrined in the *Yukon Act*. The debate on the latter became centred on the right to exist versus the level of funding that was required from the government. A *Whitehorse Star* editorial noted that the right to exist “does not mean that the rest of the population has the obligation to finance the separate education of the minority

⁷² Almstrom, *A Century of Schooling*, 288.

⁷³ Editorial, *Whitehorse Star*, October 29, 1959; M.E. Alford, Letter to the Editor, *Whitehorse Star*, November 12, 1959.

⁷⁴ Johnson, *At the Heart of Gold*, 108.

group whether it be Roman Catholic, Anglican, Jehovah Witness, Baptist, United Church or any other denomination.”⁷⁵ Supporters of the separate school cautioned that pushing for a single school system might also lead to having a single “big store, one garage and for that matter only one airline and by their monopoly in the field, each would be the best” and suggested that some competition would only result in the overall improvement of the system.⁷⁶

The debate was causing civil servants to be caught between loyalties to their employer and loyalties to their church. One public official chose to forward a copy of a letter – from the deputy minister to the commissioner – to the Roman Catholic bishop, which he, in turn, cited as proof of Ottawa’s efforts to thwart the desires of the Roman Catholic community.⁷⁷ The minister responded to the bishop, aghast at the situation:

It would appear that someone of the staff of the Commissioner or in this Department takes so light a view of his solemn oath as a civil servant that he is prepared to violate it by stealing documents and communicating them to unauthorized persons against his or her pledged word. This, of course, is our problem, not yours and I only mention it since you may not be aware of the serious character of the circumstances that must surround this breach of official – and, indeed, personal – morality.⁷⁸

There were standing-room-only crowds in the Yukon Council chambers as these debates were taking place, and, in the absence of any consensus on the issue, the result was a decision to suggest the creation of a commission to study the overall issue of education in the

⁷⁵ Editorial, *Whitehorse Star*, October 29, 1959.

⁷⁶ G. B. Dudley, Letter to the Editor, *Whitehorse Star*, November 19, 1959.

⁷⁷ J. L. Coudert to A. Hamilton, September 19, 1959, Records Office Files Fonds, Yukon Archives, Gov. 2210, file 6.

⁷⁸ A. Hamilton to J. L. Coudert, October 13, 1959, Records Office Files Fonds, Yukon Archives, Gov. 2210, file 6.

territory and develop a comprehensive report for council's consideration. This suggestion would be realized early in the following decade and would become part of a defining event in Yukon's evolution towards responsible government.⁷⁹

Desire for Provincehood and Autonomy

The federal government's rule over the affairs of Yukoners had been complete and consistent since the territory's creation in 1898. During subsequent years, Ottawa's decisions continued to rankle the elected Yukon Council members and the general public, and the last years of the 1950s were marked by a growing intensity in the desire for Yukon to become a province of the Dominion of Canada. The federal government had been increasing its financial contributions to the territory steadily throughout the decade and had been maintaining a strong grip on the commissioner's position since the expansion of its power following the war. The Yukon Council functioned as an effective "official opposition" to the commissioner and his assistants, and Commissioners Fraser and Brown in the first half of the decade made this task quite easy because of their many unpopular decisions on behalf of Ottawa.

There were instances when Ottawa was also attempting to recentralize its authority, particularly in health, where it hoped to remove the authority of volunteer community boards after devolving health services to the territory in 1953. This move followed a polio epidemic

⁷⁹ "Widespread Interest in Council Session Shown," *Whitehorse Star*, December 4, 1959; "Further Opinions Aired on Separate School Issue," *Whitehorse Star*, December 10, 1959; Johnson, *With the People Who Live Here*, 329.

that highlighted the patchwork approach to serving the non-Indigenous, the Indigenous, and military personnel and their families through different programs. A pooled approach was adopted and a new hospital constructed through the same joint contribution schemes that were being used for the schools.⁸⁰

There were growing calls for the next commissioner to be a Yukoner and one whose role should evolve to be that of a provincial lieutenant governor, but these were unheeded when, in 1955, Major F. H. Collins was appointed as commissioner. Collins was an astute choice because his experience in both the Northern Affairs Branch in Ottawa and his military experience positioned him well to understand each of those bureaucracies.⁸¹ His appointment, however, was followed by the election of a young Whitehorse lawyer, Erik Nielsen, as member of Parliament for the Yukon. Nielsen was elected on a platform of bringing more representative and responsible government to Yukoners, in particular to Indigenous peoples, and he would spend his entire 30-year parliamentary career working towards this goal.⁸² Nielsen's initial election was aided when his party's leader, John Diefenbaker, promised that Yukon would be Canada's 11th province by 1967.⁸³

Ottawa had long bristled at Yukoners' demands for facilities and services that rivaled those in the provinces when the territory did not have the tax bases to support them. Collins arrived in Whitehorse, welcomed by the Yukon Council, which had taken the resignation of the previous commissioner as affirmation of their demands for more control and continued to

⁸⁰ Michael, *From Sissons to Meyer: The Administrative Development of the Yukon Government 1948–1979* (Whitehorse: Yukon Archives, 1987), 19, 26–31.

⁸¹ Johnson, *At the Heart of Gold*, 60–1.

⁸² Johnson, *With the People Who Live Here*, 317–18.

⁸³ Erik Nielsen, *The House Is Not a Home* (Toronto: Macmillan of Canada, 1989), 111.

pass motions and bills that were in direct opposition to what Ottawa would prefer. At one point, Collins wrote to his superiors to confirm that he had the right and responsibility to withhold assent to members' bills and advised them that their ability to instruct him to withhold assent should rarely be used, even when there were fundamental disagreements – a sign that the desires of the elected council needed to be honestly considered. His advice, however, conveniently omitted the more significant fact that Ottawa ultimately controlled the public purse and could retain a great deal of control simply by not appropriating funding for programs and projects they did not approve of.⁸⁴ While Collins was reluctant to release any authority to the Yukon Council, especially concerning Yukon's finances, his acknowledgement of his reluctance to exercise his veto powers marked a softening in the commissioner's loyalty to Ottawa.

Since the creation of the Yukon Territory in 1898, the federal government had remained firmly in charge of the planning and delivery of all programs and services. Federal policy changes (such as the decision to integrate Indigenous students into public schools) and unpopular bureaucratic decisions (such as the commissioner's firing of a popular school superintendent) throughout the 1950s accelerated the erosion of Yukoners' tolerance of the level of federal control. Education was no exception. However, disputes over the funding of Roman Catholic separate schools created an opportunity for more local control because the federal government was reluctant to intervene directly to change federal legislation or local ordinances to resolve the situation. This dispute, combined with the commissioner's recognition that his veto power should be limited, represented the beginning of a shift that

⁸⁴ Johnson, *With the People Who Live Here*, 316.

would continue through the 1960s. This shift would continue as a series of incremental steps, many of which involved schools or education, that would attempt to place more political power into the hands of elected Yukoners, allowing them to gain Ottawa's trust in their abilities to make responsible governance and administrative decisions.

Chapter 2 – 1960–1970 Advisory Committee on Finance to the First Elected Yukon Council Member Responsible for Education

A series of small and incremental changes started the shift of control over Yukon's affairs to the territorial government throughout the 1960s. One change was Ottawa's greater consultation with Yukoners, and soliciting Yukoners' views on education was a crucial example. A special Committee on Education for the Yukon Territory was formed in 1960 to help resolve the tensions created because of the Roman Catholic separate schools. As it would turn out, this represented the first meaningful consultation with Yukoners about a government institution that featured highly in the daily lives of Yukon families. Another change that built momentum to transfer control from the federal government to Whitehorse was more First Nations' involvement in the territory's affairs, not least of all in Yukon education. More active attempts to integrate Indigenous students into the territory's public school system, combined with the federal government's desire to divest itself of the business of operating schools in the territories for Indigenous students, exposed inequities. The continuous failures of the territorial school system to meet the needs of Indigenous students contributed to increased political activism amongst Indigenous leaders to express their claim to the land and a desire to see their values and culture reflected in the school system, especially when changes were being made (often quickly) for Roman Catholic separate schools and French-language instruction (both which primarily served non-Indigenous children). However, even as Yukoners began to be appointed again to the powerful position of commissioner, the federal government's grip on power remained strong, mostly because of its absolute control over Yukon's budget. Nevertheless, Yukoners' continued involvement in school advisory

committees did assist the commissioner in convincing the federal government of Yukon's capacity for more local control over certain programs and services that would lead to a significant change at the end of the decade: The devolution of the executive authority over Yukon's schools from Ottawa to an elected Yukoner.

Ottawa Consults Yukoners: Advisory Committee on Finance and the 1960 Committee on Education

After a decade of constant requests from the Yukon Council for more democratic representation, Ottawa authorized two developments at the start of the 1960s meant to increase the participation of Yukoners in high-level decision-making. They were the development of an Advisory Committee on Finance and the subsequent creation of a special Committee on Education for the Yukon Territory. Although matters of school finance played a role in both, they each had very different outcomes, with the latter being far more effective than the former in implementing the will of Yukoners.

At the end of the 1950s, the matters of financing and control of the Roman Catholic separate schools that had been brewing over several years were still very much unresolved. In the period between the construction of the new Christ the King School in 1956 and the request for the school to be expanded in 1958, certain federal officials had sought to resolve the funding issue by amending the *School Ordinance* to restrict the provision of high school grades to only the secular system to clarify the limits of territorial funding to Roman Catholic schools. Ottawa ultimately determined that it would be ill-advised to introduce changes to the ordinance in the midst of the debate, since the separate schools had been operated as territorial schools because of ambiguousness in the *School Ordinance* and "the situation is so

touchy that any attempt to change the Ordinance, however laudable the purpose may be, will be suspect,” highlighting the issues of funding, supervision, and religious education as unresolved matters. The recommendation was to wait until public demand required changes to the ordinance be made.¹ The public demand eventually emerged as the issue garnered standing-room-only audiences in the council chambers during November and December 1959.²

In 1960, the *Yukon Act* was amended to create an Advisory Committee on Finance. The amendments also increased the size of the Yukon Council to seven members – a move that was intended to afford more financial decision-making authority to the locally elected councillors.³ The territorial budget, over which the commissioner had complete control, was the federal government’s largest mechanism of control over the territory. Despite the committee being struck, it became the commissioner’s practice to simply present the committee with the budget estimates shortly before they were to be taken to council for debate and vote, which eliminated the advisory committee’s ability to have substantive policy debates with fiscal implications.⁴ The issue of school financing was one area YC members quickly perceived as a potential lightning rod for criticism that would, ultimately, be directed at them. This may have served as the reason for the little protest towards the commissioner’s approach to handling the advisory committee. In this case, it was simply easier to allow the

¹ F. Cunningham to Deputy Minister, June 25, 1957, Records Office Files Fonds, Yukon Archives, Gov. 2679, file 6.

² “Widespread Interest in Council Session Shown,” *Whitehorse Star*, December 4, 1959; “Further Opinions Aired on Separate School Issue,” *Whitehorse Star*, December 10, 1959.

³ Johnson, *With the People Who Live Here*, 328.

⁴ Michael, *From Sissons to Meyer*, 50.

commissioner to retain control as long as he was willing to take any resultant public criticism. As a result of this attitude amongst the councillors, the advisory committee quickly languished and a budgetary solution to the separate schools issue did not result.

Following the rancorous debates in the YC over separate school funding, the public demand that Ottawa required to consider changing the ordinance to resolve the separate school issue was clearly present. However, factions had emerged within the population, each strongly arguing their position on the issue and the YC could not come to consensus on the matter. Even if they had been able to, again their opinion would have only been advisory to the commissioner who retained the power to negotiate a funding agreement with the Roman Catholic Episcopal Corporation (which, in turn, could only be agreed to if his masters in the federal government approved). An impasse resulted.⁵

The deadlocked debate allowed for some pause, resulting in wider reflection on the state of Yukon's schools as a whole. It was realized that the matter of separate schools was just one of many confounding issues concerning the schools. Schools experienced enrolment changes due to the haphazard expansion of the system that was constantly reactive to the pressures brought on by the development of the Alaska Highway. The move of the capital from Dawson City to Whitehorse resulted in a large permanent population and years of neglect of school-related issues as the population increase was thought to be temporary. The demands of the religious communities to provide separate schooling for their children were not abating. The recent federal changes to the *Indian Act* to increase the integration of

⁵ Johnson, *At the Heart of Gold: The Yukon Commissioner's Office 1898-2010*, 104–5.

Indigenous children into the public and separate schools created much uncertainty. Finally, all of these pressures were compounded by the unpredictability of an economy based on boom and bust cycles in the mineral industry.⁶

An elegant solution emerged to help resolve both the pressing issues of separate school financing and control along with the growing list of other demands on the educational system. This solution, amenable to all, was to form a commission to more widely study education in the Yukon and make specific recommendations. The Committee on Education for the Yukon Territory was appointed in April 1960 to travel throughout Yukon to solicit views and opinions on education and to make recommendations. The commissioner and the Yukon Council, seeing all the issues needing examination and suggestions, were keen to agree to pause the debate on separate school financing until the report was completed. The commissioner was also satisfied with a highly visible opportunity for the public to have input into the operation of the territory's schools. The terms of reference, drafted by the Yukon Council and sent to Ottawa for approval, were originally quite broad with regard to the revision of the *School Ordinance* itself but were narrowed to focus on the issues in dispute with Ottawa prior to the engagement of the committee members. Ottawa was not willing to look at substantial changes to the *School Ordinance* – it was simply hoping for direction on certain specific clauses.⁷ The only aspects of the ordinance that were up for examination and discussion were the administration of the schools with regard to the functions of the commissioner and the superintendent of schools, establishment of school districts (and more

⁶ Committee on Education for the Yukon Territory 1960, *Report of the Committee on Education for the Yukon Territory 1960* (1960), 3–4.

⁷ Johnson, *With the People Who Live Here*, 329.

specifically how this might apply in Whitehorse), and the establishment and funding of separate schools with the current population. While legislative suggestions were restricted to specified areas, the committee was given wide authority to examine and make recommendations to the commissioner concerning any aspects of the operation of the school system in Yukon.⁸

The committee consisted of three members who were chosen because of their expertise in Indigenous education, high schools, and separate schools. Clifton Brown, an inspector of schools from BC, had done extensive work surveying Indigenous education throughout the 1950s (including chairing national committee to survey the educational facilities and requirements for Indian education throughout Canada in 1956); Dr. J. C. Jonason was an inspector of high schools from Alberta; and J. P. Miller was a Saskatchewan superintendent of both public and separate schools. Work on the survey commenced in May and was scheduled to be completed within 100 days. Brown died suddenly in June, Dr. Jonason was appointed commissioner, and Franklin Levirs, an assistant superintendent of schools in charge of instruction with extensive experience in northern BC, was released from his duties in BC to join the committee.⁹ A grueling schedule of school visits and public meetings in every community throughout Yukon commenced on May 8, lasting until June 11. Advertisements in the local newspapers and radio invited all interested individuals and groups to prepare and submit briefs at the public meetings.¹⁰

⁸ Committee on Education for the Yukon Territory 1960, *Report*, 5.

⁹ *Ibid.*, v–vi.

¹⁰ *Ibid.*, 8–12.

The committee's report, issued in August 1960, communicated a strong desire expressed by the public for greater participation in the operations of the schools, mostly articulated through a desire for more localized and autonomous governance of schools through the formation of school boards. The committee did not encourage this possibility, choosing to recommend that all policy-making and executive authority in the schools remain with the commissioner but that more of the day-to-day operational matters (such as the deployment of specialist teachers and school plant maintenance) at least be devolved to individual school principals.

Principals, the committee recommended, should be guided by local advisory committees, a new structure created to allow parents more formalized mechanisms to provide advice to the schools over various matters. Local advisory committees would also be permitted to communicate directly with the superintendent of schools to express their concerns or suggestions.¹¹ The duties of the local advisory committees were very similar to the guidelines that were submitted to Commissioner Brown advising him on the duties of parent-teacher associations several years before.¹² For more substantive policy advice, the committee recommended that the Yukon Council (which was slated to increase to seven members) form a subcommittee focused specifically on education to advise the commissioner, suggesting that forming such a committee would allow the YC to be "in closer touch with the needs of the public than is possible for the Council to do at the present time."¹³

¹¹ Committee on Education for the Yukon Territory 1960, *Report*, 15–17.

¹² J. V. Jacobsen to W. G. Brown, November 19, 1953, Records Office Files Fonds, Yukon Archives, Gov. 2679, file 7.

¹³ Committee on Education for the Yukon Territory 1960, *Report*, 16.

Most of the report, despite its own claims that it was to make broad suggestions rather than give specific implementation advice, was filled with particular suggestions on various matters relating to the duties and qualifications of teachers and principals, the school plant, transportation, and the elementary and secondary curriculum.¹⁴

Contained within the collection of over 100 recommendations, the committee weighed in with its recommendation for the separate schools. Keeping in mind that the schools should only be permitted to admit students of the religious faith that the school was designed to serve, the committee clearly and unambiguously asserted that “separate schools, as publicly-supported schools, shall have the same rights and responsibilities as public schools, receiving the same measure of financial support, being subject to the same regulations in regard to the organization, administration, supervision, staffing and curriculum, and observing all statutory requirements.”¹⁵ Following the recommendation that, when there were at least 56 pupils in Grades 10–12, a school should expand to include those grades, the report clearly supported the expansion of the separate school to include those grades despite the public’s and Yukon Council’s concerns that only a single high school should exist in Whitehorse. Later in the report, however, the committee suggested a way to make the financial contributions for the construction of a separate high school less noticeable to the public: Constructing two new separate elementary schools in the outlying and developing neighbourhoods in keeping with the strategy of devolving elementary education to the residential areas while converting the newly built school downtown into the high school.¹⁶

¹⁴ Committee on Education for the Yukon Territory 1960, *Report*, 17–98.

¹⁵ *Ibid.*, 45.

¹⁶ *Ibid.*, 111.

The recommendations also included a substantial number devoted to the working conditions and compensation of teachers, since the public had a high interest in the coming and going of teachers and the lack of continuity in programming that sometimes resulted from the high turnover. Recruitment of teachers to Yukon had always been difficult, especially at the high school level, and a number of recommendations were made to make teaching at that level more attractive to prospective teachers, like the provision of housing and ensuring that the benefits (such as sick leave) were at least as generous as those of provincial neighbours. The committee did make another dramatic step in recommending both that membership in the teachers' association be compulsory and that the association be recognized as the bargaining agent for the teachers "under procedures to be outlined in the *School Ordinance* as will protect the public interest."¹⁷ Clearly, the committee felt that the commissioner and the superintendent had too much unilateral authority in the employment of teachers and chose to exceed its terms of reference in recommending these additional changes to the *School Ordinance*.

The committee acknowledged that there was increasing interest in Indigenous education, noting that "Canadians, consciously or unconsciously, have pursued an apartheid policy, or policy of racial segregation, with respect to the Indians of this country which, if continued, might have disastrous results."¹⁸ The report described the approach of residential schooling and noted that while newly constructed hostels were in their final stages of construction, the "Committee questions the need for and the advisability of continuing the

¹⁷ Committee on Education for the Yukon Territory 1960, *Report*, 61.

¹⁸ *Ibid.*, 97.

policy of these large establishments. After visiting the two residential schools at Carcross and Lower Post, the committee felt that their maintenance “tended to retard the process of Indian integration very considerably.”¹⁹ The committee specifically sought to survey Indigenous parents with regard to the education of their children, since it was clear that their preferences were not represented in the briefs that had been submitted during the committee’s tour of the territory. A sampling of Roman Catholic and Protestant Indigenous parents, in proportion to the overall ratio of the denominations, was administered by workers in the Child Welfare Department and Indian Affairs Branch who were “accustomed to speaking to the Indians and in whom the Indians [had] confidence.” A full third of Indigenous parents were still in support of Indian residential schools, while the other two-thirds preferred integrated day schools rather than separate Indigenous day schools. The report’s authors presumed the third of Indigenous parents who preferred residential schooling did so for two reasons: the ease of hunting and trapping without having to care for children and the perception that the living conditions for their children were better in the residential schools. This survey was also notable in that it represented one of the first attempts at ensuring that Indigenous parents had a voice in the system of schools their children would experience. Further, the committee noted that, while integration was laudable in itself, it did not go far enough if other community programs (such as housing) did not follow suit.²⁰ The committee’s recommendations on Indigenous education only went this far and contained no recommendations about any changes to curriculum, the addition of resource personnel, or the inclusion of any Indigenous

¹⁹ Committee on Education for the Yukon Territory 1960, *Report*, 98.

²⁰ *Ibid.*, 98–9.

culture or language in the classrooms. The reluctance by the authors of the report to recommend any structural or operational changes to the territorial government would later result in loud dissatisfaction with the system on the part of Indigenous parents and community leaders.

Finally, the question of school financing was addressed by the committee. They noted that Yukoners were receiving many benefits and services despite not paying taxes commensurate with those of their provincial counterparts. However, they argued that since it would be difficult to levy a reasonable mill rate in Whitehorse (Yukon's largest community) to finance the schools, it would be impossible to do so in any of the smaller communities and territorial assistance for schools would be an ongoing requirement. Again, the development of local advisory committees was proposed as a mechanism for laying the groundwork for the development of school boards when the population was sufficiently large to provide the necessary tax base to fund schools entirely through mill rates. For the time being, however, the territorial government should continue to finance schools, assisted by per capita grants and block funding from the federal government. The per-pupil rates paid to the territorial government by the federal government for Indigenous students, those who were children of military personnel, and those agreed to for the separate schools were generally less than the actual per-pupil cost expended by the territory. Part of this problem was because the rates paid by the federal government were revised in five-year cycles and the annual territorial budget was able to be amended to make up the shortfall.²¹ In regard to school finance, all the suggestions for revisions to the *School Ordinance* assumed that the territorial schools would

²¹ Committee on Education for the Yukon Territory 1960, *Report*, 138.

continue to be governed directly by the territorial government. The devolution of school financing and school governance to local authorities would have to wait.

Revisions to the *School Ordinance*, 1962

Following the submission of the Committee on Education for the Yukon Territory's final report, the commissioner was faced with the question of what to do with it, especially considering the high profile of the consultations and the heavy participation of the public. As noted in the report:

While visiting the schools and holding public meetings throughout the Yukon Territory, the Committee on Education was greatly impressed and encouraged by the keen interest evidenced by a large number of people, representative of every section of the Yukon population. One expected to find this interest in the larger communities but the lively, enlightened participation by the citizens of practically every one of the smaller communities, those served only by one-room schools, was quite surprising and most gratifying.²²

This dilemma of how to proceed was typical, since the public's opinion was not necessarily going to be given much weight in Ottawa, where any revisions to the ordinance would be drafted. However, several memoranda relating to the drafting of the new ordinance bounced back and forth between Ottawa and the commissioner, including a report providing options for the settlement of several policy matters prior to the creation of the first draft. Ottawa made a significant recommendation that their report itself containing the options be considered by the YC. The suggestion that Ottawa was not in the best position to determine

²² Committee on Education for the Yukon Territory 1960, *Report*, vii.

the policy direction was a notable deference to the wishes of the YC by the Northern Affairs Branch and represented a change in the paternalistic attitudes of the federal government.²³

Yet, the report was clearly written with little understanding of the desires of Yukoners to exercise more control over their schools as reflected in the three major areas where policy direction was required prior to the drafting of the ordinance. The first was school boards and the question of whether to remove the district schools section completely, since “the people of the Yukon have shown no desire to operate their own schools on a local basis” because “the parents of school age children appear satisfied with the operation of schools for their children by the Territorial Government without direct participation on their own part.” The report’s writers erroneously interpreted the public’s inability to finance their own schools completely through school taxes as proof that parents were completely satisfied with having no direct influence in the operation of the schools. The second issue was whether to include specific clauses in the ordinance for the creation and maintenance of separate schools, highlighting the confusion that would result if the territory were to assume all responsibility for funding the separate schools, which might result, among other things, in the territory being required to pay rent for the use of church-owned facilities. Third and finally, the report’s writers noted that, at several points, the committee’s report included the term “Commissioner in Council” in exercising certain powers. However, the authority to delegate those powers, the report noted, was solely the authority of the Parliament of Canada, and any amendments proposed by the

²³ Director, N. A. B., to F. H. Collins, June 14, 1961, Records Office Files Fonds, Yukon Archives, Gov. 2679, file 6.

Yukon Council would have to be watched to ensure that they were not encroaching on this authority.²⁴

The 1962 ordinance was developed in Ottawa, delivered to the YC for debate and a vote, and subsequently assented to in May 1962 by Commissioner Gordon Cameron (the first Yukoner appointed to the position since the commissioner's authority was expanded after WWII). It did, indeed, leave the district schools section intact based on the feedback from the YC, allowing for the creation of locally elected school boards with taxation authority at some point in the future. The federal government was not about to devolve any authority to any new governance structure, and the new ordinance, unsurprisingly, preserved complete control over the system in the hands of the commissioner while creating a deputy superintendent position to recognize the growing system and the need of both the commissioner and the superintendent of schools to delegate some of their responsibilities.²⁵

However, subtle changes were made to acknowledge the consistent demands for more local control. They included amendments in several clauses to include the phrase “and the Council of the Yukon Territory” after the term “Commissioner” to recognize that the superintendent of schools and the commissioner needed to be increasingly aware of and responsible to the wishes of the elected members of the YC.²⁶

The creation of elected local advisory committees was included in the revised ordinance as a more formal opportunity for parents to become involved and to communicate

²⁴ Memorandum for Legislative Draftsmen, 1961, Records Office Files Fonds, Yukon Archives, Gov. 2679, file 6.

²⁵ Yukon. *An Ordinance Respecting Schools*, 1st Session, 19th Yukon Council, 1962, Assented to 11 May 1962.

²⁶ First Page of Amendments to School Ordinance, 1962, Records Office Files Fonds, Yukon Archives, Gov. 2679, file 6.

with the superintendent or the YC on matters involving “the care, management and supervision of the property of [the] school,...promoting the harmonious relations between parents and teachers and children and teachers in that school; and...the improvement or extension of the educational facilities for residents of the community in which that school is located.”²⁷ Nothing, at this time, beyond the school plant and relations between home and school, would be left in the hands of an elected council.

The revised ordinance did attempt, as well, to devolve some authority in the area of school staff and labour relations. The committee’s suggestions to create a bargaining association for teachers from the existing Yukon Teachers’ Association was not included in the ordinance, nor was the requirement for compulsory membership, although this clause continued to exist in the teachers’ contracts with the commissioner.²⁸ Instead, the revised ordinance created a “salary committee” made up of teachers and an “advisory committee” made up of a YC member, a representative of the Department of Education, and a member of the general public. Both committees could meet “to discuss salaries and working conditions,” but it was only the advisory committee that would report to the YC with the results of such discussions. This section of the ordinance was amended several years later to clarify that the results of such discussions were not to be binding on the territorial government, suggesting that these mechanisms were being used to negotiate contract terms. The ordinance was

²⁷ Yukon. *An Ordinance Respecting Schools*, 1st Session, 19th Yukon Council, 1962, Assented to 11 May 1962.

²⁸ Ibid.; Teachers’ Contract, May 21, 1963, Records Office Files Fonds, Yukon Archives, Gov. 2679, file 6.

amended two other times in the 1960s to clarify and improve the working conditions for teachers, particularly in the area of sick and personal leave.²⁹

The new ordinance did not spell out the specifics of the creation, maintenance, and funding of separate schools. After the furore over separate schooling in 1959 died down, cooler heads were able to prevail behind the scenes and a compromise was reached that circumvented the need for a legislative solution. Brokered by one of the Yukon Council members, James Smith, Commissioner F. H. Collins, and the bishop while the new ordinance was in development, the agreement specified that the territorial government would purchase the assets of the Catholic schools and operate them. The bishop would retain his right to direct the religious education programming in the schools. Smith stated, years later upon reflection, that “[we had] a responsibility to provide schooling for children, so the fact that some will be under the purview of the Catholic Church [was] secondary...When all the dust settled, we all agreed that Catholic schools would be built where the numbers warranted.” The compromise agreement was just that – a compromise that allowed for the continuation of publicly funded Catholic education with increased control by the territorial government. While there was still some unease in YC, the agreement was seen as satisfactory by most of the public and was another example of local officials being capable of developing solutions to complex problems.³⁰

²⁹ Yukon. *An Ordinance to Amend the School Ordinance* 1st Session, 19th Yukon Council, 1964, Assented to 30 April 1964; Yukon. *An Ordinance to Amend the School Ordinance* 1st Session, 20th Yukon Council, 1965, Assented to 12 April 1965; Yukon. *An Ordinance to Amend the School Ordinance* 2nd Session, 21st Yukon Council, 1967, Assented to 19 December 1967.

³⁰ Johnson, *At the Heart of Gold*, 105.

While the revised ordinance did not make sweeping changes to the school system and largely ignored some of the larger issues regarding separate schools and the integration of Indigenous students, the committee's report, itself, was included to guide future discussion as an interpretation clause: "Where the necessity for interpretation of any section, work, phrase or other meaning may arise relative to this Ordinance, due consideration shall be given to the recommendations of the Committee on Education contained in their report in the year 1960 and the decisions thereon of the Yukon Legislative Council taken in 1960, 3rd Session." The same instruction was given to the commissioner in terms of creating regulations under the act.³¹ As the federal government had the final say on all territorial legislation, this clause in the ordinance represented their approval of the findings and suggestions of the committee with regard to the future direction of Yukon's schools.

The work of the four appointed committee members from outside the Yukon who listened to stakeholders in the system, surveyed, and reported on the system in less than 100 days would be enshrined in the law for over 12 years. Indeed, in 1968 when Commissioner James Smith was contemplating further revisions to the ordinance, he remarked to his subordinates that "[t]he Education Committee Report of 1960 has literally been our 'bible' re school operation since it was tabled in Council," suggesting that a similar report would be beneficial in determining the future of Yukon's schools.³²

³¹ Yukon. *An Ordinance Respecting Schools*, 1st Session, 19th Yukon Council, 1962, Assented to 11 May 1962.

³² J. Smith to F. B. Fingland and G. K. Fleming, May 22, 1968, Records Office Files Fonds, Yukon Archives, Gov. 2398, file 5.

Integration of Indigenous Students into Public Schools Exposes Inequities

There was a second force exerting pressure on Ottawa to devolve more powers to Yukoners. The Committee on Education for the Yukon Territory had the issue of the education of Indigenous students included in its terms of reference. At the time of the report, there had been a movement to integrate Indigenous students in the territorial public schools since the 1950s, alongside continued enrolment of students in the parallel system of federally funded Indian residential schools. This was one area where the federal government was more willing to devolve some of its authority – it would concede authority over the education of Indigenous students, accompanied, however, by a corresponding shift in the responsibility to see that they were effectively educated to the provinces and territories. This devolution of responsibility to a variety of jurisdictions led to continued discontent and resentment on the part of Indigenous parents and leaders.

After the *Indian Act* was amended in 1951 to allow for the shift of the responsibility of the education of Indigenous students to the provinces and territories, the remainder of the 1950s brought, throughout Canada, a reduction of the number of church-run residential and day schools in favour of government-run day schools (combined with hostels or dormitories that were, for the most, part church-run) or integration into provincial or territorial public schools.³³ These changes in educational policy did result in an increase of the number of Indigenous students enrolled in all types of schools – residential, Indigenous day schools, or

³³ Truth and Reconciliation Commission of Canada, *Canada's Residential Schools: The History, Part 2 - 1939 to 2000* (Montréal: McGill-Queen's University Press, 2015), 39; Raptis, "Implementing Integrated Education Policy".

territorial public schools – with the Indigenous school population increasing from 387 in 1955 to 686 in 1962.³⁴ Into the 1960s, two residential schools took the majority of the Indigenous children in Yukon: Choutla School in Carcross, run by the Anglican Church, and Lower Post Indian residential school in Lower Post, BC (just a few kilometres past the Yukon border near Watson Lake), run by the Roman Catholic Church. Choutla had been operating from a variety of buildings in the Carcross area since the turn of the century, while Lower Post had only been constructed in 1951. The Baptist-run hostel and day school had also been in operation in Whitehorse through most of the 1950s but was winding down in anticipation of two hostels – one Catholic and one Protestant – in Whitehorse that were scheduled to open in 1960 for students in the upper grades.³⁵

Well into the 1960s, however, the Choutla and Lower Post residential schools continued to take in young students from grades one through six. These schools continued to rely heavily on volunteers or clergy to operate the residence portions of the school while beginning to use lay teachers or non-religious teachers, employed as federal civil servants, to provide the instruction during the day.³⁶ The combination of a federally operated school, delivering a provincial school curriculum with a territorial public servant (the superintendent) designated as the school inspector mirrored the realities of other services (like health or justice) that were being delivered within Yukon.³⁷ The institutional rules and procedures that were inherent to each of those parties prevented any responsiveness to the particular needs of

³⁴ Coates, *Best Left as Indians: Native-White Relations in the Yukon Territory, 1840-1973*, 204.

³⁵ Truth and Reconciliation Commission of Canada, *The Inuit and Northern Experience*, 84–5.

³⁶ King, *The School at Mopass*, 50.

³⁷ Michael, *From Sissons to Meyer*.

students and ensured that the status quo generally continued to prevail. The result was an environment that delivered a substandard education to students in substandard living situations, far from their families, and subject to multiple forms of abuse.³⁸

A comprehensive account of the conditions at the Choutla School during the 1962–1963 school year, written by A. Richard King (one of its teachers during that school year), likened the school to “a well-run stock ranch or dairy farm in which valued animals are carefully nurtured. General health, proper nutrition, shelter, and physical care are efficiently and adequately provided. The children are moved, fed, cared for, and rested by a rotating crew of overseers who condition the herd to respond to sets of signals.” The only major difference between the school and the stockyard, the teacher asserted, is that the stockyard kept better records.³⁹

Few school records were kept, in many cases because of the phenomenally low achievement students would ultimately display. Many of them had arrived at the school unable to speak English and without any exposure to books. Teachers arriving at the school usually had no idea what to expect as far as the achievement of their pupils was concerned and as they realized that it was impossible to deliver the age-appropriate curriculum, they lowered the level of instruction and often created fictional achievement data for the school records. Despite a heavy modification of the curricula, the school made no attempts to cater to the cultural needs of its students and, King would comment, lacked “any reflection of Indian attitudes, heritage, and perceived needs.” Further, during the school year (and also in the

³⁸ Truth and Reconciliation Commission of Canada, *The Inuit and Northern Experience*.

³⁹ King, *The School at Mopass*, 55.

periods in-between), there was no contact with the parents of the children, neither to report any progress nor to solicit any information or input with regard to their children's education.⁴⁰

The students who were successful in adhering to the prescribed curriculum often returned to their communities usually with only an emerging set of literacy and numeracy skills that were not particularly useful in their homes because many families still spent most of their time engaged in subsistence harvesting, and with ill-developed skills in these areas, the students returned home feeling as outsiders.⁴¹

One of the major developments in the federal government's quest to integrate the Indigenous population into territorial schools was the development of the two hostels in Whitehorse. Despite being operated by two different religious denominations, the two hostels were located adjacent to each other in the newly developing Riverdale subdivision and were designed to take in students from the two residential schools so that they could attend either the public schools (for the Protestant students) or the Roman Catholic separate schools for their higher grades.⁴² These hostels would prove to be similar to the residential schools in terms of living arrangements, but the students would now experience hostility from the non-Indigenous students, who were experiencing an influx of Indigenous students in school corridors and classrooms.⁴³ Also, similar to the residential schools was the constant underfunding by the federal government and the churches' blind eye towards the physical and sexual abuse that was taking place in the facilities.⁴⁴

⁴⁰ King, *The School at Mopass*, 55.

⁴¹ Truth and Reconciliation Commission of Canada, *Part 2*, 121.

⁴² Coates and Morrison, *Land of the Midnight Sun*, 287; Penikett, *Hunting the Northern Character*, 138.

⁴³ Truth and Reconciliation Commission of Canada, *The Inuit and Northern Experience*, 85.

⁴⁴ Truth and Reconciliation Commission of Canada, *Part 2*, 296, 415.

While the hostels continued to operate with minimal funding, Commissioner Collins lobbied Ottawa to have the subsidy paid to the territory for Indigenous students' education increased to the territorial average per-pupil costs. The funding arrangements for the education of Indigenous students in the territorial schools had long been fraught by quibbling over the proportions that each level of government was to absorb. Further complicating matters was the ongoing negotiations for the Roman Catholic separate schools that saw their students (an increasing number of whom were Indigenous) receive reduced amounts because of capital contributions towards the construction of facilities from both the territorial and federal governments. This was the case because the separate schools did not typically receive capital contributions, only operating grants. However, Collins argued that simply paying the territorial average amount could more easily be applied territory-wide for the education of all Indigenous children regardless of what territorial school they might attend, resulting in smoother integration efforts.⁴⁵ The federal government quickly agreed to this request, very much pleasing Collins, who replied to the decision saying:

Your decision will affect [*sic*] the uniformity we mutually desire and places the treatment of Indian children, insofar as education is concerned, on the same basis as children of white status in the Territory...Using this as a basis we can go forward in other programs applicable to both children and adults which, I trust, will eventuate in the complete integration of these in our social and economic life. I am sure it is our mutual aim to have our Indian people as independent and self-supporting as their white fellow-citizens. While this will not take place in your lifetime and mine, at least when the time comes for us to lay down our government pens we will have the satisfaction of having done our best.⁴⁶

⁴⁵ F. H. Collins to H. M. Jones, July 31, 1961, Records Office Files Fonds, Yukon Archives, Gov. 2210, file 8.

⁴⁶ F. H. Collins to H. M. Jones, August 4, 1961, Records Office Files Fonds, Yukon Archives, Gov. 2210, file 8.

Collins's desire for Indigenous independence and integration through education, however, was hamstrung by the demands of the *Indian Act* which continued to provide for substandard housing and a lower standard of medical care.

While the territory was embarking on integration efforts through territorial schools and the construction of hostels, the latter's necessity and function were being questioned. The Committee on Education for the Yukon Territory, having travelled throughout the territory and having examined the shift away from hosteling in the provinces, concluded:

Undoubtedly there was a time when the building of large residential schools or schools with hostels was justified by circumstances. The Committee questions the need for and the advisability of continuing the policy of racial segregation by the maintenance of these large establishments...The love and constant guidance of parents, even if the home conditions may not be physically good, help children to feel secure, a condition which is essential for sound personality development.⁴⁷

They went further by raising questions of injustice:

Canadian parents, in general, do not subscribe to the principle that the State has the right to forcibly separate them from their children and determine the nature of the education their children should receive. Is there any reason why the Indian citizens of Canada should not have the same right to control the destiny of their children as other Canadians enjoy?⁴⁸

There was growing local support for desegregating the hostels to allow for non-Indigenous rural students to study in Whitehorse and improving the home conditions for Indigenous youth. The former is evidenced by a motion passed by the YC in 1963 when the recently constructed Whitehorse Vocational and Technical Training Centre was opened and students from outside Whitehorse were seeking accommodations while attending.⁴⁹ In it, the

⁴⁷ Committee on Education for the Yukon Territory 1960, *Report*, 98.

⁴⁸ *Ibid.*, 99.

⁴⁹ Michael, *From Sissons to Meyer*, 135.

council directed the commissioner to appeal to the superintendent of Indian affairs to allow “native children of white status and other children who are in need of hostel educational facilities to be allowed to use the facilities of the Whitehorse hostels whenever room is available.”⁵⁰

In spite of the desire for integration, Ottawa continued to resist hearing the suggestions of local Yukoners in efforts to reduce other inequities for Indigenous families. Nowhere was this clearer than in an incident when two local federal officials redirected funds that were appropriated for welfare payments to the construction of housing, following the logic that, unless Indigenous families had a home, the monies spent on them for welfare purposes would never have the intended effect. Their decision was considered to be misappropriation of funds by Ottawa, and they were prosecuted criminally for their actions. Dozens of Yukoners, including Bishop Coudert (whose hostels stood to lose students with additional available housing), wrote to MP Nielsen to protest the federal government’s heavy-handed treatment of civil servants using their local knowledge to improve the lives of Indigenous Yukoners. The two were acquitted at trial, with the local judge commending their courage in making the decision to violate the federal law to improve the conditions of Indigenous peoples. However, the federal government appealed the acquittal, and it was rejected, with the imposition of minimal fines but ending the careers of the two civil servants.⁵¹

⁵⁰ G. R. Cameron to Superintendent of Indian Affairs, April 1963, Records Office Files Fonds, Yukon Archives, Gov. 2209, file 10.

⁵¹ Nielsen, *The House Is Not a Home*, 145–6.

Ottawa refused to accede to the desires and local, on-the-ground expertise of federal and territorial civil servants in favour of their own policies and procedures, going as far as making it abundantly clear to Commissioner Smith upon his appointment that he was to “help make things work” but not to interfere in Indigenous affairs.⁵² Instead, Smith was able to create a Federal Interdepartmental Coordinating Committee that was first viewed with skepticism by the myriad of federal officials who were not used to sharing their plans locally but eventually became an effective tool in more intelligent local implementation of federal policies and was especially useful during the transition of the hostels from federal to territorial control and during the closure of the residential schools.⁵³

Indigenous students’ experiences in the territorial public schools were, in many cases, no more welcoming or productive than they had been in the residential schools. Most teachers in the public schools were imported from other Canadian provinces or from outside Canada, usually arriving with the predominant stereotypes of Indigenous students as lazy and uncivilized and rarely staying in the territory long enough to have these attitudes challenged. There were, however, some teachers who recognized the poor social conditions as contributing to the inability to achieve academically; however, there was little willingness at the schools to change any of the established structures or curricula to better suit the needs of Indigenous learners, even in schools where they were in the majority. As a result, drop-out rates were high.⁵⁴

⁵² Johnson, *At the Heart of Gold*, 117.

⁵³ Ibid., 119.

⁵⁴ Coates, *Best Left as Indians*, 206.

In general, the transition towards integration was done without much, if any, policy development in place and operated under the assumption of assimilation, as one administrator of that era described: “They come to school exactly as do other children. We have to maintain separate records for Indian Affairs, but that’s all. The children have the same programs, the same facilities, and the same possibilities as any others when they’re in public schools... We’re not holding Indian children in school. There’s the same problem with White children but it’s worse with Indians. We don’t know what to do about it.”⁵⁵ The decision of the federal government to provide equal per-pupil funding to the territory for all students reduced the requirement to report categories of students (e.g. Indigenous or military) and began an era where this data was not actively collected, which made tracking the success rates (or the failure rates) of Indigenous students difficult, if not impossible.

In the outlying communities where the number of Indigenous students constituted the majority, integration was certainly seen to be easier in terms of the students feeling welcome and accepted in school but with no concessions in terms of curriculum. Students completing school in these communities were often left with few practical skills for living in those communities after school completion, and as a result, the skepticism about the value of school was high and the commitment and completion rates remained low.⁵⁶

In Whitehorse, the decrease in Indigenous students at residential schools resulted in their growing numbers in the public and separate schools, which was viewed as a problem by non-Indigenous parents when the Indigenous students started to approach majority status. The

⁵⁵ Quoted in King, *The School at Mopass*, 34–5.

⁵⁶ Coates and Morrison, *Land of the Midnight Sun*, 288.

federal and territorial governments were in general agreement with regard to avoiding the responsibility for busing students within Whitehorse, including for the separate school students whose PTA developed a parent-subsidized busing program for their students who lived within Whitehorse but had too far to walk. This changed in 1961 in the face of an “urgent” situation where the primary reason for starting to provide busing within the community was to “eliminate the heavy enrolment of Indian status in Grades 5 to 8 in the Selkirk Street Elementary School by transporting some of these pupils to the Whitehorse Elementary School.” Selkirk Street School was rapidly filling up because of its close proximity to the newly constructed hostels but was located in the new subdivision of Riverdale where Whitehorse’s professional classes were busy building houses. At some point the superintendent was convinced that the upper elementary grades at Selkirk ought to be composed of “30 pupils, not more than 15 of whom will be of Indian status,” as he stated in his justification for commencing the bus service.⁵⁷

Certainly, in terms of funding, Indigenous students were seen as guests of the territorial system, as evidenced by the continuing per capita grants coming through federal transfer payment agreements throughout the 1960s. In this regard, essentially the federal government simply shifted their practice of paying the churches to paying the territorial government similar amounts and were content to release their control of how and where to place the students to the territorial government. This practice began to shift as the federal government adopted a practice of reformulating transfer payment agreements that were less

⁵⁷ H. Thompson to F. H. Collins, July 5, 1961, Records Office Files Fonds, Yukon Archives, Gov. 2405, file 6.

prescriptive in their details in other areas as well, such as social welfare, health, and justice towards the latter part of the 1960s.⁵⁸

As the federal government handed off greater and greater responsibility for Indigenous education to Yukon, federal officials began to express the desire to completely devolve Indigenous education to the territory. In 1969, the deputy minister of Indian Affairs and Northern Development wrote to Commissioner Smith to “review as concisely as possible the Indian education system in the Yukon and to recommend to you proposals for the complete withdrawal of this department from the active operation of education services in the Yukon Territory at the earliest convenient date.”⁵⁹ The federal government recognized that the organization of hostels based on denominational lines was not effective in using resources efficiently and sought to transfer them to the control of the territorial government, noting that while the Choutla residential school would be closing that year, two hostels might not be required but leaving the final disposition to the territorial government. The deputy minister kindly offered to “provide you with copies of all directives and regulations covering the administrative details of hostel management, criteria on admissions, training and selection of supervisory staff, etc.,” suggesting that they were hoping (or expecting) that the hostels would continue to operate just as they had.⁶⁰ Following the transfer of the hostels, the territorial government quickly amalgamated their operations and was able to fairly quickly close what

⁵⁸ Michael, *From Sissons to Meyer*, 42.

⁵⁹ J. H. Gordon to Commissioner James Smith, August 15, 1969, Records Office Files Fonds, Yukon Archives, Gov. 2404, file 6.

⁶⁰ Ibid.

was the Roman Catholic hostel, with the remaining hostel continuing to operate until the 1980s.⁶¹

At the same time that the federal government was seeking to transfer authority to local officials over matters such as education, Indigenous people were also asking, at times loudly, to be more involved in how Yukon governed itself. Their requests only added to the momentum to transfer authority from Ottawa to people in Yukon. The last years of the 1960s saw a rise of Indigenous advocacy and recognition of Indigenous people's poor treatment at the hands of the government and churches. Pockets of resistance and subversive activism sometimes developed while Indigenous students attended residential schools and re-emerged after they left as more public activism. One such activist was Elijah Smith, who had fought for Canada in World War II and who had been one of the few who had been academically successful in the residential schools, giving him the ability to more easily engage politically with governments. He was motivated to become an activist after "fighting for a free country" and returning to Canada only to find that his Indigenous rights to fish and trap had been further curtailed after WW II.⁶²

This advocacy was seen as provocative by many non-Indigenous Yukoners, and accusations of "outside agitators" began to emerge in the public dialogue as a convenient excuse to ignore the demands of the Indigenous peoples.⁶³ The Yukon Native Brotherhood

⁶¹ Truth and Reconciliation Commission of Canada, *The Inuit and Northern Experience*, 168.

⁶² Nadasdy, *Hunters and Bureaucrats: Power, Knowledge, and Aboriginal-State Relations in the Southwest Yukon* (Vancouver: UBC Press, 2003), 55. Tragically, many Indigenous veterans from WW II lost their Indian status by voluntarily becoming enfranchised as a Canadian citizen in order to serve in the military, or involuntarily after being away from their reserve for more than four years.

⁶³ Coates and Powell, *The Modern North*, 100–3.

(YNB) was formed in 1968 as an advocacy organization fighting for land claims and increased recognition of Yukon's Indigenous culture and language. The organizing and advocacy began to prove effective almost immediately as the Yukon government announced plans to begin developing curricula that more accurately reflected the culture and traditions of Yukon's Indigenous peoples in the 1969 school year.⁶⁴ Indeed, even the Yukon government's internal files reflect the government's recognition of Indigenous issues in education deserving special attention. After years of files that contained nothing but invoices and financial requests, topical files containing items concerning the more generalized issue of the education of Yukon Indians emerged only in 1969.⁶⁵

Debates on the rights and citizenship status of Indigenous peoples became particularly intense in 1969 when the federal government of Pierre Trudeau developed a white paper (officially known as the *Statement of the Government of Canada on Indian policy*) that advocated abolition of the Indian Act, abrogation of the treaties, and responsibility for Indigenous peoples devolved to provincial governments. Reaction to this paper from Indigenous advocacy organizations was swift and full of condemnation and would result in numerous policy papers and demands being formulated across Canada.⁶⁶ The white paper had offered increased services, first directed at the neediest communities, in exchange for the extinguishment of Indian status. There was little appetite among Indigenous communities for

⁶⁴ Government of Yukon. *Annual Report of the Commissioner of the Yukon Territory 1968–1969* (Whitehorse: Queen's Printer, 1969), 31.

⁶⁵ Yukon Archives, *Inventory to the Records of the Yukon, Records Office Held at the Yukon Archives* (Whitehorse: Yukon Archives, 2005), 125.

⁶⁶ Raptis, "Implementing Integrated Education Policy".

the abolition of Indian legal status. One counter-proposal by the Indian Association of Alberta entitled *Citizens Plus: The Red Paper* argued instead for enhanced programs and services in addition to retaining the legal status.⁶⁷

Indigenous advocacy organizations throughout Canada seized on education as one of the enhanced services, which resulted in the development of numerous statements on the importance of local control and parental rights over education. These, in turn, led to the development of the document *Indian Control of Indian Education* by the National Indian Brotherhood in 1972 that further increased demands for greater parental and local control over Indigenous education across Canada.⁶⁸

Separate Schools and Religious Education

Some of the discontent and activism on the part of Indigenous communities that would culminate in demands for jurisdiction over the education of their children was exacerbated by continued negotiations and discussion between the federal government, territorial government, and churches over educational matters with little or no consultation with Indigenous parents or community leaders. This involved the still unresolved issue of the status of Catholic separate schools in Yukon. In addition, and in contrast, the Roman Catholic Church, based on minority rights provisions in the *Yukon Act*, was able to exert a great deal of influence and have the educational needs of the Roman Catholic faithful met by both the federal and territorial

⁶⁷ Leon Crane Bear, “The Indian Association of Alberta’s 1970 Red Paper Published as a Response to the Canadian Government’s Proposed 1969 White Paper on Indian Policy” (M.A. diss., University of Lethbridge, 2015), 98–106.

⁶⁸ National Indian Brotherhood, *Indian Control of Indian Education*, 1972.

governments. Indigenous leaders did not enjoy this same influence. Education would prove to be a lightning rod for criticism during the development of land claims and self-government negotiations.

The 1960 Committee on Education for the Yukon Territory was formed, in large part, to help settle the separate schools issues that had been increasing since the move of the capital to Whitehorse in 1953. The growth of the population in Whitehorse (see Appendix 4) had resulted in a sufficient number of students to argue for a modern facility that was eventually built through a combination of federal, territorial, and church funding and operated in cooperation with the territorial government, although with some friction caused by both sides' assertions that they were in charge of the programming.

The 1960 Report of the Committee of Education (RCEYT60) was quite amenable to the supporters of Catholic education, giving them everything they had asked for – support for an extension into the upper grades of high schools, facilities that were equal to those provided in the public system, and equal per-pupil funding.⁶⁹ The report raised an important question of the ownership of the current facilities and suggested that the territorial government ought to pay rent to the owner of the school facility.⁷⁰

Correspondence between the bishop and the minister of Indian and Northern Affairs indicated the federal government's growing unease about intervening directly in the issue of separate school funding, with the minister hoping that the Yukon Council might settle the

⁶⁹ Committee on Education for the Yukon Territory 1960, *Report*, 43.

⁷⁰ *Ibid.*, 44.

matter as much as possible.⁷¹ Faced with these recommendations and little in the way of legislation, regulations, or policies to guide the particulars of the suggested arrangements, the territorial government entered into negotiations with the Roman Catholic Episcopal Corporation in 1961 to arrive at a comprehensive agreement.

A written formal agreement, brokered by one of the YC members, between the Roman Catholic Episcopal Corporation and the commissioner was entered into on April 30, 1962 and solved the facilities problems in a dramatic fashion: The commissioner agreed to purchase the Christ the King School from the church and agreed to assume full responsibility for its operation, in the same manner as the territorial public schools, with the exception of the resources and personnel required for religious education.⁷² The transfer took place on July 1, 1962.⁷³ This agreement was an ideal way for the federal government to tacitly agree to a solution that would not commit them, through legislation, into making similar concessions in the Northwest Territories where a separate board did exist.

While the agreement resolved the funding issues, it severely limited the ability to create new separate schools in the territory, which addressed the public's concern about the dilution and duplication of resources. Unlike a territorial school that could be created with only eight students in a local area, a separate school required at least 26 students between the ages of five and 16, at least 35 children in the area, and confidence from both parties that the number of children would not fall below 26 in the four years after a petition for a school was

⁷¹ A. Hamilton to J. L. Coudert, September 12, 1960, Records Office Files Fonds, Yukon Archives, Gov. 2210, file 8.

⁷² Cameron and Gomme, *A Compendium of Documents*, 295-9.

⁷³ G. R. Cameron to Sister Jean Marie, June 5, 1962, Records Office Files Fonds, Yukon Archives, Gov. 2210, file 9.

made. However, this threshold was met in 1964 during an experiment designed to allow Indigenous children from the Watson Lake area to attend day schools while living at home, rather than attending the Lower Post residential school. The Roman Catholic Episcopal Corporation began negotiating again with the federal and territorial governments to share the capital costs of a new school.⁷⁴ St. Ann's school was constructed in Watson Lake as a three-room, seven-grade school where "students from the 'better homes' at Upper Liard were withdrawn from the school at Lower Post and enrolled at St. Ann's" in addition to the Catholic children of non-Indigenous families.⁷⁵

The St. Ann's initiative was fraught with difficulties from the start. Indigenous children from the residential school were often at least a grade or two behind their non-Indigenous peers of the same age, resulting in some classes with students up to five years older than others studying at the same grade level. This situation led to behavioural problems and bullying, which caused the non-Indigenous Catholic families to begin withdrawing their children and enrolling them in the nearby territorial public school. The result was a situation in which all but two of the 71 children enrolled at St. Ann's were Indigenous. There was overcrowding at the territorial school and empty rooms at St. Ann's.⁷⁶ Commissioner Smith was disturbed by the "preponderance of Indian children at one school and the apparent

⁷⁴ A. Laing to B. E. Studer, May 5, 1965, Records Office Files Fonds, Yukon Archives, Gov. 2210, file 9.

⁷⁵ R. L. Shields to D. W. Simpson, March 26, 1969, Records Office Files Fonds, Yukon Archives, Gov. 2399, file 3.

⁷⁶ Report Submitted July 15, 1968 Re Integration of Watson Lake Schools, Records Office Files Fonds, Yukon Archives, Gov. 2399, file 1.

boycotting of this school by the Catholic parents of white children” and wished to be advised on possible solutions to this dilemma.⁷⁷

Here, the commissioner decided to intervene and directed the superintendent to visit Watson Lake in July 1968 to discuss the situation with various parties. The solution that seemed most acceptable to all was to integrate the schools into a public, non-sectarian school that would make allowances for religious education. It anticipated a number of issues related to the integration and hoped that there would be agreement within the community to move forward with such a plan rather than it being imposed. In addition, an advisory committee was created, with representation from both schools’ advisory committees, the Department of Indian Affairs, and religious groups, to provide direction and evaluate the integration efforts. Notably absent, however, was representation from Indigenous parents, who were expected to simply ask to have their children moved back to Lower Post. The superintendent warned: “If truancy problems increase, if drop-outs increase, this will be a signal of rejection of integration at Watson Lake. Indians do not speak and express their desires to the white man, often they merely try to give the answers that they think that the white man wants to hear. They simply express their feelings by withdrawing.”⁷⁸

Bishop Mulvihill responded aggressively to the proposal to integrate the schools. While not completely disagreeing with the proposal but preferring a more gradual approach,

⁷⁷ J. Smith to F. B. Fingland and G. K. Fleming, March 1, 1968, Records Office Files Fonds, Yukon Archives, Gov. 2398, file 5.

⁷⁸ Report Submitted July 15, 1968 Re Integration of Watson Lake Schools, Records Office Files Fonds, Yukon Archives, Gov. 2399, file 1.

he suggested that the movement of students away from the Catholic school might have involved pressure from other clergy in the town:

One of the Territorial Councillors and a resident clergyman of Watson Lake have been carrying a campaign against the Catholic school there. I do not know whether this is done from religious bigotry or from a desire for cheap publicity. Lately it has become more intense and I would venture a guess that neither of these two gentlemen has spent more than one hour in the past year in Indian homes asking the people their opinions on integration. Remarks drawn from ignorance are worse than deliberate lies. It seems to me that Watson Lake is a “Jim Crow” town but with integration of some sort in the public school system, we will be able to see if the general population is more tolerant of Indian children than Catholic parents were.⁷⁹

Ultimately, an agreement to attempt a two-year pilot of the integration was initiated in September 1968, to be evaluated by June 30, 1970, after assurances were given to Bishop Mulvihill that the minority rights of Catholic parents in Watson Lake would not be negated by this pilot. The bishop had also made a significant concession in removing all religious paraphernalia from the school and agreeing that the name would be changed to Watson Lake Elementary School. The agreement also acknowledged that the pilot was due to a specific set of circumstances and that similar attempts would not be made to integrate the Catholic schools in Whitehorse in the foreseeable future.⁸⁰

In Whitehorse, the expansion of Christ the King’s programming to include Grades 11 and 12 continued to be controversial with the public. In May 1966, the Yukon Council passed a motion calling for the memorandum of understanding to be amended to limit the particular grades that Catholic schools could offer (regardless of enrolment from the present Grades 1

⁷⁹ J. P. Mulvihill to R. L. Shields, July 17, 1968, Records Office Files Fonds, Yukon Archives, Gov. 2399, file 1.

⁸⁰ R. L. Shields to D. W. Simpson, March 26, 1969, Records Office Files Fonds, Yukon Archives, Gov. 2399, file 3.

through 9) to end at Grade 7 instead. It also called for the minimum number of students required to offer the higher grades to be raised to 20 students. The decision was made by the bishop, in consultation with the Christ the King Advisory Committee, to cease offering Grades 11 and 12 in the 1966–1967 year because of low enrolment and to send those students to F. H. Collins Secondary.⁸¹ This decision was only agreed to, however, with the understanding that it was to be temporary until the numbers would increase, which, based on the enrolment figures, was predicted to happen within five years.⁸² However, the following year, with the expectation of those grades eventually being returned to the school, arguments were made by the Advisory Committee to expand the high school facility through the building of industrial arts rooms to accommodate that type of programming when the numbers had increased to the point that they would be required.⁸³

In other smaller communities where the numbers of Indigenous students constituted the majority, especially as the practice of sending students to residential schools declined, there were additional concerns about a different kind of segregation, one based on denominational lines. One example of such a situation was in Teslin where the majority of Indigenous children were of the Roman Catholic faith and were filling up the territorial public school and where one Protestant parent, after reading the details of the memorandum of understanding, questioned the commissioner: “On the basis of this reported agreement, it

⁸¹ H. Thompson to Administrator, July 28, 1966, Records Office Files Fonds, Yukon Archives, Gov. 2210, file 9.

⁸² Ibid.; Notes from C. K. E. Advisory Public Meeting, March 30, 1966, Records Office Files Fonds, Yukon Archives, Gov. 2210, file 9.

⁸³ Minutes of Christ the King Schools Advisory Committee, May 2, 1967, Records Office Files Fonds, Yukon Archives, Gov. 2402, file 4.

would seem highly probable that the existing public school here in Teslin would become a Separate school. I would appreciate a reply, as soon as possible, giving assurance that the rights of the minority in the Teslin area will not be infringed upon. In other words, that the present public school here will remain public and not become a Separate school.”⁸⁴

Commissioner Collins was quick to provide the assurance that unless at least two classrooms were needed, a separate school would not be built.⁸⁵

In addition to the existence of separate schools where religious teachings were incorporated into the whole school program, religious instruction remained part of the daily routine in many of the outlying smaller schools as well at the request of parents and with the facilitation of local clergy (both Roman Catholic and Protestant). The RCEYT60 acknowledged that the ordinance’s allowance for religious instruction to be given in the last 30 minutes of the school day with the option for families to opt their children out were “both praised and condemned in the briefs received by the committee.” The committee felt this situation was sound and recommended that it remain in the ordinance as long as it was done by clergy, not teachers, and restricted to the last half hour of the school day.⁸⁶ Several communities took advantage of this provision, but the support could change from year to year depending on the availability of clergy and the willingness of parents to supervise the program. In Haines Junction, for example, the PTA requested in 1963 that one 30-minute period each week be devoted to religious education, shared between the resident pastors,

⁸⁴ A. A. Baker to F. H. Collins, December 8, 1961, Records Office Files Fonds, Yukon Archives, Gov. 2397, file 1.

⁸⁵ F. H. Collins to A. A. Baker, January 4, 1961, Records Office Files Fonds, Yukon Archives, Gov. 2397, file 1.

⁸⁶ Committee on Education for the Yukon Territory 1960, *Report*, 89.

because the committee unanimously agreed that “the upbringing of children, including their education, is the responsibility and right of parents, and believing that religious knowledge is an integral part of the essential body of knowledge.”⁸⁷

However, by 1968, this desire had changed to the point where the Haines Junction school advisory committee recommended that the classes be cancelled, preferring that the children spend the time on school work instead. It seemed, however, that this change in preference was less related to the content of the instruction than to the disruption that the classes caused, especially if one or more of the clergy were suddenly unable to attend, which community demands on their time often resulted in. The superintendent also proposed new guidelines for the implementation of religious education classes in schools that included the requirement that “all religious groups in the community come into the school at the same time for religious instruction thus co-ordinating the program so that released time is available to all at the same period of time on the same day.”⁸⁸ This proved to be nearly impossible in many the communities, and the presence of religious instruction began to progressively dwindle as the decade concluded.

Beginnings of French/Francophone Education

Another minority rights issue, actively supported by federal government mandate during the latter half of the 1960s, was the emergence of French language education and francophones’ demands for rights. While there had been a large francophone presence at the

⁸⁷ J. Kennedy to G. Cameron, August 30, 1963, Records Office Files Fonds, Yukon Archives, Gov. 2401, file 5.

⁸⁸ R. L. Shields to J. Smith, January 4, 1968, Records Office Files Fonds, Yukon Archives, Gov. 2402, file 4.

turn of the century following the gold rush and several francophone families had endured, the provision of French language education was not widely demanded in the 1960s.⁸⁹ The RCEYT60 contained few references to instruction in languages other than English save for those related to the “foreign language” requirements for university entrance. The report did nothing to contradict the notion that instruction in languages other than English be included in the program of studies followed in Yukon, except so-called foreign language classes in high school for those bound for university.⁹⁰ The revised ordinance of 1962, however, retained language that had been included in the previous ordinance, which was also the basis of the school legislation in NWT (where language issues were more prevalent due to settlements of predominantly French-speaking families) and included the ability for the commissioner to offer any primary course in either English or French.⁹¹ As late as the 1967–1968 school year, there is no record of French being taught any earlier than in the high school grades to university-bound students.

Pierre Trudeau was elected as prime minister in 1968 on a campaign that included an increase in the prominence of French in Canada. He made good on that campaign through the Official Languages Act, passed in 1969, as an attempt to demonstrate the equality of those who spoke either or both of Canada’s two founding languages.⁹² Prior to the act passing, the commissioner received a letter from the federal minister of Indian and Northern Affairs, Jean

⁸⁹ Yann Herry, *La Francophonie: Une Richesse Nordique* (Whitehorse, YT: Association frano-yukonnaise, 2004).

⁹⁰ Committee on Education for the Yukon Territory 1960, *Report*.

⁹¹ Yukon. *An Ordinance Respecting Schools*, 1st Session, 19th Yukon Council, 1962, Assented to 11 May 1962; Yukon. *An Ordinance Respecting Schools*, 2nd Session, 15th Yukon Council, 1950, Assented to 3 November 1950; Manzer, *Public Schools & Political Ideas*, 61–7.

⁹² Craig Brown, ed., *The Illustrated History of Canada* (Key Porter Books, 2000), 516.

Chrétien, inquiring as to the ability to offer more instruction in French as “[i]t seems to me that across the nation we are going to require more bilingual citizens in the future than we have needed in the past, and the minimum objective proposed by the [Royal Commission on Bilingualism and Biculturalism] is for all students to receive a basic introduction to both English and French so that they may become bilingual if the opportunity should arise.”⁹³

Based on this federal “advice”, Commissioner Smith immediately directed the superintendent of schools to begin gathering data through parental surveys on the desire for French language instruction and found that while only 65 families spoke French at home, significant numbers were electing to take French starting in Grade 8 (Grade 7 at Christ the King) and suggesting the program be expanded to start at Grade 5.⁹⁴ In addition, conversations with French-speaking families would commence in determining their needs for French language instruction.⁹⁵

A report to the Yukon Council in 1969 outlining the pilot programs that were delivered in the 1968–1969 years concluded that a more successful approach was to introduce French in the earlier grades because students were more receptive to learning it then. One exception, however, was for Indigenous students in that the report used language quite ahead of its time and, again, showed the territorial government’s willingness to more carefully consider the needs of its Indigenous student population:

However, we must consider diverse languages, particularly when dealing with Canada’s first citizens, our Indians. To assume that for these people bilingualism

⁹³ J. Chrétien to J. Smith, September 12, 1968, Records Office Files Fonds, Yukon Archives, Gov. 2405, file 2.

⁹⁴ R. L. Shields to F. B. Fingland, December 5, 1968, Records Office Files Fonds, Yukon Archives, Gov. 2405, file 2.

⁹⁵ Minutes of December 2, 1968 Meeting on French Programs, Records Office Files Fonds, Yukon Archives, Gov. 2405, file 2.

involves only the two official languages is out of context, both historic and current. What is probably closer to a true picture in this instance is what can be defined as a trilingual situation. A pupil of Indian ancestry would be exposed to his mother tongue, as well as English and French. The situation is not desirable for a number of reasons, viz. i) the quality of performance in English may not be satisfactory; ii) the possibility of interference factors when three, not two, languages are involved; and finally, iii) there is often a need for compensatory educational programs for our Indian students, particularly in some of our semi-isolated communities. Therefore, it is our intention to initiate a number of pilot projects in some of our schools with a predominantly native student population, whereby instruction in the mother tongue of the pupils will replace the Elementary French Language Program.⁹⁶

No Indigenous language pilot classes emerged, but once a commitment for federal funding for French language instruction was reached, the French program expanded quickly, with a five-year plan developed to expand the instruction of French starting at Grade 5 in all Whitehorse and Watson Lake schools while acknowledging the political implications of making the program mandatory. The plan suggested that the Federation of Home and School Associations (which had been in favour of teaching French in the earlier grades) be used to help promote the federally subsidized program as well as seeking a mandate from the Yukon Council. It also acknowledged that there would need to be both a “Français” program for already bilingual students and a “French” program for those just learning the language, a recognition that francophone families might need to be treated differently.⁹⁷

⁹⁶ Address to Yukon Council Re: French Programs, November 29, 1969, Records Office Files Fonds, Yukon Archives, Gov. 2405, file 2.

⁹⁷ A Brief Concerning French Language Programs, Records Office Files Fonds, Yukon Archives, Gov. 2405, file 2.

Increased Local Control over Programs and Services

In Ottawa in the late 1950s, MP Erik Nielsen had been lobbying heavily for Yukon to move to responsible government, efforts that were concurrent with the agitations of the YC for provincehood. Nielsen was primarily responsible for the breakthrough in 1960 when the *Yukon Act* was amended to allow for the Yukon Council to form the Advisory Committee on Finance. However, the intent of creating an advisory committee was thwarted by Commissioner Collins, who was not a supporter of the development of responsible government in Yukon.⁹⁸ He minimized the influence of the advisory committee by only presenting them with fully developed budgets, further demonstrating Ottawa's control over Yukon's affairs through the actions of its selection of commissioner.

The commissioner was the most powerful person within the territorial government and acted as the primary interface between the federal government and the Yukon Council. Ottawa had, with only a few exceptions before WW II, preferred to appoint loyal bureaucrats steeped in the paternalistic attitudes of Northern Affairs Bureau and its bureaucratic machinations to ensure consistent decision-making that best represented Ottawa's interests.⁹⁹

However, in 1962, assisted again by the efforts of MP Nielsen in Ottawa, long-time Yukon businessman Gordon Cameron was appointed as commissioner as an attempt to quell the growing demand for more autonomy. While not the first Yukoner appointed to the top bureaucrat's position, he was the first to be appointed following the dramatic expansion of the commissioner's authorities following WW II. Cameron, while having served as mayor of

⁹⁸ Johnson, *At the Heart of Gold*, 245.

⁹⁹ Ibid., 1–5.

Whitehorse, had little territorial political experience but was immensely well known and popular for his community involvement.¹⁰⁰ Cameron grew frustrated with the literal and metaphorical distance from Ottawa impeding the continued growth and development of Yukon's independence.¹⁰¹ He eventually resigned from the post in 1966, frustrated with the continued federal bureaucratic hurdles that impeded even the most routine of matters – as a businessman, he was not used to having to ask for, and wait for, permission to make even innocuous decisions.¹⁰²

Cameron was followed by another Yukon businessman and former YC member who had brokered the separate schools MOU, James Smith, who would go on to serve in the role for nearly a decade starting in 1966. Smith was a member of the “reforming” YC of 1958 that had worked with MP Nielsen in Ottawa to develop legislative changes required to implement the Advisory Committee on Finance. As a full supporter of responsible government and wanting to reduce his own authority as commissioner, he resurrected the committee and retitled it the Budget Programming Committee, giving it the responsibility of actually developing the territorial budget. This move significantly increased Ottawa's confidence in local Yukon politicians' abilities to make rational and responsible governance decisions.¹⁰³

There were setbacks as the federal government continued to make unilateral decisions on programs and services. Dictates and pronouncements from the federal government were constantly met with derision and disbelief in Whitehorse, increasing the demands for

¹⁰⁰ Johnson, *At the Heart of Gold*, 77-8.

¹⁰¹ Coates and Morrison, *Land of the Midnight Sun*, 295.

¹⁰² Johnson, *At the Heart of Gold*, 91.

¹⁰³ Johnson, *At the Heart of Gold*, 121, 248. This is the move that is seen by Michael as the true start of responsible government in Yukon.

provincehood and the passing of various autonomy motions in the Yukon Council. In 1967, the Yukon Council refused the federal government's demands to raise territorial revenues, in response to which the federal government used their most blunt tool to remind the YC who held the ultimate authority: They simply threatened to completely cut off federal grants until the territorial councillors complied.¹⁰⁴ Despite an active and engaged territorial council and two locally appointed commissioners, Ottawa still had the means to have things always seen their way simply through control of the purse. Neither Commissioner Cameron nor Commissioner Smith could, despite being local and well respected, always bridge the divide between the desires of local Yukoners and the dictates of Ottawa.

Therefore, Yukon's legislature continued making demands for independence by way of provincehood throughout the 1960s, and, supported by the efforts of the MP Erik Nielsen, the federal government began to more seriously consider devolution of control over selected programs and services to elected Yukon politicians to quell these demands.¹⁰⁵ Education was perceived as a bellwether of the capacity to govern locally because Ottawa, dealing with similar demands for devolution in the NWT, looked to Yukon for advice on how to structure a territorial public school system, since Yukon had decades more local experience than the NWT in the administration of schools.¹⁰⁶ Yukon's school advisory councils were an important catalyst in the devolution of authority over education to an elected Yukoner in that the school advisory committees helped Commissioner Smith to convince the federal

¹⁰⁴ Coates and Powell, *The Modern North*, 63.

¹⁰⁵ Coates and Morrison, *Land of the Midnight Sun*, 295; Smyth, *The Yukon Chronology*, 22.

¹⁰⁶ R. L. Shields to C. W. Gilchrist, October 14, 1968, Records Office Files Fonds, Yukon Archives, Gov. 2399, file 1.

government that Yukon had capacity for local control of services such as education. Additionally, he saw school advisory committees as an opportunity to develop future politicians who would work to increase local autonomy.¹⁰⁷

The *School Ordinance* revisions of 1962 created the ability to elect local school committees, and many schools did form them, most often by converting the local parent-teacher association into a committee. Committees were initially quite active and often had their meetings' business covered in the local newspapers.

The Federation of Home and School Associations played a major role in uniting the various committees and coordinating the communication of their various concerns to the superintendent and territorial government. The association saw its role as helping “to form a responsible public opinion about education, and to give it expression. In this way, we are both representing and helping to inform the ‘lay’ element in education, the people for whom the Education system is set up and who have the duty to understand its details and the democratic right to expect it will function according to their legitimate wishes.” In the 1964–1965 school year alone, the association ambitiously sponsored a public meeting to discuss “The Indian youngster in the Territorial schools,” developed a brief on French language for the federal Bilingualism and Biculturalism Commission, disseminated information on and promoted various issues such as tuberculosis prevention, adoption, and special needs education and were in the beginning stages of planning a workshop concerning teacher turnover in the Yukon,

¹⁰⁷ J. Smith to F. B. Fingland and G. K. Fleming, May 29, 1967, Records Office Files Fonds, Yukon Archives, Gov. 2402, file 4.

thereby proving the continued willingness and capacity for local Yukoners to give careful consideration to issues and develop policy solutions.¹⁰⁸

In 1966, the association took the lead in planning a conference to help Yukoners better understand their options with regard to establishing school boards, inviting members of the territorial government to present and all the members of the Yukon Council to attend. Assistant Commissioner G. K. Fleming agreed to deliver a presentation on the financial implications of forming school boards.

Fleming was another Ottawa bureaucrat whose position as assistant commissioner meant he was often the person who communicated daily with Ottawa and was more skeptical of Yukon's readiness for more autonomy. He claimed that Yukon simply wasn't ready for school board-type governance of schools. Despite his assertions that he was personally in support of developing boards as "training grounds for persons aspiring to unselfish public service," he presented a dire set of problems that schools boards would have to face and overcome. The first, and most apparent, was the actual cost of running the system, which was made up each year through territorial and federal grants supplemented by minimal property taxes collected for the purposes of schools – costs that would need to instead be collected through much higher property taxes if boards were to exist. Next, there was the process of developing, approving, and implementing the annual budget request for the schools, which would have to travel up and down the chain from the school authorities and through the territorial and federal budget officers: "The poor beaten and bedraggled document would then

¹⁰⁸ Report of Yukon Federation of Home & School Associations, 1964–1965, Records Office Files Fonds, Yukon Archives, Gov. 2410, file 6.

totter weakly before the Senior Legislative Body, the Territorial Council, and there either receive a blessing or have its head chopped off.” This caution was followed by the reminder that politics was an essential part of public control over services and that school boards would certainly have to be prepared for political debate and maneuvering, something that the advisory committees seemed to avoid whenever possible. Finally, he recognized the potential limitation of engaged and well-informed citizens who might, because of their narrowed focus on one aspect of government, cause a “weakening of the prestige and significance of the Council, whether it be Territorial or Municipal, as the central governing body, and an inevitable decline in public interest in the problems of general government.”¹⁰⁹ In a very public “shot across the bow” of the YC, of which several members were in attendance, was a clear warning that it ought to hold on to the operation of the territory’s schools if it wanted to prove itself a responsible and respected government.

Public interest in forming school boards did wane following the presentation and so did the activities of the local advisory committees. In 1967, with the intent to restart the negotiations with Ottawa on expanding the role of the Executive Committee to include elected members, Smith was concerned about a lack of activity in the advisory committees and the fact that some schools simply did not have them. He directed his assistants to determine which schools did not have active committees and to circulate a form letter to inform them of their rights as parents to have one.¹¹⁰ In his report, Superintendent Thompson noted that “if

¹⁰⁹ Financial Responsibilities and Resources of a School Board, May 24, 1966, Records Office Files Fonds, Yukon Archives, Gov. 2410, file 6.

¹¹⁰ J. Smith to F. B. Fingland and G. K. Fleming, May 29, 1967, Records Office Files Fonds, Yukon Archives, Gov. 2402, file 4.

School Advisory Committees are to be successful, they must be nurtured” and suggested an annual conference eventually to be run by representatives of the various committees as well as ongoing training.¹¹¹

In addition to school advisory committees, many schools and communities had separate kindergarten societies that demonstrated local political leadership in their efforts to use school facilities to offer kindergarten, paid for by parents and staffed by the societies. The disparities in the availability of kindergartens was becoming noticeable, and the commissioner was planning to develop a plan to begin bringing kindergartens into the territorial systems.¹¹²

While school advisory committees were encouraged, when they began banding together and questioning the operations of the schools, the territorial administration found them quite irritating. Committees began corresponding regularly with the department on matters within their purview, such as complaints about the number of portable classrooms and busing issues, as well as ones that were outside their scope (according to the *School Ordinance*), such as demands for French and music programs in the schools.¹¹³ When the superintendent did not respond to their concerns, they took them to the newspapers, aided by the Federation of Home and School Associations, much to the commissioner’s dismay. In a note to his assistant, Commissioner Smith remarked that “I am pleased that [Superintendent] Shields did not answer the newspaper letters. He is responsible to me, not the Home & School

¹¹¹ H. Thompson to F. B. Fingland, June 1, 1967, Records Office Files Fonds, Yukon Archives, Gov. 2402, file 4.

¹¹² Government of Yukon. *Annual Report of the Commissioner of the Yukon Territory 1967–1968* (Whitehorse: Queen’s Printer, 1968); J. Smith to F. B. Fingland and G. K. Fleming, June 12, 1968, Records Office Files Fonds, Yukon Archives, Gov. 2399, file 1.

¹¹³ R. L. Shields to H. Couch, October 30, 1969, Records Office Files Fonds, Yukon Archives, Gov. 2410, file 7.

Association who are bent on crusades of their own.” He was also concerned about the political calculus of whether to engage: “If their total membership is only those listed, they are not a very large group,” suggesting that their concerns could easily be dismissed and predicting that their demands would eventually blow over.¹¹⁴

“Independence of Action”: The Devolution of Authority over Selected Programs

In addition to education, Ottawa’s increasing confidence in Yukon’s ability to make sound budgetary and operational decisions resulted in the federal government continuing to experiment with devolving more decision-making authority to the territorial level in other significant areas. Most notably in the 1960s, the administration of justice and the development of a correctional centre were put into the hands of the territorial government and administration. This contrasted with the federal government’s previous hands-on approach to building schools, for example, where they would determine needs, create plans, and even specify how the materials would be shipped to the building site. This resulted in instances such as the building of the Old Crow school wherein all building materials were expensively flown in because the information regarding the river’s ice-free period was incorrect, despite the repeated assurances from territorial officials and Yukon’s MP that the supplies could have easily and cheaply been sent by boat.¹¹⁵ Instead, the correctional centre was successfully constructed using what would become the pattern of a federal initiative executed with local support and “independence of action by the territorial administration.”¹¹⁶

¹¹⁴ J. Smith to A-2, May 11, 1970, Records Office Files Fonds, Yukon Archives, Gov. 2410, file 7.

¹¹⁵ Nielsen, *The House Is Not a Home*, 90-92.

¹¹⁶ Michael, *From Sissons to Meyer*, 65.

Over the course of the 1960s, the federal government began shifting some of its authority to the Yukon government, increasing territorial autonomy to augment “independence of action” in the provision of certain programs and services. This shift started with increased consultation of Yukoners through the 1960 Committee on Education for the Yukon Territory, which sought out views and opinions on education from parents and interest groups throughout the territory. These consultations resulted in meaningful changes to the *School Ordinance* that increased public participation in school operations through the creation of school committees. The demands of integrating Indigenous students into territorial public schools and shifting the responsibility from the federal government were left primarily in the hands of the Yukon Department of Education, which did not see it necessary, initially, to make significant changes to the system to accommodate these students. This lack of change (or at least the slow pace of change) was not due to an inability of the territorial government to make such changes but rather their choice not to, since more rapid and dramatic changes were made to accommodate the demands of other minority groups – namely, the Roman Catholic and French communities. The federal government, crucially, however, continued to hold all the financial and legislative power throughout the decade until the combination of an effective member of Parliament in Ottawa and a sympathetic commissioner (and encouraged by the development of capacities as demonstrated by local school committees) began to push harder for local decision-making, especially regarding the territorial budget.

All of these developments would lead to the next step in the devolution of power, which was the federal government’s agreement in 1970 to allow for one elected YC member to sit on an Executive Committee (ExCom) made up of the two assistant commissioners (as federal appointees) with the commissioner as chair. However, the Yukon Council argued that

a single elected member would be “smothered” by the rest of the committee and argued for three elected members. A compromise on two elected members was reached, each to be responsible for a particular portfolio of government business while becoming full-time politicians working alongside the commissioner in the day-to-day administration of the territory, much like a minister in a provincial government.¹¹⁷ The Yukon Act was subsequently amended to enshrine these changes into the legislation, and the following Yukon Council elections were contested with candidates prepared to potentially take on these additional responsibilities.¹¹⁸

In September 1970, seven members were elected to the Yukon Council for a four-year term and, after some internal debate, two were selected and sworn in as Executive Committee members on November 27, 1970 with responsibilities for the portfolios of health and welfare and education.¹¹⁹ The era of an elected Yukoner being in charge of the territory’s educational system had finally arrived.

¹¹⁷ Smyth, *The Yukon Chronology*, 26.

¹¹⁸ Johnson, *At the Heart of Gold*, 123.

¹¹⁹ Smyth, *The Yukon Chronology*, 27.

Chapter 3 – 1970–1979 Elected Executive Control through to the Loss of the Commissioner’s Executive Authority

The 1970s would see increased federal government confidence in the abilities of Yukoners to manage more of their affairs, starting with two non-partisan, elected YC members appointed to the Executive Committee overseeing two program areas. Within the decade, this confidence would lead to rapid constitutional development, culminating in representative and responsible government in a partisan legislature. The operation of the Department of Education served as one of the first areas of responsibility to be devolved to local politicians who would demonstrate to the federal government, through their leadership, that Yukoners were prepared to take on increasing amounts of responsibility.

At the same time, Yukon’s Indigenous peoples, prompted by policy development in Ottawa that sought to extinguish their Aboriginal rights and intensified by inequities experienced in the educational system, developed grievance documents that would result in the commencement of formal land claim negotiations with the federal government and in further uncertainty about the territory’s political future. It was in this atmosphere that efforts began to consult about and amend the *School Ordinance* to reflect the changes brought about by the shift in governance and by the need to better integrate Yukon’s Indigenous students into the public schools. Nevertheless, the amendments largely ignored the demands of Indigenous Yukoners, and no amendments to the ordinance were made to expand the advisory mechanisms for parental and local input at the school level or to include guaranteed representation of Indigenous parents.

In fact, Ottawa continued to hold fast to key powers. Dissatisfaction among the school committees about their inability to effect change resulted in the creation of an Education Council as a territorial-level advisory body to communicate parent concerns directly to the minister of education.

Near the end of the decade, the competing interests of the federal government, territorial governments, Indigenous peoples, and school committees were revealed in a dispute that erupted in a rural Yukon community over the teaching of an Indigenous language.

Finally, in 1979, further political developments in Ottawa affirmed and enshrined a diminished role of the commissioner in the governance of the Yukon's affairs and resulted in one of the most significant developments in Yukon's constitutional history – the *Epp Letter* – which finally brought responsible government to Yukon's legislature.

Executive Authority for Education Is Delegated to a Locally Elected Politician

The appointments of Norman Chamberlist and Hilda Watson as the first two YC members to the territorial government's Executive Committee (ExCom), responsible for the portfolios of health and welfare and education, respectively, was a sign of confidence on the part of the federal government in the abilities of elected Yukoners to make responsible governance decisions for themselves.¹ For almost two decades, the YC had been making representations to the federal government for more responsibilities and authority, efforts that were consistently thwarted until Ottawa was satisfied that that Yukoners were capable of managing their affairs responsibly and rationally – or at least as proficiently as the staff at the

¹ Smyth, *The Yukon Chronology*, 27.

Northern Affairs Branch. Political groundwork laid by MP Erik Nielsen in Ottawa and Commissioner James Smith in Yukon combined with sustained pressure over the course of more than a decade finally resulted in more involvement of elected Yukoners in the territory's affairs. November 27, 1970, was an auspicious day for Yukoners as locally elected members of the Yukon Council were to get their first taste of executive authority over two important government departments.² The ExCom was the territory's closest equivalent to a provincial government's "cabinet" but with overlapping legislative, executive, and administrative responsibilities (as opposed to a provincial cabinet's legislative and executive responsibilities) and was made up of three members appointed by the federal government along with the two elected. As such, in provincial terms, these appointments to oversee a government department were not unlike being appointed the "minister" responsible for a particular portfolio. However, the naming convention was to use the term "Executive Committee Member Responsible for" each particular portfolio.

The selection of health and welfare and education showed that the confidence in the elected YC members was still quite limited. Unlike portfolios of natural resources and the administration of territorial lands that required broad and long-term strategy, these two departments had more limited scopes and functions that were modelled closely after those of the NWT or provincial jurisdictions and were somewhat transactional in nature. In terms of day-to-day functioning, schools in Yukon were operated very much like they were in other parts of Canada. A superintendent – who oversaw other education officials and principals – was responsible for ensuring that the necessary facilities were in place, sufficient personnel

² Johnson, *At the Heart of Gold*, 123-4.

were hired (and, if from out of territory, transported to Yukon and housed), the required resources of teaching materials and school supplies were ordered and delivered, and that the prescribed curricula were being rigidly and rigorously adhered to. When the number of students increased or decreased, the number of schools, staff, and levels of resourcing was adjusted accordingly. A telling sign of the relative importance of schools in the overall administration of the territorial government is that, throughout the 1970s, both education and health and welfare were located near the end of every annual report submitted by the commissioner to the federal minister responsible for the Yukon.³

The handbook produced for Yukon teachers gives some idea of the authority of the superintendent and of the activities that were taking place in schools. With regard to curriculum, it was clear that “[a]ny proposed deviation from the prescribed curriculum must be approved in writing by the Superintendent of Education. NO EXCEPTIONS CAN BE ENTERTAINED.”⁴ The handbook also contained no references to Indigenous languages or curricula. Teachers in Yukon did recognize that meeting students’ needs required some flexibility, with one such teacher writing the department to complain that the handbook ought to be retitled “Carbon Copy of B.C.”⁵

While in most jurisdictions the superintendent would carry out these functions under the supervision of either the provincial ministry or (what would become more common later on) a locally elected board of trustees, in Yukon the superintendent reported directly to the

³ See, for example, Government of Yukon. *Annual Report of the Commissioner of the Yukon Territory 1971–1972* (Whitehorse: Queen’s Printer, 1972).

⁴ Yukon Department of Education, *Handbook for Teachers*, 1971.

⁵ Sister Pat Langley to Department of Education, December 20, 1972, Records Office Files Fonds, Yukon Archives, Gov. 2400, file 3.

commissioner. The development of a YC member being responsible for the system changed this system somewhat, since the superintendent was now required to report to the elected member (equivalent to a provincial minister of education). Hilda Watson was well regarded by the commissioner and by other members of the YC as being organized, very well-prepared, and “tough as nails” – qualities that were required to ensure the newly constituted ExCom had the discipline to work effectively as politics and bureaucracy began to mix more than ever before.⁶

In order to maintain the federal government’s trust and to increase the likelihood of the experiment in devolution working smoothly and effectively, there was agreement amongst the Yukon Council members that partisan politics would not play a role around the ExCom table. While politics at other levels of governance (such as municipal and chamber of commerce) were quite partisan, with “conservatives and liberals fighting for control,” these divisions, while present unofficially, were not a visible part of territorial politics.⁷ Although the political leanings of individual members of the YC were quite clear and usually well-known, the Yukon Council was not officially a partisan political body. In fact, ExCom members went out of their way to ensure that their actions could meet with consensus approval from the YC as a whole so as to establish the functionality of the ExCom with the remaining elected members.⁸

ExCom’s comprehensive administrative and executive mandate was reflected by how quickly Watson became involved in the minutiae of running a small system of schools. In

⁶ Johnson, *At the Heart of Gold*, 123.

⁷ Penikett, *Hunting the Northern Character*, 52.

⁸ Johnson, *At the Heart of Gold*, 249–53. Hilda Watson would go on to be the first female leader of a territorial or provincial political party when she was elected as leader of the Yukon Progressive Conservative Party in 1978.

1972, she toured several rural schools and wrote a report to the superintendent about the state of the physical plant, noting that, at Robert Henderson School in Clinton Creek, the front steps were “badly in need of paint.”⁹ In another instance in the same year, she was perturbed that the school committee chair in Faro had used government stationery to correspond with her and demanded to know “[w]ho gave the Chairman of the Van Gorder School Advisory Committee the authority to use this stationery for a letter to the Executive Committee member responsible for education?” and insisted that the situation be investigated.¹⁰

After several years of Watson’s hands-on approach to running the schools as the Executive Committee Member Responsible for Education (ECMRE), she almost lost the confidence of the YC in May 1974 when she was accused of “four strikes” by a fellow YC member. The member specified the department’s handling of the Pelly School strike (where predominantly Indigenous parents refused to send their children to the school because of its poor physical condition, which also led to complaints about other matters concerning the education of their children); the firing of the Native curriculum supervisor; the dismissal and subsequent investigation and reinstatement of a Whitehorse teacher accused of misconduct; and the breakdown of contract negotiations with the Yukon Teachers Association. In a close vote with the council’s speaker casting the tie-breaking vote, Watson’s membership on ExCom was narrowly saved just as she was in the final stages of ensuring that the revised *School Ordinance* of 1974 would be passed in June before the legislative session ended.¹¹

⁹ H. Watson to J-1, June 23, 1972, Records Office Files Fonds, Yukon Archives, Gov. 2400, file 3.

¹⁰ H Watson to J-1, October 31, 1972, Records Office Files Fonds, Yukon Archives, Gov. 2400, file 3.

¹¹ “Non-Confidence Motion Fails to Oust Watson,” *Whitehorse Star*, May 1, 1974.

The mandate of each YC lasted four years. The initial experiment in local control was revised and expanded in 1974 in an election that saw three elected YC members – Hilda Watson, Gordon McIntyre, and Ken McKinnon – selected by the YC to sit on the ExCom, resulting in an equal number of YC members and federally appointed members. Gordon McIntyre was assigned the portfolio for education, although his tenure on ExCom was short-lived when he resigned his seat in May 1975 for personal reasons.¹² Following McIntyre's resignation, Dan Lang was appointed as the ECMRE and would hold the position until he resigned shortly before the November 1978 election after sponsoring a motion of non-confidence in the commissioner that was defeated. He was replaced by Eleanor Millard, who held the post until the fall election.¹³ Following the 1978 election, Howard Tracey was appointed to the position, but he also resigned the following summer and was replaced by Doug Graham, who would hold the position into the 1980s.¹⁴ There was certainly some concern about the ability to provide sustained leadership over the education portfolio considering the frequent turnovers, with three ECMREs in the space of one school year in 1978–1979.¹⁵ However, the federal government showed their increased confidence in the work of the elected YC members by increasing the number on ExCom to four in 1977 (giving the elected members the majority of seats) and allowing the 1978 election to be contested by political parties, with the winning party selecting its members to hold the ExCom seats.

¹² Michael, *From Sissons to Meyer*, 146.

¹³ *Ibid.*, 150.

¹⁴ Government of Yukon. *Annual Report of the Commissioner of the Yukon Territory 1979–1980* (Whitehorse: Queen's Printer, 1980), 5.

¹⁵ Yukon Teachers Association, *50 Years of the YTA*, ed. Dennis Rankin (Yukon Teachers Association, 2005), n.p.

Commencement of Indigenous Land Claims

Yukon's Indigenous population had become more politically active following their enfranchisement to vote in federal elections in 1960 and territorial elections starting in the 1961.¹⁶ Factors that fueled the political activism that would result in the creation of Indigenous advocacy organizations included negative experiences in either Indian residential schools or Yukon's territorial public schools, along with the other bureaucratic mechanisms such as the *Indian Act* and federal and territorial welfare payments. These mechanisms contributed to the marginalization of Yukon's Indigenous peoples in both their traditional communities and in urbanized settings, which resulted in a sense of despair and despondency among many. Despite residential schools generally leaving most students ill-prepared academically, some students ended up possessing sufficient language and academic skills that increased their ability to engage in more advocacy for Indigenous peoples. While there were sporadic instances of Indigenous students attending territorial schools in the 1950s, several generations of Yukon's Indigenous children were sent to the two large residential schools in the area.¹⁷

The residential school experience also helped to motivate Indigenous peoples to become more assertive in claiming their Aboriginal rights and title to their ancestral lands. Indeed, one of the by-products of the residential school system that was unintended and unanticipated was its effect in creating environments where small acts of resistance and rebellion "served as a training ground for organized political resistance to Euro-[Canadian]

¹⁶ Johnson, *With the People Who Live Here*, 331; Coates, *Best Left as Indians*, 225–6.

¹⁷ Truth and Reconciliation Commission of Canada, *The Inuit and Northern Experience*, 85.

domination.”¹⁸ Another breeding ground for creating political resisters was the armed forces. Being sent overseas to fight for democratic ideals, only to come home and resume being subjected to the *Indian Act*, was a motivator for organization and advocacy. Indeed, Elijah Smith, a residential school student who was one of the few who was successful in obtaining academic skills equivalent to non-Indigenous students and who served in the Canadian Army during WW II, went on to found the YNB as an advocacy organization in 1968. The Yukon Association of Non Status Indians (YANSI) was formed in October 1971 to represent those of Indigenous ancestry that the *Indian Act* excluded.¹⁹

After the tabling of the White Paper in 1969 by Jean Chrétien, minister of DIAND, there was considerable resistance from Indigenous peoples from across Canada who were angry with the vision of becoming full Canadian citizens at the expense of their Aboriginal rights and title along with previously negotiated treaty rights. The White Paper is often credited as being a lightning rod for Indigenous communities to spring into action and formulate their own demands for resolving land claims and title issues.²⁰ A coordinated response to the White Paper was the document *Indian Control of Indian Education* that was prepared with input from regional Indigenous advocacy organizations across Canada.²¹ The

¹⁸ Nadasdy, *Hunters and Bureaucrats*, 46.

¹⁹ Coates and Powell, *The Modern North*, 103; Nadasdy, *Hunters and Bureaucrats*, 55. The Yukon Native Brotherhood and its successor organizations were affiliated with the National Indian Brotherhood but did object at the NIB's need to look at issues through a status/non-status lens.

²⁰ Raptis, "Implementing Integrated Education Policy", 132–3.

²¹ Morgan, 'If Not Now, Then When?' *First Nations Jurisdiction over Education: A Literature Review* (2002), 6, https://www.afn.ca/uploads/files/education/4_2002_nov_nancy_morgan_fn_jurisdiction_of_fn_education_report_to_min_working_group_-_if_not_now_then_when.pdf; National Indian Brotherhood, *Indian Control of Indian Education*.

Yukon's contribution to this seminal document was formulated at a conference entitled the "First Yukon Native Education Conference" in January 1972 in Whitehorse.²²

Hilda Watson attended this conference in her capacity as the ECMRE. She made clear her positions on Indigenous education in Yukon through a speech entitled "The Future of Indian Education in the Yukon" in which she is clear that she favoured a universal system that would serve the needs of all without discrimination of "Indian or non-Indian" status as long as it could do so "within the practical limits of its resources." This speech highlighted the individual choice that each Indigenous person needed to make whether to identify more closely with the "nomadic life of his forefathers" or "integrate himself fully" and the "limitless possibilities" available in a blend of these two positions. However, while she conceded that more materials that reflect Indigenous culture should be made available at the younger years, there were "no short-cuts and can be no compromise" for one who aspires to a career in a "non-Indian society" as opposed to the traditional lifestyle.²³

Her summary of the meeting to the superintendent indicated her satisfaction that "[f]ortunately there was no one there who expounded at length on unrealistic goals that the Indian people wish to attain, and automatically look to education to wave the magic wand." She indicated that their demands were mostly administrative in nature but did indicate several policy positions that might be dealt with, including the inclusion of Indigenous people on school advisory committees, which she indicated was possible through legislation, and the introduction of Indigenous language classes in elementary schools rather than French.²⁴

²² Yukon Native Brotherhood, *Together Today for Our Children Tomorrow*, 61.

²³ The Future of Indian Education in the Yukon, Records Office Files Fonds, Yukon Archives, Gov. 2404, file 6.

²⁴ H. Watson to J-1, January 14, 1972, Records Office Files Fonds, Yukon Archives, Gov. 2404, file 6.

The demands of Yukon's Indigenous peoples would quickly expand beyond educational issues, however. Because no treaties had ever been signed between the federal government and Yukon's Indigenous peoples, the decision was made to develop and present a land claim to the federal government. In Yukon in 1973, a comprehensive land claim document, *Together Today for Our Children Tomorrow* (TTFOCT), was formulated by the YNB. It articulated the past way of life of Yukon's Indigenous peoples before contact and the impact that the various waves of fur traders, gold seekers, and American soldiers had on their ways of life, along with the impacts of river steamers and oil and gas explorers. Next, the perceptions of Indigenous peoples by "Whitemen" and vice versa was described, along with the injustice of the "non-status Indian" for whom enfranchisement was seen as a way to eliminate a race of people and the problem of overall economic inequalities between Indigenous peoples and the "Whitemen." It concluded with a vision for the future in terms of programs, treatment of elders, cultural identity, community development, education, economic development, communications, and research. To reach this vision, it proposed an approach to settlement that suggested creating centrally controlled (governed by an "Indian Council") and locally controlled systems and agencies that could best meet the needs of Indigenous peoples on their terms. It also proposed a framework for overall negotiations, including the selection of land, land-use guidelines, and cash settlements, along with the desire to commence negotiations quickly and in good faith in order to prevent long and costly court battles.²⁵

Included as an appendix to TTFOCT are the policy statements concerning the education of Yukon's Indigenous peoples that were formulated during the January 1972

²⁵ Yukon Native Brotherhood, *Together Today for Our Children Tomorrow*.

conference. The YNB's demands concerning education included having the resources to fund an education consultant; improving communications between all parties involved in education (including the YNB); establishment of kindergartens for Indigenous students, establishment of Indigenous language programs, employment of Indigenous people as teachers, counsellors, aides, or as kindergarten teachers; incentives for students to remain in school; creation of group homes for Indigenous children within Indigenous communities; that education be "made more meaningful and relevant to our needs"; educational resources that depict Indigenous peoples in inaccurate or pejorative lights to be eliminated; and that adult education programs be better developed.²⁶

On February 14, 1973, a delegation of Yukon's Indigenous leaders presented TTFOCT as their land claim to Prime Minister Trudeau in Ottawa.²⁷ Trudeau, who had been quite cool to the idea of land claim negotiations but who had recently been chastened by the *Calder* Supreme Court of Canada decision that established that Aboriginal title still existed for the treaty-less Nisga'a in BC, was therefore agreeable to commencing negotiations for Yukon land claims.²⁸ On April 6, 1973, Chrétien announced that a federal land claim negotiating team would be created, and the Yukon territorial government created a Land Claims Secretariat shortly thereafter to ensure that their interests were represented.²⁹

The following month, Chrétien released a joint statement with the National Indian Brotherhood indicating that he would accept the document *Indian Control of Indian*

²⁶ Yukon Native Brotherhood, *Together Today for Our Children Tomorrow*, 50–9

²⁷ Smyth, *The Yukon Chronology*, 29.

²⁸ Penikett, *Hunting the Northern Character*, 50.

²⁹ Smyth, *The Yukon Chronology*, 29.

Education as the policy for his department with regard to providing education to Indigenous peoples.³⁰ In a letter to Commissioner Smith in 1969, DIAND had expressed its desire to remove itself from the business of actively operating any educational services in Yukon, and the official change in policy to devolve the provision of education services to Indian bands themselves was a natural extension of this desire.³¹ The 1973 announcement caused some confusion and concern in the territorial government because the territory had been responsible, through transfer payments, for educating Indigenous students since 1963 and this new federal policy would have significant impacts on the development of a proposed new *School Ordinance*.³² Chrétien replied that he did not “anticipate any conflict between the new Indian education policy and the Yukon claim [TTFOCT],” since the same recommendations from TTFOCT were included in the overall recommendations contained within *Indian Control of Indian Education*.³³ The federal government, at the time, was newly but firmly committed to the process of education devolution to localized groups in communities or districts.

Although there was initially a great deal of optimism that the land claim would be negotiated and resolved quickly, the process plunged the territory into political uncertainty because of questions of possible land and resource appropriation and fears that the federal government would not negotiate with the best interests of non-Indigenous Yukoners at heart. Following the federal government’s initial willingness to engage in land claim negotiations, a

³⁰ Statements on Education from J Chrétien and National Indian Brotherhood, May 24, Records Office Files Fonds, Yukon Archives, Gov. 2404, file 6.

³¹ J. H. Gordon to Commissioner James Smith, August 15, 1969, Records Office Files Fonds, Yukon Archives, Gov. 2404, file 6.

³² J. Smith to J. Chrétien, May 29, 1973, Records Office Files Fonds, Yukon Archives, Gov. 2404, file 6.

³³ J. Chrétien to J. Smith, June 5, 1973, Records Office Files Fonds, Yukon Archives, Gov. 2404, file 6.

process that the YNB negotiator rather optimistically hoped would take six months, several conditions presented themselves that would slow the process considerably.³⁴ The first was the role of the territorial government, since the YNB was planning on negotiating directly with the federal government only. The territorial government was not satisfied to be left out of these talks and insisted on being an equal party. They reinforced their position by releasing a position paper entitled *Meaningful Government for All Yukoners* in December 1975, which suggested guaranteed representation for Indigenous peoples on various federal, territorial, and local boards to which Prime Minister Trudeau responded that “[h]aving a race-based process it’s no longer a democratic process.”³⁵ The territorial government’s position was a marked departure from its earlier position when the suggestion of separate structures or services for Indigenous peoples, such as representation on school committees, was decried by the territorial government as leading to “apartheid.”³⁶

The YNB and YANSI decided to amalgamate as the Council of Yukon Indians (CYI) in December 1973 to be able to negotiate as a united front on behalf of all Indigenous peoples in Yukon.³⁷ Significant progress was made in the negotiations, buoyed by the positive public sentiment that was increasing because of coverage of the Mackenzie Valley Pipeline Inquiry headed by Thomas Berger. This inquiry was a response to outcry from Indigenous organizations over the federal government’s unchecked assumption there was consensus

³⁴ Johnson, *At the Heart of Gold*, 268.

³⁵ Johnson, *At the Heart of Gold*, 129.

³⁶ Federal Government Education Policy Will Create Apartheid in Yukon Territory Says Councillor, Records Office Files Fonds, Yukon Archives, Gov. 2404, file 6.

³⁷ Coates and Powell, *The Modern North*, 103; Smyth, *The Yukon Chronology*, 30.

support for the development of northern natural resource extraction projects. It exposed significant national support for Indigenous rights in the north and called for settlement of northern land claims.³⁸ An agreement in principle for the Yukon claim was nearing completion in 1976 but was rejected in a vote by many of the rural bands. This was seen as a rebuke to the leadership of the Whitehorse-based CYI and the negotiation process that took place mostly in hotel conference rooms in Vancouver or Edmonton.³⁹ This led to on-again, off-again negotiations throughout the remainder of the decade. In 1977, the CYI agreed to resume negotiations with an updated set of demands that better represented the desires of all the Indigenous communities, including a separate Indigenous government, authority over resource management, and control over social and education programs. It was a significant increase in demands that, along with the changing positions of both the federal and territorial governments, would result in years of political uncertainty throughout the nearly 20 more years of negotiations required to develop the Umbrella Final Agreement signed in 1993.⁴⁰

Committee on Education for the Yukon Territory 1972

Because the structures for governing and operating the schools changed when the ECMRE replaced the commissioner for the day-to-day supervision of the system, the *School Ordinance* needed to be amended to reflect these changes. At the time the elected members of the YC were added to the ExCom, the schools were being operated under the *School*

³⁸ Coates and Powell, *The Modern North*, xii.

³⁹ Ibid., 103.

⁴⁰ Council of Yukon Indians, *Umbrella Final Agreement*, 1993; Coates and Powell, *The Modern North*, 120. The Umbrella Final Agreement will be described in more detail in chapters 4 and 5.

Ordinance of 1962, which had undergone only a few minor revisions, mostly related to working conditions for teachers and the development of a salary negotiation committee.⁴¹

Concurrently, there were increasing calls to make the school system more responsive to the needs of parents and communities. The federal government (after its withdrawal of the White Paper in 1971) and Indigenous advocacy organizations (which were in the process of articulating their concerns and demands that would result in the development of *Indian Control of Indian Education*) were also seeking improvements.⁴² Chrétien delivered a speech in the fall of 1971 in which he recognized the last decade's efforts to integrate Indigenous children into schools was not particularly successful, that any school authority providing educational services must "recognize the special needs and aspirations" of Indigenous children, and that "[t]he success of a shared educational system for Indian students depends on its sensitivity to these differences."⁴³

ExCom's approach to the development of options for a revised ordinance was to commission another school survey headed up by educational experts from outside the territory. It, again, represented a sincere desire to hear thoughts and desires regarding education from the citizenry in every community throughout the Yukon with a view to effect changes. The three-member panel, appointed on July 4, 1972, and headed up by Franklin Levirs (the same school superintendent from BC who participated in the 1960 school survey)

⁴¹ Yukon. *An Ordinance Respecting Schools*, 1st Session, 19th Yukon Council, 1962, Assented to 11 May 1962; Yukon. *An Ordinance to Amend the School Ordinance* 1st Session, 19th Yukon Council, 1964, Assented to 30 April 1964; *An Ordinance to Amend the School Ordinance* 2nd Session, 21st Yukon Council, 1967, Assented to 19 December 1967.

⁴² National Indian Brotherhood, *Indian Control of Indian Education*; Truth and Reconciliation Commission of Canada, *Part 2*.

⁴³ A Progress Report on Indian Education, Records Office Files Fonds, Yukon Archives, Gov. 2404, file 6, 8.

received briefs from numerous individuals and organizations and travelled throughout the territory during the summer of 1972 to hold hearings. The commissioner's order that provided the terms of reference specified that the committee was to provide specific recommendations on the ordinance itself, on increasing public participation in education at the local level, on the financing and administration of the system, and on curriculum. In addition, two groups of students were singled out for the committee's attention: Indigenous children and the "handicapped." Sixty days after they had begun, Levirs and the other commissioners submitted their final report on September 22, 1972.⁴⁴

The Report of the Committee on Education for the Yukon Territory 1972 (RCEYT72) was comprehensive in its assessments of the shortcomings of the current legislation and in articulating the desires of those who had made representations to the committee. In terms of the overall content of the ordinance itself, aside from recommendations about its organizational structure and the placement of items either in the ordinance or the regulations, it specifically suggested that the ordinance provide for instruction of Indigenous languages in addition to French. Recognizing that the school system of the territory had grown past the ability of one or two officials to administer and supervise, the report contained numerous suggestions that the language used to describe the powers and duties of the ECMRE along with those of the superintendent be clarified to allow for greater delegation and to accommodate a bureaucracy that would increase in size.⁴⁵

⁴⁴ Committee on Education for the Yukon Territory 1972, *Report of the Committee on Education for the Yukon Territory 1972* (1972), 5.

⁴⁵ Ibid., 12–14.

The report's section on public participation in education included damning quotations from written and oral submissions received by the committee, complaining about the frequency of instances when suggestions or concerns from school advisory committees or other community organizations were dismissed by the Department of Education or its officials. However, the report acknowledged that communities did not appear to be ready to assume the responsibilities that would come with a school board structure, though it seemed "very clear that, if local responsibility and authority are to be developed, local school advisory committees should be strengthened." This strengthening could include, in addition to continuing to exercise an advisory capacity to the principal, superintendent, and ExCom member, "prior consultation on the appointment of non-instructional staff; general supervision of the administration of the school with power to recommend to the principal and the Department of Education; consultation wherever possible on the appointment of a school principal; the management and accounting for any monies specifically allotted to the school by the Department."⁴⁶

The report specifically acknowledged that Indigenous parents were not represented adequately (save for one single community) on any of the school advisory committees but did not recommend that Indigenous parents (or any group) have preferential status or guaranteed representation on any of the committees. Instead, it recommended that each community with a significant Indigenous population form a separate "Indian Education Committee" that could

⁴⁶ Committee on Education for the Yukon Territory 1972, *Report*, 32–3.

advise both the band and the school advisory committee when necessary on matters of educational concern.⁴⁷

Finally, the formation of community (or metropolitan) boards for larger communities such as Whitehorse or larger regional boards such as those existing in the NWT was mentioned as a possibility to be considered after further maturation of the local school committees in the forms suggested by the report. In the interim, the development of forums where committees within a single community or from across the territory should be hosted and encouraged by the Department of Education to facilitate the exchange of information and ideas was suggested. Meetings such as these would also negate the need for a territorial advisory board, which might also lead to competing visions of education in the territory – one from the board and the other from the YC.⁴⁸

The reality that the Department of Education served a dual role of both governing and operating schools (which, in other provinces are usually separated between the provincial ministries of education and school boards, respectively) was recognized as a factor that complicated the recommendations regarding the financing and administration of the schools.⁴⁹ Again, because of the recommendation against the creation of school boards, the ability to eventually levy sufficient property taxes to pay for schools was not an option, and the present system of the Department of Education funding and operating all schools would continue. It was fortunate that, because of the ongoing tuition agreements between the territory and federal government, nothing had to be done to ensure that Indigenous children were receiving the

⁴⁷ Committee on Education for the Yukon Territory 1972, *Report*, 33–4.

⁴⁸ *Ibid.*, 36–7.

⁴⁹ *Ibid.*, 52.

appropriate funding. However, the first recommendation of the report was that, for any additional programs or services required, the funding source be identified and secured first. The report also recommended that a per pupil amount be determined for a school-based budget to be spent at the discretion of the principal with the oversight of the school committee.⁵⁰ In terms of administration of the system, the report suggested a rearrangement of staff to allow the superintendent of schools to act as the interface between the political and the operational (much like a deputy minister), with his or her subordinates being responsible for all the operational matters. While the point was not explicitly made in the report, there were no instances in which the report recommended the ECMRE be directly responsible for any operational affairs, although it suggested that, since the *Yukon Act* had all authorities flow upwards to the commissioner, changes be made to solidify the role of the ECMRE as being the head of the department.⁵¹

While the report contained a specific section on the “Special Needs of Yukon Indians,” it contained few specific recommendations, stating that “most aspects of this topic have been covered in other portions of this report,” thus suggesting that the “special needs” were not really specific to Indigenous students; recommendations that would be beneficial to Indigenous students would likely be beneficial to all. The report acknowledged that the connection between home and school for Indigenous parents was particularly poor and suggested that communications be improved to ensure that Indigenous parents were aware of all that was going on in the schools. The report recommended that “Native Indian

⁵⁰ Committee on Education for the Yukon Territory 1972, *Report*, 46.

⁵¹ *Ibid.*, 53–4.

Counsellors” of Indigenous heritage and, preferably, drawn from within the community be appointed and that they have home-school communication as a primary duty.⁵²

The most progressive recommendations regarding the education of Indigenous children were made in the section concerning curricula in which it was recognized “that there is a place in the curriculum for studies of the culture, values and customs of the Yukon Indians. It also feels that any teacher with Indian pupils in their class must recognize the differences in the pupil's behavior and performance derived from differences in cultures and values. This calls for a high degree of professional understanding on the part of teachers.” This duty was clearly left to the teacher, and the report absolved the Department of Education from any responsibility to provide funding to organizations like the YNB to help support Indigenous organizations to prepare curricula or provide resources or training. The committee firmly held that the Department of Education must be responsible for the development of curriculum and resources on its own terms, although the necessity for cooperation between the department and Indigenous advocacy organizations was mentioned. Further, it underscored the responsibility of Indigenous organizations to take the primary role of supplying resource people, stating that “[t]he use of native Indians as resource people in all matters of Indian education is not only desirable but essential.” Presumably, however, only resources or resource people that the department’s curriculum mentioned or approved would be permitted in the schools. That being said, the report was firmly in favour of the development of programs and courses of study that would “serve to extend knowledge in Indian culture, values and customs” and “[t]hat every opportunity be taken from the earliest grade to build the

⁵² Committee on Education for the Yukon Territory 1972, *Report*, 84.

self-confidence and self-pride of the Indian student.” This also included the specific recommendation that courses of study be developed and instructors trained to offer Indigenous languages in school communities that desired them. However, the report did caution that, because Yukon’s Indigenous languages were primarily spoken and not generally written and therefore did not require the study of any literature in that language, there should be expectation that less time would be spent on Indigenous languages than on other additional language programs such as French.⁵³

The authors were blunt in their assessment of services provided to “handicapped” students – those with “learning disabilities” and the “mentally retarded” – as lacking. They recommended that the use of travelling clinics using professionals brought in from the south be discontinued in favour of locally provided services and, specifically, that an educational psychologist be added to the Department of Education staff. In addition, the employment of “remedial teachers” in individual schools to assist in the identification of learning barriers and their subsequent removal be encouraged and assisted wherever possible with the use of volunteer aides in classrooms. An overall theme to all the recommendations in this area was the concept of trying to include students within classrooms, schools, and the community depending on the severity of the learning needs. It lamented the fact that two “mentally retarded” students were sent “outside” in order to meet their educational needs.⁵⁴

The recommendations to formalize in legislation the practice of the Yukon Teachers Association acting as the official bargaining unit for teachers, along with changing the

⁵³ Committee on Education for the Yukon Territory 1972, *Report*, 76.

⁵⁴ *Ibid.*, 104–7.

evaluation, probation, and tenure provisions in the current legislation, were the most significant with regard to teachers and staffing.⁵⁵ These changes would later lead to the most public debate about the forthcoming ordinance once tabled and would overshadow the other changes that were proposed or were lacking in the bill tabled before council (and will be elaborated on in an upcoming section). Also notable was the recommendation that the department relax its policy of only employing certificated teachers in order to encourage more Yukoners with Indian ancestry to teach in the elementary schools.⁵⁶

There were also recommendations about kindergartens (to bring them into the public system from their current status as being managed and funded by community societies), enhancing vocational education programs to help reduce the drop-out rates, and to not change any of the arrangements in place for the Roman Catholic separate schools in the territory.⁵⁷

The final recommendation in the document may be the most significant. The committee recommended that work be done on developing a comprehensive philosophical statement on the purpose of the system of schools in Yukon. The committee might have become concerned by the diversity of opinion and desires expressed by all those who made representations to the committee and concluded that the future operation of the system and consensus for change might be less likely without an expressed common purpose for the schools in Yukon. A statement such as this would not be enshrined in legislation until 1990.

⁵⁵ Committee on Education for the Yukon Territory 1972, *Report*, 124.

⁵⁶ *Ibid.*, 130.

⁵⁷ *Ibid.*, 159.

Revised *School Ordinance* of 1974

The revised *School Ordinance* was an opportunity for the YC and the elected ExCom members to develop appropriate legislation that could show their ability to control education in Yukon. The YC argued that, despite the federal government's desire to see more curricula, language classes, programs, and services for Indigenous students, there was no need to enshrine these in legislation. They were reluctant to devolve some of their newfound authority to implement initiatives that were perceived to come from the federal government.⁵⁸ This reluctance, combined with no legislative mandate, allowed the territorial government to continue ignoring many of the demands coming from Indigenous organizations. Similarly, there was little desire to devolve more power to school advisory committees. Interestingly, the bill as drafted by the officials in Ottawa did not enshrine the role of the ECMRE, instead leaving the commissioner as the ultimate authority, potentially signalling an unwillingness, in 1974 at least, to fully commit to the experiment in devolution.

The proposed school ordinance began to be developed in earnest following the *Report of the Committee on Education in the Yukon 1972*, which was released to the public for consideration and comment. Following the report's release, the territorial government developed a policy paper in which they outlined the changes that they would propose in new legislation. The policy paper, notably, did begin with a statement of the philosophy of education in Yukon, which received little attention or debate (as opposed to the teacher bargaining and tenure provisions, which did):

Public Education in the Yukon Territory is established in accordance with the philosophy that every child in the Territory will have the opportunity to develop

⁵⁸ Johnson, *At the Heart of Gold*, 131, 143–45, 181–82.

to his fullest potential not only as an individual but also as a member of society. As an individual, he will require intellectual self-realization as well as physical, mental and emotional growth and as a member of society he will need some training to make a living and be able to integrate with his cultural surroundings.⁵⁹

The position paper sought for the revised legislation to restructure the department of education to allow for responsibilities to be better delegated, to create more Yukon-centred curricula (especially in the area of social studies), and to allow for an expansion in the number of Indigenous language classes offered. With regard to teachers, the government would not commit to creating a separate professional ordinance for teachers, nor would they require compulsory membership for teachers in the YTA but would include language to allow the YTA to officially function as the bargaining agent. It also contained the concept of formally elected school committees with a host of advisory powers that might lead to a time when “if a school committee takes full advantage of the proposals, the public will be well prepared to assume additional, and possibly full, responsibility for the local management of its school(s) affairs in the not too distant future.”⁶⁰

Many of the changes suggested by the committee did not require legislative authority, and the department began implementing some, including developing Yukon-specific resources on mining in Yukon and the early history of the Indigenous peoples of Yukon and employing a linguist to begin developing Indigenous language programming.⁶¹ The government was also proud of the process used to develop the policy paper and begin drafting an initial version of

⁵⁹ Government of Yukon, *Position Paper on the Revised School Ordinance* (1973), 1.

⁶⁰ Government of Yukon, *Position Paper*, 16.

⁶¹ Government of Yukon. *Annual Report of the Commissioner of the Yukon Territory 1973–1974* (Whitehorse: Queen’s Printer, 1974), 60.

the bill evidenced by Hilda Watson's correspondence with her counterpart in the NWT (who was also working on legislative changes in schools at the time) and the Yukon Teachers Association that mentioned the work of the Committee on Education for the Yukon and the amount of public comment that was being solicited.⁶²

All the public consultation built into the process could not avoid the fact that it was the practice to send all proposed legislation to Ottawa for the federal government's review and approval prior to tabling in the YC. Commissioner Smith sent the first draft of the bill to Ottawa for preliminary comment, acknowledging that it was deficient in several areas but mentioning that general language regarding the provision of second-language programs was preferred so that the superintendent could authorize courses of study as appropriate.⁶³ Ottawa's reply was disappointment that the draft did not contain specific language regarding the provision of Indigenous languages and special curricula for Indigenous students. Agreement was expressed, however, with the decision to not develop mechanisms for guaranteed representation on school committees for Indigenous parents, supporting the committee's assertion that it would be advisable to simply encourage Indigenous parents to run for school committee positions or make representations to the committees as any parent would be entitled to do.⁶⁴ Watson was unimpressed with this reply and, in an internal memorandum, repeated her concerns about the level of consultations that led to the territory's

⁶² H. Watson to T. Butters, March 1, 1974, Records Office Files Fonds, Yukon Archives, Gov. 2680, file 4; H. Watson to T. McNeil, September 4, 1973, Records Office Files Fonds, Yukon Archives, Gov. 2680, file 4.

⁶³ J. Smith to D. A. Davidson, August 27, 1973, Records Office Files Fonds, Yukon Archives, Gov. 2680, file 4.

⁶⁴ D. A. Davidson to F. B. Fingland, October 19, 1973, Records Office Files Fonds, Yukon Archives, Gov. 2680, file 4.

policy position on the matter and reiterating that nothing in the proposed legislation would prevent the superintendent from implementing many of the suggestions regarding the curricula or Indigenous language classes but stood firm on not mandating these changes in legislation. She expressed concerns that certain protections for certain minority groups would lead other groups who felt they were in the minority (such as teachers) to look for special rights.⁶⁵

The bill, almost 80 pages in length, took several sessions of council to prepare and was introduced to the YC for first reading on March 20, 1974. Asked by the speaker when it should be read for the second time, Watson's response requesting the following sitting day was greeted with laughter in the chamber. Indeed, full debate on the bill and the appearance of witnesses did not occur for several more weeks to give interested parties ample time to study it.⁶⁶

The debate in the YC on the bill following second reading was dominated by witnesses, and debate focused on issues regarding teachers' rights related to layoff, evaluation, and transfer. Indeed, most of the public debate on the ordinance as a whole was focused on these issues, exacerbated by two events – the firing and reinstatement of a popular Whitehorse teacher and the breakdown of contract negotiations with teachers while the bill was in front of the YC.

On June 27, 1974, the final version of the bill was assented to by the commissioner. The most significant changes made to the proposed legislation related to staff relations issues raised by the YTA. The 1960 ordinance did not recognize the YTA as the bargaining agent

⁶⁵ Hilda Watson to A-2, October 25, 1973, Records Office Files Fonds, Yukon Archives, Gov. 2680, file 4.

⁶⁶ Yukon Council, *Votes and Proceedings of the Yukon Council, 1974, Second Session* (1974).

for teachers, and the new ordinance did, along with providing the necessary mechanisms for dispute resolution. The YTA also reached out to teacher unions throughout the country to protest two clauses in the ordinance. The first was that teachers could be transferred with only seven days' notice and the second was a restriction that would have prevented teachers from pursuing a political office without first resigning from their job. Telegrams and letters from teachers and teacher unions from across the country poured into the ExCom office in Whitehorse.⁶⁷ Ontario unions were particularly supportive, with the Ontario Secondary School Teachers Federation, fresh from battling "anti-teacher legislation" in Ontario the previous December, sending a telegram "expressing disbelief that any elected body would treat teachers in the way that the Yukon revised school ordinance proposes to do" and characterizing the transfer provisions as having "a punitive ring that would be more appropriate in a police state".⁶⁸ The YC had relented on both issues, and the passed bill had the offending clauses removed.⁶⁹

Despite the development of the ECMRE as an elected member of the YC responsible for the portfolio, there are no references within the ordinance to the role or authority of the ECMRE. Instead, the commissioner remained as the highest authority in the system on all matters. The federal government, which was initially cool to the idea of an increasingly

⁶⁷ Canadian Teachers Federation to H. Watson, Telegram, April 30, 1974, Records Office Files Fonds, Yukon Archives, Gov. 2680, file 4; W. Smith to J. Smith, May 17, 1974, Records Office Files Fonds, Yukon Archives, Gov. 2680, file 4.

⁶⁸ O. S. S. T. F. to L. Adams, Telegram, May 9, 1974, Records Office Files Fonds, Yukon Archives, Gov. 2680, file 4.

⁶⁹ Yukon. *An Ordinance to Amend the School Ordinance* 2nd Session, 22nd Yukon Council, 1974, Assented to 27 June 1974.

powerful executive council, would not make any changes to the *Yukon Act* that would allow for language that enshrined the ECMRE in the ordinance.⁷⁰

The superintendent of schools was made responsible for all operations of the schools, and subordinate officers were designated to carry out many of the functions that were required of the superintendent. In addition, the duties of a school principal were enumerated in a far more prescriptive fashion than in the 1962 ordinance, and principals were given much greater latitude in the suspension of pupils (although pupils were also granted mechanisms of appeal that were not formerly present).

The language from the 1962 ordinance about territorial and district schools (the latter organized under and run by school boards, should they be formed at some point) was kept entirely unchanged. The “School Committee” was to remain as an advisory body to schools and superintendents but in a more formal manner with regard to the election of parents. While informal school committees and parent-teacher associations had been in existence since the 1962 ordinance, the revised ordinance formally recognized them as a corporate body and specified the manner by which the committee was constituted and members elected. While this section slightly expanded the list of affairs that the committee was entitled to be privy to, it continued to limit their actions to discussion, requests, and formulating recommendations (with the sole exception of the ability to approve the allocation of school days for extra-curricular activities).⁷¹

⁷⁰ Johnson, *At the Heart of Gold*, 123; Government of Yukon, *Position Paper*.

⁷¹ See Appendix A for the full list of school committees’ authorities.

Finally, after a single section containing the duties of teachers, which, interestingly, contained fewer specified duties than the 1962 ordinance, the remaining sections of the ordinance were devoted to the working conditions of teachers and the establishment of the Yukon Teachers' Association as the bargaining agent for teachers and selected staff (e.g., kindergarten instructors and some Aboriginal language instructors) and mirrored much of what was contained in the *Yukon Public Service Staff Relations Ordinance* that applied to the other territorial civil servants.

What was conspicuously absent from the newly passed ordinance was any reference to Indigenous language instruction, curricula, or personnel. Instead, the wording of the act was kept very general in order to permit these things. For example, section 115(1) specified that "All schools shall be taught in the English language, but the Superintendent may permit any class or course to be taught in another language in any school."⁷² This section would come under scrutiny several years later, but for the moment there was little appetite for enshrining any efforts to improve the schools for Indigenous students into the law.

Public Involvement in Education – The Education Council and School Committees

School committees had been in existence since the 1960 *School Ordinance* but had been continually frustrated by their advisory nature, since much of their advice was summarily dismissed by the Department of Education. As a result, interest in the committees waned at times throughout the years. Greater influence with the department was realized when

⁷² Yukon. *An Ordinance to Amend the School Ordinance* 2nd Session, 22nd Yukon Council, 1974, Assented to 27 June 1974.

committees banded together to amplify their concerns, and this strategy was also required after the 1974 revised ordinance because it did not increase committees' powers and authorities.

After the formalization of the school committees as corporate bodies and listing their powers and responsibilities in the 1974 ordinance, a concerted effort was made by the Department of Education to see these committees become active. A booklet was produced containing a blank template petition to the commissioner, a detailed description of the matters under the purview of school committees, and extracts of the ordinance with the relevant sections relating to the functioning and responsibilities of the committees.⁷³ Twenty schools had school committees created, a move that was greeted with optimism by the department along with the expressed hope that “during the continued political evolution in the Yukon these committees will be provided with the opportunity to make an even greater and more significant contribution.”⁷⁴

Many school committees were closed groups, made up of members who were elected year after year and who began to resent their decisions and authority being questioned by other parents. This came to a head with a drawn-out battle between committees and some members of the public over making the minutes of the meetings accessible to the public. These battles were fought by committees that were making a habit of exceeding the limits of their statutory authority by discussing and commenting on the behaviour or progress of

⁷³ Yukon Department of Education, *Handbook for School Committees* (1974).

⁷⁴ Yukon Department of Education. *Annual Report to the Commissioner by the Superintendent of Education 1974–1975*, (1975), 5.

individual students.⁷⁵ In addition, Indigenous parents were woefully under-represented on school committees, sometimes with no representation on committees of schools having a majority of Indigenous students.⁷⁶

The ECMRE during 1975, Dan Lang, heard quickly that the committees felt somewhat isolated in their efforts and proposed that representatives travel to Whitehorse to gather and discuss issues of mutual concern.⁷⁷ In addition, the new ordinance required the superintendent to convene a meeting at least once each year to allow the superintendent to present his or her report, to allow the committees to advise the superintendent on the operation of schools and educational programming, and to consider any matters brought to the committees' attention by the department.⁷⁸ A meeting was held in December 1975 to fulfill both the statutory requirement and to give the committees an opportunity to discuss matters and bring them up directly with the superintendents and the ECMRE. Committees were encouraged to prepare to discuss any matter they wished to bring up – an invitation that was clearly embraced by the committees that were able to send representatives in that the meeting resulted in 31 resolutions being passed for the consideration of the department.⁷⁹

The desire of school committee members to have input into the operation and programming of the schools was apparent in the wide-ranging concerns expressed through the

⁷⁵ S. B. Horton to T. A. Weninger, January 11, 1979, Yukon Government Records Fonds, Yukon Archives, Acc. 97-83, Box 235B/06, "School Ordinance General Correspondence".

⁷⁶ "School Committees Deal with Policy," *Whitehorse Star*, November 19, 1976.

⁷⁷ D. Lang to School Committees, July 22, 1975, Records Office Files Fonds, Yukon Archives, Gov. 2403, file 4.

⁷⁸ Yukon Department of Education. *Annual Report to the Commissioner by the Superintendent of Education 1975–1976*, (1976), 40.

⁷⁹ T. A. Weninger to School Committees, November 21, 1975, Records Office Files Fonds, Yukon Archives, Gov. 2403, file 4; Yukon Department of Education, Yukon Department of Education. *Annual Report to the Commissioner by the Superintendent of Education 1975–1976*, (1976), 40.

resolutions discussed at the meeting. These concerns ranged from specific issues (for example, relating to the provision of physical education programming and which sorts of beverages could be served in schools) to big-picture concerns (about the nature and composition of the committees themselves and the use of corporal punishment in schools).⁸⁰

This model of an annual meeting to discuss the superintendent's report and a school committee conference continued throughout the rest of the 1970s. While the level of interest in the conference was high judging by the level of attendance and coverage in the local newspaper, there was growing frustration that the resolutions being passed each year were less and less being considered and actioned by the Department of Education.⁸¹ In addition, it was clearly felt by the attendees of the conference that a single meeting each year was not sufficient to carry forward the concerns of the committees with any momentum. Instead, they proposed creating an executive committee made up of a set ratio of urban and rural committee members to meet continually throughout the year and to liaise with the department and the ECMRE. While there was immediate excitement and willingness to move on this idea at the 1976 meeting, there was some concern that more time and thought should be given by all school committees with regard to their composition and functions.⁸² They did agree, however, that a body with "direct lines of communication to the [ECMRE]" was required.⁸³

⁸⁰ Summary of Motions, School Committees Conference, December 19, 1975, Records Office Files Fonds, Yukon Archives, Gov. 2403, file 4. It should be noted that all the resolutions that I have provided as examples were passed, except the one relating to corporal punishment, which was soundly defeated.

⁸¹ "School Supt. Makes Report," *Whitehorse Star*, November 22, 1976.

⁸² "School Committees Delay Exec. More," *Whitehorse Star*, November 22, 1978; "School Committees Deal with Policy," *Whitehorse Star*, November 19, 1978.

⁸³ Yukon Department of Education, *Education Handbook 1985–1986* (1985), 62.

The Department of Education and the ECMRE clearly wanted to manage such a structure in order to implement its authority to simply provide collective advice, and they took the lead in proposing the terms of reference for the structure, naming it the “Education Council.”⁸⁴ These terms of reference included creating a council of 10 members (eight elected from school committee representatives and another two appointed by the ECMRE), terms of two years with term limits of a maximum of six years, and a minimum of four meetings each year. In addition, council members would be remunerated in the same manner as the government’s other advisory panels. The government was not willing to make any of the council’s decisions binding, however, limiting its powers and duties to considering and advising the ECMRE on all matters affecting education in Yukon, reviewing and assessing the aims and objectives of the educational system and giving advice in this regard, and (with the approval of the ECMRE) initiating studies of matters relating to education.⁸⁵

It took until the fall of 1978 for the Department of Education to announce the creation of the Education Council, with the ECMRE, Eleanor Millard, stating that “it’s a very positive step in the evolution of decision making by school committees in Yukon. The school committee concept has developed to the point where it is essential for our policy makers to have direct access to the public through their elected members on the school committees. The Education Council will satisfy this much needed role.” In stating this, it was clear that the government supported the new structure as an easier way to obtain information and advice

⁸⁴ “Students’ Special Needs Topic of School Meeting,” *Whitehorse Star*, November 17, 1978.

⁸⁵ Yukon Department of Education, *Handbook 1985–1986*, 62.

from committees than as a mechanism for committees to exert any sort of policy demands.⁸⁶ For the time being, the final say on any matters relating to education would not be devolved beyond the Department of Education or the ECMRE.

One group of stakeholders was not interested in participating in the newly formed council: members of the Indigenous groups concerned with education despite their under-representation on individual school committees. A letter from the four major organizations interested in educational issues collectively known as the Yukon Indian Planning Council stated that, since their aim was “Indian Control of Indian Education,” participation on this advisory council would not be consistent with that aim.⁸⁷ Further correspondence from the ECMRE to the Yukon Indian Planning Council indicated that two positions on the council would remain held for the appointment of Indigenous representatives should candidates be nominated; however, a follow-up news release did not specify that the appointments would be targeted for Indigenous representatives.⁸⁸

The first meeting of the Education Council was on April 7, 1979, was attended by the Government Leader along with the superintendents, and was concerned primarily with examining each of the resolutions passed at the previous November’s school committee

⁸⁶ News Release: Education Council Announced, October 24, 1978, Yukon Government Records Fonds, Yukon Archives, Acc. 97/105, Box 303A/10, "Education Council 1978–1979".

⁸⁷ Yukon Indian Planning Council to E. Millard, December 14, 1978, Yukon Government Records Fonds, Yukon Archives, Acc. 97/105, Box 303A/10, "Education Council 1978–1979".

⁸⁸ H. Tracey to H. Allen, January 2, 1979, Yukon Government Records Fonds, Yukon Archives, Acc. 97/105, Box 303A/10, "Education Council 1978–1979"; News Release: Education Council Supported, January 15, 1979, Yukon Government Records Fonds, Yukon Archives, Acc. 97/105, Box 303A/10, "Education Council 1978–1979".

conference.⁸⁹ One activity that immediately engaged the Education Council in active participation in educational decision-making was the inclusion of one of the members on a department committee, along with representatives of the Yukon Teachers Association, in the evaluation of applications for “Innovation Grants” from various teachers throughout Yukon and the subsequent decisions on the merits of the grant applications and the funding levels sought by the applicants. This appeared to be a hastily implemented scheme by the department that was met with initial skepticism by teachers, as evidenced by a lack of applications until the last minute.⁹⁰

Subsequent meetings throughout 1979 focused mostly on operational issues and monitoring the status of two consultative processes that were underway at the time – a BC consultant was looking into the state of special education in the territory, and a Yukon principal had been seconded to examine the possibility of expanding high school programming in some of the smaller communities.⁹¹ These two reports would prove very influential in the start of the next era of Yukon’s constitutional development and would highlight the intense control that continued to be exerted by the Department of Education. Discussions about the governance of schools, including moving towards school boards, was a

⁸⁹ Education Council Meeting Minutes, April 7, 1979, Yukon Government Records Fonds, Yukon Archives, Acc. 97/105, Box 303A/10, "Education Council 1978–1979". Following the 1978 territorial election that was contested by political parties, the leader of the party with the most seats was titled Government Leader, which would later change to Premier.

⁹⁰ T. A. Weninger to Education Council Members, June 6, 1979, Yukon Government Records Fonds, Yukon Archives, Acc. 97/105, Box 303A/10, "Education Council 1978–1979"; W. Ferguson to G. Yakimow, May 30, 1979, Yukon Government Records Fonds, Yukon Archives, Acc. 97/105, Box 303A/10, "Education Council 1978–1979".

⁹¹ Education Council Minutes, December 8, 1979, Yukon Government Records Fonds, Yukon Archives, Acc. 97/105, Box 303A/10, "Education Council 1978–1979".

regular topic of discussion, with resistance expressed by the territorial politicians who warned the council that boards would result in higher territorial taxes.⁹² Only a few years later, school committees would grow tired of these warnings and, increasingly dissatisfied with only an advisory role, would make repeated calls for more actual authority to be devolved to the committees in the absence of the creation of boards.⁹³

Competing Interests Clash: Indigenous Education

The issue of Indigenous education continued to be one where the competing interests of the federal government, territorial government, Indigenous organizations, and local school communities would clash. Some movement in improving the curricula and developing language programs in the public schools was made, but it was not enough. A critical report of the territorial system resulted in one Indigenous community creating its own school, which was only to last a few years because of the small size of the community.⁹⁴ The competing interests conflicted most clearly, however, in the teaching of Indigenous language at the Haines Junction school in 1977.

As land claim negotiations were slowly continuing, developments in Indigenous education in Yukon schools was evolving, in many aspects, following the recommendations of

⁹² Education Council Minutes, September 8, 1979, Yukon Government Records Fonds, Yukon Archives, Acc. 97/105, Box 303A/10, "Education Council 1978–1979".

⁹³ School Committee Conference Resolutions 1975–1985: Resolutions Addressing the Evolution of the Role and Authority of School Committees, Yukon Government Records Fonds, Yukon Archives, Educ. 94.07, Box 303a, 3–4, "Education Council 1987".

⁹⁴ Ted Parnell, "A Summary of a Y. A. N. S. I. Report on Education Called 'Barriers to Education,'" 1976; Nadasdy, *Hunters and Bureaucrats: Power, Knowledge, and Aboriginal-State Relations in the Southwest Yukon*, 51.

the 1972 committee. Indigenous representatives were being elected to school committees and were gathering annually in Whitehorse with their contemporaries from throughout the Yukon to discuss educational matters with the superintendent and developing resolutions that were subsequently brought to the ECMRE for consideration.⁹⁵ Locally developed curricula and materials were being developed, including “Early Yukon Cultures” for social studies in Grade 4. (This was followed, however, by the “Oh, to Be a Placer Miner!” unit that was completely uncritical of the land rights of Indigenous peoples and glorified the economic interests of miners.)⁹⁶ In 1977, the Department of Education developed, in conjunction with the University of British Columbia, two three-year programs to train elementary teachers. One was a single-year program for students with two years of university education already completed, and the other was a start-to-finish three-year program that included flexible entrance requirements for mature students.⁹⁷

The Yukon Native Language Centre was founded by the CYI in 1977 and operated out of a classroom in Whitehorse Elementary School in a partnership between the CYI and the territorial government.⁹⁸ Starting after the new ordinance was assented to, several schools – mostly rural and ones where Indigenous students predominated – began to offer Indigenous language classes to students, often taught by local elders who were paid by the territorial

⁹⁵ Government of Yukon. *Annual Report of the Commissioner of the Yukon Territory 1975–1976* (Whitehorse: Queen’s Printer, 1976), 36; J. Ferbey to D. Lang, December 16, 1976, Yukon Government Records Fonds, Yukon Archives, acc. 2007-67, box 280-2, “School Ordinance - General”.

⁹⁶ Government of Yukon. *Annual Report of the Commissioner of the Yukon Territory 1976–1977* (Whitehorse: Queen’s Printer, 1977), 36.

⁹⁷ Government of Yukon. *Annual Report of the Commissioner of the Yukon Territory 1977–1978* (Whitehorse: Queen’s Printer, 1978), 20.

⁹⁸ Coates and Morrison, *Land of the Midnight Sun*, 288.

government (unlike in the rest of Canada where federal funds were transferred to bands to contract their own instructors).⁹⁹

In 1976, YANSI released their *Barriers to Education* report which remained quite critical of the territorial education system, pointing out, among other things, that most schools in Yukon were devoid of any Indigenous culture.¹⁰⁰ One Yukon Indigenous community, the Kluane Tribal Brotherhood in Burwash Landing, decided to take decisive action and informed the government that they were going to set up their own school to open in the fall of 1978 as a private school. There was some concern with the territorial government whether this was permissible and, if so, to what extent would the territorial government be able to regulate such a school. The government's solicitor was clear in telling department officials that there was nothing they could do to prevent the opening of this school and that their only ability to regulate the school would be to not excuse students from compulsory attendance in a territorial school if the quality of the education they were receiving at the private school did not satisfy the superintendent (but which would also require prosecuting parents if they did not then register their children in the public school).¹⁰¹

In 1979, the territorial government entered into an agreement with the Kluane Tribal Brotherhood to fund the school, avoiding the need to have two schools in the community and supporting the development of curricula and materials. The agreement allowed the territorial government oversight of the school and ensured that non-Indigenous students would be

⁹⁹ J. Ferbey to D. Lang, December 16, 1976.

¹⁰⁰ Coates and Powell, *The Modern North*, 138.

¹⁰¹ S. Horton to T. Weninger, June 22, 1978, Yukon Government Records Fonds, Yukon Archives, acc. 2007-67, box 280-2, School Ordinance - General".

welcome to attend. The members of the Yukon Legislative Assembly (YLA, formerly the Yukon Council) were pleased with this development, with one stating “that the Territorial Government has shown a willingness to recognize parental control, to recognize cultural priorities of parents and to recognize the place that the Yukon native people have within our education system. And I say that the beneficiaries of that will be all of our children.”¹⁰²

The school, with a member of the Kluane Tribal Brotherhood as teacher, made explicit efforts to include cultural values and traditional knowledge as part of all of the lessons taught and included activities where students were taken out of doors to develop hunting and trapping skills. All of these activities were in addition to an effort to include as much of the prescribed territorial curriculum as possible. The school was considered successful, and many students remember it as one of their fondest educational experiences. However, a drop in enrolment forced the school to close its doors after only a few years, and the territory took back full control of all public education offered in the community.¹⁰³

The Haines Junction Language Debate

One development that best connects the issues of representative government, local control, and Indigenous reconciliation and displays the tensions and disagreements between Indigenous peoples and the settler population was a controversy that erupted in the spring of 1977 concerning the teaching of the Southern Tutchone language at Saint Elias School in Haines Junction.

¹⁰² Yukon, Legislative Assembly, *Hansard* (October 15, 1979), p. 387 (Iain MacKay).

¹⁰³ Nadasdy, *Hunters and Bureaucrats*, 51–2.

A teacher, with the support of the parents of the students in his class and the Department of Education, had invited community members to teach the local Indigenous language to his Grade 3 and 4 students.¹⁰⁴ He had, however, neglected to consult the school committee on the issue, and they were quite opposed to the option, feeling that all instruction during the day should be in English or French. Meetings of the committee became so heated that one committee member resigned in protest. During a by-election to fill her seat, voters were asked to complete a ballot-style questionnaire with the following questions:

1. *Should languages other than English or French be taught at the Haines Junction school?*
 - a. *During regular hours in a school year?*
 - b. *Outside regular school hours in a school year?*
 - c. *During summer break?*
2. *Should the territorial department of education pay for the instruction of languages other than English and French in the Haines Junction school?*¹⁰⁵

The Indigenous parents in the community were encouraged to boycott the vote because of the wording of the questions, which the CYI claimed was designed to sway the vote. In addition, since the wording included other languages “beyond English and French,” there was worry that if the vote passed, the school committee could argue that another non-Indigenous language class be added instead. The boycott caused the “no” contingent to carry the vote, which put the future of the classes “up in the air”.¹⁰⁶

Watson, acting in her capacity as the YLA member representing that area, wrote to then Minister Dan Lang, appealing to him to “let the decision be made at the local level.” She

¹⁰⁴ See Figure 2 (prior to Chapter 1) for a map of Yukon’s Indigenous languages and where they are spoken.

¹⁰⁵ “Junction Vote on Language,” *Whitehorse Star*, April 1, 1977.

¹⁰⁶ “Junction Language Class ‘Up in Air,’” *Whitehorse Star*, April 2, 1977.

advised him that the results of the local poll should supersede a recent motion made in the YLA that endorsed the teaching of Indigenous languages in Yukon schools. She also advised him to ignore the advice of the commissioner who, in keeping with Ottawa's desire to see language classes offered, wanted to see the classes continue.¹⁰⁷ Lang decided to keep the class but mandated that it be moved to after-school hours, a solution that pleased both the school committee and Watson.¹⁰⁸

However, this decision infuriated the CYI, and they decided to leverage the controversy into the land claim negotiations process. CYI Chair Daniel Johnson felt that the decision put into "question YTG [Yukon Territorial Government]'s ability to participate effectively in the formulation of the far greater issues involved in the settlement of the Yukon Indian land claim" and that "if we can't come to grips with something like this and resolve it...it will lead us to speculate 'what will the YTG's competence be in assisting the federal government and the Indian people in developing a claim that's supposed to be for the benefit of the people in the Yukon?'"¹⁰⁹ When greater scrutiny was applied to the mechanism of the voting on the issue, there was some speculation that the "yes" vote might have been suppressed by not allowing Indigenous people who might have needed help in interpreting the ballot any assistance and accusations that non-Indigenous individuals who were not eligible to vote were given ballots.¹¹⁰ An investigation into the matter was launched.¹¹¹ Minister Lang and

¹⁰⁷ H. Watson to D. Lang, April 5, 1977, Yukon Government Records Fonds, Yukon Archives, acc. 2007-67, box 280-2, School Ordinance - General".

¹⁰⁸ "Lang Approves Classes after Hours," *Whitehorse Star*, April 13, 1977.

¹⁰⁹ "YTG Position Put on Line," *Whitehorse Star*, April 15, 1977.

¹¹⁰ "YTG Position Put on Line," *Whitehorse Star*, April 15, 1977.

¹¹¹ Johnson, *At the Heart of Gold*, 159.

newspaper editors expressed disappointment with the boycott of the vote, stating that it would have been an opportune time for Indigenous peoples to exercise their democratic rights and that they ought to abide by the results of the vote since they chose not to participate.¹¹²

The YLA waived the rules to allow an emergency debate on the issue, since some Indigenous parents were choosing to hold their students back from school in protest. Minister Lang's position defaulted to a common refrain of non-Indigenous people who accused "outside" influences and organizations of being opportunistic, using this event to highlight the "lawyers and researchers...which are funded 'by everybody's tax dollar'" as inappropriately inflating the event as an opportunity to "go for the jugular." He chose to blame the superintendent, school principal, and supervising teacher for mishandling the entire affair, rejecting calls for him to resign over the matter. The YLA passed a motion calling for the continuation of the course during school hours, and Minister Lang did agree to have the class held during school hours until a thorough investigation had been done.¹¹³

The class was left untouched for the remainder of the year and continued in subsequent years, but the incident brought to the fore the tensions of local control versus the overall political will of the territorial government, especially regarding the extent to which schools could be used to address and resolve the desires of Yukon's Indigenous peoples.

¹¹² "Democracy Dumped," *Whitehorse Star*, April 11, 1977.

¹¹³ "Language Class Back in Classroom," *Whitehorse Star*, April 18, 1977.

The Diminished Commissioner: Responsible Government Arrives in Yukon

The 1970s was a decade when, indeed, elected Yukoners were able to enhance the federal government's confidence in their ability to effectively govern themselves, starting with overseeing the Department of Education. Watson and her successors were able to successfully manage the Department of Education, resulting in an increased number of seats on the ExCom being granted to elected members of the YC until they achieved the majority of seats in 1977. While that experiment in local governance was underway, a new experiment was also beginning: the negotiation of land claims for Yukon's Indigenous peoples, spurred on by attempts to revert federal policy back to requiring the extinguishment of Aboriginal title (as with the numbered treaties).¹¹⁴ Education played a central role in this process, both as a cause (as one of the colonization experiences that subjugated Indigenous peoples) and as an aspirational goal (to create educational systems that valued their language and culture).

In the midst of both of these developments, the territorial government decided to revise the *School Ordinance* to reflect some of the changes in governance and also formulated a new Committee on Education to solicit the views of Yukoners about their school system. Despite numerous suggestions for change, changes to the ordinance were more focused on labour relations to the exclusion of increased governance at the local level or the inclusion of language that would bind the system to enhance programs and services for Indigenous students. While school advisory committees were enshrined in the new ordinance as a

¹¹⁴ Floyd William McCormick, "Inherent Aboriginal Rights in Theory and Practice: The Council for Yukon Indians Umbrella Final Agreement" (PhD diss., University of Alberta, 1997), 108–109.

corporate body, their powers and authority were not enhanced, which led to continued dissatisfaction with their ability to influence the actions of the Department of Education. Joining forces at school council conferences, they were able to more forcefully communicate their desires, which led to the creation of a territory-wide advisory body to the minister of education, the Education Council.

Finally, throughout the 1970s, the role of the commissioner continually diminished as the number of elected YC members increased on the ExCom. This gradual transfer of administrative and executive control from the commissioner to the elected members was, again, coupled with Yukon's MP Erik Nielsen advocating for further changes to the *Yukon Act* to enshrine more facets of responsible government in the legislation. While he was unsuccessful in having responsible government enshrined in legislation, he was able to see the size of the territorial legislature increased to allow a majority faction, not elected through political parties but with similar partisan views, large enough to field enough ExCom members to be responsible for the available portfolios. In addition, he was successful in lobbying the minister of DIAND to provide updated letters of instruction to the commissioner to further reduce the power of that position, a mechanism that would eventually be used to bring responsible government to Yukon.

On April 10, 1974, the *Yukon Act* was amended by Parliament to increase the size of the YC from seven to 12 members (with the potential to increase the number to 20 if the population warranted the increase), and the council was renamed the Yukon Legislative Assembly (YLA).¹¹⁵

¹¹⁵ Johnson, *At the Heart of Gold*, 251; Smyth, *The Yukon Chronology*, 30.

In 1976, Commissioner James Smith resigned from the position after 10 years and was succeeded by Dr. Arthur Pearson, a former Yukoner and biologist who was brought back from Edmonton and was sworn in on July 1, 1976.¹¹⁶ During Pearson's tenure as commissioner, the position of assistant commissioner was eliminated and not replaced on the ExCom, which gave the elected members the majority of seats.¹¹⁷

In December of 1977, the minister of DIAND instructed the commissioner to add a fourth member to the ExCom, tipping the scales of power towards the elected members even further.¹¹⁸ 1978 brought another territorial election to the Yukon, which was notable as being the first election that was allowed to be contested by political parties – a change Watson had actively been advocating since January 1977.¹¹⁹ The New Democratic Party (NDP), Liberals, and Progressive Conservatives all selected leaders and began assembling slates. This development was later described in the government's 1978–1979 annual report as a step that “enhanced the concept of executive responsibility to the Assembly and permitted a further devolution of responsibility and authority to elected members.”¹²⁰ The size of the legislature was again increased, to 16 members.¹²¹

There was some concern of how ExCom seats would be distributed if no party achieved a majority of seats in the legislature. However, a majority Progressive Conservative government was elected, which more easily allowed the experiment in territorial governance

¹¹⁶ Johnson, *At the Heart of Gold*, 320.

¹¹⁷ Michael, *From Sissons to Meyer*, 147.

¹¹⁸ Smyth, *The Yukon Chronology*, 36.

¹¹⁹ *Ibid.*, 34.

¹²⁰ Government of Yukon. *Annual Report of the Commissioner of the Yukon Territory 1978–1979* (Whitehorse: Queen's Printer, 1979), 3.

¹²¹ Smyth, *The Yukon Chronology*, 40.

to continue with an ExCom made up of members from one political party. The additional ridings resulted in more rural ridings that featured predominantly Indigenous populations and in the election of the first two Indigenous members of the YLA, one of whom was immediately appointed to the Executive Committee.¹²² The minister of DIAND also allowed the Executive Committee to determine its own size so that portfolios could be allotted by Chris Pearson, the leader of the Progressive Conservatives, who became the Government Leader.¹²³

In December 1978, long-time Yukoner and Whitehorse Mayor Ione Christensen was appointed commissioner.¹²⁴ Territorial commissioners were appointed by federal orders in council and reported to the minister of DIAND, who, periodically, issued letters of instruction to them. In 1976, the minister wrote to Commissioner Pearson, stating, “I wish to encourage the constitutional and political evolution of the Territory and believe that responsible government should be regarded as a viable option in the foreseeable future” and, while confirming the authority of the position, suggesting that the commissioner defer whenever possible to the will of the Executive Committee and the YC.¹²⁵

Commissioner Christensen’s letter of instruction upon appointment was more pointed and bound her to follow the advice of the Executive Committee in the development and introduction of legislation except in certain areas including Indigenous affairs, finance, territorial legislation administered by the federal government, and employment of civil

¹²² Johnson, *With the People Who Live Here*, 334.

¹²³ Smyth, *The Yukon Chronology*, 40.

¹²⁴ Johnson, *At the Heart of Gold*, 320.

¹²⁵ Cameron and Gomme, *A Compendium of Documents*, 145.

servants.¹²⁶ The YLA took these instructions to heart and began to cut the commissioner out of many of the meeting and conversations to which she normally would have been included, a move to which she objected.¹²⁷ A federal election in 1979 increased the winds of change as a Progressive Conservative minority government was elected with Joe Clark as prime minister, who had promised in an earlier campaign to support the transition of Yukon into a province.¹²⁸ This resulted in political alignment between the federal and territorial legislatures, and, helped along by the territory's long-serving PC MP Erik Nielsen, talks between Ottawa and the Government Leader in Yukon progressed to further reduce the role and authority of the commissioner.¹²⁹

Jake Epp was appointed the federal minister of DIAND and, as the ultimate sign of confidence in the elected YLA members, issued an updated letter of instruction to Commissioner Christensen on October 5, 1979, a letter known in Yukon's political history as the *Epp Letter*. In it, he set out conditions that bound the commissioner to act on the advice and consent of the legislature, making the position of commissioner – in practice – much like a provincial lieutenant governor. In doing so, he officially released much of the federal government's day-to-day executive, legislative, and administrative powers to the elected legislature and brought responsible and representative government to Yukon. Responsible government had arrived.¹³⁰

¹²⁶ Cameron and Gomme, *A Compendium of Documents*, 156–7.

¹²⁷ Johnson, *At the Heart of Gold*, 206–7.

¹²⁸ Smyth, *The Yukon Chronology*, 9.

¹²⁹ Johnson, *At the Heart of Gold*, 209.

¹³⁰ Michael, *From Sissons to Meyer*, 123; Cameron and Cameron, "The Yukon Legislative Assembly: Similar in Form, Different in Style and Function"; Cameron and Gomme, *A Compendium of Documents*, 159–62.

Chapter 4 – 1979–1990 – Responsible Government until the *Education Act* of 1990.

Following the achievement of responsible and representative government, the desire to improve Yukon's educational system played a central role throughout the 1980s in conversations about Yukon's future. As the territorial government gained powers from the federal government, its confidence in those powers would, in turn, eventually be reflected in its willingness to further devolve authority over schools to the local level.

However, despite having gained the power to govern its own affairs through the *Epp Letter* and responsible government, the territorial legislature did not immediately and confidently chart a new course for the Yukon. This reluctance to broadly exercise its powers was not due to a lack of ambition but to the need to consolidate and stabilize the bureaucratic structures of territorial governance (including the Department of Education) in a time of great economic uncertainty in the early 1980s. In addition, the repatriation of Canada's Constitution and the continued fractious negotiations of land claims continued to create insecurity with regard to Yukon's future status both as a territory (since there were questions about land transfers as part of Indigenous land claims) and as a potential province. Although discussions over the provision of education for Indigenous students was still associated with the land claim negotiations, the territorial government was able to strike an agreement whereby Indigenous students remained in the territorial public school system controlled by the Department of Education. The uncertainties about Yukon's future were reflected in the schools by a lack of change in the early 1980s. With the exception of increased accommodations to meet the needs of Indigenous students, the few changes in the early part of the decade in schools were simply an evolution of initiatives that had started in the 1970s – an

increase in French language programming and higher grades being offered in the rural communities. The latter became more of a priority as the political power of rural communities increased through the expansion of the YLA. This lack of change in schools was capitalized upon by the opposition MLAs in the territorial legislature, who established an independent task force to evaluate Yukon's schools.

Things began to change in the middle of the decade as a result of three concurrent developments that resulted in greater optimism and vision for Yukon's future: the election of a new territorial government; the development of a consistent funding formula for the territory with the federal government; and renewed and revitalized negotiations for Indigenous land claims and other constitutional matters. This optimism allowed the territorial government to engage in a forward-looking process of economic development planning and to gain a sense of confidence in devolving powers further to the local level.

Included in the list of new laws was a completely revised *Education Act* following seven years of consultation and negotiations between the territorial government, Yukon's First Nations, local school committees, and the public. Two themes had continued to emerge from the consultations, both focused on governance: better representation of Indigenous parents and organizations in order to effect changes that would encourage greater success for Yukon's Indigenous students, and increased local control of schools in general. These were matched by the federal government's agreement to the notion of Indigenous self-government through the land claims process and the territorial government's confidence in its power to the point where it was comfortable with divesting itself of the business of operating schools. Both of these themes were well represented in the position papers and drafts that initially aroused significant criticism but resulted in consensus on a new *Education Act* that formally

recognized Yukon First Nations' potential for jurisdiction over education along with an option for communities to assume control over education at the local level through the creation of new governance structures.

Yukon Achieves Responsible Government

Despite the watershed moment that was the arrival of responsible government in Yukon, put into motion by the instructions contained in the *Epp Letter*, there was little immediate appetite for radical change. The reasons were the unexpectedness of the change, which resulted in the resignation of the commissioner, the need to develop an effective bureaucratic structure to support the newly responsible cabinet, and a sense of overall unease about the territory's future because of its reliance on the mineral extraction industry in the face of low mineral prices and high inflation.

Commissioner Christensen unexpectedly resigned just days after her receipt of the *Epp Letter*, claiming that she could not continue in a position that maintained a great deal of responsibility with none of the authority required to ensure her responsibilities were adequately addressed, particularly in the area of land claims.¹ There was certainly no question that Yukon had been moving steadily toward responsible government and a diminished role for the commissioner, but she felt that the transition to responsible government had come "too far, too fast."² The previous commissioners, Pearson and Fingland, had experienced a steady erosion of the day-to-day executive authority of the commissioner, which had taken place

¹ Johnson, *At the Heart of Gold*, 213.

² Smyth, *The Yukon Chronology*, 45.

since the elected members of the ExCom gained the majority of seats in 1977. Following that, the 1978 election was the first to be fought along party lines and resulted in a majority of politically aligned members in the YLA who effectively formed a “government” side of the legislature. In the immediate aftermath of that election, and continuing the practice of the previous commissioner, the commissioner was expected to assent to the will of the elected members of the ExCom but was still an active part of the discussions representing the federal interest. A further minimization of the role of commissioner was that many of the issues presented at the ExCom had already been debated and decided upon during party caucus meetings and the ExCom meetings chaired by the commissioner became only a formality. A bolder move on the part of the YLA was the unceremonious removal of the commissioner’s chair from the legislative assembly following a motion by the YLA to authorize the removal. These symbols of the commissioner’s loss of authority were accompanied by some serious dilemmas that were presented by the *Epp Letter*. For example, the letter stated that she was also expected to play a “large role” in the ongoing land claim negotiations but was not able to participate in the territorial government’s discussions on its position in the matter.³ Christensen’s resignation, the reasons behind it, and issue of the pace at which Yukon obtained responsible government were publicly debated in the media for some time after it took effect.⁴

A second factor that slowed the pace of legislative change following the *Epp Letter* was that the structure of the Yukon Government’s bureaucracy needed to change in order to

³ Cameron and Gomme, *A Compendium of Documents*, 160.

⁴ Smyth, *The Yukon Chronology*, 45.

accommodate the loss of the commissioner's role in the day-to-day activities of governing the territory. One of the most significant changes that was visible to the public was that the Executive Committee was to be retitled the Executive Council and could be referred to as "Cabinet," bringing the structure in line with provincial structures. Further, the Government Leader was entitled to use the title of "Premier," and YLA members in charge of portfolios could use "Minister."⁵ The commissioner was now, effectively, in the role of a provincial lieutenant governor in practice, although the federal legislation that would enshrine this role would not be passed until 2003, nor would the title of the position change.⁶

The conversion of the Executive Committee into the Cabinet trickled down through the organizational structure of Yukon government to more closely reflect those structures in the provinces. The highest profile change was the retitling of the Superintendent of Education as Deputy Minister of Education in 1980, indicating clearly how the head of the Department of Education was beholden to the elected minister.⁷ This change also affected the nimbleness of the Department of Education as a whole because much more time and effort were being spent on reacting to problems and providing information to the minister rather than keeping the department's attention focused on the operation of schools. Unlike in the past, when major decisions could be made simply by convincing the commissioner, who held all the executive authority of the government, decisions now had to be more thoroughly consulted about and assessed for their political palatability. The result was a sense of organizational paralysis that required a study commissioned by the Yukon Public Service Commission to

⁵ Cameron and Gomme, *A Compendium of Documents*, 161.

⁶ Johnson, *With the People Who Live Here*, 334.

⁷ Yukon Department of Education. *Annual Report Department of Education 1980–1981*, (1981).

identify ways to make the department more functional. The study found that, rather than distributing more authority to locally based decision-makers, the power to make even the most routine of decisions (like spending on basic supplies) was concentrated at the assistant deputy minister level or higher.⁸

In addition, the department's inability to plan effectively was noted: "Planning for Programs, and conducting Research is done on an ad hoc basis...Principals particularly feel that they are constantly reacting to situations rather than being able to plan for them...Participating in the planning process by managers and principals has been non-existent."⁹ More scathingly, it continued:

Detailed interviews with staff at the department level, have indicated that there is greater value placed on meeting departmental or political requests for information, rather than servicing the students, and providing support to the teachers. Since internal departmental concerns take priority over the delivery of education, staff at the departmental level spend less time servicing their "clients" and more time gathering and compiling information for their own superiors, other government departments, and the politicians.¹⁰

Recommendations to remedy these situations included delegating more responsibilities and executive authority to the regional superintendents, who served as the interface between the department and the schools, increasing the signing authorities of principals to allow them to more easily manage their budgets, and reducing the requests for information (especially statistical information) from principals. It also suggested that some program areas be relocated and gave examples of student accommodation and truancy that were placed in the

⁸ Benyei, J., and M. Pearson. *Report on the Organization Study – The Department of Education Yukon Territorial Government* (Whitehorse: Yukon Government, 1984), 5–6.

⁹ Ibid., 6.

¹⁰ Ibid., 7.

administrative division of the department (which also supervised the custodians and tradespeople) rather than with those who operated the schools.¹¹ The perception of politicians as more involved in the running of schools became more obvious, as evidenced by the appearance of photographs in the Department of Education's annual reports, which had previously omitted any mention of the role of the ECMRE aside from the occasional instance of the superintendent thanking the YC member for a positive working relationship.¹²

A third significant factor that made political decision-making difficult was Yukon's economic situation. An international recession in the early 1980s caused mineral prices to plummet, resulting in the end of the period of continuous growth that had occurred during the previous two decades. The decline in mineral prices resulted in the closure of Yukon's largest private sector employer, the Cyprus Anvil Mine in Faro, followed by the closure of Whitehorse Copper, which shook the confidence of Yukoners in their work futures. Within the first three years of the 1980s, Yukon's mineral production (the predominant contributor to the GDP) had fallen to 25 per cent of what it had been at its peak. There was a significant exodus of workers.¹³ Similarly, the collapse of an anticipated Alaska Highway pipeline project eliminated another potentially steadier source of revenue for the territory.¹⁴ These economic fluctuations made decision-making, planning, and provision of services difficult.

¹¹ Benyei, J., and M. Pearson. *Report on the Organization Study*, 8–9.

¹² Yukon Department of Education. *Annual Report to the Commissioner by the Superintendent of Education 1978–1979*, (1979).

¹³ Coates and Powell, *The Modern North*, 28.

¹⁴ Coates and Morrison, *Land of the Midnight Sun*, 269.

Faro's well-appointed K-12 school, for example, had 485 students enrolled in the 1981–1982 school year but only 26 students in the 1985–1986 year (see Appendix 3).¹⁵

Labour relations within government were also less friendly because of the recession and the perceived need to rationalize the numbers of employees and their salaries. In the boom times of the late 1970s, wage increases had been moderate despite the growing clout of the bargaining units, but in 1980 the government was required, in the face of inflation pressures, to implement a 10 per cent wage increase for all YG employees after a conciliation board report. Shortly afterwards, the recession hit in full, and, combined with the closure of major mines, a great deal of uncertainty and the threat of government downsizing and layoffs resulted.

The Yukon Teachers Association acknowledged that this uncertainty required them to embrace more tightly their “trade union” identity as opposed to their historical status as a professional organization more concerned with the delivery of quality education. They attempted to balance this tension by advocating for the introduction of class size limits in the collective agreement as one strategy to deal with the possibility of surplus teachers.¹⁶ The YTA's anxieties about layoffs turned out to be unfounded, since the government was able to keep teacher numbers relatively stable despite losing more than 10 per cent of the student population as a result of the out-migration of families because of the worsening economic situation.¹⁷

¹⁵ Yukon Department of Education. *Annual Report Department of Education 1981–1982*, (1982); Yukon Department of Education. *Annual Report Department of Education Public Schools Branch 1985–1986*, (1986).

¹⁶ Yukon Teachers Association, *50 Years of the YTA*.

¹⁷ As measured through statistics provided in Yukon Department of Education Annual Reports, 1980–1981 through 1985–86.

Finally, a more minor issue that might have given Yukoners some pause over the devolution of power to the members of the YLA was the near-constant state of tumult over the personal and professional lives of those elected members. In 1979, two members resigned from the chamber: Grafton Njootli while being investigated for forgery, followed by assault charges, and Howard Tracey for not being able to avoid conflicts of interest in his position as the executive committee member responsible for natural resources.¹⁸ The difficulties continued with the Minister of Education Doug Graham resigning after it was revealed that the RCMP were wiretapping his office telephone pursuant to investigations over suspicious land dealings that had required the approval of cabinet. In what must have been an exasperating position for the public, Njootli and Tracey subsequently were re-elected but both were forced to resign again for breach of probation and further conflicts of interest, respectively.¹⁹ Long gone seemed the days when Hilda Watson had gained the trust of the federal government through her heavy-handed, but competent, supervision of the Department of Education. The prospects of finding qualified and competent Yukoners for other organs of democratic rule, such as school boards and land use boards, might have become a pressing concern for the public, which was very used to a slow, but generally competent, bureaucracy to ensure that those institutions ran smoothly.

All these uncertainties resulted in a very quiet period, legislatively, in terms of education, and the only amendment to the legislation was to loosen the restrictions regarding the school calendar. School calendars were a perennial issue in Yukon communities,

¹⁸ Smyth, *The Yukon Chronology*, 43.

¹⁹ *Ibid.*, 63, 77.

especially in some of the rural communities where hunting remained a core part of the community's way of life.²⁰ The legislative change granted the commissioner in council (also known as the territorial cabinet), by way of regulation, the power to specify any start, end, or vacation dates despite the language of the ordinance.²¹ This change left the school calendar firmly in the hands of the government, much to the chagrin of many school committees who continually complained about the appropriateness of the school calendar in the contexts of their communities.

Shifting Ground: Canada's Constitution and Land Claims

In the early 1980s, the federal government was focused, nationally, on the repatriation of the Canadian Constitution, resulting in the passage of the *Constitution Act*, 1982. At the same time, the federal government was continuing to participate in the stop-and-start process of land claim negotiations with the CYI and the territorial government. Both of these developments would also contribute to the uncertainty of Yukon's future. While the land claims were unresolved, there was agreement by the CYI that the territorial government should retain its dominant position in the provision of education to Indigenous students.

While the development of Canada's Constitution was prompted, in large part, by the federal government's desire to sideline the cause of Quebec independence, it resulted in a serious blow to the territories' progression toward provincehood. The provinces had

²⁰ Memo to Executive Committee Re: School Calendar, March 4, 1970, Records Office Files Fonds, Yukon Archives, Gov. 2680, file 3.

²¹ Yukon. *An Ordinance to Amend the School Ordinance*, 2nd Session, 24th Legislative Assembly, 1980, Assented to 13 November 1980.

advocated for and won the requirement that consent from the existing provinces was needed to create new provinces, a marked departure from the federal government's authority to do so simply through passing legislation. The federal government was also devolving powers to NWT, (albeit more slowly than to Yukon, and without the promises of provincehood like those made to Yukon) and there was outcry from both territories over this change, which would make the path to provincehood significantly more difficult, if not impossible, since the existence of more provinces might reduce federal transfers to the existing ones.²²

Similarly, uncertainty in the land claims process was introduced during the process of repatriating the Constitution with the strong language contained in Section 35: "35 (1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed... 35 (3) [added in the 1983 amendment] For greater certainty, in subsection (1) "treaty rights" includes rights that now exist by way of land claims agreements or may be so acquired."²³

This development increased the significance of the ongoing land claim negotiations, because the final product would be enshrined under the Constitution and subjected to the same requirements for amendment, which included the assent of two-thirds of the provincial legislatures representing at least 50 per cent of Canada's population.²⁴ In addition to slowing Yukon's march towards provincehood, which had been increasing in pace along with the

²² Coates and Powell, *The Modern North*, 78; Peter Clancy, "Politics by Remote Control: Historical Perspectives on Devolution in Canada's North," in *Devolution and Constitutional Development in the Canadian North*, ed. Gurston Dacks (Ottawa: Carleton University Press, 1990), 29–34.

²³ Cameron and Gomme, *A Compendium of Documents*, 210 [square brackets are Cameron and Gomme's].

²⁴ *Ibid.*, 210–15.

evolution toward responsible government, it caused all parties to the land claim negotiations to pause and re-evaluate their positions.

This pause was one more instance of a break in negotiations, an event that had been occurring with some regularity since the start. Following the delivery of *Together Today for Our Children Tomorrow* to Prime Minister Pierre Trudeau in 1973 and the federal government's willingness, following the *Calder* decision, to negotiate land claims for territory not under any current treaty, optimism for a Yukon land claim settlement was high. It was also expected to be a quick process, with the lead negotiator representing Yukon's Indigenous population estimating that the process should take only six months.²⁵ However, a decade after the start of negotiations, a completed land claim was arguably further from conclusion than it had been in 1973.

Initially, negotiations were slowed by confusion over who would be negotiating on behalf of the Indigenous population. The YNB had been the group responsible for composing and delivering the grievance document to the prime minister. It only represented status Indians so the Yukon Association of Non-Status Indians desired a delay in order to prepare their own claim. It would take until 1980 for the CYI to emerge as the chief negotiator for all Yukon's Indigenous peoples.

A second reason for negotiations proceeding more slowly than first predicted was the uncertain position of the Yukon government in the negotiations (compounded further by the territorial political divides over land claims). Land claims had primarily been conducted as bilateral negotiations between the federal government and the CYI. The Yukon government

²⁵ Johnson, *At the Heart of Gold*, 268.

was not seen as an equal third party, even after the *Epp Letter*, and territorial politicians needed to constantly fight for seats at the negotiating table and to have their positions heard. In the 1970s, Indigenous organizations had advocated for the inclusion of Yukon as a third party, since both had similar interests in devolving powers from the federal government.²⁶ In 1979, a letter of instruction from the minister of DIAND recognized that implementing a land claim settlement would clearly involve the territorial government and allowed the Yukon government a seat at the negotiations table (although Yukon would retain a subordinate status until 1985).²⁷ However, this sense of cooperation unravelled in the early 1980s, with much of the acrimony between the two non-federal parties becoming fodder for the local media.

Cooperation between the territorial government and Indigenous organizations suffered because of territorial politics in the late 1970s and early 1980s that was marked by racial divisions. Initially, the primary impetus for the Yukon government to lobby for a seat at the negotiating table came from a group of non-Indigenous Yukoners who formed the Society for Northern Land Research (SNLR) in 1975 initially to oppose land claims. The SNLR, after making noises early on about forming a secessionist movement based on all the local animosity towards the land claims process, eventually used its connections with the Yukon Progressive Conservatives to increase pressure on the federal government for Yukon to be represented as a third party at the table.²⁸ As a result, the territorial government was perceived as only representing the concerns of the non-Indigenous majority, a position that the

²⁶ Johnson, *At the Heart of Gold*, 251.

²⁷ Floyd William McCormick, "Inherent Aboriginal Rights in Theory and Practice: The Council for Yukon Indians Umbrella Final Agreement" (PhD diss., University of Alberta, 1997), 150.

²⁸ Penikett, *Hunting the Northern Character*, 51–2.

Progressive Conservative government was able to further capitalize on during the first half of the 1980s.

The Progressive Conservatives were not always shy about who they were hoping to represent, as evidenced by a campaign ad in the 1982 election (which they won) suggesting that anyone except their party would give away too much land and resources to Indigenous peoples.²⁹ The territorial government's position in the early 1980s was that land claims were a "zero-sum game" in which gains made by one side must be perceived as losses by the others. They were open to guaranteed representation on particular boards and committees that would help to administer aspects of life central to Indigenous communities, like wildlife and land use boards, but were not supportive of self-governance, which had emerged more forcefully as a demand by the Indigenous negotiators.³⁰ In addition, seemingly settled philosophical issues related to the land claims were now back for debate because the Yukon government now insisted that any land claims both extinguished Aboriginal title and Yukon gaining provincial status.³¹

The federal government's position continued to shift as well, injecting even more uncertainty and delays into the negotiations process. In the midst of the national discussion about the repatriation of the Canadian Constitution, the federal government released its land claims policy in 1981, *In All Fairness: A Native Claims Policy*, which required any

²⁹ Yukon, Legislative Assembly, *Hansard* (October 2, 1985); Zink, "A Good Future for Our Children Struggling to Create a Bi-Cultural Society in the Yukon Territory 1960s to Present" (M.A. thesis, Trent University, 1995), 164. This ad is often referred to as the "Vote White, Vote Tory" ad, despite this phrase not being used in it.

³⁰ McCormick, "Inherent Aboriginal Rights," 131.

³¹ LegendSeekers Research Inc., *Yukon First Nations History, Culture, Agreements and Self-Government* (Whitehorse: Yukon Public Service Commission Staff Development Branch, 2002), 77.

agreements to be final and an exchange of undefined land rights (Aboriginal title) for defined rights that would be enshrined under the Constitution. However, this was contradicted by Section 35 of the *Constitution Act* that affirmed that “existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed” but fell short of defining what these rights actually were.³² A First Ministers conference was convened in 1983 where Indigenous leaders began to press more strongly for the creation of third-order governments in order to develop a system that would preserve Indigenous culture within a federal system. This new order of government would not have control over all aspects of an Indigenous person’s life – the federal government would retain much of its authority – but would be restricted to matters related to economic, linguistic, cultural, and educational interests.³³ This desire was affirmed by the Penner Report (commissioned by the federal government), which advocated for Indigenous self-government and, like the White Paper in 1968, the abolition of the Department of Indian Affairs.³⁴

In early 1984, an Agreement in Principle (AIP) was presented to the representatives of each of Yukon’s Indigenous communities and offered \$620 million in financial compensation and 20,000 square kilometres of land in exchange for extinguishment of Aboriginal title (a deal reminiscent of the numbered treaties). The AIP was presented to each of Yukon’s Indigenous communities for ratification but was rejected because it required the extinguishment of Aboriginal title to the land, insufficient land (and land that was selected

³² Cameron and Gomme, *A Compendium of Documents*, 210.

³³ McCormick, “Inherent Aboriginal Rights,” 116–17.

³⁴ LegendSeekers Research Inc., *Yukon First Nations History*, 77.

based on each Indigenous community's needs), and inadequate self-government provisions.³⁵ In addition, part of the rejection was due to the "adversarial, secretive, and distant" negotiations – most of the negotiations took place in Ottawa, Vancouver, or Edmonton – which many Yukoners (Indigenous and non-Indigenous) were suspicious of.³⁶ This rejection was in the face of intense pressure from other Indigenous groups from across Canada who were waiting their turn to start negotiating their land claims with the federal government and the significant debt that CYI was incurring to fund its negotiations.³⁷ More than 10 years after the initial agreement to commence land claim negotiations, there was fear that the federal government might not continue in the process.³⁸

Indigenous Education Remains Firmly in the Department of Education

Despite the more conservative approach of the territorial government in exercising its newfound powers, the various Indigenous advocacy organizations were very actively working towards new governance structures as part of the land claims process. Nowhere was this more apparent than in the field of education where continued dissatisfaction, despite the inclusion of more Indigenous-focused teaching materials and courses, led to continued demands for Indigenous control over the education system for Indigenous students. However, the challenges in coordinating all the competing demands from Yukon's Indigenous communities

³⁵ McCormick, "Inherent Aboriginal Rights," 130; LegendSeekers Research Inc., *Yukon First Nations History*, 77.

³⁶ Floyd McCormick, "Still Frontier, Always Homeland: Yukon Politics in the Year 2000," in *Provincial State in Canada: Politics in the Provinces and Territories*, ed. Keith Brownsey and Michael Howlett (Peterborough, ON: Broadview Press, 2001), 377.

³⁷ Tony Penikett, *Breaking Trail: A Northern Political Journey* (Victoria, BC: Trafford Publishing, 2004), 102.

³⁸ LegendSeekers Research Inc., *Yukon First Nations History*, 78.

opened up an opportunity for the territory to convince Indigenous organizations that Indigenous students ought to remain in territorial schools controlled by the Department of Education.³⁹

Indigenous students had been completely integrated into the territorial education system since the late 1960s. However, drop-out rates were high, achievement levels as measured by standardized tests showed marked differences between Indigenous and non-Indigenous students (sometimes glossed over in statistics by noting the differences between urban and rural students instead), and there continued to be little integration of Indigenous cultures in the classroom, save for the segregated language classes that had become more common through the 1970s.⁴⁰ While “Indian Control over Indian Education” was still a rallying cry and a topic at the negotiation tables, more pragmatic attempts to work within the territorial education system were being put into place by the CYI. Since “[t]he education of our children...cannot be put aside while the process of land claim negotiations proceeds,” the YNB created an Indian Education Centre in 1978 to coordinate the variety of federal and territorial programs that catered to Indigenous clientele and to prepare for the eventual transfer of these programs once land claims were finalized. However, they were clear that the

³⁹ Indian Education Department Annual Report 1979-1980, Education Department Files, CYFNA, 4–13. This discussion paper included in this document shows the complexities in creating a governance system that responds to and coordinates the demands of each of Yukon’s Indigenous communities.

⁴⁰ Coates, *Best Left as Indians*, 247; Davis, “An Evaluation of the Canadian Tests of Basic Skills Testing Program Presently Carried out by the Department of Education, Yukon Territory, Canada” (PhD diss., University of Oregon, 1982).

“programs delivered by the Yukon Indian Education Centre are intended to complement the existing education system, as well as add to the existing curriculum and not to replace it.”⁴¹

Materials to assist teachers in integrating Indigenous history and culture were starting to become more widespread and ranged from posters, booklets, and story books to curriculum guides, all developed by Indigenous organizations but not mandated for use by the territorial government.⁴² The 1970s was a period that saw a number of anthropologists from universities throughout North America studying Yukon’s Indigenous peoples more intensely, and much of their work began to be used to produce curricular materials and supplements. While their work informed curriculum material that began to be supported more directly by the Department of Education, these materials tended to be more or less teacher-friendly and only served to help teachers find opportunities to show parallels of Indigenous culture, traditions, and practices in the context of the BC curriculum. For example, in *When the World Began*, teachers were encouraged to help Grade 7 students see Yukon stories and legends as similar to Greek, Egyptian, Babylonian, and Norse mythologies that would have been prominently featured in the textbooks teachers were required to follow from BC⁴³ The work of developing Yukon-specific classroom resources, including the development of a textbook with a major Canadian publisher, continued throughout the 1980s.⁴⁴

⁴¹ Yukon Native Brotherhood 1977–78 Annual General Report, May 24, 1978, Education Department Files, CYFNA.

⁴² Phyllis Gairns, “An Examination of the History of Indian Education in Yukon from 1958 to 1980” (Education 479 assignment, University of British Columbia, 1981), 38–40.

⁴³ Julie Cruikshank, *When the World Began: A Yukon Teacher’s Guide to Comparative and Local Mythology* (Whitehorse: Yukon Department of Education, 1978).

⁴⁴ Yukon Department of Education. *Annual Report Department of Education Public Schools Branch 1984–1985*, (1985), 5.

The focus on simply providing supplemental resource support materials for teachers operating within the territorial school system began to shift towards providing information to help teachers change their approach to teaching Indigenous students. The first of these resources was CYI's booklet *Cross Cultural Strategies: A Collection of Background Information for Teachers of Indian Students*. It was "intended as a source of stimulation of thought and of practical information for teachers who are seeking an understanding of the native child and who are attempting to develop methods which take advantage of a cross-cultural classroom." The booklet contained a series of articles that included descriptions of Indigenous parenting methods and notions of what "Traditional Yukon Indian Education" is. What hadn't changed, however, was the voluntary nature of these resources – there was still no mandate to use them, and their use absolutely depended on the desire of teachers to seek them out and implement them.⁴⁵

The importance of education as key to Indigenous self-determination never diminished, despite progress made in land claims discussions, perhaps because of the threat of extinguishment of Aboriginal title as a requirement for settlement of land claims. The loss of title was seen as an existential threat to the idea of being "Native," so developing plans for Indigenous control over education was necessary as a defence mechanism to "contribute to the continued existence of the Yukon Indian as a People," as described in the YNB's *Discussion Paper for Yukon Indian Education System*, published in 1980.⁴⁶ This discussion paper was

⁴⁵ Council of Yukon Indians, *Cross Cultural Strategies: A Collection of Background Information for Teachers of Indian Students* (Whitehorse: Council of Yukon Indians, 1982).

⁴⁶ Discussion Paper for Yukon Indian Education System, April 22, 1980, Pamphlet Collection, Yukon Archives, PAM 1980-0388, 2.

one of the first fully developed proposals for Indigenous control over education in Yukon, stating that “the present educational system – both primary and adult – discriminates against Indian People by demanding that they accept the culture, values, language, attitudes and behaviour of the dominant society. The present education system is aimed at forced assimilation and domination by the governments in control – consciously and unconsciously.”⁴⁷ While more focused on the issue of adult education and training, including a proposal for a completely separate system (an “Indian College”) for post-secondary, it also proposed the creation of a Yukon Indian Cultural Centre to be completely in charge of Indigenous programs and services throughout the territory at the K-12 level.

The document was ambiguous with regard to the extent these services would be integrated into the territorial school system and, in the context of the proposal of a separate adult education system, suggested that a separate K-12 educational system for Indigenous children might always be just beyond the horizon in terms of Indigenous demands. In addition, the proposal contained rough outlines of governance models that would solicit needs and desires from each of the Indigenous communities throughout Yukon in an effort to develop responsive programming and, further, be accountable to each community.⁴⁸

The proposal to create a separate system for Indigenous students was echoed in a brief presented to the Education Council in the early 1980s in which the YNB stated that, in spite of the high drop-out rate, they elected “to stay with the public system in preference to a separate School Board system [for Indigenous students] but only if the needs of our children are

⁴⁷ Discussion Paper for Yukon Indian Education System, April 22, 1980, 4–5.

⁴⁸ Ibid., 5–11.

satisfied.” A particular grievance was the notion that the education Indigenous students were receiving was insufficient to prepare them for life in either the “Whiteman” or the “Indian” world, suggesting that each community have an Education Committee that would have direct influence in the operation of each school, including the selection of teachers and the discipline of students, when required. It also recommended that Indigenous students who had reached Grade 12 standing be considered for appointment to elementary teaching positions.⁴⁹

In the face of these demands to create a separate system, there was also the fact that each Indigenous community struggled with developing the capacity to implement language programs and develop curriculum materials appropriate to their language or particular cultural variances. This lack of capacity led to an opportunity for the territorial government to partner with the federal government to solidify its position of providing a single school system for all Yukoners. The need to account for the individual needs of each Indigenous community because of the diversity of languages, population density, and local capacities was also an ongoing difficulty and a source of frustration at the higher levels of the Department of Education and the Education Council because both operated without any Indigenous voices to provide advice and guidance.⁵⁰ These frustrations led to openness toward actively supporting the creation of a Yukon Indian Education Centre operated by the CYI and funded wholly by the federal government to “be responsible *inter alia* for developing special educational materials respecting Beneficiaries and for responding to other educational research and

⁴⁹ Brief on the Education of Yukon Indians Presented by the Yukon Native Brotherhood to Department of Education: Education Committee, c. 1980, Education Department Files, CYFNA, 2.

⁵⁰ D. R. Graham to D. Joe, February 26, 1980, Yukon Government Records Fonds, Yukon Archives, Acc. 94.07, box 140-10, "Education Council 1980-1981".

development needs identified by the Central Indian Authority [CYI].” The cost to the Indigenous peoples, however, in return for the creation of this new body was the agreement that “[t]he overall administration, legislative competence and delivery of [K-12] educational programs and services for all Yukon Citizens shall remain the responsibility of the Government of Yukon.”⁵¹

This trade-off, which cemented the territorial government’s authority to provide a single educational system for all Yukoners, was contained in *An Agreement in Principle with Respect to Indian Education (Kindergarten to Grade 12) in Yukon*, signed on May 1, 1980, one of the first trilateral agreements on education in Yukon between the federal government, the territorial government, and the CYI. The territory, after decades of resisting the direct involvement of Indigenous organizations in the operation of the K-12 system, made some significant concessions, including the possibility of guaranteed representation on school committees, development of teacher training programs, preferential hiring of Indigenous employees, and the development and implementation of more relevant curricula.⁵²

While the Agreement in Principle was signed in May 1980, CYI had already started work on developing the framework of a “Central Education Authority” through community workshops that had commenced two months previously.⁵³ The work of developing a more common approach and vision of Indigenous education that would be responsive to the needs of all of Yukon’s Indigenous communities was continued in a consultative process in

⁵¹ *An Agreement In Principle with Respect to Indian Education (Kindergarten to Grade 12) in Yukon*, 1981, Pamphlet Collection, Yukon Archives, PAM 1981-0275, 2.

⁵² *Ibid.*, 2–4.

⁵³ ‘Central Indian Education Authority’ Workshop, March 3–5, 1981, Education Department Files, CYFNA.

November 1980 that brought together delegates from each of the 14 Indigenous communities along with educators from within and outside Yukon and resulted in the report *People Talking on Education*. It continued the notion that Indigenous youth needed to be able to have an identity in two separate worlds – “White and Indian”:

Learning too, must take place in a happy and peaceful and accepting environment. You cannot learn when you are under stress. You cannot learn when you’re forced to do it,” for “When a person feels good about himself he is much more able to adapt to both societies, both White and Indian. You have to know yourself as an individual as a part of the Indian society in order to become fully capable of doing things that you want to do, setting your own goals and priorities in your life.⁵⁴

For the time being, however, there was the willingness from the Indigenous communities to remain committed to an integrated system but with the new understanding that Indigenous students needed to see their cultures more explicitly visible within their day-to-day schooling.

In a report prepared in 1981 for all parties negotiating land claim agreements by federal, territorial, and Indigenous representatives, as agreed to in the terms of the Agreement in Principle, the mechanics of how this would be managed and implemented was drawn out in proposals for the organization of a co-managed system. These proposals, unlike those outlined in the *Discussion Paper for Yukon Indian Education System*, which was ambiguous about the relationship between K-12 schools and the territorial government, contained charts that clearly showed how the Central Indian Authority would work at the same level as the territorial cabinet to govern the system and also proposed mechanisms, namely binding

⁵⁴ People Talking on Education: Draft Policy Paper on Indian Education in Yukon, July 1981, Education Department Files, CYFNA, 18.

arbitration, for settling disputes. It did propose devolving more authority to the local level but specified that, because the authors were not privy to the parallel negotiations over local control over resource rights, hunting, and fishing, it was difficult to propose a structure for schools.⁵⁵

Little Change Leads to a Lot of Dissatisfaction and a Territorial Task Force

The uncertainties of Yukon's future did not completely stifle the evolution of program changes in Yukon schools, although there was little appetite to explore any significant changes to the philosophy or direction of the Department of Education. However, changes that started before the advent of responsible government – French language programs and rural education initiatives – continued, with the latter becoming politically important along with other rural issues such as easier access to health care and other government services. This cautious approach to the improvement of schooling was seized upon by the opposition members of the YLA, who mounted a territory-wide consultation process to examine the state of Yukon's schools.

The increased political importance of rural issues was due to the expansion of the legislature that created more rural ridings. The expansions of the YLA in 1974 and 1978 resulted in an increase in rural members from four at the beginning of the 1970s to nine by the 1980s, comprising a full half of the seats in the YLA despite the fact that only approximately 25 per cent of the population resided outside of Whitehorse.⁵⁶ A majority government

⁵⁵ Report of the Education Sub-Committee Prepared for Parties Negotiating Land Claim Agreement, c. 1981, Education Department Files, CYFNA.

⁵⁶ Johnson, *With the People Who Live Here*, 355–56.

required a number of rural seats, some of which were won or lost by a handful of votes, to remain in power. Rural issues gained prominence in the early 1980s, and educational issues were attractive campaign planks because they had wide appeal.

A failed effort to redefine the “bigger picture” of education in Yukon occurred in the spring of 1983 when department personnel formulated a draft set of philosophical statements to help guide the development of education in Yukon. The overall draft philosophical statement was that “Public education in Yukon aims to develop the individual intellectual, physical, social, emotional, moral, spiritual, cultural and aesthetic potential of all pupils to the limit of their abilities so that they may become productive, responsible, and self-reliant members of society while leading personally rewarding lives in a rapidly changing world.” It was followed by a series of educational goals that attempted to break down this statement into more manageable pieces. Notable by its absence in the document was any specific mention of Yukon’s Indigenous students and their particular needs, especially since the Agreement in Principle signed two years previously by the political leaders had committed firmly to this endeavour. Instead, the document used decidedly more vague statements, encouraging students to “acquire an understanding of the special needs of people arising from the cultural diversity that exists in Yukon.”⁵⁷ Subsequent minutes of the Education Council and the department’s annual report contained passing mentions of the development and discussion of

⁵⁷ W. Schoeman to All Principals, February 9, 1983, Yukon Government Records Fonds, Yukon Archives, Educ. 94.07, box 323-15, "Education Council 1982-1984".

the philosophical statements but were not reflected anywhere else, indicating that the discussions did not result in much traction for the statements as presented.⁵⁸

In terms of educational programming in the schools, there were two areas where changes were continuing to occur: French language education, which was supported by the federal government, and an increase in the secondary grades offered in rural communities. The teaching of French in Yukon's schools had increased since the federal government's push to increase bilingualism in the 1960s to the point where French was offered in most schools starting in Grade 5.⁵⁹ Yukon's progressive approach to introducing French earlier than BC required the selection of additional resources, since following the BC curricula would have seen all Grade 8 students return to a beginning-level French class.⁶⁰ The department hired a French language coordinator, funded by the federal government, to help implement and monitor and improve the program.⁶¹

In the late 1970s, a group of parents approached a newly minted minister of education with a proposal to develop an immersion program to match programming developed in the provinces. The program was approved, with kindergarten programs opening in Whitehorse and Faro, again with the financial support of the federal government making the expansion possible.⁶² The program, in which students were taught entirely in French from kindergarten

⁵⁸ Government of Yukon. *Annual Report of the Commissioner of the Yukon Territory 1982–1983* (Whitehorse: Queen's Printer, 1983).

⁵⁹ J. Chrétien to J. Smith, September 12, 1968, Records Office Files Fonds, Yukon Archives, Gov. 2405, file 2.

⁶⁰ News Release Re: Promoting Bilingualism, March 3, 1975, Records Office Files Fonds, Yukon Archives, Gov. 2405, file 5.

⁶¹ Outline of Projected Activities for 1975–76 Fiscal Year, under the Federal-Provincial Agreement to Promote Bilingualism in the Yukon Territory, Records Office Files Fonds, Yukon Archives, Gov. 2405, file 5.

⁶² Yukon Department of Education. *Annual Report Department of Education 1980–1981*, (1981), 33.

through Grade 2, at which point some English instruction was introduced for the subsequent grades, proved popular, with over 300 students enrolled by the 1987–1988 school year.⁶³

The increasing profile of French programming led to further support for francophone (or French First Language, FFL) programming in the community, helped by an influential teacher who contacted each francophone family in Whitehorse to recruit students into a separate program.⁶⁴ These efforts culminated in a long brief presented to the minister of the day in 1983 in which it was pointed out that the newly patriated Constitution of Canada provided for minority language rights and that the federal government would be willing to finance an expansion of the school system to accommodate the rights of francophone parents.⁶⁵ There was some concern about the dilution of the body of students and the perception that a separate school for French first language was emerging. The program was initiated in the same school facility as the French immersion program, and the Education Council was clear that the program should not be titled “L’École Émilie Tremblay” because the word “école” connoted a “school” rather than a separate program for students who were exposed to French at home and the council was worried that this might make parents eventually feel entitled to a separate facility.⁶⁶

In a report to the UNESCO International Conference in Education in Geneva in 1984, Yukon’s developments in public schools reflected “the trends that are seen in the

⁶³ Elaine M. Day, Stan M Shapson, and Florence Wilton, *Evaluation Study of the French Immersion Program in the Yukon Territory* (Burnaby: Simon Fraser University, 1988), 1.

⁶⁴ Yukon Teachers Association, *50 Years of the YTA*.

⁶⁵ French Language Education Program Cadre, December 1983, Pamphlet Collection, Yukon Archives, PAM 1983-0227, 4–5.

⁶⁶ Minutes of the Education Council, November 16, 1985, Yukon Government Records Fonds, Yukon Archives, Educ. 94.07, box 303-10, "Education Council 1985-1986".

provinces: French Immersion classes are found in some centres, native languages are taught in many communities, programmes for the gifted and talented are being offered as well as ‘alternative’ education programs.” In addition, the introduction of computers into the schools was becoming a highly visible indicator of progressive schools trying to remain relevant in the modern age and was seen as a “major accomplishment.”⁶⁷ However, the conference report also specified that one of the “largest problems” facing Yukon’s schools was the provision of secondary school programming in the rural communities. In the effort to eliminate the difficult position many rural families faced upon the completion of the schooling offered in their communities (which included simply discontinuing schooling, a family relocation, or the student boarding in the Whitehorse dormitory or being sent to school in one of the provinces), an expansion of secondary programming was a continual work in progress.⁶⁸

While most people understood that rural students had limited options and poorer educational outcomes, studies were conducted to ensure that the evidence supported these conclusions. Bob Sharp was a rural principal who was seconded twice to the department to study the issue. His first study, *Rural Students in Urban Schools*, published in 1979, involved tracking the progress of all rural students who had moved to another community (usually Whitehorse) for the purpose of furthering their schooling. As was expected, Sharp found that a substantial proportion were unable to find success in school after the move. He made several recommendations, including better orientation procedures, “screening” mechanisms

⁶⁷ Yukon Department of Education. *Annual Report Department of Education Public Schools Branch 1983–1984*, (1984).

⁶⁸ Education In Canada - Report to the 39th Session International Conference on Education - Part III, October 16–25, 1984, Pamphlet Collection, Yukon Archives, PAM 1984-0108, 1–2.

that would ensure that rural students had the requisite academic standing to succeed in the urban schools, and a scrutinizing committee to oversee all the students who had moved into the urban community and to act as an advocate for their needs as individual circumstances required. A significant recommendation focused on the student accommodations that were provided both by the Department of Education and the Indian Affairs Branch of the federal government. Aside from trying to improve the conditions for students within these accommodations, he recommended that rural families be entitled to the housing allowance for their students if they were able to find private accommodations. Previously, the allowance was only paid if the dormitory accommodations were full. His final – and most significant – recommendation, however, was the creation of small secondary schools in rural communities. He provided three rationales for this recommendation: poor attendance and completion rates for students in urban communities and those on correspondence programs made schooling in their home communities more likely to be successful; the development of small, rural secondary schools in the neighbouring jurisdictions of BC and Alaska showed it could be done; and the lack of close parental influence and direction was the primary cause of most of the in- and out-of-school problems and would be eliminated if students were able to remain at home.⁶⁹

More evidence on the achievements of students in rural settings was generated through a statistical analysis of the Canadian Test of Basic Skills (CTBS) results by one of the department's regional superintendents for rural schools as part of his doctoral research. While

⁶⁹ Rural Students in Urban Schools: Final Report, June 1979, Pamphlet Collection, Yukon Archives, PAM 1979-0156.

the aim of his study was to establish the statistical significance of differences in the scores as a result of “cultural” differences “between the scores of White, Non-Status Indian and Indian students,” he noted that there were also significant discrepancies between urban and rural students.⁷⁰ However, while some rural schools were almost completely comprised of Indigenous students and most rural communities often had a larger proportion of Indigenous students compared to the overall proportion, this was not true in all rural communities. Subsequently, this meant that rural schools’ academic performance could not be used as a proxy for the academic performance of Indigenous students in general.

Over the course of the next five years, in the face of decreasing enrolment throughout Yukon because of the closures of the mines (see Appendix 3), there was no corresponding reduction in teachers in the rural communities where the pupil teacher ratio decreased from 14:1 in 1979 to 11:1 in 1984. In 1979, only four rural schools offered Grades 11 and 12. That number had increased to six schools by 1985. In addition, by 1985 virtually every rural school offered programming for one or two grade levels higher than they had in 1979.⁷¹

Sharp followed up his 1979 study with another in 1985 entitled *Yukon Rural Education: An Assessment of Performance*, which functioned as an extension of the previous study. Using data collected and personal interviews with students, he was able to draw the conclusions that increased expenditures on rural education were met with increases in student performance and that rural students’ performance improved if they were able to complete

⁷⁰ Davis, “An Evaluation of the Canadian Tests of Basic Skills,” 238.

⁷¹ Yukon Department of Education. *Annual Report to the Commissioner by the Superintendent of Education 1979–1980*, (1980); Yukon Department of Education. *Annual Report Department of Education Public Schools Branch 1984–1985*, (1985).

higher grades in their home community. The study recognized that this success in rural communities was tied, often, to the personnel assigned to the rural schools and to teachers who were able to teach a variety of subjects and form productive relationships with students. It concluded with the notion that “[t]here are no apparent single answers or simple solutions. To be successful in meeting the challenges of rural education, there needs to be a long term commitment toward clearly defined goals. A statement of educational philosophy with a related systematic approach and long term planning are prerequisites to embarking upon this course.”⁷² With this the study again highlighted a repeating confounding factor in the development of education in Yukon: the ability to plan for the longer term, which was difficult in the boom/bust economy. In what would result in a “chicken or egg” argument, a further analysis of Yukon’s rural schools by another author concluded that, rather than educational services being dictated by the funds available, increasing funds should be committed to rural schools, especially those that served primarily Indigenous communities because “[s]maller scale leads to greater community involvement, and a willingness to try more innovative, economically-based innovations. Cultural development is integral to economic development.”⁷³

As the Sharp report was in progress, the opposition YLA members were listening to constituents’ criticisms of the entire education system, especially those that were raised in the Sharp report. The volume and breadth of the criticisms prompted them to undertake a more

⁷² Robert Sharp, *Yukon Rural Education: An Assessment of Performance* (Whithorse: Yukon Department of Education, 1985), 159.

⁷³ The Yukon in Context of Innovations in Rural and Native Education, May 8, 1987, Yukon Government Records Fonds, Yukon Archives, Educ. 94.07, box 303a, "Education Council 1987", 6.

drastic response than raising additional questions or motions in the legislature. Instead, they created a community consultation process to collect opinions about education from throughout Yukon – the Opposition Task Force on Education. This task force started its work in the fall of 1983 under the Progressive Conservative government of Chris Pearson, was chaired by an independent MLA, and was joined by members of the New Democratic Party, which was the official opposition. Completely unsanctioned by the government, the task force planned meetings in every community throughout Yukon and contacted a variety of partners (educators, students, school committees, Indigenous groups, and labour unions) inviting them to attend the meetings and submit written briefs.⁷⁴ In a departure from the committees on education of the past, there were no “outside” experts leading the committee and interpreting the information provided to it.

The task force released its final report in April 1985, stating that it found “consensus...in every community in the Yukon that the curriculum and materials currently used in the Territory's schools do not appear to be well suited to the needs of Yukon children.” Specifically, the task force found that schools did not respond well to the variety of needs shown by various students, given the use of an imported curriculum from BC.⁷⁵

At the pre-school level, recommendations included acknowledging that students from rural and Indigenous communities often came to school unprepared and with “English as a Second Dialect,” which required a bolstering of pre-school programming that should be integrated with Indigenous personnel and teachings.⁷⁶

⁷⁴ Yukon New Democratic Party, *Opposition Task Force Report on Education* (1985), 1.

⁷⁵ *Ibid.*, 2.

⁷⁶ *Ibid.*, 5–7.

In terms of elementary education, recommendations were similar in terms of better incorporating Indigenous teachings by inviting elders into the classroom, along with allowing teachers to incorporate more Yukon content into their classrooms rather than adhering strictly to the BC curriculum (acknowledging that Yukon's small size made developing its own curricula prohibitive because of the costs). The report also acknowledged the emergence of computers as an instructional aid in classrooms but cautioned that they be evaluated on their educational principles rather than their novelty.⁷⁷

The judgement on secondary education was more pointed and harsher, suggesting that the present system was completely “unrealistic” and, despite the calls from the 1972 committee to loosen the focus of secondary schools on university entrance, that the expansion of programming for vocational training or life skills was too limited. Further, it asserted that the coursework that was being offered to most students was so limited and rigid that it did little to prepare them for life in the workforce or meaningful leisure time, stating that the task force “is concerned that the system develop the whole person, not only academic capabilities.” Most of the specific recommendations were focused on rural secondary programming, including blanket endorsement of the recommendations in the Sharp Report.⁷⁸

The advent of “mainstreaming” as the preferred approach to dealing with the diversity of student needs in schools was heavily featured in teachers’ handbooks through the early 1980s.⁷⁹ The task force reported that this approach was problematic, primarily due to the lack

⁷⁷ Yukon New Democratic Party, *Opposition Task Force*, 7–8.

⁷⁸ *Ibid.*, 8–9.

⁷⁹ Yukon Department of Education, *Teachers Handbook 1981–1982* (Whitehorse: Yukon Department of Education, 1981), 6.

of resources and high pupil-teacher ratios, especially in rural communities.⁸⁰ The issue was also becoming a concern in Whitehorse as well evidenced by the regional superintendent, who, in the midst of the task force's meetings, summoned his principals to a meeting to develop a "better plan" to deal with students not achieving at an "average level."⁸¹ Addressing the issues of learners who needed to work at an independent pace, along with the "Future of Work" becoming increasingly dependent on computer technology, prompted the task force to take a strong position about the Department of Education increasing investments in computer technology.⁸²

One of the most incisive positions of the task force's report was contained in an appendix entitled "The Sharp Report and Rural Education – Reading between the Lines." Despite concurring with Sharp's recommendations, they asserted his "study fails to discuss the apparent levels of educational achievement by Indian students which it reveals." Several times in Sharp's report, specific communities were mentioned as having low results without mentioning that their student populations were primarily Indigenous. Further, Sharp's report used euphemisms such as the "character of instruction" to explain situations whereby non-Indigenous teachers were teaching primarily Indigenous students who were not finding success. Despite Department of Education personnel finding clear evidence of underachievement by Indigenous students (for example, Davis's CTBS score analysis), the department was unwilling to point out the disparities publicly, and the task force found that

⁸⁰ Yukon New Democratic Party, *Opposition Task Force*, 21–23.

⁸¹ D. W. Courtice to Various Principals, February 20, 1984, Yukon Government Records Fonds, Yukon Archives, Educ. 94.07, box 323-15, "Education Council 1982-1984".

⁸² Yukon New Democratic Party, *Opposition Task Force*, 47–50.

“all is not well in regard to Indian students and education in rural Yukon schools” and that the “Department of Education’s refusal to keep records relative to the cultural background of its pupils has helped it to obscure what we believe is the Department’s failure to provide adequate education for Yukon native peoples.”⁸³

The work of the task force showed the extent to which the public was eager to engage in dialogue about the state of education in Yukon. The NDP opposition in the legislature took the suggestions and concerns expressed in each of the communities to heart and were well positioned to respond when the next election was called.

A New Government, New Vision, and New Challenges

The turning point that began the era of ambitious and progressive legislative change in the territory, kickstarted by educational reform efforts, was the result of three factors starting in 1985. The first was the election of an NDP government after the NDP had spent the previous two years engaged in community consultations regarding education. The second was the development of a consistent funding formula with the federal government that would allow for more predictable revenues. Finally there were the revitalized land claims and self-government negotiations that were starting to focus on the concept of local control for Indigenous peoples. The concept of more local control also became more attractive to non-Indigenous Yukoners, who began to push harder for local governance of schools, as well as the territorial government, which wanted to devolve some of their governance responsibilities.

⁸³ Yukon New Democratic Party, *Opposition Task Force*, 42–5.

The election of the NDP as the territorial government after a decade of Progressive Conservative control was aided by the NDP's willingness to engage directly with Yukoners, especially rural and Indigenous peoples. Indeed, the Indigenous peoples had provided the necessary support to unseat the Progressive Conservatives, resulting in the election of a minority NDP government following a snap election called in 1985. While there was anxiety that a socialist government would introduce drastic changes to economic policy, the government worked hard initially to reassure the business community that they were supportive of development within the territory. They were also able to initiate a renaissance within the territorial public service, which had been given few opportunities to propose new programs under the previous Progressive Conservative governments.⁸⁴ The public's confidence in the NDP translated into a majority government situation following two by-elections, giving the NDP the opportunity to translate what they had heard in their consultations into a progressive legislative agenda.⁸⁵

The NDP also benefitted from work that had started earlier in the decade to negotiate a funding formula with Ottawa. In the period between the commissioner formulating an annual budget for Ottawa's approval and the development of the formula, territorial funding came piecemeal from Ottawa through a variety of federal programs targeted towards specific initiatives. This resulted in difficulties in responding to emergent needs or forward-thinking planning, since the funds often could not be used for anything but the pre-defined needs, which were often quite narrow.⁸⁶

⁸⁴ Coates and Morrison, *Land of the Midnight Sun*, 298.

⁸⁵ Coates and Powell, *The Modern North*, 67–8.

⁸⁶ *Ibid.*, 87–8.

The NDP finalized a federal-territorial funding formula that guaranteed federal levels of funding available for general use, allowing for more predictability in territorial revenues and giving the territorial government an increased ability to prioritize its expenditures. The formula agreed to in the Canada-Yukon Economic Development Agreement replaced the myriad of programs with a simple formula whereby Ottawa would contribute the difference between a “Gross Expenditures Base” (an estimate of the total territorial budget that would be required to provide adequate services and indexed to inflation) and the revenues that the territorial government was able to realize.⁸⁷ This was a significant development for the territory, since it removed the uncertainty caused by the world market for metals and minerals that resulted in boom/bust economic cycles. Now, if the extraction economy was booming, Ottawa would provide less funding, which would be replaced should revenues decrease. The funding would also increase as new responsibilities were devolved to the territory from the federal government.

The Opposition Task Force on Education had taken issue with the lack of funding of the educational system in Yukon. It used BC as an example of a situation where “educational resources...are being gutted by a government which depends almost exclusively on revenues from the declining resource extraction sector” in its argument that funding education was essential to the long-term economic development of the territory.⁸⁸ The NDP government, initially unsure of whether the agreement would last, decided to invest much of the new and

⁸⁷ Canada Department of Finance, *Achieving a National Purpose: Improving Territorial Formula Financing and Strengthening Canada's Territories*, (F2-177/2006E), (Ottawa: Department of Finance, 2006), 23–6; Coates and Powell, *The Modern North*, 88.

⁸⁸ Yukon New Democratic Party, *Opposition Task Force*, 46.

more steady revenue stream into capital projects, spending over 20 per cent of its annual budgets on infrastructure that included new school buildings and a new college facility.⁸⁹

The steady funding also allowed territorial departments, including Education, to become more forward-looking and triggered a resurgence in the civil service, who were in a position now to generate ideas and plan rather than simply react, having grown quite “moribund and somewhat gun-shy” in the preceding years.⁹⁰

The NDP came to power with a philosophy that they represented all Yukoners, including Indigenous Yukoners.⁹¹ They also believed that supporting the ideal of Indigenous self-government would not sabotage the territory’s desire for more federal devolution but would bolster its efforts once the land claims process was complete, in addition to providing more economic certainty for resource investors.⁹²

This choice to focus on the common interests of all Yukoners would help to restart the land claim negotiations after the rejection of the AIP in 1984. In August 1985, Yukon appointed Territorial Court judge Barry Stuart as the chief negotiator, and a memorandum of understanding between the Yukon government and the CYI to resume negotiations was signed, despite the federal government choosing to remain uninvolved while it – yet again – sought to redefine its land claims policies.⁹³

⁸⁹ Penikett, *Hunting the Northern Character*, 260.

⁹⁰ Coates and Powell, *The Modern North*, 69.

⁹¹ McCormick, “Inherent Aboriginal Rights,” 144.

⁹² McCormick, “Still Frontier, Always Homeland,” 377.

⁹³ Penikett, *Hunting the Northern Character*, 103.

Stuart chose a generative approach to negotiations, using a method called “principled negotiations” that forced participants to think of negotiable interests rather than establishing negotiating positions. The approach had the effect of involving more people and shifting the negotiation location to Yukon, which resulted in more views and interests being heard and, subsequently, accommodated.⁹⁴ Yukon Premier Tony Penikett described the situation, in the midst of continuing *Constitution Act* discussions by the First Ministers:

[T]he cumulative effect of recent national events has changed comprehensive land-claim negotiations from a cash-and-real-estate deal to a search for a workable social contract between aboriginal and non-aboriginal Canadians. These changes, coupled with our belief that land claims must be transformed from a negative to a positive force in the social, cultural and economic development of Yukon, have prompted our government to see a different approach to land claim negotiations.⁹⁵

However, in 1986 the federal government had reformulated its land claims policies. It once again fell short of recognizing a right to self-government and did not clearly define how land claim agreements would be constitutionally protected. Nonetheless, Yukon and the CYI continued to negotiate and developed a new AIP in early 1988 that, in addition to cash-and-real-estate provisions, did not result in extinguishment of Aboriginal title. The federal government ratified the AIP in 1989, leading to the development of an Umbrella Final Agreement in 1990 that would be the basis of individual negotiated settlements for each First Nation, each of which would be protected under the Constitution of Canada.

Furthermore, following the recommendations of the Penner Report that had opened the door to Indigenous self-government, a model self-government agreement was also developed

⁹⁴ McCormick, “Inherent Aboriginal Rights,” 151–2.

⁹⁵ Penikett, *Breaking Trail*, 104.

in 1990, again to be used as a template for individual negotiations with each First Nation but that remained outside the protections of the Constitution.⁹⁶ The self-government agreements would include the ability of First Nations to negotiate for the transfer of responsibility of a number of services to their government from the federal or territorial government, including education from the latter.⁹⁷

Concurrent to all of these developments, in an effort to address the multitude of challenges to Yukon (including the stalled land claim negotiations and the lack of a diversified economy), the NDP government embarked on an ambitious and wide-ranging consultation called Yukon 2000 to chart a new course for Yukon's economic future. Like the Opposition Task Force on Education, and further signifying the departure from previous planning processes that were either run from Ottawa or that used outside experts to identify and solve planning problems, the consultations were facilitated locally. In a nod to the rural populations, the first meeting was held in Faro, the site of Yukon's largest private employer and "off-again, on-again" mine, and resulted in Yukoners from across all divides – political, geographic, and Indigenous/non-Indigenous – coming to consensus on goals for an economic strategy. These common goals included an option to stay in the territory (rather than leave for work), more local control of the future, maintaining a quality of life and the natural environment, and greater social equality.⁹⁸ The outcome of the years of consultation was the territorial government's increased confidence in the citizenry's ability to manage more affairs

⁹⁶ LegendSeekers Research Inc., *Yukon First Nations History*, 78–9.

⁹⁷ Council of Yukon Indians, *Umbrella Final Agreement*, (1993).

⁹⁸ Penikett, *Breaking Trail*, 147–50.

locally. This confidence contributed to an ambitious legislative agenda during the second half of the 1980s that would bring progressive economic development, including environmental, wildlife, human rights, health, and education legislation, all of which featured increased local control mechanisms.⁹⁹

A Period of Intense Public Consultations about Education

The second half of the 1980s saw a permanent shift away from the use of the Education Council as the territorial government's primary advisory mechanism on education matters to more public consultations led by Yukoners. The government sponsored two parallel public consultations focused on education: the Joint Commission on Indian Education and Training (JCIET) and the *Education Act* Task Force (EATF). The JCIET had a broad focus on Indigenous education issues from pre-school through to the workforce, while the EATF was narrowly focused on amending the *School Act*, which focused exclusively on K-12 education. Both consultation processes resulted in numerous recommendations but came out with similar themes to improve the system for Indigenous learners and to increase local control of schools.

Prior to the election of the NDP, the government's primary advisory body on matters concerning education remained the Education Council. The council's status began to wane earlier in the 1980s when its mandate was changed to advising the deputy minister of education rather than the minister.¹⁰⁰ The Education Council, having lost its direct access to

⁹⁹ Penikett, *Breaking Trail*, 136, 153; Penikett, *Hunting the Northern Character*, 127; Coates and Morrison, *Land of the Midnight Sun*, 298.

¹⁰⁰ Yukon Department of Education. *Annual Report 1983–1984*, (1984).

the minister of education, began fighting to retain its status as the primary advisory body. It urged the government to include it in the selection process for the next deputy minister of education and was pushing for a local candidate, stating “[i]n the present situation it is our contention that we have a ship with a borrowed rudder and we would like to have our own rudder for consistent steering.”¹⁰¹ Other bodies that used to communicate their concerns about education through the Education Council expressed their confusion about the current role of the council.¹⁰² The government muddled these waters even further when responding to the pressures of evaluating and assessing its range of French language programs and, in anticipation of a program review, had requested members for a separate French Language Advisory Committee. In a letter to the minister, the chair of the Education Council expressed the council’s displeasure with this move, stating that “it is our understanding that the Education Council serves to inform you of the concerns of the public regarding all educational matters and that special interest groups should address their concerns to the Council where a more global interpretation, for the benefit of all Yukon students, not just a select few, would be passed on to you.”¹⁰³ The government stood firm and created the French Language Advisory Committee, further eroding the council’s prominence.

The first of the two Yukon-wide consultation processes for education reform was the JCIET, formed in partnership with the CYI and representing the first attempt at local,

¹⁰¹ P. Sheridan to A. Penikett, February 19, 1987, Yukon Government Records Fonds, Yukon Archives, Educ. 94.07, box 303a, "Education Council 1986-1987".

¹⁰² F. Roberts to P. Sheridan, October 22, 1986, Yukon Government Records Fonds, Yukon Archives, Educ. 94.07, box 303a, "Education Council 1986-1987".

¹⁰³ P. M. Sheridan to P. McDonald, September 30, 1986, Yukon Government Records Fonds, Yukon Archives, Educ. 94.07, box 303a, "Education Council 1986-1987".

cooperative consultation and formulation of recommendations for Indigenous education. The genesis of this commission was a commitment made by the education minister in 1985 to “re-examine the state of Indian Education in Yukon.”¹⁰⁴ The mandate for the commissioners was “(a) to identify, investigate, analyze, and report on the barriers to educational and training opportunities for Yukon Native people and (b) to provide recommendations for changes in policies, procedures, and practices which would eliminate or reduce these barriers.”

The commission got off to a rocky start when the original three appointed commissioners, including Bob Sharp (author of the rural schools reports), resigned in December 1986, citing “internal difficulties.” They were replaced in January 1987.¹⁰⁵ New commissioners were appointed, and the commission embarked on a Yukon-wide tour of community meetings while accepting written submissions from interested parties, based on the following principles:

- a strong sense of involvement and commitment to the process by all participants;
- acknowledgement and recognition that the Yukon Indian people have a role, as do all Yukoners, in the education system, a system which greatly impacts on their ability to take full part in the economy and society of the Territory;
- acknowledgement and recognition of Yukon Indian people having equal say in the education of themselves and their children;
- recognition that policy development is only effective when those most affected have input into that development.¹⁰⁶

¹⁰⁴ Joint Commission on Indian Education and Training, *Kwiya: Towards a New Partnership in Education*, (1987), iv.

¹⁰⁵ Yukon Archives, *Inventory to the Joint Commission on Indian Education and Training Fonds* (Whitehorse: Yukon Archives, 1993), 1; “Personality Conflict Now Runs Too Deep for Solution – CYI Executive,” *Whitehorse Star*, December 1, 1986.

¹⁰⁶ Joint Commission on Indian Education and Training, *Kwiya*, iv.

Midway through the consultations, the commission reported that it was clear that the school governance structures, namely the school committees, were unable to meet the particular needs of individual communities and that municipalities and Indian bands felt ready for more responsibility. Eight areas had been identified for investigation: “Curriculum, teacher and teacher training, post-secondary training, social conditions, school-community communication, support services, and administration and decision making.”¹⁰⁷

Concurrently, the second consultation process – The EATF – commenced its work. Rather than seeking to amend the current *School Act*, the government, continuing its pattern of ambitiously rewriting legislation, preferred to do the same after wide-ranging consultations, resulting in a completely revised *Education Act*.¹⁰⁸ A YG advertisement in December 1986 informed the public of a five-step process for drafting the new legislation, which was expected to take 18 months and was designed to involve members of the public heavily at first. The first step was to form five working groups to gather information and produce discussion papers on student rights and responsibilities, administrative guidelines, student transportation and accommodation, employee management (labour relations), and school committees and school boards. The second step was to collect feedback on these discussion documents through a Yukon-wide tour of public meetings and the collection of written submissions. The third step was the collation of feedback into a “plan of action” about what needed to be

¹⁰⁷ “Communities Want More Educational Responsibility,” *Whitehorse Star*, April 27, 1987.

¹⁰⁸ P. McDonald to Education Council Members, December 18, 1986, Yukon Government Records Fonds, Yukon Archives, Educ. 94.07, box 303a, “Education Council 1986-1987”.

changed in the updated legislation. Steps four and five were the legal processes of drafting the updated legislation and passing it in the legislature.¹⁰⁹

Continuing the trend with regard to the composition of consultative bodies, no outside experts were brought in to sit on the task force. The YG appointed a local lawyer to chair and solicited five additional members – two from CYI, one from the Education Council, one from the YTA, and one from the Principals and Vice Principals Association. Following the preparation of the discussion papers, the task force toured Yukon from April through June 1987.¹¹⁰

Both of these consultations concerning education taking place throughout Yukon were not in a vacuum. BC had initiated the Sullivan Royal Commission on Education, which was also a wide-ranging consultation on educational matters chaired by lawyer Barry Sullivan.¹¹¹ The Yukon, which had followed BC curriculum since 1934, maintained very close ties to the BC Ministry of Education and carefully monitored the developments of their southern partner.¹¹²

The JCIET was the first to deliver a report. After a series of community meetings that focused heavily on the legacy that Indian residential schools had on current day education, social services, and parenting issues, the primary solution of increasing local control of schools was often repeated. The difficult position that many teachers and principals found

¹⁰⁹ Your Child's Future – A New *Education Act*, c. July 1987, Pamphlet Collection, Yukon Archives, PAM 1987-0010.

¹¹⁰ "Education Task Force Named," *Whitehorse Star*, April 20, 1987.

¹¹¹ "Review Will Shape Education for the Future," *Whitehorse Star*, May 1, 1987.

¹¹² Stuart, "Duff Pattullo and the Yukon Schools Question of 1937." Yukon continues to have a service agreement with the BC Ministry of Education and, operationally, is "School District 98" for the purposes of administering exams, student transcripts, and statistics.

themselves in when teaching in a rural community was also noted by one of the commissioners: “Sometimes schools are caught in between the Department of Education and the community. They are trying to meet the rules and regulations of the department and meet the needs of the community.” Another commissioner worried that their work would end up as “just another report,” left to gather dust on a shelf.¹¹³

The Joint Commission’s report, entitled *Kwiya: Towards a New Partnership in Education* was delivered with little attention from the press in August 1987 after considering submissions from over 500 individuals along with scores of hours of community meetings that were taped and transcribed.¹¹⁴ The report was the first territorial government-sanctioned report to name Indian residential schools as playing a major role in the problems that Indigenous learners were facing both inside and outside of school. The report noted that since schools were integrated, there had been many promises to better meet Indigenous students’ needs, with little or no follow-up, and gave dozens of examples, including the 1960 and 1972 Committees on Education.¹¹⁵ It named the Department of Education’s unwillingness to collect statistics based on Indigeneity as a key reason for the denial of equality of opportunity because it was more convenient to have no data than data that indicated a problem existed.¹¹⁶ The lack of formal recognition of “Indian Culture as Part of Yukon Society” was also identified as a barrier to Indigenous education, and the report elaborated on the perception of a homogenous

¹¹³ “Education Commission Cites History of Residential School for Many Problems,” *Whitehorse Star*, May 15, 1987.

¹¹⁴ Joint Commission on Indian Education and Training, *Kwiya*, i.

¹¹⁵ *Ibid.*, 5–10.

¹¹⁶ *Ibid.*, 14–16.

group of Indigenous people as opposed to the reality, which was “that there are not one but many First Nations of Indians in Yukon.”¹¹⁷

The YG’s approach to parent representation on school committees was criticized in the report, especially the prevailing view that Indigenous parents could simply run for seats on school committees. Coincidentally, this criticism was reinforced by a human rights complaint filed by an Indigenous man who had unsuccessfully run for a seat on the Watson Lake school committee and who felt his defeat was the result of a coordinated effort by non-Indigenous residents of Watson Lake to prevent him (and another three Indigenous candidates) from being elected. Despite the school having an Indigenous population of about one-third of the total, all five seats were filled by non-Indigenous candidates. It was seen as a strong indicator that guaranteed representation on school committees needed to be considered.¹¹⁸

The final recommendation in the *Kwiya* report was that the Yukon government use legislative action to correct the deficiencies and inequities in the system, since prior attempts to use less formal mechanisms had proven ineffective. These recommended legislative corrections included the establishment of separate schools in Indigenous communities where populations warranted or, at the very least, devolvment of some ministerial responsibilities such as the staffing of schools to the community level.¹¹⁹

The second report of the bunch, the EATF Report was released the following November and had more public impact, meriting a front-page story in the *Whitehorse Star*

¹¹⁷ Joint Commission on Indian Education and Training, *Kwiya*, 27.

¹¹⁸ M. Schreiter to P. McDonald, December 15, 1987, Yukon Government Records Fonds, Yukon Archives, Acc. 2003/60, Box 1998-865, “Watson Lake Catholic/Non-Catholic Teachers”; “Band Eyeing Human Rights Complaint over Watson Lake School Elections,” *Whitehorse Star*, December 18, 1987.

¹¹⁹ Joint Commission on Indian Education and Training, *Kwiya*, 39–41.

with the headline “Report Calls for More Local Control of Yukon schools.” The article highlighted the fact that, while the report did, indeed, call for more local control in the operation of schools, it did not recommend that the Department of Education cede control over curricula or school financing. Further, in terms of curricula, the report did not recommend separate Indigenous-focused curricula but a set of core curricula that would continue to be adapted to incorporate local content so that, as the task force chair mentioned, “students not only have the chance to learn but have a chance to compete when they move outside.”¹²⁰

The task force’s report began with the recommendation that a new philosophy of education be developed and incorporated into the legislation to ensure consistency throughout and suggested it be that:

- a) a child’s education is first and foremost the responsibility of the parent or guardian;
- b) all Yukon children have the right to a quality education;
- c) the education provided to a child must be appropriate to the individual learner;
- d) the education system must provide students with the necessary cognitive and decision-making skills which will allow them to succeed in the larger society, and must also nurture self-worth and dignity in the individual;
- e) the education system should foster an informed awareness in students of the environment in which they live and of the skills and judgement necessary to live as social and co-operative beings;
- f) the curriculum offered in the Yukon education system must reflect the milieu of the Yukon including its social, cultural and historical setting;
- g) the values, traditions and cultural experience of the Yukon’s Indian people are a valued heritage to be shared by all Yukon children through its integration into the curriculum; and
- h) the *Education Act* must provide mechanisms to ensure parental involvement in the education system.¹²¹

¹²⁰ “Report Calls for More Local Control of Yukon Schools,” *Whitehorse Star*, November 18, 1987.

¹²¹ Education Act Task Force, *Report of the Education Act Task Force* (1987), 3.

The recommendations in the report focused, first, on student rights and responsibilities with regard to compulsory attendance and student discipline, recommending that corporal punishment be removed from the new *Education Act*, along with stricter guidelines on the use of suspension from school as well as allowing students the right to appeal a suspension.¹²²

A section on curriculum acknowledged the tension between offering a curriculum that allowed students to easily transfer between educational jurisdictions as well as meeting university entrance requirements and developing a curriculum that was more “relevant to the Yukon and teaching methodologies must be more relevant to Native students,” suggesting that the current practice of developing units of local content be continued and expanded.¹²³ More attention was paid to students with special learning needs and those requiring alternative programs, as well as the expansion of both French and Indigenous language programs, including the possibility of developing immersion programs in the latter.¹²⁴ One of the key recommendations acceding to the wishes of individual communities was to allow each community to set the start and end dates for the school year but stopped short of allowing more variability, such as the length of the school day or the number of days in session each year.¹²⁵

The bulk of the task force’s report focused on summarizing and making recommendations with regard to school governance. It recommended that there be various levels of local control, starting with retaining school committees that would continue as

¹²² Education Act Task Force, *Report*, 4–11.

¹²³ *Ibid.*, 12.

¹²⁴ *Ibid.*, 11–16.

¹²⁵ *Ibid.*, 18–19.

advisory bodies. It also recommended that autonomous school boards be created as options for communities to exercise full control over the schools, and to have taxation authority over local citizens (as well the ability to receive territorial funds) to operate programs at schools. It suggested, however, the creation of an intermediate governing body – a “school society” – to allow communities to transition towards school boards more easily. The school societies would have the same advisory powers as the school committee but would also be granted the right to approve the school’s budget and capital plans, select the principal, and recommend the transfer, dismissal, or demotion of a teacher to the regional superintendent.

Notably, in all three of these options, the task force stopped short of recommending guaranteed Indigenous representation, acknowledging members were divided on the issue. Two members wanted to create separate local Indian education authorities with similar powers to those of school committees or societies or to have guaranteed representation with a sunset clause of 10 to 15 years on the governing bodies proposed by the report. The remaining three task force members felt that this ran contrary to the principles of a democratically elected governing body.¹²⁶ Instead, the report recommended that a Native Education Centre be formed as a branch of the Department of Education that would work with the CYI but remain accountable to the minister of education. This centre would be responsible for developing and implementing curricula as well as working within communities to educate parents about their right to be involved in their children’s education, specifically through a committee, society, or board.¹²⁷

¹²⁶ Education Act Task Force, *Report*, 20–7.

¹²⁷ *Ibid.*, 28–9.

The task force report recommended that the Department of Education retain all control over curriculum and school funding for all schools and boards. In addition, the department would retain control over school staffing, supervision, and administration of schools that remained governed by committees or societies.¹²⁸ The task force did advise that the role of the minister be reduced, in operational terms, to include only the authority to create separate schools (both faith-based and those that might emerge for Indigenous students) and to establish the qualifications for teachers throughout the territory in order to ensure quality and consistency. The operational executive authority on all other operational issues would transfer to the superintendent of public schools, and the report enumerated the specific roles and responsibilities of this position, regional superintendents, district superintendents, principals, vice principals, and teachers.¹²⁹

The remainder of the report focused on the employment conditions of teachers, suggesting enshrining the labour relations issues into legislation to reflect what was in place for the rest of Yukon's civil servants. It also mentioned a number of issues that it felt ought not to be included in legislation but rather in policy or regulation, since they would be more easily changed as circumstances allowed. These issues were reflective of the issues raised in community meetings or written submissions and included class size, student promotion, teacher training, cross-cultural training, rural high schools, counselling services for students, transportation of students, parent-school relationships, lunch hour supervision, and designated attendance areas.¹³⁰

¹²⁸ Education Act Task Force, *Report*, 28.

¹²⁹ *Ibid.*, 30–37.

¹³⁰ *Ibid.*, 38–49.

Mere days after the task force released its report, a scathing accreditation report of F.H. Collins Secondary (the territory's largest secondary school) was released, which highlighted many of the issues raised in the task force's report. The accreditation, which was completed by an outside consultant from Edmonton, found that the school's administration was deaf to many of the concerns of students, parents, and the community. In the face of an "autocratic" principal, the school committee and Indigenous organizations felt they had no meaningful voice in the institution that was the only option available in Whitehorse for their students which, the report concluded, was underserving students who were not on an academic track. Years of the school committee's advice falling on deaf ears at the school highlighted the lack of meaningful parent participation, even in well-subscribed urban schools, though it was not confined to them.¹³¹

A great deal of newspaper coverage followed, far more than was focused on the task force's report. The school's administrative and management issues quickly dominated the discourse at the territorial political level as Bea Firth, the minister of education in the previous Progressive Conservative government, excoriated the current minister, Piers McDonald, insisting that the Department of Education should have taken a more active role in overcoming the "communications woes." In a tipping of his hand with regard to his government's position on school governance, Minister McDonald replied that Firth "is a central authority who believes in that kind of decision making and I believe the parents and staff and the school administration would be involved in the policy-making of the school."

¹³¹ "Communications with Public & Parents Said Major School Problem," *Whitehorse Star*, November 20, 1987.

Those people who say the minister ought to be involved in the operations of the school are not only misguided, but they are wrong.”¹³²

Partners in Education – Development and Introduction

The territorial government’s growing confidence and expressed desire that control of education be devolved to the local level, supported by the demand for such control at the community level expressed through the reports of the JCIET and the EATF, necessitated the development of new legislation to support these changes. The government released a position paper and a subsequent draft *Education Act* with proposed changes that, initially, were rejected by the CYI as not going far enough, especially in the midst of self-governance negotiations. Further negotiations and amendments, however, resulted in the CYI’s agreement, and new legislation was passed in the legislature in the spring of 1990.

After months of delays, upsetting the original 18 month timeframe for the development of new education legislation, the government finally had the two reports to distill into its action plan, which would serve to inform the drafting of the new act. The two reports highlighted the ongoing tension between the desire to have Indigenous views and control incorporated more strongly in the legislation and the desire to have a system that closely reflected education in the provinces (most notably BC). This tension was highlighted in December 1987 when the newly formed Yukon Human Rights Commission released a poster of a young Indigenous girl pictured in front of a school with the caption, “Mommy, don’t

¹³² “Slams Gov’t for School Report,” *Whitehorse Star*, November 25, 1987.

leave me here” as part of an anti-racism campaign. Reaction to the poster was swift, with school committees split over its appropriateness, since the head of the Yukon Human Rights Commission, in a newspaper article, tied the poster to the recently released *Kwiya* report.¹³³

Because of the delays, and sensing the need to make some changes to education legislation based on the feedback provided, the government was internally discussing whether to move ahead with changes to the *School Act* and regulations to allow amendments to the school calendar by school committees in order to show that the government was responsive to the calls for greater public participation in education.¹³⁴ Following the release of the reports, this work was pushed to the department’s policy branch in order to try and have the amendments passed in the spring 1988 sitting.¹³⁵ However, the department was busy working on a host of other initiatives (in addition to supporting the deputy minister in responding to the political requests from the minister’s office), including the *Yukon College Act* and land claim negotiations support, and was not able to develop the legislative changes in time for the spring sitting.¹³⁶

In the summer of 1988, the report of the Royal Commission on Education in British Columbia, entitled *A Legacy for Learners*, was released. The report was a bottom-to-top examination of BC’s school system starting with the learner, through the curriculum and teachers, to school financing and provincial control. The report’s introduction specified the

¹³³ “Anti-racism Poster Stirs Emotional Debate,” *Whitehorse Star*, December 22, 1987.

¹³⁴ D. P. Odin to P. McDonald, July 9, 1987, Yukon Government Records Fonds, Yukon Archives, acc. 97-83, box 235b, "School Ordinance General Correspondence 1979-1987".

¹³⁵ K. Cameron to D. Courtice, January 8, 1988, Yukon Government Records Fonds, Yukon Archives, acc. 97-83, box 235b, "School Ordinance General Correspondence 1979-1987".

¹³⁶ Role of Policy Planning and Evaluation Unit, January 21, 1988, Yukon Government Records Fonds, Yukon Archives, acc. 2007/78, box 93-14, "Policy, Planning, and Evaluation 1984-1990", 8.

two themes that ran throughout the report. The first was having a strong mandate for schools in BC to offer “clarification” on schools’ mission and operations. The second was that decision-making on education necessitated choices being made “among competing social and educational values” and that citizens were, more than ever, interested in participating in this process. Further,

[t]hroughout the study, the Commission found its attention engaged by many such issues, including that of parental and state rights in children’s education, the debate over public and non-public schooling, the tensions that exist between values of equality, access, and affordability, the need for stability and the need for change, the relative advantages of central as opposed to local governance, the freedom to act and the need for accountability, the ideal of choice and the need for equality and standardization, to mention but a few.¹³⁷

Similar themes were highlighted in *Partners in Education: An Action Plan*, released by the Yukon government in September 1988, which also included a framework for the drafting of the new *Education Act*. The action plan also identified two main themes of the plan for educational reform: to provide high-quality education that would meet the needs of all Yukon children and the need to increase public participation in the governance of education while also noting that “more is expected of the public school system than ever before in the history of public education.”¹³⁸ The action plan asserted that legislative changes were necessary to “give ‘teeth’ to implement change in the education system” – change that had been repeatedly called for in public meetings over the years and specifically called for in the *Kwiya* report. It also presented a philosophical statement on the purpose of education in Yukon that would underpin all the changes that would be required in terms of policy and procedure during the

¹³⁷ B. Sullivan, *A Legacy for Learners: Summary of Findings*, (Victoria: Ministry of Education, 1988), 4–5.

¹³⁸ *Partners in Education: An Action Plan: Your Child’s Future, A New Plan for Education*, September 1988, Pamphlet Collection, Yukon Archives, PAM 1988-0203, 1.

implementation of the new act: “Public education should prepare people for life and work in the Yukon, Canada and the world, and promote in the community a love of learning.” It continued to describe the requirement that education be individualized for each student to reach his or her aspirations, though without specifying that curricular flexibility might be necessary to achieve this outcome.¹³⁹

The specific changes in the system that the government proposed to enact through a comprehensive school reform agenda, besides using legislation to effect the changes, included increasing the authority of schools at the local level, including giving school committees authority over the school’s budget, embarking on a “Made in the Yukon” curriculum that would be increasingly focused on being “culturally sensitive” for Indigenous students, and increasing special education supports and resources.¹⁴⁰

The government confirmed what it had previously hinted at: The legislation would begin the process of removing the territorial government from the business of operating schools by devolving further authority to school committees. The *Whitehorse Star* reported that ““One of the most significant consequences (of the consultation process) is the need for greater public participation in education decision making,’ [Education Minister Piers] McDonald said. With increased powers to the school committees, the territorial government’s Department of Education will play more of a facilitator’s role, he said.” The proposed act included additional responsibilities for school councils to bring them steps closer to becoming school boards that would be fully responsible for the governance and operation of the schools.

¹³⁹ Partners in Education: An Action Plan, September 1988, 2–3.

¹⁴⁰ Ibid., 4–8.

In addition to the controversial position of having a guaranteed seat on each committee for an Indigenous representative, it also proposed the creation of Indian education authorities for each community that would act as advisory bodies to the committees to allow for “band by band” negotiations to respond to the needs of each individual committee.¹⁴¹

Reaction to the proposed legislation was swift. Firth, the former Progressive Conservative minister of education and the opposition critic, attacked the legislation as a whole and was worried that, instead of the government devolving power to local authorities, the provisions of the act that increased students’ rights and integration of Indigenous authority would remove parents from having the primary responsibility for the education of their children, where she argued it ought to lie. She was particularly concerned with the removal of corporal punishment from schools and was harshly critical of the proposal to allow teachers leave from their positions to run for public office. She was interested in seeing the actual wording of the legislation with regard to the school committees’ powers and those of the Indian education authorities, which she also specified as possibly “overkill.” While supportive of guaranteed representation of Indigenous people on the committees, she also felt there should be a sunset clause for that provision.¹⁴²

A four-part editorial in the *Whitehorse Star* also weighed in on the proposed education legislation. While supportive of the expanded authorities of the school committees, it worried about the pace at which the powers would be devolved and that, perhaps, “more patience and

¹⁴¹ “Blueprint out: Ban the Strap, Ensure Committees Have Indian Membership, Gov’t Says,” *Whitehorse Star*, September 13, 1988.

¹⁴² “Teacher Proposal a ‘Timebomb’,” *Whitehorse Star*, September 14, 1988; “Tory Critic, Teachers’ Group Want More Details,” *Whitehorse Star*, September 14, 1988.

prudence” was required, since the skills needed to select principals and manage a school’s budget could not be expected to be fully developed from the start.¹⁴³ The editor also echoed Firth’s concerns about the right of teachers to have leave to pursue political office, since this right was not mirrored in the rest of the public service or the private sector and using this mechanism to perhaps give this right to all workers was seen as clumsy on the part of the government.¹⁴⁴ One instalment of the editorial explored the upsides and downsides of the guaranteed representation issue, acknowledging that it was a worthy experiment, since governments “aren’t capable of legislating prejudice and discrimination out of existence.”¹⁴⁵ The government’s attempts to increase the influence of Indigenous parents and organizations in the education system was lauded, but the proposed legislation had “fundamental flaws that threaten to mitigate their success if they become enshrined in legislation.” These included the Indian education authorities only having an advisory role because, they argued, advisory bodies had a long history of little influence, especially with the Department of Education. It proposed, in the absence of an Indian education commission that would have actual authority, that an appeal mechanism or a guarantee that the department would study recommendations made by the Indian education authorities if individual school committees were resistant to them. It concluded: “Ultimately...the Indian community is seeking control of the education of their children. The government is signalling a willingness to grant influence, but not control.

¹⁴³ “Education Positions I,” *Whitehorse Star*, September 16, 1988.

¹⁴⁴ “Education Positions IV,” *Whitehorse Star*, September 21, 1988.

¹⁴⁵ “Education Positions I,” *Whitehorse Star*, September 19, 1988.

It may well be that there isn't a compromise big enough to close such a yawning gap in philosophies."¹⁴⁶

Indeed, the response from Indigenous organizations was critical with regard to the proposed legislation, even though it did grant their wish to have guaranteed representation, because of the advisory role. Mary Easterson, a teacher, activist, and one of the members of the EATF who wrote the "minority report" for the section on school councils (where it was acknowledged that the issue of guaranteed representation was one on which the committee could not come to consensus), collaborated with the Yukon Human Rights Commission to highlight the "injustices" of the proposed legislation:

If Indian people are to assume any control over the education of their children, they have to have the responsibility to determine policy development, curriculum and spending. Otherwise, they don't have any control at all...The whole question is one of control. How much is the government prepared to lose in term of control? If you really want to say we're partners in education, let's be equal partners.¹⁴⁷

She was not optimistic that her pleas would result in changes. She proposed that the CYI form an ad hoc committee to draft their response to the proposed act, which was published the following spring and was entitled *A Declaration of Yukon First Nations Jurisdiction over Education*. It recognized that part of the problem was due to the territory's unwillingness to devolve its recently gained powers. "The Territorial Government's involvement in the affairs of Indian people has expanded greatly over the past decades, and with agreements reached on health and education [with the federal government], it is highly

¹⁴⁶ "Education Positions II," *Whitehorse Star*, September 20, 1988.

¹⁴⁷ "'Injustices' Unsolved by Education Proposals – Activist," *Whitehorse Star*, September 19, 1988.

unlikely that the jurisdiction of these powers will be willingly shared by the government in power.” It acknowledged Minister McDonald’s assertion that legislative changes were necessary to increase the Indigenous community’s role in education and lamented that “a lack of enabling legislation has been a major stumbling block.”¹⁴⁸

The declaration recognized that not all Indigenous communities were in favour of a centralized authority for Indigenous educational matters and that this matter was central to the self-government negotiations as part of the ongoing land claims process. It demanded that the federal and territorial governments recognize that control of education is an inherent right for Indigenous governments, that fiscal power over education be devolved to Indigenous governments, and that the Indigenous governments have the right to make their own laws respecting education, with language and culture at the core of their educational philosophy.¹⁴⁹

Responses to the proposed act from the Roman Catholic and francophone communities were more muted but generally positive. The Roman Catholic bishop, realizing that the new governance model devolving more power to school committees and societies might weaken his role, encouraged his faithful to become more involved in these bodies (noting the lack of participation on school committees) in order to maintain and grow the Catholic schools, which were quite crowded at the time.¹⁵⁰ The minister felt that L’École Émilie Tremblay, the francophone “program” with 47 students, had matured into a “school” only days before the

¹⁴⁸ A Declaration of Yukon First Nations Jurisdiction over Education, June 30, 1989, Pamphlet Collection, Yukon Archives, PAM 1989-0301. 1–3.

¹⁴⁹ A Declaration of Jurisdiction, June 30, 1989, 7–8.

¹⁵⁰ T. Lobsinger to P. McDonald, May 12, 1989, Yukon Government Records Fonds, Yukon Archives, acc. 98-066, box 71-19, "Administration of Catholic Schools 1986-1991".

proposed legislation was unveiled, a move that would allow them to have a school committee with the same authority as all other school committees when the new legislation passed.¹⁵¹

Teachers and the Yukon Teachers Association were generally happy with the proposed act, extending their annual general meeting that year to over a day and a half in order to closely examine the proposed changes. After years of lobbying by the YTA, a “Teaching Profession” section was included that formally established the YTA as both the union and the professional association. It also mandated membership for anyone wishing to teach in a Yukon public school, making Yukon one of the last jurisdictions to have compulsory membership in a union for public school teachers.¹⁵² The proposed act also strengthened teachers’ employment rights, including removing the prohibition to strike.¹⁵³

Negotiations with the CYI and other stakeholders (homeschoolers and those advocating for private schools) over the content of the final draft continued, and the legislation was not ready for the 1989 spring legislative session. In the meantime, the Education Council was keeping itself busy while trying to remain relevant by researching the issues involved in the conversion of the proposed school societies into school authorities, especially the funding implications, and looked to boards in the Northwest Territories and rural northern Saskatchewan as models. Proposed models for the Yukon included one large board, with representation from regions and “special groups” (Indian, francophone, Catholic, special needs, etc.), divisional (regional) school boards like those in the NWT to administer schools

¹⁵¹ “French-Language School Given Official Status,” *Whitehorse Star*, September 8, 1989.

¹⁵² Yukon Teachers Association, *50 Years of the YTA*.

¹⁵³ Government of Yukon, *Partners in Education: The Draft Yukon Education Act* (Whitehorse, Yukon Education, 1989), s. 270–5.

for around 1,000 students, small local boards that would administer schools with populations of around 300–400, or remaining with the “strengthened school committees” with an umbrella organization, a “Yukon Association of School Committees...to recommend and lobby for changes and provide advice on a regional or territorial basis pertaining to the relationship between parents, students, communities, school committees, schools and the government.”¹⁵⁴

A significant concession by the territorial government (that would alter the course of territorial-First Nations relations regarding education for decades to come) was granted in December 1989, which allowed the CYI and government to come to an agreement on the latest draft of the *Education Act*. Key changes that won CYI’s support included the specification that land claims and self-government agreements containing language regarding Indigenous rights and control over education would supersede the act, along with a mandated 10-year review of the new act.¹⁵⁵ Since the Umbrella Final Agreement on land claims had just been ratified by the federal government the previous spring and included the ability for First Nation governments to devolve a variety of services, including education, this legislative concession presented the realistic possibility for each First Nation to assume complete jurisdiction over education at some point in the future without requiring other enabling legislation.¹⁵⁶ This development would give First Nations significant and ongoing leverage in any future negotiations regarding education as the possibility to devolve education from the territorial government would always be an immediate and realistic possibility.

¹⁵⁴ School Board Structures: A Paper to Support Discussion at the 1989 Yukon School Committees Conference, Yukon Government Records Fonds, Yukon Archives, acc. 98-066, box 1999-0022, "Education Council 1989-1990".

¹⁵⁵ “CYI Now Endorses *Education Act* Draft,” *Whitehorse Star*, December 8, 1989.

¹⁵⁶ LegendSeekers Research Inc., *Yukon First Nations History*, 78–9.

The proposed draft had an entire section (Part 5) devoted to Indigenous education, which enshrined the right to Indigenous language education by “Aboriginal Language Instructors,” a new type of employee. Despite the minister of education maintaining complete control over the curriculum for schools, it provided the strongest language ever in terms of providing a more relevant Indigenous focus within the curricula, specifying that “the Minister shall include in courses of study prescribed for use in schools studies respecting the cultural, linguistic, and historical heritage of the Yukon and its aboriginal people, and the Yukon environment.”¹⁵⁷ It also committed the minister to consult with the CYI and consider any recommendations or reports received from the CYI.¹⁵⁸

The government released the “final” draft of the *Education Act* in December 1989 but still allowed for a public feedback period prior to the legislation being presented in the YLA in the spring of 1990. Some religious groups and the Home Educators Society were still unhappy with the role of the minister because it might restrict the role of parents in determining what their children were taught, both at home or in private schools, should they be established.¹⁵⁹ The preamble to the draft act included the statement that “the goal of the Yukon education system is to develop the whole child, including the intellectual, physical, social, emotional, moral, spiritual, cultural and aesthetic potential of all students,” which proved controversial for many parents who felt strongly that, while the government was providing greater parental participation in the governance and operation of schools, it was

¹⁵⁷ Government of Yukon, *Partners in Education Draft Act*, 21.

¹⁵⁸ *Ibid.*,” 22.

¹⁵⁹ “*Education Act Consultation Ends*,” *Whitehorse Star*, February 20, 1990.

removing parental authority in what was actually being taught to children in whatever educational setting a parent might choose.¹⁶⁰

By February 1990, however, there were still elements within the CYI who remained unhappy with the proposed act and who released another position paper, *Towards a Just Education in the 90s: A Response to the Proposed Education Act*. The paper argued that the new act failed “to acknowledge relationship between the Federal Government of Canada and Yukon First Nations. The proposed Act has empowered the Yukon Territorial Government’s minister of education and/or its delegated authority with final veto power” and continued that “the Minister, albeit with good intentions, may act adversely to [the Indigenous communities’] cultural, social, political, spiritual and academic needs.” It proposed several specific revisions to strengthen the guaranteed representation clauses and to include an “opting out” clause (to be used if a First Nation was unhappy with the YG’s ability to offer a “meaningful” education, as well as various mechanisms that would strip the final authority on matters relating to Indigenous education from the minister of education. It acknowledged the promise of the new act and that, if changes were made (changes that it argued were quite reasonable due to the small size of Yukon’s population, which made it relatively easy to accommodate the various differences among communities), it would serve as a model for other jurisdictions.¹⁶¹

On Tuesday, April 24, 1990, after nearly five additional months of consultation and a full seven years after the Opposition Task Force on Education began touring Yukon, the

¹⁶⁰ Government of Yukon, *Partners in Education Draft Act*, v; “Let Parents Make the Choices,” *Whitehorse Star*, January 26, 1990; “Education Act Triggers Questions,” *Whitehorse Star*, February 14, 1990.

¹⁶¹ *Towards a Just Education in the 90s: A Response to the Proposed Education Act*, February, 1990, Pamphlet Collection, Yukon Archives, PAM 1990-0300.

Education Act was tabled and read for the first time in the YLA. The *Teaching Profession Act*, which was the section from the draft *Education Act*, excerpted and tabled as a separate piece of legislation, was also introduced and read for the first time. The splitting of the legislation was based on a request from the YTA that legislation creating the self-regulating of teaching be treated in the same manner as legislation for other professions – the legislation should stand alone and not be subsumed into broader legislation.¹⁶²

The fundamental principles of the draft released the previous December did not change, but several significant amendments were made, although none were as a result of the CYI's most recent document. Parental rights to develop their own educational programs for their children, in home school or private school situations, were strengthened by including only the need to satisfy the minister that basic skills were being developed and excluding the other goals that were defined as being part of a public school education, namely the promotion of equality for all people, gender equity, and understanding of Yukon's Indigenous peoples. In addition, the preamble – which had been one of the most difficult sections to draft and the most hotly debated in schools and on the street – was further amended to remove the “spiritual” and “moral” dimensions of educating the “whole child.”¹⁶³

In terms of governance, the titles of the proposed governing authorities changed (in order of increasing powers) from “committees,” “societies,” and “authorities” in the draft to “committees,” “councils,” and “boards” in the bill. Debate in the legislature indicated that there was general agreement that most committees would immediately convert to councils and

¹⁶² Yukon, Legislative Assembly, *Hansard* (May 9, 1990).

¹⁶³ Yukon Teachers Association, *50 Years of the YTA*; Yukon, Legislative Assembly, *Hansard* (May 7, 1990).

assume the additional responsibilities. Further, questions directed to the minister during the clause-by-clause debate in the legislature indicated that the Department of Education was already preparing for the various scenarios where boards would emerge as soon as the legislation allowed, with the prediction that many would immediately amalgamate, such as the Catholic separate schools into one and Whitehorse's remaining public schools into another.¹⁶⁴

Concern was raised by the opposition over the capacity, especially in the rural communities, of the community to field members for the new school governance bodies because the government had also created boards and committees in other pieces of legislation concerning mental health and child care. School committees often had seats left unfilled and were frequently filled by acclamation.¹⁶⁵ However, the government was confident that participation in education councils or boards would be highly prioritized, especially since the bodies would have significant authority and the reasons for the lackadaisical attitude towards school committees was that they were generally perceived to be ineffective due to their lack of real authority.¹⁶⁶

The bills progressed through the Legislative Assembly rapidly, only spending three days in Committee of the Whole to debate all 350 proposed clauses. Only two amendments were proposed by the opposition. The first was to include the phrase "to promote the importance of the family and community" in the general goals of education, which was quickly agreed to by the government. The second, to include the phrase "treat teachers with

¹⁶⁴ Yukon, Legislative Assembly, *Hansard* (May 8, 1990).

¹⁶⁵ Yukon, Legislative Assembly, *Hansard* (April 30, 1990).

¹⁶⁶ Yukon, Legislative Assembly, *Hansard* (May 7, 1990).

respect” into the duties of students, was considered overnight by the government and subsequently rejected with the rationale that respect could not be legislated and that the proposal was too narrow in that it was directed only towards teachers but not to other school staff.¹⁶⁷

However, these minor amendments reflected the general consensus that had resulted in the final bills that were introduced in the legislature. The government lauded the bills as ones that democratized educational decision making and would form meaningful partnerships, especially with Indigenous people. The opposition complimented the government on the amount and level of consultation in the development of the legislation and stated that they completely agreed with the bills in principle. Both sides of the legislature were excited by the possibilities the legislation would provide to improve education in the territory, and, owing to the length and depth of the consultation process, both were passed with unanimous consent after less than three hours of general debate in the legislature.¹⁶⁸

On May 14, 1990, both the *Education Act* and the *Teaching Profession Act* were read for the third time, passed, and assented to by the commissioner in the legislature, indicating the confidence of the territorial government that the Yukon public was finally ready to take a more active role in the governance and operation of their schools. It had been a two-decade-long journey to get to this point, starting with the assumption of control over Yukon’s schools by Hilda Watson in 1970.

¹⁶⁷ Yukon, Legislative Assembly, *Hansard* (May 9, 1990).

¹⁶⁸ Yukon, Legislative Assembly, *Hansard* (May 14, 1990); Yukon Teachers Association, *50 Years of the YTA*.

After consistent progress in the 1970s, the first half of the 1980s saw stagnation in terms of developments in the school system except those related to changes that had commenced prior to the arrival of responsible government, such as French language education, the expansion of rural programming, and modest developments in the incorporation of Indigenous language and culture into the general classroom environment. These incremental changes were caused by the consolidation of power in the territorial government following the *Epp Letter*, significant uncertainties about Yukon's future rooted in economic realities, and the ongoing negotiations related to Indigenous land claims and self-government. Dissatisfaction in terms of the continued lack of success of Indigenous learners and the relevance of the system to Yukon's learners as a whole led to the first locally facilitated, Yukon-wide consultations about education by the territorial opposition party legislators.

The turning point for educational reform came in the middle of the decade when a newly elected NDP government, aided by consistent federal funding and more cooperative land claim negotiations, was able to translate the concerns heard through the education consultations into a process to develop updated education legislation. The subsequent consultations confirmed the need to better incorporate Indigenous needs and values into the educational system while devolving the governance and operation of schools to the local level. The territorial government indicated its confidence in Yukoners and First Nations to assume the responsibility for operating schools by introducing legislation that would allow them to do so at a time of their choosing. Almost 20 years after an elected Yukoner was entrusted by the federal government to oversee the territory's education system, the potential for a significant shift of operational authorities from the territorial government to the local level was now closer than ever before.

Chapter 5 – 1990–2003 – *Education Act* until the Final Devolution

At the start of an era when Yukoners were granted unprecedented potential to exercise local authority over education, a full devolution of that authority was not actively sought by the parents of children in the schools. Initially, enthusiasm was high within Yukon for the changes that would result from the new *Education Act*. The department, however, struggled to implement many facets of the new act, which required heavy revisions to regulations, policies, and internal processes. There were two reasons for the lack of devolution to the local level. First were the concluding land claims and development of self-government agreements that allowed for First Nations governments to fully exercise jurisdiction over the education of their citizens. Despite this ability, the First Nations initially chose to continue to commit to the territorial public schools to serve their children, although with enhanced oversight by a “Central Indian Education Authority.” Second, local control was increased through the creation of school councils as bodies that had both advisory and decision-making abilities, and parents embraced the increased responsibilities for tasks such as the annual school calendar. However, parents were content to leave the ultimate authority over – and responsibility for – education with the territorial government, especially when unpopular and political decisions needed to be made, such as in school reorganization. Both of these factors resulted (with one exception) in no school boards being established within Yukon and control over public schools remaining with the minister of education, along with continued frustrations and efforts by school councils to communicate their needs to the minister. After several years, it was clear that there would be no “big wins” for local school governance and apathy, as evidenced by the low numbers of candidates seeking council seats, resulted.

Twice during the 1990s, further educational reforms were attempted by an overconfident territorial government, both marking the increasing partisanship in the territorial legislature and governments that were starting to use education as a political weapon to meet political ends. The first was a “back to basics” attempt at educational reform only two years after the new *Education Act* came into effect. The second was the legislated 10-year review of the act. Both attempts, marred by controversy rooted in partisan politics, undermined the public’s trust in the territorial government and contributed to the eventual defeat of each government that sponsored them. Both reform events demonstrated continued public interest in education, but neither resulted in any meaningful changes in the system.

Since 1960, the federal government had been consistently and confidently devolving more programs, services, and authorities to Yukon, resulting in many of the day-to-day political tensions in Yukon shifting from federal-territorial to territorial-local. During the latter half of the 1990s, negotiations commenced on the final package of the final group of programs and services that the federal government had retained. This “final devolution” of arguably the most significant powers – those relating to land and resource management – would also be accompanied by an amended *Yukon Act* that would also finally enshrine in legislation and regulation the changes that had occurred in territorial governance since the *Epp Letter*. Despite some Yukoners’ hope that the amendments would reduce the federal government’s ultimate authority over the territory – granting it protections similar to those of the provinces – the federal government was not willing to grant such protections, thereby preserving a fundamentally colonial status for the territory for the foreseeable future.

The *Education Act* Era Begins

Optimism for “Education’s new age” was high in Yukon following the legislative process that resulted in the *Education Act* in the spring of 1990. The legislation was seen as so progressive that scholars across Canada were taking note of it, with some mixed reviews. In Yukon, there was an expressed desire that this legislative change would lead to a cultural shift at the Department of Education, resulting in it being more responsive to expressed concerns. Indeed, the department was grappling with the necessary changes to meet the spirit of the new law. In particular, the department would struggle with revising regulations, developing local curricula, special education, private schools, and teacher and principal evaluations, along with ballooning costs required to implement programs that responded to local needs while at the same time attempting to have consistency throughout the system.

Scholars of educational law from across the country were taking note of Yukon’s legislation and provided mixed reviews. A notable example was Donald A. Burgess’s article in the spring 1990 edition of the *McGill Journal of Education* in which he argued forcefully that the act did not, in fact, devolve power. He asserted that the Department of Education’s powers were consolidated because of its complete control over the curricula, staffing, and all school financing, which was symbolically reinforced by the fact that the powers and duties of the minister of education were the first outlined in the law, well before the rights and responsibilities of students. He did applaud the local school-based management initiatives and the variability of management structures from committees to boards, but again noted that “[s]chool based management, however, does not necessarily imply control of educational policy.” He also expressed some concern that “Yukoners are an argumentative lot!” based on the substantial appeal mechanisms contained within the law and the creation of the Education

Appeal Tribunal that would be in a position to overrule the minister of education on certain student-related matters.¹

His criticisms were responded to, in the same journal's summer edition, by Deputy Minister of Education Shakir Alwarid (the civil servant most involved in the development of the legislation), who took umbrage with three points in particular. First was the notion that the minister retained complete control over the curriculum. Alwarid responded by noting that up to 20 per cent of the curriculum could be locally developed and that each school's council or board would have almost complete control over what was included in this portion along with the resources required to deliver it. Next, in terms of staffing, Alwarid's response foresaw the creation of school boards that would be given the right to select and manage their own staff as opposed to the current situation whereby the Department of Education retained all these functions. Finally, he noted that it was completely impracticable for school finance to be devolved because of the demographic reality that most students lived in Yukon's capital city (and within Whitehorse, there were some neighbourhoods that had much more potential to generate additional revenues through taxation than others) so the territorial government's retention of control over school financing was necessary to ensure a "level playing field."²

Despite the criticism, there was much hope within Yukon that the Department of Education would no longer be "the bureaucratic definition of an immovable boulder, functioning in a vacuum impenetrable to parents' complaints about the system and their

¹ Donald A Burgess, "The Yukon Education Act: Commentary and Discussion on Recent Legislation," *McGill Journal of Education* 25, no. 2 (1990): 183, <http://mje.mcgill.ca/article/view/7917/5846>.

² Alwarid, "A Reply to Professor Burgess," *McGill Journal of Education* 25, no. 3 (1990): 41–44; "Education Control Too central – Prof.," *Whitehorse Star*, May 23, 1990.

suggestions for improving it,” as it was described by the editor of the *Whitehorse Star*. The editor also felt that while the new legislation decentralized vast amounts of power into hands other than bureaucrats,’ it still maintained an appropriate balance of concentrating the issues of school finance in the hands of more experienced administrators and politicians.³ Letters to the editor poured in throughout the spring from teachers, parents, school council members, and community organizations, lauding the government for its comprehensive approach to consultations that resulted in the new legislation. They were almost uniformly optimistic that Yukon’s students would ultimately see the greatest benefit from the changes.⁴

The new legislation would place a massive strain on the Department of Education on a number of fronts. A comprehensive overhaul of the government’s education-related regulations was required to bring them into compliance with the new act – at least 25 in the first year alone, many requiring additional consultation, which consumed the time and attention of the Department of Education’s policy and planning branch. The development of local curriculum procedures was high on the list and was a process that was considered so important that the development of the required forms was monitored directly by the minister of education himself. The department’s draft guidelines for locally developed courses required that they be reviewed annually, a requirement that the minister thought would be “perceived very badly by those who propose and deliver these courses” while “understand[ing] our desire to keep a tight reign [*sic*] on what might become a burgeoning

³ “Education’s New Age,” *Whitehorse Star*, April 29, 1990.

⁴ “It’s about Time,” *Whitehorse Star*, May 11, 1990; “Act Worth the Wait,” *Whitehorse Star*, May 11, 1990; “Education Act Praised,” *Whitehorse Star*, May 16, 1990; “Education Act Is Progressive,” *Whitehorse Star*, May 5, 1990.

industry.” However, the minister’s rejection of the annual reviews was motivated by a fear that locally developed curricula might be seen as “less than legitimate,” a position that he, himself, claimed to not hold. However, the process did require that any applications for locally developed curriculum be thoroughly vetted by the Department of Education’s curriculum branch, which would, ultimately, provide a recommendation to the minister for approval.⁵ Still, in the first year, study units on the “environment, wilderness education, outdoor education, traditional Native foods, Porcupine Caribou management, business education, and ecology” were approved for use.⁶

An additional burden on the personnel in the Department of Education (in the midst of efforts to develop local curricula) was the department’s need to respond to demands being imposed by the territory’s relationship with BC’s Ministry of Education and their Year 2000 curriculum proposals. The department formed a study group to examine the proposed changes and a timeline for potentially adopting them (over the course of a decade) and recognized the need for clear parent communications to ease any anxiety about the scope and pace of the possible changes.⁷ Indeed, a resource developed for primary teachers to use in implementing the new literacy program included a section devoted to possible questions from parents including “Are phonics still going to be taught?” and “Is this a bandwagon?”⁸

⁵ E. Lawton to Members of Ministerial Drafting Advisory Committee, October 25, 1991, Yukon Government Records Fonds, Yukon Archives, acc. 2005/51, box 1998-2377, "School Act - General - Confidential".

⁶ Government of Yukon. *Annual Report of the Commissioner of the Yukon Territory 1990–1991* (Whitehorse: Queen’s Printer, 1991).

⁷ “Committee will study BC education changes,” *Whitehorse Star*, May 1, 1990.

⁸ School: A Place to Feel at Home, June 1991, Pamphlet Collection, Yukon Archives, PAM 1991-0264.

The *Education Act*'s philosophy on special education also caused some conflict within the department related to implementation matters. In the *Education Act*, decision-making authority on special education matters was shared among a number of players – parents, the school principal, and personnel from the Department of Education – which led, at times, to confusion as to who had the ultimate authority. Principals, who interacted directly with parents, were beginning to make commitments that did not take into account the overall needs or capacity of the system, which was leading to disparities between schools and communities in the type and level of services being offered. An internal memo from the director of special programs framed the overall issue with the question (quoted from a superintendent) of “Who’s in charge of Special Education?” and made the case for better decision-making based on public criteria that was supported by empirical data in order to promote consistency and accountability. This approach, however, was resisted by the superintendents, who were trying to maximize the local decision-making authority of the principals whom they oversaw.⁹

The department’s consistency in approach with regard to the provision of education-related resources to individuals who were opting out of the public system in favour of home education or private schools was also causing much internal debate. Despite no provisions for private schools under the previous *School Ordinance*, at least one, the Yukon Adventist Academy, had been in existence since the late 1970s.¹⁰ The new act expressly allowed for private schools but compelled them to be registered with the minister and possibly be

⁹ J. Webster to W. Seipp, February, 11, 1992, Yukon Government Records Fonds, Yukon Archives, acc. 2006/31, box 1998-1651, "Correspondence PSB - ADM".

¹⁰ Yukon Adventist Academy Brochure and History, 1994, Pamphlet Collection, Yukon Archives, PAM 1994-0164.

accredited. There was some trepidation on the development of the regulations that would provide for both registration and accreditation, since the guidelines would “mostly have to do with the reason why some of these organizations choose to opt out of the mainstream.”¹¹ In addition, there was excitement on the part of the proponents of private schools that the updated legislation, in an effort to be better “partners in education,” would also support private schools by providing resource materials and busing. They felt that the act’s prohibition of “grants or contributions” to private schools only included direct financial compensation and that, since home schoolers were entitled to resource materials, private schools ought to be as well.¹² Legal opinions were sought and received from the government’s solicitors, which affirmed that the act prohibited any and all direct and indirect contributions to private schools.¹³ In a further blow to private schools, these requests raised further questions of whether students in private schools could access (the rather substantial travel and tuition) funding through the *Student Financial Assistance Act* for post-secondary study.¹⁴ After the ability of private schools to access government resources was firmly curtailed, the last closed after the 1995 school year.

Teachers and principals had expressed concerns to the Department of Education over the new school councils’ authority, especially in the area of evaluations. The act allowed school councils to recommend that teachers and principals be evaluated, and several of these

¹¹ B. Slobodin to E. Lawton, October 5, 1990, Yukon Government Records Fonds, Yukon Archives, acc. 2007/78, box 93-14, "Policy, Planning, and Evaluation 1984-1990".

¹² B. Johnson and T. Gray to D. Phillips, January 13, 1993, Yukon Government Records Fonds, Yukon Archives, acc. 2007/69, box 43-22, "Private Schools 1990-1994".

¹³ S. Horn to D. McNevin, March 8, 1993, Yukon Government Records Fonds, Yukon Archives, acc. 2007/69, box 43-22, "Private Schools 1990-1994".

¹⁴ D. Phillips to M. Law, March 3, 1993, Yukon Government Records Fonds, Yukon Archives, acc. 2007/69, box 43-22, "Private Schools 1990-1994".

bodies had quickly availed themselves of this option. However, there were inconsistencies over the thresholds being used by each council to demand the evaluations and how the results of the evaluation processes were to be reported to councils. Some councils were demanding the actual evaluation documents in spite of only being entitled to a “report” of the evaluation and the Principals and Vice Principals Association’s concerns over the implications of releasing reports possibly violating their members’ right to privacy and “security of the person” as guaranteed in the Charter.¹⁵ In the process of developing guidelines for evaluations, the CYI insisted that they, too, along with school councils and boards, be consulted in these discussions despite not being included in the legislation – a request that was quickly granted by the government.¹⁶

Finally, in addition to the time and capacity that the implementation of the *Education Act* was requiring of the Department of Education’s personnel, the costs of the system were ballooning (see Appendix 4). Despite student population growth of approximately five per cent over the same time, the total operations and maintenance costs of running the public schools had grown from \$37 million in the 1990–1991 fiscal year to almost \$48 million in the 1991–1992 because of significant negotiated salary increases for teachers along with significant increases in the number of paraprofessionals (remedial tutors and educational assistants) assigned to schools.¹⁷ There is no question, however, that some of the increase in

¹⁵ L. O’Grady to D. McNevin, November 14, 1991, Yukon Government Records Fonds, Yukon Archives, acc. 2005/51, box 1998-2377, "School Act - General - Confidential".

¹⁶ C. McLean to E. Lawton, October 1, 1991, Yukon Government Records Fonds, Yukon Archives, acc. 2005/51, box 1998-2377, "School Act - General - Confidential"; E. Lawton to C. McLean, October 21, 1991, Yukon Government Records Fonds, Yukon Archives, acc. 2005/51, box 1998-2377, "School Act - General - Confidential".

¹⁷ Yukon Department of Education. *Annual Report Department of Education 1990–1991*, (1991); Yukon Department of Education. *Annual Report Department of Education 1991–1992*, (1992).

these expenditures was related to the government's willingness to provide more individualized programming and services to each school community, based on community requests and often brought forward by the school councils.

Umbrella Final Agreement and Self-Government Agreements

At the same time that the *Education Act* was developing, mechanisms for devolving the authority over the operation of schools to local councils or boards, the land claims and self-governance negotiations were concluding. The negotiated umbrella agreements that would serve as the templates for each First Nation's final agreement also allowed for each First Nation to exercise its jurisdiction over the education of its citizens, which caused additional uncertainty about who would end up operating schools in some communities. This resulted in a more cautious approach by communities when considering the possibility of school boards.

The early 1990s saw substantial developments in the long, ongoing Indigenous land claims and self-government negotiations in Yukon. Following the federal government's willingness to entertain negotiations that did not involve extinguishment of Aboriginal title and openness to creating a new order of governments – First Nations governments – an AIP on land claims was reached with the CYI in 1988 and signed by all three parties (federal government, territorial government, and CYI) in 1989. The settlement provided for \$242 million (in 1989 dollars) over 15 years, a combination of fee-simple ownership of or management rights over almost 30,000 square kilometres of land, and various levels of control

over surface and sub-surface rights on additional lands.¹⁸ Following the land claim Umbrella Final Agreement (UFA; the template to be used to negotiate the specific claims of each First Nation), discussions on creating self-government agreements began in earnest. As with the land claims, a template agreement to start the individual negotiations for each First Nation was reached, which would see the creation of a new level of government for First Nations that would encompass a mixture of provincial/territorial and municipal responsibilities.¹⁹

This development of a new order of government was the first of its kind in Canada and would serve as a template for other Indigenous land claim negotiations throughout the country. The Yukon government, which still did not have the full responsibility over what are defined as provincial affairs in the Canadian Constitution (since the federal government maintained control over virtually all land and resources) was now in a position where it would have to begin negotiations to devolve powers and responsibilities that it had only recently acquired itself.²⁰

Some of these responsibilities would be devolved immediately (such as the municipal functions), while others (the “provincial-type”) could be devolved at a later date following further negotiations. This list of future responsibilities that could be devolved included health

¹⁸ Coates and Morrison, *Land of the Midnight Sun*, 304; LegendSeekers Research Inc., *Yukon First Nations History*, 78. The combination of fee-simple ownership of or management rights over lands varies between each agreement, sometimes depending on the current use and ownership by non-First Nations entities. Fee-simple land ownership allows the First Nation to sell the lands and transfer title if they choose.

¹⁹ McArthur, Doug. “The Changing Architecture of Governance in Yukon and Northwest Territories.” In *Northern Exposure: Peoples Power and Prospects in Canada’s North*, edited by Frances Abele, Thomas J. Courchene, F. Leslie Seidle, and France St-Hilaire, 187–231. Montreal: Institute for Research on Public Policy, 2009.

²⁰ McCormick, “Still Frontier, Always Homeland,” 383–4.

and social services, justice, economic development, and education. With regard to education, Section 24 of the UFA allowed for

the division and sharing of Yukon First Nation and [Yukon] Government responsibility for the design, delivery, and administration of programs relating to, (a) Indian student counselling, (b) cross cultural teacher/administrator orientation, (c) composition of teaching staff, (d) early childhood, special, and adult education curriculum, (e) kindergarten through grade 12 curriculum, [and] (f) the evaluation of teachers, administrators and other employees.²¹

Each First Nation that signed this agreement was therefore given the ability to “draw down” (the parlance that had begun to be used for the devolution of specific powers) their ability to control any or all of these functions at a time of their choosing, following negotiations with the territorial government.

Devolution negotiations would also involve block funding transfers from the government currently providing the service (e.g. the territorial government, for education) to the First Nation, much in the same manner as the Department of Education was prepared to do for school councils that transitioned into school boards. In the early 1990s, no First Nations governments were created because the agreements being negotiated were just framework agreements and both the territorial and federal governments had to pass enabling legislation to enshrine the land claims and self-governments into law. However, there was much speculation about what programs and services would be devolved and at what pace once final agreements were reached for each First Nation. For some programs, such as justice, there were additional agreements to wait a certain number of years to allow the federal government

²¹ Council of Yukon Indians, *Umbrella Final Agreement*, 261.

to develop a concurrent strategy on Indigenous justice, but there was no such agreement for education.²²

The development of self-government template agreements was concurrent with the development of the *Education Act*, and language was included in the latter to ensure that the self-government agreements and subsequent negotiations would supersede the act. While this fact was acknowledged and included, it was usually only mentioned in passing when the YG was describing the new education regime that was being developed, which focused on including Indigenous peoples and governments as full partners in the territorial public education system.²³ The government was strenuously hoping to avoid the creation of separate boards – public and Indigenous – in the various communities throughout the territory because no new funding would be made available by the federal government to provide what might potentially result, in many communities, in duplication of services with little economy of scale (e.g. separate superintendents, facility management, transportation).

Representatives of CYI were also hesitant to engage in discussions about the devolution of education, asserting, in a submission to the federal Royal Commission on Aboriginal Peoples in 1993:

Under the self-government agreement, First Nations communities will assume greater control over the education of their children but the power to introduce legislation and new cultural programming will continue to rest primarily with the Government of Yukon. Governments are transient but communities are immemorial. Given that the government of the day may not necessarily agree

²² Cameron and White, *Northern Governments in Transition: Political and Constitutional Development in the Yukon, Nunavut and the Western Northwest Territories* (Montreal, Institute for Research on Public Policy, 1995), 30–1.

²³ Verna J. Kirkness, *First Nations and Education: Triumphs and Struggles* (Toronto: Canadian Education Association, 1992), 58–61.

with the goals and aspirations of the First Nations communities, centralized government power over education may hinder future educational endeavours. The government is unlikely to relinquish power of legislated rights of education or health to First Nations communities. The uneven relationship will weigh adversely on the future of First Nations communities.²⁴

Despite their reservations about the territorial government's willingness to devolve education fairly to First Nations, the CYI actively participated in one of the provisions of the *Education Act* intended to increase Indigenous participation in the direction and control over the entire public education system through the creation of a "Central Indian Education Authority." This body would be created by the CYI and would have an enhanced advisory status, since the *Education Act* dictated that the "Minister shall consult with [it]...on any matter affecting the education and language of instruction of aboriginal people." The central authority was an attempt to develop a more universal approach to Indigenous educational issues rather than community-by-community negotiations. This attempt was, therefore, somewhat at cross-purposes with the authorities granted to local school councils and boards as it was an attempt to unify or centralize approaches to delivering more effective programming for Indigenous students rather than dealing with each community's unique circumstances and capacities individually.²⁵

In August 1991, CYI's leadership gave the mandate to create the First Nations Education Commission (FNEC) to act as their Central Indian Education Authority as defined in the *Education Act* for a one-year term. A staff member from the Department of Education

²⁴ Mary Easterson, *First Nation Education in Yukon and Northwest Territories: A Historical and Contemporary Perspective* [draft] (1993), 95.

²⁵ Yukon. *Education Act*, 1st Session, 27th Legislative Assembly, 1990, Assented to 14 May 1990 (1990).

was seconded to assist the CYI in hiring an executive director, developing the funding proposals, and further developing the mandate and objectives of the commission.²⁶ The FNEC was created with members from each First Nation to “ensure that the direction of Indian education coincides with the philosophy, goals, and objectives of Yukon Indians as stated in the comprehensive Land Claims Umbrella Framework Agreement and Yukon First Nations Final Agreements,” to coordinate Indigenous programming throughout Yukon, to coordinate training needs to implement the final agreements, to assist local First Nations in creating local Indian education authorities, and to liaise with other agencies.²⁷ The Education Council reached out to the FNEC and invited them to be part of an Association of School Councils that was in the planning stages, proposing four possible models by which the FNEC could participate.²⁸ The FNEC declined the invitation, stating that their “goals and aspirations are so different from the School Council Association” but encouraged ongoing communication.²⁹ The FNEC did coordinate the negotiations and selections for the guaranteed representatives for the school councils during the first three years following the *Education Act* but relinquished that duty to each of the First Nations to do themselves by 1994.³⁰

²⁶ “First Nations Education Commission,” *Dannzha*, November 29, 1991.

²⁷ C. McLean to P. McDonald, October 3, 1991, Yukon Government Records Fonds, Yukon Archives, acc. 2006/25, box 98-066, “Education Council 1991-1992”.

²⁸ K. Lammers to E. Fairclough, February 3, 1992, Yukon Government Records Fonds, Yukon Archives, acc. 2006/25, box 98-066, “Education Council 1991-1992”.

²⁹ J. Ramos to K. Lammers, February 28, 1992, Yukon Government Records Fonds, Yukon Archives, acc. 2006/25, box 98-066, “Education Council 1991-1992”.

³⁰ W. Peterson to A. Webber, November 22, 1994, Yukon Government Records Fonds, Yukon Archives, acc. 2006/25, box 98-066, “Education Council 1994-1995”.

As the years progressed and the FNEC received a permanent mandate from the CYI, their budget requests grew from the initial \$60,000 (which was granted) in 1991 to \$130,000 the following year. The Department of Education responded by offering a \$30,000 operating grant in the second year, increasing the amount to \$40,000 for subsequent years.³¹

Finally, in May 1993, after the requisite enabling legislation had been passed at the territorial level, all three parties gathered in Whitehorse for the formal signing of the UFA for all Yukon First Nations. On the same day the UFA was signed, four First Nations signed their land claim and self-government agreements that had been negotiated from the UFA template. It was a great day of celebration that marked a watershed moment in Indigenous affairs in Yukon more than 20 years after TTFOCT was delivered to Ottawa.³²

Despite education being a critical feature of the initial land claims grievance documents, there was no immediate attempt to devolve education from the territory with economic development and land use issues consuming First Nations governments' time and capacity during their first years of existence.³³ Part of this reluctance could be that because the territorial government already received federal funds to operate the schools, there would be no further funding available for the implementation of devolved education to First Nations, making any negotiations a zero-sum game between the territory and the First Nation and suggesting that more resources would be available if they were to work together.³⁴ Indeed, in

³¹ E. Fairclough to P. McDonald, November 2, 1992, Yukon Government Records Fonds, Yukon Archives, acc. 2006/25, box 98-066, "Education Council 1992-1993"; D. Phillips to E. Fairclough, March 29, 1993, Yukon Government Records Fonds, Yukon Archives, acc. 2006/25, box 98-066, "Education Council 1992-1993".

³² McCormick, "Still Frontier, Always Homeland," 377.

³³ McArthur, "The Changing Architecture," 196–99.

³⁴ Heather A. Avison, "Yukon First Nations Secondary Education: Building Capacity Through Respectful Cross-Cultural Engagement" (M.Ed. thesis, University of British Columbia, 2014), 25.

the government's implementation planning documents following the signing of the UFA, K-12 education concerns are not reflected as priorities, except for continuing the already established programs of the Yukon Native Teacher Education Program and the Yukon Native Language Centre. Instead, the focus was on job training programming related to economic development initiatives.³⁵

Limited Devolution of More Authority to School Councils

There was movement toward more local control as most school committees elected to transition into school councils because it did grant them more powers to address issues such as the school calendar. However, unlike the expectation that some communities would, as fast as the legislation allowed, begin the transition to school boards, this did not happen because it seemed that most school councils were initially quite happy to begin to assume the additional responsibilities of councils with none of the financial accountability that a board would be required to demonstrate. In addition, Whitehorse was experiencing a need for the reorganization of schools, and council members were quite happy to allow the Department of Education to bear the brunt of parental anger – something they, as board members, would have borne if they had been required to make such decisions. There was one board that developed, however – for the francophone school – that had the luxury of additional funding from the federal government to pursue its aims. An issue that remained constant throughout

³⁵ D. P. Odin to Deputy Heads, April 27, 1994, Yukon Government Records Fonds, Yukon Archives, acc. 2006-23, Box 1998-2524, "Correspondence Signed by Deputy Minister"; A Working Paper on Implementation Priorities: Project Roll Ups and Non Rolled Up Clauses Only, Education, Yukon Government Records Fonds, Yukon Archives, acc. 2006/31, box 1998-1651, "Correspondence - PSB - Assistant Deputy Minister".

all the changes in school governance was the need for mechanisms for the committees, boards, and councils to collectively express their concerns and desires to the department.

Immediately at the start of the 1990–1991 school year, all but one of the 26 school committees elected to transform into school councils and assume the additional authority that this transition entailed, followed by 140 Yukon residents being elected or acclaimed to the bodies in elections held in February 1991.³⁶ Within the first year, the councils “began to try their wings in a number of areas, including the selection of principals, building design and local curriculum development,” according to the deputy minister.³⁷

One of the areas where school councils were very keen to exercise their authority was to set the school calendar for each school. This issue had always been a bone of contention for many schools, rural schools in particular, because of traditional hunting and harvesting schedules. In 1990–1991, only two schools had chosen to pursue something other than a “standard” calendar – comprised of five-hour days, with the school year starting on September 1 and finishing in late June. By the 1992–1993 year, however, nine separate calendars were approved by the minister, with 12 of 26 schools electing a non-standard calendar.³⁸

Some principals quickly saw that their school councils could be easily used to advocate for their issues using political channels. One such example was at Christ the King Elementary, which was bursting at the seams. Despite serious consideration of building a new Catholic elementary school at the north end of the city, the principal of Christ the King

³⁶ Government of Yukon. *Annual Report of the Commissioner of the Yukon Territory 1990–1991* (Whitehorse: Queen’s Printer, 1991), 2.

³⁷ Yukon Department of Education. *Annual Report Department of Education 1991–1992*, (1992), 6.

³⁸ Ibid.

Elementary advised his school council chair to request that the government consider renovating or replacing his own school “in order to permit the offering of comparable programs and services that are enjoyed by other Elementary Schools” and to request a response from the minister “as soon as possible.”³⁹ While notations on the draft reply from the minister ask for some rough calculations on the costs of construction versus renovations, noting that the council would expect a detailed explanation prior to going forward with any formal needs assessment process, the council chair was firmly directed to the superintendent to discuss the building’s current deficiencies.⁴⁰

Some complications were involved in the transition to school councils. One significant complication involved the complexities of implementing the system for guaranteed representation of Indigenous members on school councils. The *Education Act*, once passed, gave communities the ability to have guaranteed representatives as additional members joined the committees in addition to the currently elected members until the next election. Some committees immediately used this provision to bolster Indigenous representation on the committees (and subsequent councils), both to develop this capacity among community members and to increase the number of Indigenous people who might also consider running for an elected seat.

Nowhere was this more contentious than in Watson Lake, one of the most polarized communities as evidenced by previous accusations of Indigenous voting suppression and “get

³⁹ J. MacEachern to M. Racz, February 19, 1991, Yukon Government Records Fonds, Yukon Archives, acc. 2007/78, box 71-10, "Administrative Matters Catholic Schools 1986-1991".

⁴⁰ P. McDonald to M. Racz, April 10 1991, Yukon Government Records Fonds, Yukon Archives, acc. 2007/78, box 71-10, "Administrative Matters Catholic Schools 1986-1991".

out the vote” campaigns among the non-Indigenous populations that resulted in councils regularly having no Indigenous members in spite of having several interested Indigenous candidates. It was recognized that the guaranteed representation regulations needed to be negotiated for both the numbers and term lengths of the guaranteed representatives. Some First Nations had begun the process of these negotiations, but it was recognized that much needed to be done, especially if there was to be a “sunset” clause in the regulations to limit the time that guaranteed representation would exist on particular councils.⁴¹ In addition, some First Nations were not always internally aligned when it came to candidates being put forward for the guaranteed representative positions. This led to some concern that the regulations might also require a mechanism for the removal of individuals who might prove unfit to serve as no provision for this (for neither elected nor appointed councillors) had been specifically included in the act.⁴²

Councils, however, did not have any financial accountability, capital planning duties, or significant programming authority, since those areas would only be devolved to boards. These were also areas where difficult and unpopular decisions needed to be made at times – and served as cautionary experiences for councils who were tempted to contemplate the transition to school boards. One such example of an unpopular, but necessary, decision concerned the reorganization of schools within Whitehorse because of the opening of five new school facilities in Whitehorse in the first half of the 1990s and the shifting of populations and

⁴¹ N. Campbell to E. Lawton, October 9, 1992, Yukon Government Records Fonds, Yukon Archives, acc. 2005/51, box 1998-2377, Legal Opinions - Confidential".

⁴² D. McNevin to S. Horn, January 15, 1992, Yukon Government Records Fonds, Yukon Archives, acc. 2005/51, box 1998-2377, "Legal Opinions - Confidential".

demographics between neighbourhoods. The potential for this need was identified in a Whitehorse school facility study completed in the mid-1980s, but the NDP government, flush with cash from the newly developed federal funding agreements, was able to dodge the issue by simply going ahead with the construction of new schools in places that were experiencing the highest demand.⁴³ The schools in Whitehorse, prior to the reorganization, were configured into K-6 elementary schools, which fed into three junior secondary schools covering Grades 7 through 9. Following Grade 9, all students went to F.H. Collins Secondary, the only school offering Grades 10 through 12 (except Christ the King Junior High, which went up to Grade 10).⁴⁴

After years of consultation with councils that resulted in no consensus, the territorial government was forced to release a plan, entitled *Direction Paper: Whitehorse Public School System*, in December 1995, which cited a reduction in federal funding to the territory requiring more efficient use of resources. The reorganization proposal would see only two “tiers” of schools – all the elementary schools would expand to include Grade 7, with three secondary schools being created for Grades 8 through 12 (not including L’École Émilie Tremblay, which was a K-12 school). This would result in the Catholic system being able to expand to Grade 12, an additional secondary school to be located in the north end of Whitehorse, and the expansion of F.H. Collins to include lower grades. The benefits of this reorganization were cited as keeping students in neighbourhood schools longer, aligning with BC schools, which were moving in a similar direction to reduce the number of school transitions, making more

⁴³ Boreal Engineering Services Ltd., *Whitehorse School Facilities Needs Survey* (Whitehorse, 1986).

⁴⁴ Yukon Department of Education. *Annual Report Department of Education 1995–1996*, (1996).

efficient use of currently available space to reduce capital costs, reducing busing costs, and developing inter-school spirit between the four secondary schools.⁴⁵ The latter argument was bolstered by F.H. Collins's latest accreditation report, released in 1996, which reported "low morale and poor self-esteem" within the school, especially among the staff and named the potential grade reorganization as an opportunity for the school to reinvent itself and gain trust among all of the school's stakeholders.⁴⁶

After years of little commitment to big changes in the organization of schools, this sudden and decisive move, which would result in significant inconvenience for both students and staff, was met with some consternation. Particularly vocal was the Jack Hulland Elementary school council, which, in a newsletter to parents, opined that "[t]he manner in which the Minister has announced his new direction has provided [parents] with little comfort that their concerns will be heard and addressed as the department moves to implementation."⁴⁷ Minister Phelps singled out this criticism in a written reply to the school council chair stating that the newsletter was "unnecessarily biased and political" and wondering if this had "anything to do with the announced intention of your school principal to run in the next territorial election?"⁴⁸ This attack on one of the minister's own employees became front-page

⁴⁵ Direction Paper: Whitehorse Public School System, December, 1995, Pamphlet Collection, Yukon Archives, PAM 1995-0230, 1–5.

⁴⁶ F. H. Collins Secondary School External Team Accreditation Report, May 17, 1996, Pamphlet Collection, Yukon Archives, PAM 1996-0839, 4, 16.

⁴⁷ Council Clips: The Jack Hulland School Council Newsletter, December 1995, Pamphlet Collection, Yukon Archives, PAM 1995-0235.

⁴⁸ W. Phelps to J. Hamm, December 18, 1995, Pamphlet Collection, Yukon Archives, PAM 1995-0235.

news as calls for his resignation came from those who felt his response was an abuse of his position.⁴⁹

The grade reorganization did go ahead over the course of the 1996–1997 and 1997–1998 school years and resulted in massive frustration among families and staff, especially because of to the creation of, and stricter adherence to, attendance areas within the city for secondary students.⁵⁰

One school council was willing to assume the risk of increased public scrutiny and petitioned to transition into a school board: that of Yukon’s only francophone school, L’École Émilie Tremblay (ÉÉT) in 1995. The movement towards board status had been ongoing for several years, with several internal conversations within the department that suggested that constitutional questions of the rights of francophone parents to French-First-Language (FFL) education as well as Catholic education provided in French best be resolved by the creation of a separate board.⁵¹ After years of having the FFL program shuffled between schools and split between various schools, often without the support of the parent community, a purpose built K-12 francophone school was constructed in 1996 in the newest Whitehorse subdivision of Copper Ridge for just over 100 students.⁵²

⁴⁹ “Critic, Candidate Differ on Phelps’ Status,” *Whitehorse Star*, January 9, 1996.

⁵⁰ Report to Parents and Community Members, Whitehorse Schools Grade Reorganization, June 1996, Pamphlet Collection, Yukon Archives, PAM 1996-0937; Report to Parents and Community Members, Whitehorse Schools Grade Reorganization, February 1997, Pamphlet Collection, Yukon Archives, PAM 1997-0052.

⁵¹ A. Dowdall to D. McNevin, April 8, 1993, Yukon Government Records Fonds, Yukon Archives, acc. 2005/51, box 1998-2377, “French Language Rights”; N. Campbell to K. Hardiman, October 16, 1992, Yukon Government Records Fonds, Yukon Archives, acc. 2005/51, box 1998-2377, “French Language Rights”.

⁵² “School’s Move Revives 1989 Controversy,” *Whitehorse Star*, May 24, 1990; Commission scolaire francophone du Yukon, “Summary Document The CSFY Is Filing a Court Action Regarding Full School Governance,” 2009, <http://commissionscolaire.csfy.ca/wp-content/uploads/sites/7/2015/07/PJCommuniquepresserecoursjudiciaireENG.pdf>.

In June 1996, the Commission scolaire francophone du Yukon (CSFY) entered into a Contribution Agreement with the YG to solidify the legal and financial obligations of each party. The territorial government maintained ownership and continued to provide maintenance of the newly built facility and also retained its position as the employer of the school's teaching and non-teaching staff. The CSFY was granted capital funding to make small improvements to the facility and was also responsible for the hiring and evaluation functions for the staff instead of both these functions residing in the Department of Education. The department also continued to share education consultants in the area of curriculum and for special needs students.⁵³ There were fewer worries over the costs of running a single board for a single school, since much of the funding for francophone education came as additional funding to the territorial government through a bilateral agreement with the federal government – the same funding source that provided for much of the capital costs of the new school.⁵⁴ This hybrid model of school board governance solved many issues related to the employment of staff, since there was no need for additional human resources support or a separate union and francophone teachers continued to enjoy the same employment benefits as all other Yukon teachers.

One thing that all school committees, councils, and boards had in common was that they were each competing with up to 25 other voices when expressing concerns and desires to the minister or officials at the Department of Education. While the Education Council had lost much of its prestige during the education consultations, it continued to exist as a voice

⁵³ Yukon Department of Education. *Annual Report Department of Education 1997–1998*, (1998), 12–14.

⁵⁴ Yukon Department of Education. *Annual Report Department of Education 1996–1997*, (1997), 10; Education: A Progress Report, January, 1995, Pamphlet Collection, Yukon Archives, PAM 1995-0018.

representing all schools. There was a desire, however, to form an association of school councils as allowed under the *Education Act*. This process was not smooth, with several iterations of proposed structures required before an association was formed.

The Education Council remained unsure of its purpose even though it was still in place with ministerial appointments of members being extended while the transition from committees to councils was in full swing. In the months following the proclamation of the new act, the Education Council was still the primary consultative body for the Department of Education when it was considering and developing new policies, and the council tried to honour the spirit of devolved power by regularly passing along invitations for feedback on the development of various policies and regulations.⁵⁵ However, within the Department of Education, its utility and future was also uncertain, with one staffer asking during the preparation of the 1990 update of the *Boards and Committees Handbook* (the territorial government's master list of appointed and elected councils and boards), "What should I do with the listing on the Education Council? Is it defunct, to be revived, put in cold storage, terminated with extreme prejudice, to become Yukon's senate?" The answer was that, for at least the next six months, the Education Council would continue.⁵⁶

The council did continue to meet, albeit less frequently, over the next years. It found new ways to insert itself into the business of individual school councils. Following the first

⁵⁵ K. Lammers to All School Council Chairs, October 9, 1991, Yukon Government Records Fonds, Yukon Archives, acc. 2005/51, box 1998-2377, "Policy, Procedures, Guidelines etc. pertaining to Education Act - Confidential".

⁵⁶ B. Slobodin to E. Lawton, July 17, 1990, Yukon Government Records Fonds, Yukon Archives, acc. 2007/78, box 93-13, "Policy, Planning, and Evaluation - General 1990-1994".

set of elections for councils in 1992, the Education Council took the lead in welcoming new council members, providing some advice on getting councils started, and making suggestions for training.⁵⁷ However, because the Education Council was not enshrined in the *Education Act* but the establishment of an association of committees, councils, or boards was, the council took it upon itself to take the lead in creating such an association, going as far as circulating a proposed set of bylaws that it had drafted itself.⁵⁸ Anticipating, again, that most councils would devolve further to become boards, the proposed association was titled the Yukon School Trustees Association, and the first draft of the constitution was met with substantial criticism from the Department of Education because the draft implied that the association would become involved in capital development and labour relations. The department felt that these issues should remain in the purview of individual boards, once constituted. The draft constitution was formulated quite deliberately to balance the “power” between Whitehorse and the rural communities, but it was pointed out by the department that no consideration was given to Indigenous representation or gender balance on the association’s executive.⁵⁹

The Yukon School Trustees Association was not created, but the desire for an association to represent the views and advance the interests of school councils (and the remaining one committee) did not diminish. Following a school council conference in the spring of 1992, a steering committee of school council members met several times in order to

⁵⁷ K. Lammers to School Council Members, October 21, 1992, Yukon Government Records Fonds, Yukon Archives, acc. 2006/28, box 1998-23989, "Education Council 1992-1993".

⁵⁸ K. Lammers to All School Council Chairs, June 12, 1991, Yukon Government Records Fonds, Yukon Archives, acc. 98-066, box 66-10, "Education Council 1990-1991".

⁵⁹ Draft Constitution, Yukon School Trustees Association, April 1991, Yukon Government Records Fonds, Yukon Archives, acc. 98-066, box 66-10, "Education Council 1990-1991"; E. Lawton to K. Lammers, June 4, 1991, Yukon Government Records Fonds, Yukon Archives, acc. 98-066, box 66-10, "Education Council 1990-1991".

further develop a potential organization. This new organization reflected the school councils' apparent contentment to not devolve further into school boards and was, accordingly, titled the Yukon Association of School Councils. This time, in addition to the bylaws being drafted in a way to balance urban and rural representation, provisions for the inclusion of members designated by the Central First Nations Education Authority as well as the separate schools was included. Such was their confidence in seeing the association formed that the steering committee took the liberty of submitting a draft budget for the organization and began planning the next school council conference on the theme "building bridges."⁶⁰

The department's response to this proposal, however, was continued deference to the Education Council, particularly in the matter of organizing the school council members' conference.⁶¹ However, there was more internal discussion at the Department of Education over the fate of the Education Council. An options paper circulated to the upper management of the department recognized that, if the following school council conference resulted in the creation of the Yukon Association of School Councils, then the future of the Education Council would be further in doubt and proposed a total of five options ranging from eliminating the body to expanding it, to merging it with a newly created Labour Force Development Board that had tight connections to the new Yukon College.⁶²

⁶⁰ J. Horton to D. McNiven [*sic*], November 18, 1992, Yukon Government Records Fonds, Yukon Archives, acc. 2006/28, box 1998-23989, "Education Council 1992-1993".

⁶¹ D. McNevin to J. Horton, November 20, 1992, Yukon Government Records Fonds, Yukon Archives, acc. 2006/28, box 1998-23989, Education Council 1992-1993".

⁶² D. McNevin to G. McDevitt, January 22, 1993, Yukon Government Records Fonds, Yukon Archives, acc. 2006/28, box 1998-23989, "Education Council 1992-1993".

After the school council conference of 1993, nine councils did join together to form the association and began to form an executive committee. Since their mandate was, ultimately, to mutually support school councils, the department recognized that an advisory body to the minister was still required and recommended expanding the Education Council, which would have five members appointed by the minister and an additional seven who would be appointed by designated representative groups that included the Yukon Chamber of Commerce, F.H. Collins student council (since it was the largest school and had many rural students), the CYI, the Yukon Federation of Labour, school councils, the Yukon Teachers' Association, and Yukon College faculty. It was also noted that the CYI might argue for additional seats to a level proportionate to their population within Yukon.⁶³ However, this idea gained little traction with the minister, and the Education Council continued to limp along unchanged for the time being, to the point where the chair visited the assistant deputy minister inquiring whether the council would continue and proposing she retire should the council not continue to exist.⁶⁴

There were no “big wins” for increased parental control through school councils during the first few years, other than those initially listed in the department’s annual reports: the selection of principals, along with the principal of each school being compelled to justify more of his or her decision-making to councils on a monthly basis. In addition, the self-government agreements being negotiated with First Nations were creating a fair amount of

⁶³ Options: Future Composition of the Education Council, Yukon Government Records Fonds, Yukon Archives, acc. 2006/28, box 1998-23989, “Education Council 1993-1994”.

⁶⁴ E. Lawton to D. P. Odin, April 28, 1994, Yukon Government Records Fonds, Yukon Archives, acc. 2006/28, box 1998-23989, “Education Council 1993-1994”.

uncertainty over whether Indigenous communities would continue to participate in the territory's public school system. Together, this resulted in apathy towards the school councils, as reflected in the numbers of vacant seats. In 1993, by-elections were required for 17 school councils, and, because there were no nominations, eight positions remained vacant into 1994.⁶⁵ The department's recently arrived assistant deputy minister of public schools was somewhat confused because, in his experience, school elections were a "training ground" for future politicians. He noted that the 10 per cent turnout rate for the most recent elections indicated that few parents took them seriously. In a further consolidation of ministerial power, it was suggested that appointments be made to vacant council seats rather than continuing with by-elections.⁶⁶

"Back to Basics" Educational Reform Attempt in Yukon

After the introduction of partisan politics in the YLA in 1978, political parties had become more active in articulating their visions for Yukon's future. In the 1980s, economic development and land claims were the focus of much of the debate. In the 1990s, however, other issues began to gain more prominence, including education. Education reform became a political issue two separate times with two separate governments, both of which engaged in public consultation processes and received long lists of recommendations. However, members of the public were skeptical about the need for change and many saw the exercises

⁶⁵ P. Michael to W. Phelps, August 25, 1994, Yukon Government Records Fonds, Yukon Archives, acc. 2005/51, box 1998-2377, "Education Act - Amendments - Confidential - Restricted".

⁶⁶ R. McCaffrey to G. Ewert, September 12, 1994, Yukon Government Records Fonds, Yukon Archives, acc. 2005/51, box 1998-2377, "Education Act – Amendments – Confidential – Restricted".

as too overtly partisan to support. The first reform attempt was a call for a “back to basics” approach by the Progressive Conservatives just two years after the *Education Act* was enacted. The second was the mandatory 10-year review of the *Education Act*, which was quickly pushed forward by the Yukon Liberal Party in a minority government situation. Neither reform initiative resulted in substantial legislative changes that would affect how schools were governed or operated.

In 1992, the NDP, which was responsible for the creation of the *Education Act*, lost control of the government to the Yukon Party, a new right-of-centre party formed from the former Progressive Conservatives. Despite the funding transfer agreements and the progressive legislation, the NDP was unable to stimulate the economy, and Yukoners voted in a new government that was much more free-market-oriented. A recent economic downturn also increased the need for government cost-cutting, and statements urging fiscal responsibility became common refrains within the territorial government.⁶⁷ This change in government galvanized the entire population for a potential influx of more resource extraction opportunities, and there was much speculation over how these might develop in the new era of First Nation governments and land claims. Thus, attention was diverted from educational issues to land use and economic development for a short period.

However, it did not take long for what started as a minority government, later boosted to a majority through alliances in the legislature with political independents, to seize on education as an issue through which it could make its mark.

⁶⁷ Coates and Morrison, *Land of the Midnight Sun*, 302.

In a speech delivered to the Whitehorse Chamber of Commerce in February 1993, Minister of Education Doug Phillips announced a new review of the *Education Act*, to be conducted with the support of Yukon's business community, to inquire into whether "our present education system is producing graduates that are capable of meeting your current and future needs." He further expressed concerns that education systems in Canada were choosing to focus on "life skills, physical education, and appreciation of the multicultural character of Canada, rather than on the three R's."⁶⁸

This call for a review of the *Education Act* was completely unexpected, and reactions were polarized, with the former NDP government, teachers, and the CYI on one side and the business community on the other. The leader of the NDP, in a thinly veiled criticism of Government Leader John Ostashek, a former guide and outfitter, said that the "three R's" Phillips was referring to were "riding, roping, and wrangling" and that he couldn't understand why a review was needed after the extensive consultation that was used to develop the act.⁶⁹ The CYI was also suspicious about the motives, specifying the previous studies and consultation and pointing to a lack of the necessary resources to implement the changes mandated in the *Education Act*.⁷⁰ The cost of the review was also a concern to both the CYI and the YTA, who wondered openly "what the government's actual agenda might be."⁷¹

Indeed, the costs of the system were continuing to mount, and contract negotiations with civil servants, including teachers, were taking place under austerity measures and

⁶⁸ "Education System Reviewed," *Whitehorse Star*, February 10, 1993.

⁶⁹ "NDP Criticizes Phillips' Review," *Whitehorse Star*, February 12, 1993.

⁷⁰ "CYI Unhappy with Review," *Whitehorse Star*, February 23, 1993.

⁷¹ "Teachers' Group Wanted Consultation," *Whitehorse Star*, February 23, 1993.

resulted in a zero per cent increase in the YTA contract negotiated in the fall of 1993.⁷²

Phillips lost another source of support for his review from school councils because he was also asking them to cut their budget request for their newly formed Association of Yukon School Councils from \$150,000 to just over \$90,000 and asking that school council members also consider reducing their per-meeting honorarium of \$50 per meeting.⁷³

Following the announcement of the review in February, Minister Phillips attended an Education Council meeting with a list of possible minor amendments that he had already compiled. These included mandating mediation as a first step for matters brought to the Education Appeal Tribunal, whether principals should be required to attend school council meetings (there were some councils that welcomed principals, while others felt they “dominated the proceedings” and should not attend), school calendar guidelines, and membership and conflict of interest issues for school council members. The department was also keeping a running list of possible minor and major amendments to the *Education Act*.⁷⁴ Included in Phillips’s list, however, was the suggestion that locally developed curriculum should be better defined (e.g., a course of study versus a unit of study) because that would affect whether the department was mandated to provide support.⁷⁵

⁷² Yukon Teachers Association, *50 Years of the YTA*.

⁷³ “School Councils Asked to Reduce Budget,” *Whitehorse Star*, February 17, 1993. \$50 per meeting was still the going rate for school council members in 2018 (with an additional \$12.50 per meeting for the chair).

⁷⁴ D. McNevin to E. Lawton, September 24, 1993, Yukon Government Records Fonds, Yukon Archives, acc. 2005/51, box 1998-2377, Education Act - Amendments - Confidential - Restricted".

⁷⁵ Sections Suggested for Review/Amendment Yukon Education Act (Notes for Minister Doug Phillips Education Council Meeting, April 17, 1993), Yukon Government Records Fonds, Yukon Archives, acc. 2005/51, box 1998-2377, Education Act - Amendments - Confidential - Restricted".

Minister Phillips's rhetoric on the scope and direction of the review changed in various contexts, which led some to believe that it was too hastily initiated. When originally announced, the scope of the review was to be quite wide-ranging. By the spring, he mentioned in the legislature that he would be forming a steering committee to provide direction to the review but also stated that it would primarily be focused on curricula and special needs programming (in particular "mainstreaming").⁷⁶ Invitations were subsequently sent to school councils to provide nominations to the steering committee, and providing a timeline of hearings in each community to be held in the fall so that a report could be tabled in the spring of 1994. With these invitations, the scope of the review had narrowed slightly to the following: "Focus: Within the context of the *Education Act*, to look at the overall curriculum in Yukon schools, including programming for students with special needs, with an eye to answering the following questions: A) What are we doing right? B) What are we doing wrong? C) Will our children be able to compete in the 21st century?"⁷⁷

Various delays led to the announcement that a Whitehorse teacher-turned-realtor, Darrell Weigand, had been appointed as the chair of the review panel in November, 1993, almost six months behind schedule.⁷⁸ His appointment proved controversial almost immediately when it was revealed that, despite the government's restriction on staff travel because of budgetary cutbacks, Wiegand had been sent to BC, Ontario, and New Brunswick to gather information on school review processes, since they had recently undergone similar

⁷⁶ Yukon, Legislative Assembly, *Hansard* (April 8, 1993), (Hon. Doug Phillips).

⁷⁷ D. Phillips to D. Sinclair, March 23, 1993, Yukon Government Records Fonds, Yukon Archives, acc. 2005/52, file 1998-874, "Education Review Committee - Correspondence from Department".

⁷⁸ "Education Review Head Named," *Whitehorse Star*, November 3, 1993.

reviews. In addition, it was revealed that the scope of the review was not settled and that the Yukon Bureau of Statistics had been contracted to design and implement a survey of all parents and stakeholders to “determine a focus for the review.”⁷⁹ The remaining members of the steering committee, representing the YTA, the Chamber of Commerce, the Association of Yukon School Administrators, the CYI, and school councils were named at the end of November.

Criticism over the direction of the review kept coming. The opposition critic for education in the legislature noted that the minister had “unilaterally changed the terms of reference several times,” including a version that left community consultations out of the review.⁸⁰ Even the chair of the review protested that the survey developed to provide focus was done without the committee’s input, to which Phillips responded by claiming it was Weigand himself who requested that the survey be developed because the original mandate seemed too broad.⁸¹

Following the survey, which received over 2,600 responses, a discussion paper was developed based on the results and distributed to all households prior to the community consultations. The survey results confirmed the minister’s assertions from the preceding spring that “[t]he need to return to the ‘basics’ has been one of the strongest views communicated to the Education Review Committee” and that there ought to be greater

⁷⁹ “Phillips Quizzed on Several Fronts,” *Whitehorse Star*, November 19, 1993.

⁸⁰ “I Don’t Oppose a Well-Planned Review,” *Whitehorse Star*, December 6, 1993.

⁸¹ D. Weigand to Minister of Education, December 11, 1993, Yukon Government Records Fonds, Yukon Archives, acc. 2005/52, file 1998-874, “Education Review Committee - Correspondence from Department”; D. Phillips to D. Weigand, December 15, 1993, Yukon Government Records Fonds, Yukon Archives, acc. 2005/52, file 1998-874, “Education Review Committee - Correspondence from Department”.

consistency between teachers, schools, and other jurisdictions in Canada. Notably absent were any specific references to Indigenous education initiatives. However, there was a somewhat cryptic reference to “political interference and the influence of ‘special interest groups’ is seen as a problem in Yukon education,” with no further explanation.⁸²

One of the “special interest groups” defined may have been, in Minister Phillips’s view, the officials of the Department of Education. Because many of the attendees and submissions were addressing issues outside the scope of the curriculum/special needs mandate, the chair had requested that someone from the department should be available to address these issues. The department had been giving the committee considerable secretariat support, and there was a good working relationship between the committee and the department. However, in a letter to the chair, Minister Phillips advised that it would be better for the perception of the committee’s autonomy if representatives from the department did not attend the community hearings. He was concerned that “having departmental staff formally in attendance...has the potential of either moving the discussions into administrative matters or giving the appearance of departmental influence.”⁸³

When the final report was presented in September 1994, it did not make specific recommendations, as some had expected, to recentralize the authority over schools back to the Department of Education. The prologue of the report did highlight two areas that the authors felt were consistent themes in the meetings and submissions, which suggested there were

⁸² The Education Review Steering Committee Discussion Paper, Pamphlet Collection, Yukon Archives, PAM 1994-0075.

⁸³ D. Phillips to D. Weigand, April 22, 1994, Yukon Government Records Fonds, Yukon Archives, acc. 2005/52, file 1998-874, "Education Review Committee - Correspondence from Department".

problems in the governance and decision-making regime that came from the 1990 *Education Act*: accountability and consistency. The former could be interpreted differently depending on one's position in the system – parents wanted to know how individual students were progressing, the public wanted to know how effective the schools were, and the staff wanted to know more about processes, policies, and future planning. The latter was defined specifically as ensuring that all students had access to equal opportunities, regardless of where they lived or their specific learning needs.⁸⁴

The scope of the report did, in fact, increase, with sections on evaluation (measurement and reporting) and partnerships, in addition to the sections on curriculum and special needs. In all, the report made 83 recommendations, the first of which was to ensure that the system focused on literacy and numeracy before all else. Nevertheless, many of the following recommendations did focus on enhancing the other aspects of the curriculum, going as far as recommending that the “Yukon First Nation curriculum materials be a part of the core curriculum and not a supplement.”⁸⁵ In terms of partnerships, most of the recommendations focused on parental communications, but the ones dealing with school councils did not attempt to remove or reduce their influence, although the formation of the Association of Yukon School Councils was questioned and a recommendation was made that councils reassess the need for such an organization.⁸⁶

⁸⁴ Yukon Education Review Committee, *Curriculum and Special Needs Programming in Yukon Public Schools* (1994), 8.

⁸⁵ *Ibid.*, 18.

⁸⁶ *Ibid.*, 52.

The development of the final report was itself scrutinized. One of the committee members felt that the final part of the process had been rushed because of the chair's intention to move away from Yukon in the fall.⁸⁷ Minister Phillips had been shuffled out of the education portfolio, and the new minister, Willard Phelps, was peppered with additional questions about how the contract for writing the report had been issued without a tender and had been granted to someone with political ties to the Yukon Party.⁸⁸ After the report was tabled in the legislature, the perception of the partisan nature of the whole exercise continued to be raised. The report was quickly distributed as soon as it was received to allay any concerns that either the department or the minister had influenced the content or edited the document.⁸⁹ Phelps strongly denied these claims, insisting the report was a consensus of the committee and castigating opposition politicians for "insult[ing] the dedication and public mindedness of all members of the Committee, not just the Chair and the contractors."⁹⁰

Despite the direction given by Minister Phelps to the department to prepare a list of responses to the recommendations, the only changes in programming that were highlighted as a result of the review in the department's subsequent annual reports was the hiring of a First Nations curriculum coordinator and initiation of a mathematics diagnostic and assessment

⁸⁷ T. Price to D. Phillips, May 25, 1994, Yukon Government Records Fonds, Yukon Archives, acc. 2005/52, file 1998-874, "Education Review Committee - Correspondence from Department".

⁸⁸ T. Harding to W. Phelps, October 5, 1994, Yukon Government Records Fonds, Yukon Archives, acc. 2005/52, file 1998-874, "Education Review Committee - Correspondence from Department".

⁸⁹ W. Phelps to Cabinet, October 3, 1994, Yukon Government Records Fonds, Yukon Archives, acc. 2005/52, file 1998-874, "Education Review Committee - Correspondence from Department".

⁹⁰ W. Phelps to T. Harding, October 14, 1994, Yukon Government Records Fonds, Yukon Archives, acc. 2005/52, file 1998-874, "Education Review Committee - Correspondence from Department".

program. (The latter had actually started from the work of a mathematics task force group prior to the announcement of the education review.)⁹¹

Mandatory *Education Act* Review

Following the completion of their four-year mandate in 1996, the Yukon Party was defeated by the NDP in a general election. The tenure of the new NDP government was not as focused on legislative reform as it had been in the late 1980s. Instead, it continued to be focused on stimulating the economy and implementing the final agreements with First Nations while continuing to participate in negotiations with other First Nations that had not signed land claims and self-government agreements. Teachers and paraprofessionals, who had been dealing with zero increases in salary and denial of experience increments during the Yukon Party's tenure, were hopeful that the NDP would restore wage increases in the next round of contract negotiations in 1996, but were disappointed when the government claimed that it was unable to grant these increases. The YTA chose binding arbitration to settle the contact dispute and was further disappointed when the arbitrator accepted the government's inability to pay arguments and granted only modest increases.⁹² The following contract in 1998 required conciliation even though the government was back in surplus.⁹³

The government's cautious approach to finances was also reflected in its approach to schools as it adopted and continued the previous government's shift away from expanded

⁹¹ Yukon Department of Education. *Annual Report Department of Education 1992–1993*, (1993); Yukon Department of Education. *Annual Report Department of Education 1993–1994*, (1994); Yukon Department of Education. *Annual Report Department of Education 1994–1995*, (1995).

⁹² Yukon Teachers Association, *50 Years of the YTA*.

⁹³ "Territory's Teachers Vote for Conciliation," *Whitehorse Star*, November 13, 1998.

services and programs to a focus on increased standardized testing (using tests licenced from Alberta) and reporting of statistics. The Department of Education's annual reports changed from descriptive reports with statistics focused mainly on enrolment and employment to reports filled almost exclusively with charts and graphs focused on student achievement measures.⁹⁴ Further, the territory had joined the Western Northern Canadian Protocol, made up of the four western provinces and two territories in 1993 to develop common curricula, and there was much work being done at the department level to contribute to this work to ensure that Yukon students would be able to transfer easily to other jurisdictions.⁹⁵

The government and the Council of Yukon First Nations (CYFN; formerly the CYI, which adopted the new title in 1995) were also looking at the state of the established Indigenous education programs, as well as the language courses being offered in schools, namely YNTEP and the Yukon Native Language Centre (YNLC), neither of which had been formally evaluated for “program effectiveness, efficiency, or relevance” since their inception. An independent management consultant, agreed to by both the government and the CYFN, was brought in to lead the review that, much like most education consultations, included community visits throughout Yukon.⁹⁶ YNTEP and YNLC were both identified as being “at a crossroads” because of alarmingly low numbers of candidates in the former and similarly low numbers of fluent speakers in the latter – issues that needed to be addressed in the immediate

⁹⁴ See for examples of the shift: Yukon Department of Education. *Annual Report Department of Education 1997–1998*, (1998); Yukon Department of Education. *Annual Report Department of Education 1998–2000*, (2000).

⁹⁵ Yukon Department of Education. *Annual Report Department of Education 1997–1998*, (1998), 10.

⁹⁶ Graham and Associates Management Consultants, *A Review of First Nation Education Programs in the Yukon* (Whitehorse, 1997), 2–3.

future lest both programs be at risk of collapse. A longer-term vision for both programs, which were identified as being past their “start-up periods,” was necessary for their continued success. Because of the bureaucratic structures in place during their inception as a result of combinations of federal, territorial, and Indigenous funding and the variety of governance models, it was noted that the programs did not have “effective linkages” and seemed to be each working in isolation. The outcome in the schools was that, despite the fact that Indigenous language classes had been delivered in Yukon classrooms for almost two decades, most students, after receiving instruction from Grades 1 through 6, were unable to carry on a conversation in an Indigenous language.⁹⁷ In addition to recommendations to develop a coordinated long-term implementation and governance plan, expansion of language programs into Grades 7–12 was recommended.⁹⁸

It was in this atmosphere of a slower and cautious review-and-plan approach to changes in the education system that the deadline for the mandatory 10-year review of the *Education Act* was approaching. This mandatory review had been inserted into the legislation as a compromise mechanism to allow for the re-evaluation of the guaranteed representation clauses. In 1999, however, the government was more willing to open up the consultations much wider, starting with a series of bilingual community “Conversations in/en Education” throughout the 1999–2000 school year to encourage conversation and debate about education in Yukon based on the following questions designed to “pave the way for a review of the Yukon *Education Act*”:

⁹⁷ Graham and Associates Management Consultants, *Review*, iii–iv.

⁹⁸ *Ibid.*, 48.

- Are schools keeping up with the times?
- How can modern education incorporate traditional knowledge?
- Who should decide what schools teach?
- What is the purpose of education in the 21st century?
- How do we find a balance between the “three Rs” and the rest?⁹⁹

These “conversations” were seen as a stalling tactic to delay the review until after the next election, since the government was nearing the end of its four-year mandate.¹⁰⁰ The only work done was to create a steering committee of the YG, the YTA, the CYFN, and school councils to lay the groundwork for the larger review process, which was also to include an extensive public consultation process that would see public meetings held in all Yukon communities.¹⁰¹

In the middle of all of this planning, however, the NDP government asked the commissioner to issue writs of election near the end of its four-year mandate, and the territory went to the polls in the spring of 2000. Since the start of party politics in territorial governance in 1978, the territory had vacillated between right- and left-wing parties forming government, with centrist parties consistently being left in third-party status. Often, the election rhetoric over the previous two decades focused on the necessity for or viability of land claims and self-government, but the signing of the UFA in 1993 brought all sides together on this issue, and the debate during the election period was focused on which party could finish negotiating the remaining agreements the fastest. After 10 years of consistent gains by the Liberal Party (aided by their renewed focus on developing support in rural and

⁹⁹ Conversations In/En Education September 1999 to May 2000 Brochure, Pamphlet Collection, Yukon Archives, PAM 1999-0397.

¹⁰⁰ Yukon, Legislative Assembly, *Hansard* (November 17, 1999).

¹⁰¹ Yukon Department of Education. *Annual Report Department of Education 1998–2000*, (2000), 52.

First Nations communities), they won a narrow majority, also resulting in Yukon's first female premier, Pat Duncan.¹⁰²

The new Liberal government, elected in April, immediately commenced work on moving the *Education Act* review forward, appointing Ken Taylor as the chair of the steering committee. This appointment was contentious because, in addition to his tenure as a teacher and former president of the YTA, Taylor was the leader of the Liberal Party (though was an unsuccessful candidate) during the 1996 election. In that election he had undergone a great deal of scrutiny over mixing politics and his work (as a teacher at the time), as evidenced by including his school's telephone number in his contact information on Liberal Party press releases.¹⁰³ Further inflaming the accusations of pork-barrel politics was that his appointment was made without consultation with the existing steering committee and that he would be paid a deputy minister's salary. Minister of Education Dale Eftoda stated this was necessary because the NDP was unable to complete the consultation in a timely fashion if it were to use the steering committee's desire to have rotating chairs during their mandate. There was a requirement to get the review done within a year.¹⁰⁴

The steering committee's plan was to begin community consultations in the fall of 2000, develop draft recommendations to the minister and the public for comment in the winter, and present the final recommendations in the spring to allow updated legislation to be introduced into the legislature in the fall of 2001. The review was titled "Renewing the

¹⁰² Coates and Morrison, *Land of the Midnight Sun*; McCormick, "Still Frontier, Always Homeland," 375–6; Smyth, *The Yukon Chronology*, 263.

¹⁰³ "Taylor Isn't Being Ethical," *Whitehorse Star*, January 18, 1996.

¹⁰⁴ Yukon, Legislative Assembly, *Hansard* (July 12, 2000), (Hon. Dale Eftoda).

Partnership,” with the committee acknowledging that the signing of the UFA and the rapid changes in technology were causing the educational landscape in Yukon to shift from the act’s goals of providing quality instruction to meet individual needs to the desire for greater public participation.

All aspects of the *Education Act* were open for comment and criticism, starting from the preamble itself, which set out the overall philosophy of education in the territory. In addition to the general areas of curricula, student and parent responsibilities, the school calendar, and representation in educational decision-making, the committee suggested several specific areas for the public’s consideration, including whether administrators should remain in the bargaining unit for teachers, whether the collection of school and program fees should be allowed, and whether territorial-shared resource programs (separate special education programs for non-mainstreamed students, all located in Whitehorse) should continue.¹⁰⁵

Community hearings were well attended, but the lack of boundaries on what was up for consideration resulted in a scattershot collection of feedback from mundane minutiae to the broadly philosophical, with no dominant themes emerging from the 18 public meetings. Written submissions were collected and organized by the Yukon Bureau of Statistics and provided more consistent themes of criticisms. First Nations’ submissions were almost uniform in their conclusions that First Nations were little further along in being partners than they were before the *Education Act*, with several recommending dramatic shifts in the organization of schools (including a First Nation–operated school) to result in substantial

¹⁰⁵ Yukon Education Act Review Steering Committee, *Renewing the Partnership: A Review of the Yukon Education Act* (2000).

change. School financing for First Nations initiatives was a consistent theme with the recognition that the territory controlled all education funding and only “crumbs that fall from the Queen’s table” were available for Indigenous education initiatives.¹⁰⁶

Little Salmon Carmacks First Nation, having only reached its final agreements in 1997, was undertaking more formalized research to assess the capacity and desire of the community to develop a plan for educational reform along with providing feedback for the *Education Act* review. Noting almost universal dissatisfaction with the schooling offered within the village of Carmacks, the report detailed the continuing dilemma of parents wanting to retain and transmit teachings to maintain a traditional lifestyle while also participating in the system that would provide greater opportunities outside of their community. However, the study found that capacity for radical reform did not exist within the community and that “[n]o one in our case study suggested that education itself was the problem, and very few were not ready to work with the existing system. Education reform, making education systems better, rather than revolution, was the theme from both parents and educators.”¹⁰⁷

In general, other written submissions were narrower and more focused on each submitting organization’s mandate. The YTA wanted more protections for their employees and suggested that all the employment relations language be moved into a separate piece of legislation, removing it from further mandatory reviews while also making it easier to amend,

¹⁰⁶ Yukon Education Act Review Steering Committee, *Submissions to the Education Act Review Steering Committee* (2001), 56.

¹⁰⁷ Elizabeth Hawkins and Eleanor Millard, *Education Reform: A Case Study of a Rural Yukon Community* (2001), 42.

when necessary, at a future time.¹⁰⁸ The francophone community and home schoolers wanted significant protections added to the act to more explicitly protect their rights and to increase funding to enhance their ability to deliver additional programming.¹⁰⁹

At the November 2000 school councils conference, the decision to form an association of school councils in order to advance common interests came up again, which resulted in the formation of the Association of Yukon School Councils, Boards, and Committees (AYSCBC).¹¹⁰ The longest written submission to the steering committee came from a working group of school councils, which argued that parents, as represented by councils, boards, or committees, still did not feel that they were equal partners in the operation of the schools, nor did they think that schools were particularly accountable to parents, resulting in a fundamental lack of trust. They argued that meaningful change would not occur unless there was a significant shift of power, as envisioned by the drafters of the original act, to the hands of parents.¹¹¹

In all, the steering committee received over 7,000 comments and suggestions, which were inserted into a database and sorted into those that required legislative changes and those that did not. The Department of Education was tasked with examining the approximately 5,000 suggestions that did not require legislative amendments and coming up with a strategy to process and assess the large volume of suggestions.¹¹²

¹⁰⁸ Yukon *Education Act* Review Steering Committee, *Submissions*, 93–5.

¹⁰⁹ Ibid.

¹¹⁰ AYSCBC October 2002 Newsletter, Pamphlet Collection, Yukon Archives, PAM 2002-0639.

¹¹¹ Yukon *Education Act* Review Steering Committee, *Submissions*, 120–56.

¹¹² “An Open Letter to All Yukoners,” *Yukon News*, November 30, 2001.

In August 2001, 153 draft recommendations were released by the committee to the minister, including those on which the committee had not come to consensus. The key recommendation that would create the largest change within the system was to create a “Three-Board Governance Model” that would see the creation of francophone, Catholic, and public boards (the latter with four elected, four appointed Indigenous, and one teacher as members) in order to remove the Department of Education from the business of operating schools directly. Included in their reasons was

[t]he public perception is that the department does not work for the public, but for the Minister. The public cannot speak in the legislature about important educational issues. The Board of Education would provide that forum. Parents have felt powerless in the current governance model. The school council structure has not provided an adequate level of involvement for them in shaping the kind of school they want for their children.¹¹³

The recommendations also echoed the YTA’s request that all of the sections concerning labour relations be moved out of the act into a separate piece of legislation, but there was no consensus on whether the YTA should have the right to strike, with the councils wanting the right removed, the YTA wanting it to remain, and both the Department of Education and First Nations taking no position on the issue.¹¹⁴ In a brochure sent to all households, the other draft recommendations were summarized as: Strengthening the language about the responsibilities of parents and students; ensuring the Department of Education was more accountable by sharing achievement indicators that were not amalgamated – they should show performance statistics for First Nation and rural students; increasing the emphasis on

¹¹³ Yukon *Education Act* Review Steering Committee, *Education Act Review Renewing the Partnership: Draft Recommendations* (2001), 69-71.

¹¹⁴ Yukon *Education Act* Review Steering Committee, *Draft Recommendations*, 83.

First Nation culture, history, and languages; offering optional kindergartens for four-year-olds; simplifying the processes for home schoolers and offering limited resources and materials; lengthening the school year to provide more professional development days and shortening the length of each school day to have more instructional days in the year; and shortening the preamble to embody only the “spirit” of the act and rewriting it in simpler language, while leaving specific statements of educational perspectives embedded in the act itself.¹¹⁵

The timeline for responding to the recommendations was tight – stakeholders and the public had just over two months to respond with additional comments to the minister. The CYFN and the opposition in the legislature both felt that this timeline was too short given the large number of recommendations. In addition, there was concern that Minister Eftoda had summarily dismissed the “Three-Board Governance Model” recommendation prior to any public comment, and the CYFN, while not agreeing with the model as presented, wanted to continue discussion about its potential to suit their needs.¹¹⁶

In addition, before the review period ended, the Liberals had already introduced a bill in the legislature, the *Education Staff Relations Act*, which removed all the labour relations clauses from the *Education Act* into separate legislation, making few other changes related to the recommendations, thereby enshrining the current language (including retaining the right for YTA members to strike) in new legislation that would not likely be changed in the near

¹¹⁵ Yukon *Education Act* Review Steering Committee, *Draft Recommendations*, 83.

¹¹⁶ “Slow Down Education Reforms, CYFN urges,” *Whitehorse Star*, October 15, 2001; “Grits Urged to Rein in Education Reforms,” *Whitehorse Star*, October 23, 2001.

future. Minister Eftoda revealed that this had been the government's plan all along and that the steering committee had been informed at least a year prior to the recommendations being drafted and released.¹¹⁷

In the midst of the government making decisions about the future of a new Education Act prior to the end of the consultation period, the CYFN announced that it would have to close the doors of its education department because of lack of funding from the YG. The CYFN was receiving \$50,000 per year from the government for its education department during the review. There was little willingness to give more because the YG felt that the federal government should be providing funding for other levels of government. The CYFN's position was that all education funding from the federal government came directly to the YG through the annual transfer payments and it was the YG's responsibility to provide the CYFN with the necessary funding for its educational affairs, as they did for school councils and the YTA.¹¹⁸

The territorial government's commitment to education was further challenged in 2001 by the YTA undertaking its first strike action following stalled negotiations and a contract that expired in 1999. In addition to the usual wage-related issues, YG had accused the YTA of improperly voting on a conciliation board report, which heavily drew the ire of the YTA leadership and general membership.¹¹⁹

What happened next was the subject of heated debate and further cast the work of the steering committee into doubt. Minister Eftoda dissolved the steering committee at the end of

¹¹⁷ "Education Act Ideas 'Cherry Picked' – MLA," *Whitehorse Star*, October 25, 2001.

¹¹⁸ "Council Closes Education Department," *Whitehorse Star*, October 30, 2001.

¹¹⁹ Yukon Teachers Association, *50 Years of the YTA*.

October 2001 because of the non-participation of the CYFN. His position was that the remaining members of the steering committee had asked for it to be dissolved because the composition of the committee did not meet its terms of reference. All the remaining members, however, asked to be appointed to a new body to continue the work. The CYFN countered by saying that it had never removed itself from the committee and the minister had made a hasty decision to dissolve it without confirming willingness to continue working on the review, despite the closure of the CYFN's education department. Minister Eftoda said that the next steps would simply be to assess the feedback offered after the draft recommendations had been released but not to formulate final recommendations – the cabinet would simply consider what they had available in the drafting of new legislation. The opposition in the legislature cited this as yet another interference in the process by the government.¹²⁰

In a letter to all Yukoners published in the newspapers in November 2001, Eftoda admitted that the situation was not ideal. He explained that he felt that, when the draft recommendations were released in August, the right thing to do was to explain that the government would not endorse the creation of “another layer of bureaucracy” through the creation of new school boards. This stated position would allow the committee to devote its time to evaluating other options instead of further developing an option that would not be supported by government. He again explained that he had no choice but to dissolve the committee because it no longer met its terms of reference and had already received a report from the remaining members of the committee with their recommendations for legislative

¹²⁰ “Education Body’s Dissolution Wasn’t Needed, CYFN says,” *Whitehorse Star*, November 6, 2001.

changes. He was ready to proceed with making his suggestions to cabinet for the amendments to be included in a revised act, and this work would proceed with a bill to be tabled in the legislature in the spring.¹²¹ The CYFN responded by passing a motion to start their own education task force with a view to drawing down their authority for education under the self-government agreements.¹²²

The government's plans for new education legislation were complicated by three of its MLAs crossing the floor to sit as independents in the legislature, throwing the government into minority status. Chief among the complaints that prompted this move was that the premier was not consulting her caucus on decisions, simply telling them what to do based on the advice of her "kitchen cabinet" and direction from the federal Liberal Party.¹²³ However, the government pressed on with its legislative agenda and, on April 8, 2002, tabled Bill 63, *An Act to Amend the Education Act*.

The bill, true to Minister Eftoda's assertions that the government would not support the creation of school boards as another level of bureaucracy, did not do so. Instead, two other councils were created, a small one for home educators that would provide them with a limited version of a school council powers and an appointed Education Advisory Council with a chair and 13 additional members to advise "the Minister with respect to promotion of the goals of the Yukon education system in accordance with this act." Some of the responsibilities of this new council included consulting with "individuals, groups, and the

¹²¹ "An Open Letter to All Yukoners," *Yukon News*, November 30, 2001.

¹²² "Grand Chief Opens the Door for Separate Education," *Whitehorse Star*, November 27, 2001.

¹²³ "Defections Tip Grits into Minority," *Whitehorse Star*, April 2, 2002.

public about education issues and report to the Minister on what they believe the issues are and how they believe the issues should be dealt with,” encouraging partnerships, suggesting “new visions for education policy,” and evaluating programs, in addition to the usual advisory functions that had existed before in the Education Council.¹²⁴

With regard to First Nations, Bill 63 clarified the process for guaranteed representatives to be appointed to councils and loosened the restrictions on who could act as an Indigenous language teacher in schools, but it repealed the CYFN’s ability to act as the Central Indian Education Authority that was granted under the previous act.¹²⁵ This provision was not a surprise as it was included in the draft recommendations which caused the CYFN to immediately accuse the government of never allowing the FNEC to ever become functional due to chronic underfunding.¹²⁶ The government’s unwillingness to reconsider this provision resulted in continued disapproval from the opposition and First Nations when Bill 63 was introduced.¹²⁷

School councils would be replaced by local education councils with all of the powers previously afforded to the councils, except that the language was weakened regarding the council’s role in appointing principals to simply selecting the candidate from a short list prepared by the superintendent.¹²⁸ It also specified that, if councils were to transform into boards, school employees would remain as employees of the YG.¹²⁹ In total, the bill was 95

¹²⁴ Bill 63, *An Act to Amend the Education Act*, 2d sess., 30th Legislative Assembly, 2002, 11–12, 28.

¹²⁵ Bill 63, 39–44.

¹²⁶ “Council Closes Education Department,” *Whitehorse Star*, October 30, 2001.

¹²⁷ “Opposition Sees Woes in Education Changes,” *Whitehorse Star*, April 24, 2002.

¹²⁸ *Ibid.*, 45–51, 62.

¹²⁹ *Ibid.*, 72.

pages long, containing rewrites of most of the clauses as was suggested in the draft recommendations.

Bill 63's introduction and first reading in the legislature by the new minister of education, Cynthia Tucker, was overshadowed by a leaked email from another female cabinet minister. The email included a description of a local women's group as "feminazis," which erupted into an issue on the national scene and caused the minister to resign her portfolio, further moving the minority government into an even more precarious position.¹³⁰ The opposition was concerned about the substantial length of the bill and wanted more time to examine the changes proposed, since some bodies, like the Education Advisory Council, were not included in the recommendations.¹³¹

In the meantime, the government had decided to enact some additional school reorganization changes, including the closing of a small primary school they had campaigned to close. All of the changes inflamed Whitehorse parents. On Tuesday, May 28, 2002, Minister Tucker convened a press conference to announce that the government would both cancel its plans to close the primary school and would leave Bill 63 on the legislature's order paper until the fall so that further consultations on the bill, on which it was rapidly becoming clear that no stakeholders were happy with and likely would not have passed given the minority situation in the legislature, could take place.¹³²

In November 2002, Premier Pat Duncan asked the commissioner to dissolve the legislature and called a snap election, which resulted in Bill 63 dying on the order paper. The

¹³⁰ "Premier Weighs Minister's Offer to Quit," *Whitehorse Star*, April 12, 2002.

¹³¹ "Opposition Sees Woes in Education Changes," *Whitehorse Star*, April 24, 2002.

¹³² "Grey Mountain in; *Education Act* out," *Whitehorse Star*, May 28, 2002.

Liberals were trounced in the election over criticisms during the election campaign that Bill 63 would actually have centralized more power with the minister. The bungled attempt to reform the *Education Act* was regarded as one of the primary reasons for the Liberals' loss, and with that loss, amendments to the *Education Act* were no longer on the horizon.¹³³

The Final Devolution and an Updated *Yukon Act*

Forty years of consistent devolution of programs and services from Ottawa to Yukon had shifted many of the political tensions within the territory from federal-territorial to territorial-local (e.g., municipal, First Nation, or school board/council). A clear reduction of the paternalistic attitude of the federal government towards Yukon was shown by the complete transfer of legislative power from the federal government to the YLA. After the consolidation of the bureaucratic structures and the stabilization of Yukon's funding through a federal-territorial funding agreement in the 1980s, the Yukon government successfully exercised its newfound authority through an ambitious legislative agenda that included progressive education legislation.

All of the political developments since the Advisory Committee on Finance in 1960 led to the final act with regard to devolution of power from the federal government: the transfer of the last set of programs and services that it was still delivering – those related to land and resource management – to the territorial government.

¹³³ Coates and Morrison, *Land of the Midnight Sun*, 302; Adrienne S. Chan, Donald Fisher, and Kjell Rubenson, *The Evolution of Professionalism* (Vancouver: University of British Columbia, 2007), 210–11.

In the late 1990s, the federal government indicated its willingness to devolve these last programs and services. In addition, this “final devolution” would be combined with *Yukon Act* amendments to enshrine many of the changes that had occurred since the 1960s, including the territorial governance structures. However, despite the federal government’s growing confidence in Yukon to adequately manage its own affairs, amendments to protect the fundamental existence of Yukon were not included in the updated *Yukon Act* and kept the federal government as the ultimate authority over Yukon’s politics and its future.

Both federal and territorial politicians had predicted in the mid-1980s that, once Indigenous land claims were settled, Yukon could resume its quest for provincial status, despite the barriers posed through the repatriation of the Constitution.¹³⁴ The Meech Lake constitutional accord discussions, however, had firmly shown that the federal government was not ready to reduce the barriers to Yukon’s full entry into Confederation as a province because the proposed amendments would have required the unanimous consent of all other provinces. Yukoners’ hopes for provincehood were buoyed by the subsequent failure of the Meech Lake Accord. They were further increased by the inclusion of the territorial leaders in discussions that led to the Charlottetown Accord, the inclusion of territorial leaders in First Ministers’ meetings, and the inclusion of territorial ministers as equal partners in national meetings of other ministers with similar portfolios. These developments suggested that Yukon and the other territories were starting to be included more seriously as a “provincial” player on the national scene.¹³⁵

¹³⁴ McCormick, “Still Frontier, Always Homeland,” 377.

¹³⁵ Penikett, *Hunting the Northern Character*, 167–8; Cameron and White, *Northern Governments in Transition*, 124–5.

Despite a steadily growing list of programs and services being transferred from the federal government to the territory – the 1990s had brought the full transfer of health services, airports, and electric power generation – the full control of lands and natural resources was still under federal jurisdiction. Nowhere was this more apparent than when the federal government, completely without any consultation and warning to the Yukon territorial government, ceded rights to a 1,500 square kilometre section of Yukon to the Gwich'in people of the western Northwest Territories as part of a land claims deal in the early 1990s.¹³⁶

However, progress was made in lands and resources devolution, starting with the *Yukon Oil and Gas Accord* signed in 1993, followed by the federal government's announcement in March 1995 that it would like to consider devolving all remaining lands and resources authorities to the Yukon government (land, water, minerals, and environmental assessment) as a "package."¹³⁷ With the development of the UFA and the signing of the final agreements, there was support from Yukon's First Nations to more seriously pursue devolution as the Yukon government's own land claim from the federal government.¹³⁸ The Yukon and federal governments also agreed that Yukon First Nations must sit at the negotiations table during the discussions, and, in 1998, a Devolution Protocol Accord was signed off by the federal government, the Yukon government, four self-governing First Nations, and the CYFN acting on behalf of all non-self-governing First Nations.¹³⁹ The

¹³⁶ McCormick, "Inherent Aboriginal Rights in Theory and Practice," 150; Cameron and White, *Northern Governments in Transition*, 130.

¹³⁷ Smyth, *The Yukon Chronology*, 243.

¹³⁸ Christopher Alcantara, Kirk Cameron, and Steven Kennedy, "Assessing Devolution in the Canadian North: A Case Study of the Yukon Territory," *Arctic* 65, no. 3 (2012): 332.

¹³⁹ "Yukon Devolution", Indigenous and Northern Affairs Canada, last modified June 4, 2013, <https://www.aadnc-aandc.gc.ca/eng/1352470994098/1352471080537>.

negotiations did not always go smoothly, with the Yukon government rejecting the federal government's proposals several times, mostly because of fiscal matters, including the federal government's liability for environmental remediation of resource extraction projects that had been approved by the federal government before negotiations were concluded in September 1999.¹⁴⁰

At this time, the Yukon government drafted and proposed an updated *Yukon Act* for the federal government's consideration. The legislation needed to be opened and amended to enshrine the transfer of powers agreed to in the devolution agreement, so the Yukon government took the liberty of writing the first draft in order to include some other changes as well. These changes included modernizing the language to reflect the parliamentary terms and traditions that had emerged since the *Epp Letter* in 1979, redefining the position of commissioner to enshrine the role's ceremonial position as like that of a lieutenant governor (and retitling the position to the same), and inserting a provision that the *Yukon Act* could not be amended by the federal government without the consent of the Yukon legislature. Even if all of these changes were accepted by the federal government, the territory would still fall short of provincial status, since it would not own Crown land, have an attorney general, be protected under the Constitution of Canada, or have rights to participate in constitutional talks. However, in all other aspects of governance, Yukon would have similar rights and protections as the provinces enjoyed under the Constitution.¹⁴¹

¹⁴⁰ McCormick, "Still Frontier, Always Homeland," 374–5; Alcantara, Cameron, and Kennedy, "Assessing Devolution," 332.

¹⁴¹ McCormick, "Still Frontier, Always Homeland," 375.

The federal government responded with a draft of the legislation that contained most of what the territory had proposed, except for the clause that required the Yukon legislature's assent for future amendments and the retitling of the commissioner's position to that of lieutenant governor, keeping the legislation aligned with both the NWT's and Nunavut's on those points.¹⁴² The role of Yukon's commissioner had firmly been transformed, in practice, to that of a lieutenant governor over almost 20 years. In 1995, in a move that signified the status of First Nations in the governance of the territory, Judy Gingell, the former chair of the CYI, was appointed as commissioner of Yukon, the first Indigenous person to hold the position.¹⁴³

Yukon formed a special commission on the *Yukon Act* to engage in public consultation on the proposed act in late 1999. Through a series of public meetings, web-based conversations, and open-line radio and television shows, Yukoners were educated on the implications of the amended legislation and were able to express their concerns.¹⁴⁴ Since the terms of the devolution had already been agreed to and the long-established practices of Yukon's legislature generally not being interfered with by the federal government, there were few existential worries among most Yukoners, except for a few who continued to express unease about the federal government's ability to unilaterally amend the act with only consultation with Yukon's Executive Council, issue instructions to the commissioner for the

¹⁴² Canada. *Yukon Act*, 1st Session, 37th Parliament, 2002, Assented to 27 March 2002.

¹⁴³ Johnson, *At the Heart of Gold*, 268–72.

¹⁴⁴ "Yukoners Don't Share This MLA's Concerns," *Whitehorse Star*, November 28, 2001.

next 10 years, disallow any law passed in the Yukon legislature within one year of its passage, and maintain Canada's retention of the ownership of the land.¹⁴⁵

On March 27, 2002, royal assent was given to Bill C-39, the *Yukon Act*, after a six-month process of readings and debate in the House of Commons and Senate of Canada, which was followed by the formal transfer of federal government employees and assets to the Yukon government on April 1, 2003. Yukoners now had complete control over the land, waters, and resources within Yukon – the most significant rights of regional governance – along with legislated protection of the structures of responsible and representative government that had evolved since the *Epp Letter* of 1979.¹⁴⁶ However, despite Yukon's continued accumulation of province-like powers and status, the federal government was unwilling to cede their ultimate authority over determining Yukon's future

¹⁴⁵ Government of Yukon, *Special Commission on the Yukon Act: Official Public Record*, (Whitehorse, 1999), 1–4; “This Bill Does Not Advance Our Democracy,” *Whitehorse Star*, November 26, 2001.

¹⁴⁶ Coates and Morrison, *Land of the Midnight Sun*, 301–2.

Chapter 6 – Educational Developments Since 2003

The confidence needed to either introduce further reforms into Yukon's educational system or to devolve more powers to local authorities was not regained by the territorial government or local-level governance bodies (e.g. school councils or self-governing First Nations) following the final devolution of programs and services from the federal government. Despite political stability at the territorial level where the Yukon Party held majority governments from 2002 until 2016, no substantive changes to the *Education Act* were made. After 2003, three failed reform processes continued to demonstrate the territorial-local tensions that prevented significant changes to the educational system. The first was the Education Reform Project, a joint commission of the Yukon government and the CYFN that had a comprehensive mandate to look at the entire system. Next was a programming study aimed at making changes at the secondary level in an attempt to redefine what a successful graduation would look like. Finally, the Auditor General of Canada released a report in 2009 that was particularly critical of the Department of Education's lack of data to inform planning and decision-making. In addition, more contemporary localized issues concerning francophone, Roman Catholic, and Indigenous education highlighted the territorial-local political tensions that continued to exist.

After Bill 63 died on the legislative order paper because of the 2002 territorial election, the conservative Yukon Party held power in the YLA until 2016. Despite being given a strong mandate to govern as evidenced by three consecutive majority governments, there was no subsequent appetite to propose any significant changes to the *Education Act*. Wide-scale education reform was not viewed by the Yukon Party as a pressing area of concern from the

public or as being politically expedient to the government. Aside from some “housekeeping” amendments to align the act to other pieces of legislation that were amended, only three minor changes have been made since 2002. In 2013, a single bill to amend the act introduced two changes: the addition of three additional days to the school calendar for staff professional development, and the moving of school council elections from the fall to the spring.¹ Another amendment in 2015 specified more explicitly the role of the Education Appeal Tribunal to limit its use outside the scope of issues it was initially instituted to deal with.² This change was prompted by the attempt to use the Education Appeal Tribunal instead of the courts to settle a constitutional dispute about enrolment in the francophone school.³

There were three attempts at educational reform in Yukon – two locally initiated and one imposed by a federal audit – between 2005 and 2010. The first was the Education Reform Project (ERP), which was jointly commissioned by the Yukon government and the Yukon Chiefs’ Council on Education (which included all of Yukon’s Indigenous leaders, not just the ones that were members of the CYFN). Using a process that was approved by the CYFN for a review of and update to the *Children’s Act*, a wide-ranging review of the educational system with an explicit mandate to increase the success of Indigenous learners was launched in 2005. The review began with the ERP team reviewing all of the recommendations from the 2001 Education Act Review report, was followed by further research on practices and structures in

¹ Yukon. *An Act to Amend the Education Act*, 1st Session, 33rd Legislative Assembly, 2013, Assented to 10 April 2013.

² Yukon. *An Act to Amend the Education Act*, 1st Session, 33rd Legislative Assembly, 2015, Assented to 19 April 2015.

³ Yukon, Legislative Assembly, *Hansard* (November 3, 2015), (Hon. Doug Graham).

other jurisdictions, and also included concurrent community consultations.⁴ The process was affected by the resignation of one of the Indigenous co-chairs and worries about political interference shortly before the final report was released.⁵ The *Education Reform Project Final Report*, released in 2007, contained position papers on the overall context and governance of Yukon's education system, First Nations, community issues, supports for teachers and administrators, supports for students, and programming, which resulted in a total of 207 recommendations. An overhaul of the governance system for education was proposed, which included the creation of three new governance bodies – A Yukon First Nations Education Committee, an Education Consortium, and an Education Executive Committee – to interface with the minister of education.⁶ The report did not draft legislative amendments and only commented on those proposed in 2001. Due to the exposed rift between the territorial government and First Nation governments (partly revealed by the resignation of one of the Indigenous commissioners), there was substantial political risk in proposing new legislation following the ERP report, and, therefore, none resulted. In addition, criticism of the government's failure to develop an adequate implementation plan to advance the recommendations of the ERP report (including those that did not require legislative reform) continued in the legislature and the media.⁷

The second attempt was initiated following a facility-needs study that was commissioned during the process to replace the aging F.H. Collins Secondary. The *One*

⁴ Education Reform Project, *Education Reform Project Final Report* (2007), A.3, www.education.gov.yk.ca/pdf/publications/ed_reform_report.pdf.

⁵ "Schultz Leaves Education Project," *Yukon News*, May 3, 2007.

⁶ Education Reform Project, *Final Report*, 1.11–1.13.

⁷ "Education Reform Hobbled by Government Inaction, Says Liberals," *Yukon News*, April 19, 2008.

Vision, Multiple Pathways: Secondary School Programming Process Final Report was developed by a consultant contracted to explore possible changes in secondary programming that might influence the design of the new school building. This report succeeded in only affirming the need to implement a more flexible curriculum that provided, as the title of the report suggested, multiple pathways for students to pursue their graduation diploma. The report provided some recommendations focused on particular secondary programs but provided little in the way of specific recommendations for systemic changes. All of its recommendations were echoes of those found in previous reports.⁸

The final reform attempt was due to a scathing report from the auditor general of Canada. One of the legacies of Yukon's relationship with the federal government was that the Yukon government and its associated institutions would be subjected to periodic audits by the Office of the Auditor General of Canada. In 2008, a team of federal auditors reviewed departmental records and documents from 2001 through 2008, visited rural communities, and interviewed stakeholders throughout the system. Its report, released in 2009, covered all areas of the department's mandate (including post-secondary education) and concluded that "[t]he Yukon Department of Education could not demonstrate to us that it effectively delivers public school programs to Yukon children." The auditors made 13 detailed recommendations for changes (all of which were agreed to by the Yukon government) that focused on the lack of accurate and relevant student data, long-term strategic planning, and human resource planning as key failures of the Department of Education. For example, the department did not set a

⁸ Linda Lee, Larry Bremner, and Denise Belanger, *One Vision, Multiple Pathways: Secondary School Programming Process Final Report* (Winnipeg, MB, 2008).

target graduation rate, and, further, its method of calculating Yukon's graduation rate was not consistent with processes used by other jurisdictions, resulting in an inability to compare data or establish meaningful targets.

Following the release of the ERP Report, the Department of Education and the CYFN collaborated to attempt to create an implementation plan called *New Horizons: Our Commitment to the Future*. The continuing flood of recommendations from the two subsequent reports delayed the development of a concrete list of actions, which led to more public skepticism that any fundamental changes would result from the series of reports.⁹ In 2011, the Department of Education issued the *Yukon Education Strategic Plan 2011–2016: Our Commitment to New Horizons*, followed by a “communication toolkit” document in 2013 to help better educate the public about the change initiatives that were in development. The toolkit articulated a number of initiatives that the department had been implementing since the ERP to improve student outcomes, all of which were implemented within unchanged governance and operational structures.¹⁰ The utilization of education as a political tool at the territorial level continued as recently as 2015 when Yukon's premier and minister of finance, as the end of his government's mandate was drawing near, proposed a radical “Made-in-Yukon” K-12 curriculum overhaul, to the complete surprise of the entire Department of Education, at the end of his budget address.¹¹ His proposition coincided with a curriculum

⁹ “School Reform Will Require Effort by Everyone: Schultz,” *Yukon News*, March 6, 2009.

¹⁰ Government of Yukon Public Schools Branch, *Yukon Public Schools Communication Toolbox*, (2013), http://www.education.gov.yk.ca/pdf/schools/yukon_public_schools_communication_toolbox_tools_for_communicating_new_horizons.pdf.

¹¹ Pasloski, *Budget Address 2015–2016 Presented by Premier Darrell Pasloski*, April 2, 2015, www.finance.gov.yk.ca/pdf/budget/Budget_address_new.pdf

redesign process originating in BC. Instead of a Yukon-made curriculum, the next government chose to continue the tradition (since 1934) of deferring to BC's in terms of curriculum and graduation requirements as they felt there was little capacity or appetite for Yukon to independently develop its own curriculum.¹²

Throughout all the consultations, reports, and action plans created to advance overall educational reform, there were isolated issues concerning francophone and Roman Catholic schools that highlighted the local-governance tensions that persisted in the public school system. In addition, the most significant continued source of tension remained relations between the territorial government and First Nations communities and their First Nation governments.

Yukon's francophone school board (CSFY) had submitted a brief to the Education Act Review demanding many changes in the governance and delivery of French first language (FFL) education that were not, ultimately, included in the failed Bill 63. This caused much discord between CSFY and the Department of Education, which was exacerbated when CSFY was not invited to be part of the steering process for the ERP in 2005.¹³ CSFY's demands for greater autonomy, especially with regard to admissions criteria, and increased capital funding to expand their secondary programming led to them filing a lawsuit against the territorial government in 2009. It resulted in a judgement demanding that the YG construct a new secondary school for the francophone community along with granting CSFY the ability to solely determine admissions criteria for the francophone schools, including the ability to admit

¹² "Yukon School Curriculum Gets a Reboot," *Yukon News*, January 25, 2017.

¹³ Commission scolaire francophone du Yukon, *Summary Document*.

non-rights holders as defined in Section 23 of the Constitution.¹⁴ The judgement was appealed to the Supreme Court of Canada, which ordered a new trial.¹⁵ However, the possibility of further litigation prompted negotiations between the two parties that resulted in the YG agreeing to construct a new school and the delegation of control over admissions criteria to the CSFY.¹⁶

The Roman Catholic schools continued to operate as territorially run schools based on the agreement between the commissioner and the Roman Catholic Episcopal Corporation in 1962.¹⁷ This agreement was not updated when the school legislation was revised in 1974 and completely replaced in 1990. This led to conflict in 2012 when the Department of Education implemented a *Sexual Orientation and Gender Identity* policy that would apply to all three Catholic schools without consultation with the Episcopal Corporation.¹⁸ The Episcopal Corporation responded by issuing a pastoral document entitled *One Heart: Ministering by Love* that contradicted the territory's policy in several aspects and contained controversial language from church documents.¹⁹ The 1990 *Education Act* was clear that only the minister and the school councils had policy-making authority in the schools, with no defined role for the bishop. As in 1958, public debate about the existence of separate schools for Roman

¹⁴ Commission Scolaire Francophone du Yukon No. 23 c. Procureure Générale du Yukon, 2012 YKCA 1.

¹⁵ Yukon Francophone School Board, Education Area #23 v. Yukon (Attorney General) (2015).

¹⁶ Claudiane Samson, "Yukon's Francophone School Board Gains Power over Admissions," Canadian Broadcasting Corporation, last modified August 31, 2016, <http://www.cbc.ca/news/canada/north/yukon-francophone-school-board-admissions-1.3743310>.

¹⁷ Cameron and Gomme, *A Compendium of Documents*, 295-9.

¹⁸ Yukon Education, *Sexual Orientation and Gender Identity*, (2012), http://www.education.gov.yk.ca/pdf/policies/sexual_orientation_and_gender_identity_policy.pdf.

¹⁹ Roman Catholic Diocese of Whitehorse, "One Heart: Ministering by Love," 2013, http://www.whitehorsediocese.org/documents/One_Heart-Ministering_by_Love.pdf. The controversial language included the referring to homosexual attraction as "intrinsically disordered."

Catholics in Yukon erupted and resulted in the Episcopal Corporation rescinding the document as official “policy” while it and the territorial government agreed to renegotiate a series of memoranda of understanding to define the Episcopal Corporation’s role in the schools.²⁰

The most frequent jurisdictional conflicts over education in Yukon continued to come from Indigenous communities. All self-government final agreements were based on an “umbrella” template agreement that provided for First Nation governments to exercise their jurisdiction over some or all aspects of education at a time of their choosing. The lack of meaningful changes resulted in periodic calls for self-governing First Nations to “draw down” control over the education system for their citizens.²¹ However, individual First Nations’ capacity to effectively govern and operate additional programs and services continued to be limited. In addition, both the territorial government and Yukon First Nations jointly acknowledged that, since the federal government would not provide additional funding for education in the federal-territorial funding agreement, more local control would draw from the same finite pool of financial resources. The financial pressures that the territorial government would face if First Nations were to assume complete jurisdiction over education was an effective bargaining chip to induce the territorial government to voluntarily cede control of certain aspects to First Nation governments in exchange for agreement that First Nations students would remain in territorial public schools.

²⁰ As of the writing of this dissertation, these MOUs have not been renegotiated.

²¹ For example: “Kwanlin Dun Unhappy with School System and Will Build Its Own, Says Chief,” *Yukon News*, December 7, 2006.

One example of a program devolved to a First Nation was language programming in Haines Junction. (This was the same community that experienced conflict in 1977 over the teaching of Southern Tutchone). The Champagne and Aishihik First Nation in Haines Junction successfully negotiated an agreement with the Department of Education to develop and implement a bicultural program that included daily immersion in the Southern Tutchone language for all kindergarten through Grade 2 students in 2010.²² A more comprehensive example was the Tr'ondëk Hwëch'in First Nation in Dawson City, which entered into agreement with the territorial government in 2013 to “negotiate the division and sharing of responsibility for the design, delivery and administration of programs delivered within Traditional Territory, including Indigenous student counseling, cross cultural orientation and kindergarten through Grade 12 curricula” in exchange for Indigenous students remaining in the local school.²³

In addition, a tripartite agreement between the federal government, territorial government, and various First Nations governments, signed in 2013, continues to commit the three parties to working cooperatively to increase Indigenous student success.²⁴ The commitments made in this agreement reflect very closely, however, the similar agreement – *An Agreement in Principle with Respect to Indian Education (Kindergarten to Grade 12) in Yukon* – signed in 1981. These include a shared commitment to increase the success of First

²² Yukon Department of Education, *St . Elias Community School Review Report March 2013*, (2013).

²³ Government of Yukon, *Government of Yukon Signs Landmark Education Agreement with Tr'ondëk Hwëch'in* (2013), <http://www.gov.yk.ca/news/13-173.html>; Lewthwaite, Brian Ellis, Thomas Owen, and Ashley Doiron. “Curriculum Change and Self-Governing Agreements: A Yukon First Nation Case Study.” *International Journal of Multicultural Education* 17, no. 3 (2015): 37–56.

²⁴ Government of Canada, *Memorandum of Understanding*.

Nations students, to increase YFN participation in the operation of the K-12 system, to create an oversight committee to ensure mutual accountability, and the continued agreement that the Government of Yukon continues to operate all elementary and secondary schools in Yukon.²⁵

²⁵ An Agreement In Principle with Respect to Indian Education, 1981. The 2013 agreement does not include sections on teacher training and curriculum development (and resources), as these two aspects of YFN education have been addressed through the development of the Yukon Native Teacher Education Program and Yukon Department of Education's First Nations Programs and Partnerships Unit, respectively.

Chapter 7 – Conclusion

The period between 1960 and 2003 witnessed a devolution of power from the federal government to the Yukon government that resulted in a shift of the day-to-day political tensions and disputes in Yukon from a federal-territorial orientation to a territorial-local one. The two key themes that are consistently present in Yukon's political and educational history – the tensions between centralization and a devolution of power and the confidence required to devolve and accept power – continue to exist but have similarly shifted, from the perspective of the territorial government, from the federal level to the local.

Yukon's beginning as a territory of Canada was a colonial arrangement whereby federal officials had complete legislative, administrative, and executive powers. These powers were exercised most often by the commissioner, Yukon's version of a colonial governor. The decades following the gold rush of 1898 and continuing through both world wars did not result in much change in the relationship between Yukoners and their Ottawa-based masters.

In the 1950s, following the construction of the Alaska Highway, resentment on the part of Yukon's citizenry – especially those elected to the Yukon Council – towards the degree of control by the federal government began to grow steadily. Education was often a flashpoint. The federal government's change in educational policy to assimilate Indigenous students through integration into territorial public schools followed by the firing of a popular school superintendent were examples of federally directed decision-making that did little to solicit the views or opinions of Yukoners. The Yukon Council and Yukon's member of Parliament began to more consistently and intensely pressure the federal government to release some of

its control to the territorial level. Disputes surrounding Roman Catholic separate schools in Whitehorse, which the federal government was reluctant to become directly involved in, was a first indication of Ottawa's shift in attitude that would eventually result in the release of control over the territory's affairs.

This release of control was gradual, but consistent, throughout the 1960s. The federal government supported limited opportunities for Yukoners to have more say in the running of the territory. Its reforms started with the creation of the Advisory Committee on Finance. This ultimately was a failed attempt to devolve more control, since it was not supported by the commissioner. Reform continued with the Committee on Education for the Yukon Territory, which highly engaged the public in sharing views and opinions about the schools that Yukon children were attending. The continuing integration of Indigenous students into Yukon's public schools exposed inequities for those learners and contributed to the creation of advocacy organizations that would spend the next 40 years trying to advance the interests of Yukon's Indigenous population as a whole and increase the local tensions within Yukon's politics. Ottawa continued to exert enormous influence on the programs and services offered in the territory, as shown by the implementation of French language programming in Yukon schools starting in the late 1960s. The appointment of James Smith as Yukon's commissioner (he was supportive of increased local control and was willing to involve elected Yukoners in budgetary decisions), aided by the development of school advisory committees, helped to develop Ottawa's confidence in the ability of elected Yukoners to exert more influence in the day-to-day running of the territory through appointments of YC members to the Executive Committee.

The appointment of Hilda Watson as the Executive Committee Member Responsible for Education in 1970 was the beginning of a relatively rapid devolution of authority from the federal government that resulted in Yukon achieving responsible and representative government within a decade. Following Watson's appointment, a revised *School Ordinance* formally enshrined the right of Yukon's parents to actively advise their children's schools and the Department of Education through school advisory committees. Absent from the revised ordinance, however, were any specific mechanisms designed to reduce the inequities experienced by Indigenous students. The start of land claim negotiations between the federal government and Yukon's Indigenous peoples without the full participation of the Yukon government (due to its subordinate status to the federal government at the time) exacerbated local political tensions and uncertainty about Yukon's future. These competing tensions between the interests of the federal government, the territorial government, Indigenous organizations, and parents, as represented by school committees, flared up during a dispute over the teaching of Southern Tutchone in Haines Junction. Ottawa's increased confidence in the ability of elected Yukoners to make responsible governance decisions was affirmed through additional elected members on the Executive Committee and a continual diminishment of the commissioner's authority. These developments contributed to the *Epp Letter* in 1979 that completely removed the federally appointed commissioner's active role in the governance and administration of the territorial government.

The early 1980s, despite the advent of responsible government, did not result in radical changes. This was due to economic, constitutional, and land claim uncertainties. However, a new vision of Yukon's future started with unsanctioned consultations about Yukon's school system that focused on developing a more relevant educational system for all learners, with a

focus on rural and Indigenous students in particular. The impetus for change came through the realization of stable and predictable federal funding for the territory, the resumption of stalled land claim negotiations, and a newly elected government that was supportive of more local control. These conditions resulted in an increase in the territorial government's self-assuredness in its ability to manage its own affairs and to chart a new direction that allowed for the devolution of more powers to the local level. This confidence resulted in a bold agenda of legislative reform that had, at its centre, a new *Education Act*. This new act was a sign of the territorial government's confidence in the abilities of local authorities to operate their own schools. Further, it enshrined rights for Indigenous communities to have a more active role in the decisions being made for their students and was the strongest signal of the territorial government's desire to remove itself from the business of running schools in favour of the creation of school boards to perform that function.

The *Education Act* of 1990 was intended to mark the start of a new era of increased local control, but this did not occur as predicted. Despite the work done by the Department of Education to prepare for the shift to school boards, the conclusion of land claims and self-government agreements introduced new tensions and uncertainty about where control over Yukon's schools ought to reside. Although self-government agreements gave First Nations governments the option of devolving the power to develop schools for their citizens, they had neither the capacity nor the confidence to do so. First Nations students remained in the territorial schools. The confidence of local authorities to assume the power over education was further weakened by the need to weather criticism for unpopular decisions and the use of education as a political tool by territorial politicians. Therefore, local control over schools was restricted to school councils (and a single "hybrid" francophone school board), which

allowed parents more voice in operational matters without assuming the same levels of accountability as the autonomous school boards envisioned in the *Education Act*.

Consultation processes implemented to further educational reform attempts continued to demonstrate the public's strong interest in contributing opinions and criticisms, but not their desire to actively undertake complete responsibility for schools at the local level. With regard to Yukon's broader constitutional development, the federal government, while agreeing to enshrine the political developments and complete the devolution of programs and services that began in the 1960s in an updated *Yukon Act*, did not have the confidence to cede its ultimate authority to determine Yukon's constitutional future.

Developments since 2003 show that the federal government's voice is usually greatly diminished (or is sometimes completely absent) in policy discussions, especially those concerning education. More recent attempts at educational reform have not taken root, suggesting that there is still little confidence in the territorial government to effectively implement such reforms, nor increased confidence in First Nations governments or local school councils to firmly take on the full responsibility for the governance and operation of local schools. The desire to improve the system for all learners, however, continues to be expressed and agreed to by all concerned parties.

A particular example of these expressed desires is the two tripartite agreements (between the federal government, territorial government, and Indigenous organizations or governments) concerning the education of Indigenous students. The first was signed in 1981 and the second in 2013. These two agreements serve as an example of how the day-to-day political tensions have shifted from the federal-territorial level to the territorial-local level since 1960. While three parties – the federal government, the territorial government, and First

Nations governments – are the signatories to the agreement, the voice of the federal government is essentially absent in the current dialogue surrounding Indigenous education, since the territorial government is completely responsible for the provision and funding of education for all Yukon residents.

The agreements also demonstrate the two key themes that knit together Yukon's history along with that of its educational system over the last 50 years: the conflicts over the centralization and devolution of power between levels of government and the confidence required by both levels of government (the one devolving the power and the one receiving it) to transfer power effectively and exercise it responsibly. While there was confidence on the part of the territorial government to operate all of Yukon's schools in 1981, followed by continuing confidence to devolve these authorities in 1990, this is not currently matched by similar capacities and confidence at local levels to operate schools governed at a community level through a school board or by a First Nation government, even though the legislative mechanisms exist to allow for it to occur.

However, the small-scale, community-level agreements to devolve some of the territory's educational powers to individual First Nation governments, mentioned in Chapter 6, are reminiscent of the federal government's initial forays into doing the same for the territorial government starting in the 1960s. If the processes of mutually increasing confidence between the federal and territorial government in the 1960s continue to be repeated by the territorial and First Nation governments today, there is a distinct likelihood of more widespread devolution of authority over education to the local level in the not too distant future.

Learning from the Past: Implications of This Research for Practice

The central thesis of this dissertation is that Yukon's educational history is inseparable from its territorial and colonial history. Researching and writing it, I have come to see how my practices as a school administrator may help to build – through the schools that serve democracy – a more democratic Yukon that best serves the needs of all its citizens. I hope that all readers will understand the significance of the connections I have made between present and past. More pressing, however, is my hope that policy leaders (in schools or at the Department of Education) will consider their decisions on and actions towards present-day policy problems in the light of these connections.

Relating personal examples can sometimes come across as making prescriptions, something I wish to avoid. Nevertheless, school leaders interested in school governance issues in the present would do well to examine the history of the development of Yukon's democratic structures. The devolution of powers from the federal to the territorial government over the decades offers insight about current issues. For decades, Yukon was governed and administered through a very top-down, hierarchical model. The period of time covered in this history shows how that model evolved to allow for more local-level control that could be as responsive as possible to unique local needs. Yet, the tensions between Yukon's place in Canada and its unique local needs still exists. So, too, does the tension between the demands of running an equitable territorial system of schools and the individual needs of each community. Within schools, principals face similar tensions between developing efficient and logical structures to provide all staff and students with what they need to teach and learn and the needs of individual students who cannot effectively learn within those same structures. A wise professor once identified all systemic or organizational tensions as fundamentally

tensions between efficiency and legitimacy.¹ I see the developments in Yukon's educational and territorial history as struggles between "holding on" to more efficient command-and-control and formula-based resource allocation structures and "letting go" to increase the legitimacy of government representing the peoples' desires. The federal government and commissioner appointing Hilda Watson as the ECMRE, knowing that she would serve as a foil to the commissioner and federal government policy on many issues, increased the legitimacy of the Yukon government in the eyes of Yukoners. I have progressed through my career relatively quickly because I am quite adept at designing efficient structures to solve problems, and I will admit experiencing intense frustration when students or staff resist adapting to the structures I develop or impose. I hope to be able to better look at these resistances as concerns about compromising the legitimacy of whatever is at stake. I will also try to remember that "letting go" and having exceptions to policies or procedures that increase legitimacy, even at the expense of efficiency, may better serve our student population.

In this regard, policy leaders must, for example, extend this concept by considering the local demands of policy implementation. Just as Whitehorse cannot implement educational policy as if it were Vancouver, Mayo (or any of Yukon's small communities) cannot implement policies as if it was Whitehorse. Policy makers must ensure their policies have, wherever, possible, some understanding of and flexibility to accommodate local needs and capacities. This may result in decreases in efficiency but will result in greater legitimacy.

¹ Thank you, Dr. David Coulter, for this insight. For more on this concept: Coulter, *Teaching as Communicative Action: Habermas and Education*.

This also relates to school councils. Although their existence is ultimately at the mercy of territorial politicians who could simply legislate them out of existence (something that nearly happened in 2002), they do continue and should be fostered and encouraged by policy leaders, including school administrators. The transfer of powers from the federal government to the territorial government was mediated by developing the capacity to accept those responsibilities by the Yukon Council during the 1960s and 1970s, supported by the willingness of the commissioner to do the same.²

In relation to the transfer of school governance powers to the local level, my position as principal is similar in several ways to the position of the commissioner. I will admit that at times I am inclined to bring as little as possible to the school council for consideration as my preference is usually to do things my own way. At the expense of my own efficiency (and autonomy as a principal) will come greater legitimacy for the council and the people whom it represents. Increasing the use of school councils in decision making within the bounds of their authorities will hopefully serve as positive examples of local governance. (Or, should they fail in their tasks, as useful lessons). The more recent past, through the development of language and culture programs in communities such as Haines Junction or the limited devolution of jurisdiction to the Tr'ondëk Hwëch'in, offers some positive examples of this. In the future, I imagine we will continue to see more examples of local school councils and Yukon First Nations solving small issues or running small programs that will build trust and

² For example, see the full description of the development of a corrections program during the 1960s as one issue that instilled confidence in both the federal and territorial government to transfer more responsibilities to the territorial council, in Janet Moodie Michael's *From Sissons to Meyer: The Administrative Development of the Yukon Government 1948-1979*.

capacity needed to accept more devolved powers, just as the Yukon Council was required to do. Yukon's school leaders must continue to actively help facilitate these processes by encouraging the generating of ideas for systemic improvements at the local level in order that such improvements actually address local needs (rather than those identified by the Department of Education or territorial government) and are able to accommodate a community's ability to implement them effectively (e.g. considering community and staff capacity and turnover rates).

The concept of school governance in Yukon also relates specifically to Indigenous education as nowhere is the tension between efficiency and legitimacy more exposed and acute than it is with the issue of Indigenous education. School leaders interested in issues concerning Indigenous education (and more specifically the jurisdiction over Indigenous education) must inform themselves about and seriously consider the history of Yukon First Nations' journey to land claims and self-government when making policy. The decades-long process towards the Umbrella Final Agreement and self-government agreements offers many lessons in the patience and persistence of Yukon First Nations to achieve their desired ends. In particular, school leaders must resist the seductive notions of finding a "quick solution" to a problem. Yukon First Nations have wisely demonstrated, over the years, that it is best to reject a quick solution (even if it solves the immediate issue) in favour of solutions that are sustainable and have a long-term orientation.

Many of the conversations about Indigenous education over the decades have focused on differences between so-called "Western" education and Indigenous education systems. There are significant differences that require consideration, to be sure. However, this is where Yukon's history offers at least one lesson on how to move forward: the process used to break

the logjam in land claims negotiations in the mid-1980s. At that time, negotiator Barry Stuart chose to upend the system of negotiations that forced each side to take entrenched positions and replace it by one that focused on common concerns and negotiable positions. A similar logjam is often experienced by teachers and school leaders when discussing integrating more First Nations content into classes, especially when viewed as a zero-sum exercise of inserting First Nations content at the expense of traditionally taught literature or topics. However, I have recently found that focusing on common concepts might aid in these debates. For example, the Hän people of Yukon (who live in the region around Dawson City) have a concept called Tr, *ëhudè*, which is roughly translated as to live “in a good way.” This concept (which is mirrored in several other First Nations languages), I have come to understand after hearing about it and listening to stories and teachings from Indigenous elders, is very close to the Aristotelian notion of *eudaimonia*, a concept that underpins “Western” concepts of living a virtuous life. It is fascinating to me how two distinctly different societies, separated by thousands of years and kilometres, with no possibility of communicating, arrived at similar conceptions of ethical ideals over the millennia. This, to me, is a tremendous intersection of common interests that I hope can serve as a useful entry point for focusing on the commonalities between “Western” and Indigenous styles of education and, I hope, like the development of the UFA, creating a path forward. Policy leaders ought to look for additional common interests in order to help facilitate the implementation of the UFA, self-government agreements, and local education-related policies targeted to Indigenous learners. This will help to minimize (from all sides) “deficit thinking” or a focus on differences that, like in the development of the UFA, caused negotiating positions to become entrenched and inflexible.

The UFA and self-government agreements represent another development showing that public schools in Yukon can have a great deal of positive impact through the development of local governance. Although the *Education Act* could be amended at any time to eliminate school councils or boards in favour of a more centralized governance model, Yukon First Nations' governments are not likely to ever disappear because of their protection under the *Constitution Act*. Indigenous and non-Indigenous Yukoners alike are currently learning to live within this entirely new democratic structure, which differs from the federal-provincial-municipal model described in most social studies textbooks.³ We need to better educate our students about First Nations self-government and ensure that, even though they are not described well (or at all) in textbooks, the history and significance of these structures is well understood. Over time, all Yukoners need to understand and accept the new democratic structures – their benefits and limitations alike – before engaging in public policy discussion and debate. Yukon's public schools, as pillar of a democratic society, must contribute to this by adequately preparing students to function in Yukon's unique system of democracy by offering more opportunities for civic education and engagement – student government, debate, social action projects, as some examples – in order to develop in them the skills that are needed to create the necessary capacities for local governance structures to thrive.

³ For example, in Grade 5 social studies, the new BC curriculum documents (which are used to develop resources such as textbooks) requires that students “distinguish between the different levels of government in Canada: municipal, provincial, territorial, federal” along with “key roles within provincial, territorial, and federal governments in Canada (e.g., premier, prime minister, MLA, MP, speaker, lieutenant governor, governor general; cabinet, senate, government ministries).” <https://curriculum.gov.bc.ca/curriculum/social-studies/5>.

The future is always uncertain, and the future of Yukon's public school system is no exception. All those who have a stake in Yukon's education system – principals, teachers, students, parents, Department of Education officials, and politicians at all levels – have the opportunity to more effectively influence the future by applying their knowledge of Yukon's territorial and colonial history to the decisions they make. As historian Peter Stearns notes regarding the application of history to present-day problems: "Applied historians readily accept the dictum that he who does not know history is destined to repeat it. They would add that, in the policy area, he who does not know history is unlikely to grasp the bases of his own actions or to comprehend the full dimensions of the present problems with which he must contend."⁴

A Note on the Sources Used in This Research and for Future Research

One daunting challenge when I was faced with the prospect of writing this dissertation was the perceived scarcity of primary and secondary source materials. The latter was more acute, since, indeed, almost nothing has been published by scholars on the development of Yukon's schools during the period covered by this dissertation. This was offset, however, by several comprehensive texts on Yukon's history, Indigenous peoples, and the development of the territorial government that were indispensable to me in constructing the framework of Yukon's constitutional development, which I was able to combine with relevant developments of Yukon's public schools. In addition, there was a great deal of primary source materials available from the Yukon Archives, mostly in the form of government reports or publications.

⁴ Stearns, "History and Public Policy," 122.

I attempted to explore and understand the context of these reports and publications by searching Yukon government records. This involved some significant challenges. Specifically, these challenges were locating relevant files to review and the requirement that each file be thoroughly examined to ensure that it met the requirements of the *Access to Information and Protection of Privacy Act* (ATIPP) prior to release.

Until 1977, Yukon had a centralized records office located in the main administration building. All government departments were required to maintain all documents in files located in the centralized system. This meant that there was a comprehensive catalogue of file names and date ranges, and the whole catalogue could be searched for relevant files that might be located in other government departments (e.g., finance or executive committee), accompanied by a helpful finding aid document developed by the archives staff. Still, descriptions of what was in each file was generally limited to the file title (or perhaps a brief description in the finding aid), and I spent many hours wading through files titled “School – Administration” only to find nothing of significance or interest.

After 1977, because of the growing size of the government and the fact that it could not all be contained within a single administration building, the centralized system was abandoned in favour of each department maintaining its own file system. Departments retained files for various times and periodically sent them to a centralized warehouse. After a certain time, files were again transferred to the Yukon Archives for long-term storage along with an electronic spreadsheet with the details of the records being transferred. These electronic spreadsheets are inputted into a system maintained by Yukon Archives that is not publicly searchable. That is, to have a search done requires the submission of key words and/or date ranges to the archives staff, which they process and then provide a spreadsheet

with the results. The description of the contents of each file is limited solely to the title.

There is no finding aid document available. These issues are also compounded by changes in terminology over the years (e.g., the superintendent of education becoming the deputy minister) that were not reflected in file title changes. This was particularly evident in files relating to Indigenous education, which might have file names containing “Indian,” “Native,” or “First Nation” or use one of the many acronyms for committees or organizations. Again, this led to many hours wading through files and boxes, with disappointing results.

Once any file was requested, it had to be processed to meet the requirements of ATIPP. This meant that each file requested that had not previously undergone this screening (virtually all of them) had to have each document examined by an archives staff member and information severed, when necessary. This was a time-consuming process. I cringe thinking of the number of hours of work my requests caused for the archivists (especially when I subsequently took five minutes to determine that the file was not relevant) – and, depending on the archivist’s workload, the process could take anywhere from one day to one month to complete.⁵

The process was very much like looking for the proverbial needle in the haystack. Sometimes I knew what the needle looked like (e.g., a letter or document that was referenced elsewhere), and it was a happy day when I was able to locate it. This was not often the case, unfortunately. Other times, I browsed through files looking for anything that resembled a needle, digitized the document, and catalogued it myself for the possibility that it might come

⁵ I would like to point out that the staff of Yukon Archives were unfailingly polite and helpful. Without their assistance, this dissertation would not have been possible.

in handy. I now possess a collection of hundreds of education-related digital images of documents, with only a few dozen incorporated into this dissertation.

I will admit to very much enjoying the process of browsing government records. In particular, marginal notes and transitory documents (e.g., memos, post-it notes) were often fascinating to read and often provided more insight into the perspectives of government officials than the document itself.⁶ Despite reams of paper in files devoted to the work of the Education Council in the early 1990s, the memo (cited in Chapter 5) in which one staffer asked whether the council would be “terminated with extreme prejudice” or reconstituted as Yukon’s senate spoke volumes about how it was valued within the Department of Education. It was clear that, towards the end of the 1990s, more communications were being done via electronic mail, since the volume of memos and letters was significantly lower. However, there is no process in place at the moment for requesting or searching electronic government records and emails.

According to the Yukon territorial archivist, the Yukon Archives contains (as of 2015) 64 linear metres of Department of Education records.⁷ I estimate that I was able to look through approximately three to four linear metres of records over the course of the 18 months I was actively researching. I have little conception of what I might have missed in the remaining 60 metres, not to mention any electronic sources had they been available to search.

⁶ My favourite example: The minutes of a meeting between three Department of Education officials where the development of a French Second Language program in Yukon schools was discussed. Commissioner Smith, after initialling the document to indicate he had reviewed it, scrawled at the bottom: “No recruitment trips to Montreal – Period!”

⁷ Ian Burnett, “Educational History Resources at Yukon Archives,” *Historical Studies in Education* 27, no. 1 (2015): 134.

The overwhelming number of documents, virtually all publicly unsearchable, most of it uncatalogued, and almost all needing ATIPP review, will prove to be an impediment to future researchers interested in any of the Yukon government departments' records. However, the collection is a veritable treasure trove of information for researchers hoping to develop a more comprehensive understanding of the development of educational policies and procedures. I hope these impediments will not actively discourage researchers from attempting to access them (with the helpful assistance of the Yukon Archives staff) as they have proven to be invaluable in providing a much more complete picture of the past.

A more recent and exciting development is the transfer of over one thousand boxes of archival materials from the CYFN to the Yukon Archives in the fall of 2018. While most of the boxes are full of documents, there are also thousands of photographs and audio tapes. The material dates from as far back as the Yukon Native Brotherhood and would have provided me with a much more complete view of the land claims and self-government negotiations process. Further, the materials likely include a great number of internal documents and communications related to the provision of education to Indigenous Yukoners and the development of the *Education Act*, in particular. These materials must first be organized and catalogued before being accessible to the general public and, once available for study, will certainly prove to be a wealth of information for those interested in learning more about the political development of Yukon's First Nations.⁸

⁸ Paul Tukker, "A treasure waiting to be seen': Yukon First Nations crack open massive archive," Canadian Broadcasting Corporation, last modified November 3, 2018, <https://www.cbc.ca/news/canada/north/cyfn-archives-records-project-1.4890418>.

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Abbreviations used in footnotes and bibliography

YA – Yukon Archives

CYFNA – Council of Yukon First Nations Archives

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Appendix 1 – Powers and Duties of School Committees, Councils, and Boards

1962 School Ordinance

13 In any area served by a territorial school the resident adults may elect three of their number to constitute an Advisory Committee whose function shall be to make to the Superintendent and to the Territorial Councillor or Councillors directly concerned in the operation of that school recommendations

- a) with respect to the care, management and supervision of the property of that school;
- b) for promoting harmonious relations between parents and teachers and children and teachers in that school; and
- c) for the improvement or extension of the education facilities for residents of the community in which that school is located

56 The Board of every school district shall

- a) appoint a chairman, a secretary and treasurer or a secretary-treasurer and such other officers as required by this ordinance;
- b) procure a corporate seal for the district;
- c) see that all the reports and statements required by this Ordinance or by the Superintendent are transmitted to the Commissioner without delay
- d) keep a record of the proceedings of each meeting of the Board signed by the chairman and secretary, see that true accounts of the schools in the district are kept, and see that the affairs of the district are conducted in the manner provided by this Ordinance and with due regard to efficiency and economy;
- e) provide the officers of the Board with the books necessary for keeping proper records of the district
- f) take possession of, and have custody and safe keeping of, all the property of the district
- g) purchase or rent school premises, repair, furnish and maintain the school buildings, furniture, fences and all other school property, keep the wells, washrooms and premises, of each school in a proper sanitary condition, make due provision for properly lighting, heating, ventilating and cleaning each school and if it deems it advisable, purchase or rent premises for a residence for teachers of each school and repair and maintain order in such residence;
- h) provide wholesome drinking water for the use of the children in each school;
- i) provide suitable sanitary facilities for the children and teachers in each school;
- j) keep insured the school buildings and equipment;
- k) provide a suitable library for each school and make regulations for its use;
- l) from the list authorized by the Commissioner all reference books required for the use of pupils and teachers in each school and all such apparatus as it is required for the proper instruction of pupils in each school;
- m) require that no text books or apparatus be used in a school other than those authorized by the Superintendent;

- n) exempt, either in whole or in part and indigent persons resident within the district for the payment of school taxes and where necessary provide the children of such persons with text books and other supplies at the expense of the district;
- o) see that the school is conducted in accordance with the requirements of this Ordinance and of the Commissioner; and
- p) discipline as it sees fit, any pupil who, upon investigation by the Board, is found to be guilty of truancy, open opposition to authority, habitual neglect of duty, the use of profane or improper language or other conduct injurious to the moral tone or well being of the school.
- q) Engage and employ, subject to any regulations made by the Commissioner relating to qualifications and working conditions, all teachers, principals, vice-principals and other personnel necessary for the efficient operation of the school.
- r) Suspend or dismiss any teacher, principal, or vice-principal for gross misconduct, neglect of duty or refusal or neglect to obey any lawful order of the Board or Superintendent or any regulation of the Commissioner.
- s) Make regulations for the management of the school.
- t) Settle disputes arising in relation to the school between the parents or children and teachers.
- u) Provide and see that any law with reference to compulsory education and truancy is observed, and
- v) Provide equipment and supplies for the noon lunch and such equipment and appliances for school sports and games as may be deemed desirable by the School Board.
- w) Designate the head teachers as principal of any school where more than one teacher is employed and in any school with an enrolment of more than two hundred and fifty pupils shall designate a vice-principal, and
 - i. the principal shall with the concurrence of the Board be responsible for the administration, organization and general discipline of the school, and
 - ii. the vice-principal of a school shall perform the duties assigned to him by the principal, if the principal is absent or unable to act, or if the office is vacant, the vice-principal has and may exercise all the powers of principal.
- x) The parent or lawful guardian of any child residing outside the limits of any district may apply to the Board for the admission of such child to its school and the Board may, after due consultation and agreement with the Superintendent enroll such child in its school subject to satisfactory financial arrangements being negotiated.

1974 School Ordinance

72(1) A School Committee may:

- a) advise the Regional Superintendent respecting the appointment of the principal of the school;
- b) advise the Regional Superintendent on all educational matters affecting the school;
- c) pursuant to section 44, make recommendations to the principal respecting the suspension of students;

- d) pursuant to section 45, make recommendations to the Superintendent respecting the suspension of students;
- e) (i) request the Regional Superintendent to evaluate the performance of a teacher in the school; and
(ii) request the Regional Superintendent to prepare a report on the operation of the school;
- f) discuss with the Regional Superintendent any report made by him pursuant to paragraph (e);
- g) meet with the principal and the Regional Superintendent to discuss the annual reports of the principal and the Superintendent;
- h) in consultation with the principal, determine the disposition of the three non-instructional school days referred to in section 109;
- i) approve the allocation of school days for extra- curricular activities;
- j) after consultation with the principal, request the Superintendent to authorize a course of study or modification of a course of study or a textbook or other instructional material or apparatus for a specified period of time;
- k) advise the principal on the hours of pupil attendance and on the duration of any recesses or intermissions;
- l) discuss with the principal and the Regional Superintendent alterations and additions to the physical facilities of the school;
- m) discuss with the principal and the Regional Superintendent how funds allocated to the school may be spent;
- n) discuss with the principal and the Regional Superintendent the initiation and application of local educational policies;
- o) request the principal or the Regional Superintendent to attend a meeting of the committee;
- p) request the Superintendent to provide clerical assistance to the committee as required;
- q) make recommendations to the principal regarding student dress for the school.

Duties of a School Board were identical to the 1962 *School Ordinance*

1990 Education Act

112 (1) A school committee shall be an advisory committee for the school in its attendance area.

(2) A school committee may

- a) advise the school administration on any matter relating to the school; and
- b) perform any duty or function referred to it by the Minister.

113(1) A Council shall

- a) review, modify if necessary, and approve the school objectives, educational priorities and courses of study by grades, as prepared by the school administration, and other matters required for the effective functioning of the school;

- b) make recommendations to the superintendent for the allocation of resources within the budget approved for the school;
- c) participate in the selection procedures for persons to be interviewed for the position of principal and select for appointment a principal;
- d) in consultation with the superintendent, school administration and teachers, establish a procedure for resolving disputes between schools, parents and teachers;
- e) keep a complete and accurate report of its meetings and provide a copy to the Minister within 30 days of each meeting;
- f) make any necessary banking arrangements;
- g) keep a complete and accurate record of financial transactions in a form prescribed by the Minister;
- h) approve or cause to be approved all accounts payable by a Council for payment;
- i) establish an attendance policy for students who are enrolled in its school;
- j) procure a corporate seal; and
- k) prepare reports, provide information and perform any duties as may be required under this Act.

(2) A Council may

- a) propose and offer locally developed courses of study and locally approved instructional materials subject to the approval of the Minister and this Act;
- b) receive and spend funds pursuant to this Act;
- c) provide advice to the Minister respecting
 - i) the establishment of the school year and school day,
 - ii) school closures,
 - iii) teaching and support staff requirements,
 - iv) transportation services
 - v) school renovations and capital budget for the school, and
 - vi) school programs;
- d) establish committees and specify the powers and duties of the committees;
- e) establish rules and policies on any matter within its jurisdiction;
- f) approve the allocation and expenditure of those discretionary funds allocated to the school within its budget;
- g) direct the superintendent to evaluate a teacher, principal or other staff member and to provide a report to the Council of the evaluation, which report shall be returned to the superintendent immediately after the Council has reviewed and considered it;
- h) direct the principal to evaluate a teacher and to provide a report to it of the evaluation, which report shall be returned to the superintendent immediately after the Council has reviewed and considered it;
- i) recommend to the superintendent the dismissal, transfer, discipline or demotion of a teacher, principal or other employee in the school and provide reasons for the recommendation;
- j) approve curricular and extra-curricular field trips of more than one day's duration; and
- k) approve the allocation of school days for extra-curricular activities.

116(1) A School Board shall

- a) select staff, including principals and teachers, for hiring, dismissal, discipline, transfer, promotion and demotion subject to this Act and any applicable collective agreement;
- b) review, modify if necessary, and approve the school plan prepared by the school administration for each school operated by it;
- c) provide educational programs, including locally developed courses, for its students as required by this Act;
- d) establish policies for the administration, management and operation of its schools, including a student attendance policy;
- e) receive by grant or contribution any funds that are approved by the Minister;
- f) maintain, repair, furnish and keep in good order all of its real and personal property;
- g) provide suitable and necessary equipment and supplies for schools operated by it, including locally approved instructional materials;
- h) in consultation with the director, school administration and teachers, establish a procedure for resolving disputes between its schools, parents and teachers;
- i) ensure that its schools are conducted in accordance with the requirements of this Act;
- j) evaluate in accordance with guidelines, standards and procedures established by the Minister at least once every five years each of the schools operated by it and provide a copy of the evaluation to the Minister;
- k) keep a complete and accurate report of its meetings and provide a copy to the Minister within 30 days of each meeting;
- l) make any banking arrangements necessary for the carrying out of its duties and powers;
- m) keep a complete and accurate record of financial transactions in a form prescribed by the Minister;
- n) approve or cause to be approved for payment all accounts payable by the School Board;
- o) procure a corporate seal;
- p) if requested by the parents, establish a parent advisory group for every school operated by it when it operates more than one school and make rules for the election and operation of the groups;
- q) prepare reports, provide information and perform any duties that may be required under this Act, its regulations and guidelines, or by the Minister;
- r) arrange for the examination and investigation of
 - i. student progress,
 - ii. order among and discipline of students,
 - iii. the system of instruction,
 - iv. the mode of keeping school records, and
 - v. conditions of buildings and premises;
- s) keep in force any policy or policies of insurance required by the Minister or, with the approval of the Minister, participate in alternative insurance schemes that insure the amounts and against the risks prescribed by the Minister;
- t) develop and maintain policies for the purchase of goods and services and for undertaking capital works.

(2) A School Board may

- a) advise the Minister respecting
 - i. school closures, and
 - ii. transportation services;
- b) establish committees and specify powers and duties for the committees;
- c) purchase or rent school premises or staff residences;
- d) direct the director to evaluate a teacher, principal or other staff member and provide a report to the School Board on the evaluation, which report shall be returned to the director immediately after the School Board has reviewed and considered it;
- e) direct a principal to evaluate a teacher and provide a report to the School Board on the evaluation, which report shall be returned to the director immediately after the School Board has reviewed and considered it;
- f) acquire real and personal property by way of purchase, bequest or lease;
- g) provide for professional development of teachers;
- h) approve curricular and extra-curricular field trips of more than one day's duration; and
- i) approve the allocation of school days for extra-curricular activities.

Appendix 2 – Federal / Yukon Political Timeline – 1950–2018

	Federal Government		Commissioner	Territorial Government	
	Prime Minister	Minister Resp. for Yukon		Government Leader (Premier)	(Minister) of Education
1950	Louis St. Laurent Liberal	Walter Harris	John E. Gibben Andrew H. Gibson		
1951		Indian Act	Frederick Fraser		
1952			Wilfred G. Brown		
1953	Louis St. Laurent Liberal	Jack Pickersgill			
1954					
1955			Frederick Collins		
1956					
1957	John Diefenbaker Progressive Conserv.	E. Davie Fulton			
1958	John Diefenbaker Progressive Conserv.	Ellen Fairclough			
1959		Yukon Act			

	Federal Government		Commissioner	Territorial Government	
	Prime Minister	Minister Resp. for Yukon		Government Leader (Premier)	(Minister) of Education
1960					Report of the Committee
1961					
1962	John Diefenbaker Progressive Conserv.	Dick Bell	Gordon Cameron	School	
1963	Lester B. Pearson Liberal	Guy Favreau			
1964		René Tremblay			
1965		John R. Nicholson			
	Lester B. Pearson	Jean Marchand			
1966	Liberal				
		Arthur Laing	James Smith		
1967					
1968	Pierre E. Trudeau Liberal	Jean Chrétien			
1969		'White Paper'			

	Federal Government			Territorial Government	
	Prime Minister	Minister Resp. for Yukon	Commissioner	Government Leader (Premier)	(Minister) of Education
1970					Hilda Watson
1971					
1972					Report of the Committee
1973	Pierre E. Trudeau Liberal	Together Today for			
1974	Pierre E. Trudeau Liberal	J. Judd Buchanan	School		Gordon McIntyre
1975					Daniel Lang
1976				Arthur M. Pearson	
1977	Warren Allmand				
1978	James H. Faulkner				
			Frank Fingland	Chris Pearson	Doug Graham
1979	Joe Clark Progressive Conserv.	Jake Epp	Epp Letter	Ione Christensen	Progressive Conserv.
1980	Pierre E. Trudeau	John Munro	Douglas Bell		

	Federal Government		Commissioner	Territorial Government	
	Prime Minister	Minister Resp. for Yukon		Government Leader (Premier)	(Minister) of Education
	Liberal			Meg McCall	
1981					
1982				Bea Firth	
1983					
1984	Doug Frith			Opposition Task Force	
	Brian Mulroney	David Crombie			
1985	Progressive Conserv.			Tony Penikett New Democratic	
1986	Bill McKnight		J. Kenneth McKinnon		
1987					
1988				Kwiya Report Education Act Task	
			Agreement in Principle Yukon		
	Brian Mulroney				
1989	Progressive Conserv.	Pierre Cadieux			
1990	Tom Siddon			Education	

	Federal Government		Commissioner	Territorial Government	
	Prime Minister	Minister Resp. for Yukon		Government Leader (Premier)	(Minister) of Education
1991					
1992					
				John Ostashek	Doug Phillips
1993				Yukon Party	
	Kim Campbell (PC)	Pauline Browes	Umbrella Final Agreement		
	Jean Chrétien	Ron Irwin			Willard Phelps
1994	Liberal				
					Yukon Education
1995			Judy Gingell		
1996					
				Piers McDonald	Lois Moorecroft
1997				New Democratic	
	Jean Chrétien	Jane Stewart			
	Liberal				
1998					
1999		Bob Nault			
2000					
	Jean Chrétien	Bob Nault	Jack Cable	Patricia Duncan	Dale Eftoda
				Liberal	

	Federal Government			Territorial Government	
	Prime Minister	Minister Resp. for Yukon	Commissioner	Government Leader (Premier)	(Minister) of Education
2001	Liberal				
2002				Education Act Review	Cynthia Tucker Bill 63
2003		Yukon Act Andy Mitchell		Dennis Fentie	John Edzerza Yukon Party
2004	Paul Martin Liberal	Andy Scott			
2005			Geraldine Van Bibber		
2006	Stephen Harper Conservative	Jim Prentice			
2007		Chuck Strahl		Education Reform Project Dennis Fentie	Patrick Rouble
2008	Stephen Harper	Chuck Strahl		Yukon Party Secondary Programming	
2009	Conservative		Auditor General Report on		
2010		John M. Duncan	Doug Phillips		
2011					

	Federal Government			Territorial Government	
	Prime Minister	Minister Resp. for Yukon	Commissioner	Government Leader (Premier)	(Minister) of Education
	Stephen Harper Conservative	John M. Duncan		Darrell Pasloski Yukon Party	Scott Kent
2012					Elaine Taylor
2013		Bernard Valcourt			
2014					
2015					Doug Graham
	Justin Trudeau	Carolyn Bennett			
2016	Liberal				
				Sandy Silver	Tracy-Anne McPhee
2017				Liberal	
2018			Angélique Bernard		

Appendix 3 – Yukon School Enrolments – 1958–2003

Table 1. Whitehorse school enrolment, 1958–2003

School	Number of students enrolled (for the school year ending in June)											
	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969
Whitehorse Elem/Sec	1028	1067	...	...	...	...	...	...	...	...	...	...
Christ the King Elementary	297	301	369	371	452	323	321	320	347	280	281	252
F. H. Collins Secondary	206	265	290	307	426	369	415	568	654	523
Selkirk Elementary	241	220	212	221	252	228	247	195	191	220
Whitehorse Elementary	898	1024	735	738	789	769	771	615	678	640
Takhini Elementary	410	341	330	291	286	279	322	267
Christ the King Jr. Sec	151	216	163	174	192	248	256
Jack Hulland Elementary	112	112	126	138	142	...	229
Jeckell (Riverdale) Jr. High
Grey Mountain Primary
Porter Creek Jr. High
École Émilie Tremblay
Golden Horn
Elijah Smith
Hidden Valley
Holy Family Elementary
Vanier Catholic Secondary
Porter Creek Secondary
Total	1325	1368	1714	1880	2099	2193	2446	2266	2378	2271	2374	2387

Source: Data from Yukon Department of Education Annual Reports and Yukon Government Annual Reports, 1958–2003

Table 1. Whitehorse school enrolment, 1958–2003, continued

School	Number of students enrolled (for the school year ending in June)											
	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981
Whitehorse Elem/Sec	...	...	...	...	...	...	...	...	...	...	...	...
Christ the King Elementary	249	283	271	248	232	233	204	217	233	214	211	196
F. H. Collins Secondary	670	859	927	951	496	518	682	734	697	765	752	731
Selkirk Elementary	260	348	380	379	423	547	536	540	692	673	570	602
Whitehorse Elementary	606	668	595	604	555	592	572	488	381	330	286	316
Takhini Elementary	349	320	331	340	316	346	304	277	287	274	262	254
Christ the King Jr. Sec	236	215	240	219	223	194	181	160	192	204	199	203
Jack Hulland Elementary	327	399	475	474	586	630	609	588	549	606	606	613
Jeckell (Riverdale) Jr. High	...	...	...	...	422	455	431	443	422	418	393	353
Grey Mountain Primary	...	...	...	...	...	...	...	...	...	...	...	...
Porter Creek Jr. High	...	...	...	...	...	...	...	...	...	...	...	...
École Émilie Tremblay	...	...	...	...	...	...	...	...	...	...	...	...
Golden Horn	...	...	...	...	...	...	...	...	...	...	...	...
Elijah Smith	...	...	...	...	...	...	...	...	...	...	...	...
Hidden Valley	...	...	...	...	...	...	...	...	...	...	...	...
Holy Family Elementary	...	...	...	...	...	...	...	...	...	...	...	...
Vanier Catholic Secondary	...	...	...	...	...	...	...	...	...	...	...	...
Porter Creek Secondary	...	...	...	...	...	...	...	...	...	...	...	...
Total	2697	3092	3219	3215	3253	3515	3519	3447	3453	3484	3279	3268

Source: Data from Yukon Department of Education Annual Reports and Yukon Government Annual Reports, 1958–2003

Table 1. Whitehorse school enrolment, 1958–2003, continued

School	Number of students enrolled (for the school year ending in June)											
	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993
Whitehorse Elem/Sec	...	...	...	...	...	...	...	...	...	...	...	...
Christ the King Elementary	171	158	173	167	169	199	193	202	206	203	196	218
F. H. Collins Secondary	719	597	581	630	653	708	700	649	671	720	776	778
Selkirk Elementary	446	382	375	340	334	350	370	372	364	380	369	365
Whitehorse Elementary	363	335	372	414	396	441	476	506	508	473	466	402
Takhini Elementary	271	228	208	194	294	290	323	355	364	338	336	203
Christ the King Jr. Sec	182	176	167	133	139	158	117	118	122	129	146	159
Jack Hulland Elementary	629	533	492	496	457	457	472	467	546	585	625	522
Jeckell (Riverdale) Jr. High	384	362	329	356	334	285	288	299	341	337	378	408
Grey Mountain Primary	120	131	108	107	119	129	113	113	127	121	125	118
Porter Creek Jr. High	...	303	333	347	360	346	370	326	309	314	312	358
École Émilie Tremblay	...	...	...	...	...	...	...	45	53	61	79	83
Golden Horn	...	...	...	...	...	...	...	...	...	140	158	167
Elijah Smith	...	...	...	...	...	...	...	...	...	...	...	184
Hidden Valley	...	...	...	...	...	...	...	...	...	...	...	174
Holy Family Elementary	...	...	...	...	...	...	...	...	...	...	...	...
Vanier Catholic Secondary	...	...	...	...	...	...	...	...	...	...	...	...
Porter Creek Secondary	...	...	...	...	...	...	...	...	...	...	...	...
Total	3285	3205	3138	3184	3255	3363	3422	3452	3611	3801	3966	4139

Source: Data from Yukon Department of Education Annual Reports and Yukon Government Annual Reports, 1958–2003.

Table 1. Whitehorse school enrolment, 1958–2003, continued

School	Number of students enrolled (for the school year ending in June)										
	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
Whitehorse Elem/Sec	...	...	...	...	...	...	...	...	...	...	...
Christ the King Elementary	184	199	209	212	245	311	317	298	286	345	338
F. H. Collins Secondary	736	821	876	809	971	857	760	720	640	648	613
Selkirk Elementary	342	316	287	323	302	261	252	236	235	229	222
Whitehorse Elementary	414	399	413	472	446	373	326	333	311	347	348
Takhini Elementary	183	169	184	241	230	219	224	223	216	206	197
Christ the King Jr. Sec	139	159	234	...	...	...	...	...	...	...	...
Jack Hulland Elementary	505	486	459	515	497	493	465	431	386	402	372
Jeckell (Riverdale) Jr. High	404	397	450	317	...	...	...	...	...	...	...
Grey Mountain Primary	108	123	129	119	112	91	98	78	84	80	72
Porter Creek Jr. High	343	379	372	347	...	...	...	...	...	...	...
École Émilie Tremblay	89	97	99	113	109	108	114	120	124	110	115
Golden Horn	192	210	234	286	299	282	291	280	256	243	227
Elijah Smith	185	205	221	290	252	239	230	211	224	240	247
Hidden Valley	158	134	131	169	171	160	149	142	137	130	125
Holy Family Elementary	149	164	177	184	191	183	179	169	172	187	168
Vanier Catholic Secondary	...	...	...	285	384	429	440	463	448	402	402
Porter Creek Secondary	...	...	...	...	485	606	685	654	689	681	733
Total	4131	4258	4475	4682	4694	4612	4530	4358	4208	4250	4179

Source: Data from Yukon Department of Education Annual Reports and Yukon Government Annual Reports, 1958–2003

Table 2. Rural school enrolment, 1958–2003

School	Number of students enrolled (for the school year ending in June)											
	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969
Beaver Creek	12	20	21	18	27	34	36	22	20	30	38	35
Brooks Brook	10	12	8	9	14	16	12	13	...	...	...	...
Carcross	15	16	21	19	20	13	20	32	29	39	135	40
Dawson	143	157	171	173	179	190	183	175	175	177	171	169
Elsa	27	28	32	40	62	73	75	87	84	74	68	84
Haines Junction	38	37	42	34	34	48	42	45	60	57	64	66
Keno	18	18	21	19	...	...	...	...	...	...	...	...
Kluane Lake	22	17	20	22	27	24	29	26	30	41	41	33
Mayo	63	67	52	56	78	96	93	115	122	132	131	131
St. Mary's (Dawson City)	36	36	36	29	25	17	13	13	12	...	...	...
Swift River	10	7	8	7	8	8	15	12	8	7	8	...
Teslin	22	23	34	33	44	49	53	63	82	73	84	105
Watson Lake Elem Sec	27	71	103	106	134	148	172	120	124	103	138	220
Watson Lake RCAF	22	...	...	...	...	...	...	...	...	...	...	...
Carmacks	...	...	7	14	18	54	39	53	68	60	70	119
Granville	...	...	4	...	...	7	10	7	8	...	...	...
Old Crow	...	...	...	...	...	...	69	64	67	71	66	82
St. Anne's (Watson Lake)	...	...	...	...	...	...	...	67	82	79	81	...
Pelly River	...	...	...	...	...	...	...	...	...	32	35	33
Ross River	...	...	...	...	...	...	...	...	...	47	49	65
Clinton Creek	...	...	...	...	...	...	...	...	...	...	...	21
Faro	...	...	...	...	...	...	...	...	...	...	...	...
Kluane Tribal School	...	...	...	...	...	...	...	...	...	...	...	...
Watson Lake Elementary	...	...	...	...	...	...	...	...	...	...	...	...
Watson Lake Secondary	...	...	...	...	...	...	...	...	...	...	...	...
Total	465	509	580	579	670	777	861	914	971	1022	1179	1203

Source: Data from Yukon Department of Education Annual Reports and Yukon Government Annual Reports, 1958–2003

Table 2. Rural school enrolment, 1958–2003, continued

School	Number of students enrolled (for the school year ending in June)											
	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981
Beaver Creek	43	40	29	27	20	25	23	17	18	19	24	12
Brooks Brook	...	...	...	...	...	...	...	...	...	...	...	...
Carcross	50	52	47	39	32	39	40	32	27	26	29	51
Dawson	166	170	180	159	170	194	191	182	170	162	151	165
Elsa	70	61	58	57	55	59	65	57	54	58	58	49
Haines Junction	62	73	61	61	71	96	104	110	109	105	97	107
Keno	...	...	...	...	...	...	...	...	...	...	...	...
Kluane Lake	41	36	50	41	28	28	34	35	32	22	17	10
Mayo	146	159	176	183	183	195	189	173	168	155	147	109
St. Mary's (Dawson City)	...	...	...	...	...	...	...	...	...	...	...	...
Swift River	...	...	...	...	...	...	...	...	...	...	...	...
Teslin	98	103	104	103	100	114	106	101	86	79	85	91
Watson Lake Elem Sec	236	253	270	271	304	376	388	407	404	382	371	...
Watson Lake RCAF	...	...	...	...	...	...	...	...	...	...	...	...
Carmacks	97	93	87	96	97	86	86	79	76	74	69	83
Granville	...	...	...	...	...	...	...	...	...	...	...	...
Old Crow	73	68	64	65	65	54	67	57	61	57	53	53
St. Anne's (Watson Lake)	...	...	...	...	...	...	...	...	...	...	...	...
Pelly River	34	32	32	33	33	27	32	37	37	38	45	45
Ross River	59	63	63	73	75	82	96	89	86	93	88	85
Clinton Creek	48	64	66	49	44	45	59	56	45	...	...	...
Faro	94	162	200	197	212	296	316	303	334	351	350	423
Kluane Tribal School	...	...	...	...	...	...	...	...	...	...	16	16
Watson Lake Elementary	...	...	...	...	...	...	...	...	...	...	...	249
Watson Lake Secondary	...	...	...	...	...	...	...	...	...	...	...	89
Total	1317	1429	1487	1454	1489	1716	1796	1735	1707	1621	1600	1637

Source: Data from Yukon Department of Education Annual Reports and Yukon Government Annual Reports, 1958–2003

Table 2. Rural school enrolment, 1958–2003, continued

School	Number of students enrolled (for the school year ending in June)											
	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993
Beaver Creek	17	15	14	9	11	10	6	12	13	19	24	20
Brooks Brook	...	...	...	...	...	...	...	...	...	...	...	...
Carcross	47	53	56	58	60	64	69	57	64	68	67	75
Dawson	157	159	151	159	164	178	186	218	223	226	241	266
Elsa	56	10	28	47	41	43	46	20	...	...	...	...
Haines Junction	112	103	105	104	118	123	115	131	128	129	145	169
Keno	...	...	...	...	...	...	...	...	...	...	...	...
Kluane Lake	12	8	8	11	11	17	14	18	9	6	5	6
Mayo	110	97	105	108	99	113	119	103	97	95	79	80
St. Mary's (Dawson City)	...	...	...	...	...	...	...	...	...	...	...	...
Swift River	...	...	...	...	...	...	...	...	...	...	...	...
Teslin	89	87	83	75	79	85	68	73	73	69	72	66
Watson Lake Elem Sec	...	...	...	...	...	...	...	...	...	...	...	...
Watson Lake RCAF	...	...	...	...	...	...	...	...	...	...	...	...
Carmacks	85	88	89	102	110	102	92	90	98	91	94	103
Granville	...	...	...	...	...	...	...	...	...	...	...	...
Old Crow	49	58	53	51	52	50	47	53	50	45	46	58
St. Anne's (Watson Lake)	...	...	...	...	...	...	...	...	...	...	...	...
Pelly River	45	39	43	43	39	36	37	39	39	51	62	64
Ross River	84	80	77	69	82	75	88	73	72	70	73	68
Clinton Creek	...	...	...	...	...	...	...	...	...	...	...	...
Faro	485	309	211	185	26	168	181	199	217	245	258	265
Kluane Tribal School	11	13	8	13	...	...	...	...	...	...	...	...
Watson Lake Elementary	236	207	202	192	174	166	167	173	190	207	189	212
Watson Lake Secondary	96	107	109	118	123	117	121	104	101	100	110	105
Total	1691	1433	1342	1344	1189	1347	1356	1363	1374	1421	1465	1557

Source: Data from Yukon Department of Education Annual Reports and Yukon Government Annual Reports, 1958–2003

Table 2. Rural school enrolment, 1958–2003, continued

School	Number of students enrolled (for the school year ending in June)										
	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
Beaver Creek	16	19	21	14	20	19	16	18	19	21	14
Brooks Brook	...	...	...	...	...	...	...	...	...	...	...
Carcross	69	66	66	45	46	56	49	51	56	56	61
Dawson	289	299	279	280	291	262	264	221	229	224	233
Elsa	...	...	...	...	...	...	...	...	...	...	...
Haines Junction	173	163	163	168	172	159	140	148	147	148	132
Keno	...	...	...	...	...	...	...	...	...	...	...
Kluane Lake	4	4	4	6	6	9	6	9	9	6	8
Mayo	89	92	101	99	99	102	105	103	95	97	88
St. Mary's (Dawson City)	...	...	...	...	...	...	...	...	...	...	...
Swift River	...	...	...	...	...	...	...	...	...	...	...
Teslin	66	59	70	53	50	55	54	54	67	66	66
Watson Lake Elem Sec	...	...	...	...	...	...	...	...	...	...	...
Watson Lake RCAF	...	...	...	...	...	...	...	...	...	...	...
Carmacks	94	102	97	106	93	103	93	101	102	102	86
Granville	...	...	...	...	...	...	...	...	...	...	...
Old Crow	48	46	57	62	63	51	67	57	51	47	45
St. Anne's (Watson Lake)	...	...	...	...	...	...	...	...	...	...	...
Pelly River	73	74	74	77	77	76	83	65	57	60	71
Ross River	65	68	75	83	75	81	74	55	61	65	67
Clinton Creek	...	...	...	...	...	...	...	...	...	...	...
Faro	127	149	241	220	167	116	75	72	67	55	45
Kluane Tribal School	...	...	...	...	...	...	...	...	...	...	...
Watson Lake Elementary	200	191	200	176	172	166	174	178	176	172	169
Watson Lake Secondary	97	105	107	102	102	101	103	89	88	97	99
Total	1410	1437	1555	1491	1433	1356	1303	1221	1224	1216	1184

Source: Data from Yukon Department of Education Annual Reports and Yukon Government Annual Reports, 1958–2003

Appendix 4 – General Educational Statistics – 1958–2003

Table 3. General Educational Statistics, 1958–2003

Statistic	for the school year ending in June											
	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969
Whitehorse Enrolment	1325	1368	1714	1880	2099	2193	2446	2266	2378	2271	2374	2387
Rural Enrolment	465	509	580	579	670	777	861	914	971	1022	1179	1203
Total Yukon Enrolment	1790	1877	2294	2459	2769	2970	3307	3180	3349	3293	3553	3590
Number of Schools	16	15	19	18	18	21	22	23	22	22	22	21
Number of Teachers	76	81	97	104	117	135	148	154	165	177	187	198
Number of Paraprofessionals	...	...	...	...	...	...	...	...	...	...	...	...
Population of Yukon ¹	...	...	...	14628	...	...	...	...	14382	...	...	...
Public Schools O&M Budget ² (in 000s, adjusted to 2018 dollars)	4049	4602	4543	5792	6547	8000	9514	10819	12703	14121	18091	19372
Per pupil expenditure ³	2262	2452	1980	2355	2364	2694	2877	3402	3793	4288	5092	5396

Source: Data from Yukon Department of Education Annual Reports, Yukon Government Annual Reports, and Yukon Government Public Accounts 1958–2003

¹ Source: Yukon Bureau of Statistics, http://www.eco.gov.yk.ca/stats/pdf/Yukon_census_population_historical_2016.pdf

² O&M is 'Operations and Maintenance' and does not include capital expenditures, in \$000s, adjusted to 2018 dollars

³ in 2018 dollars

Table 3. General Educational Statistics, 1958–2003, continued

Statistic	for the school year ending in June											
	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981
Whitehorse Enrolment	2697	3092	3219	3215	3253	3515	3519	3447	3453	3484	3279	3268
Rural Enrolment	1317	1429	1487	1454	1489	1716	1796	1735	1707	1621	1600	1637
Total Yukon Enrolment	4014	4521	4706	4669	4742	5231	5315	5182	5160	5105	4879	4905
Number of Schools	22	22	22	22	23	23	23	23	23	22	23	24
Number of Teachers	225	232	250	259	256	256	283	282	286	283	287	295
Number of Paraprofessionals	...	...	...	...	...	...	...	...	...	...	...	...
Population of Yukon	...	18388	...	...	...	...	21836	...	...	...	...	23153
Public Schools O&M Budget (in 000s, adjusted to 2018 dollars)	22177	25668	29683	32319	31783	34298	38586	39083	42586	43328	43665	44168
Per pupil expenditure (in 2018 dollars)	5525	5677	6307	6922	6703	6557	7260	7542	8253	8487	8950	9005

Source: Data from Yukon Department of Education Annual Reports, Yukon Government Annual Reports, and Yukon Government Public Accounts 1958–2003

¹ Source: Yukon Bureau of Statistics, http://www.eco.gov.yk.ca/stats/pdf/Yukon_census_population_historical_2016.pdf

² O&M is ‘Operations and Maintenance’ and does not include capital expenditures, in \$000s, adjusted to 2018 dollars

³ in 2018 dollars

Table 3. General Educational Statistics, 1958–2003, continued

Statistic	for the school year ending in June											
	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993
Whitehorse Enrolment	3285	3205	3138	3184	3255	3363	3422	3452	3611	3801	3966	4139
Rural Enrolment	1691	1433	1342	1344	1189	1347	1356	1363	1374	1421	1465	1557
Total Yukon Enrolment	4976	4638	4480	4528	4444	4710	4778	4815	4985	5222	5431	5696
Number of Schools	25	26	26	26	25	25	25	26	25	26	26	28
Number of Teachers	303	294	289	294	302	312	319	330	346	367	391	431
Number of Paraprofessionals	...	16	16	15	15	15	16	16	48	72	72	82
Population of Yukon	...	...	...	...	23504	...	...	...	...	27797	...	...
Public Schools O&M Budget (in 000s, adjusted to 2018 dollars)	46213	45433	47587	52713	52338	54472	52637	56665	52821	59459	76106	84745
Per pupil expenditure (in 2018 dollars)	9287	9796	10622	11641	11777	11565	11017	11768	10596	11386	14013	14878

Source: Data from Yukon Department of Education Annual Reports, Yukon Government Annual Reports, and Yukon Government Public Accounts 1958–2003

¹ Source: Yukon Bureau of Statistics, http://www.eco.gov.yk.ca/stats/pdf/Yukon_census_population_historical_2016.pdf

² O&M is ‘Operations and Maintenance’ and does not include capital expenditures, in \$000s, adjusted to 2018 dollars

³ in 2018 dollars

Table 3. General Educational Statistics, 1958–2003, continued

Statistic	for the school year ending in June										
	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
Whitehorse Enrolment	4131	4258	4475	4682	4694	4612	4530	4358	4208	4250	4179
Rural Enrolment	1410	1437	1555	1491	1433	1356	1303	1221	1224	1216	1184
Total Yukon Enrolment	5541	5695	6030	6173	6127	5968	5833	5579	5432	5466	5363
Number of Schools	29	29	29	29	28	28	28	28	28	28	28
Number of Teachers	427	430	446	470	477	459	466	463	452 ⁴	446 ⁴	444 ⁴
Number of Paraprofessionals	78	88	90	105	96	101	104	...	...	111	111
Population of Yukon	...	...	30766	...	...	...	...	28674	...	...	...
Public Schools O&M Budget (in 000s, adjusted to 2018 dollars)	84412	81435	82514	74105	75476	74325	74296	77362	79898	80097	81356
Per pupil expenditure (in 2018 dollars)	15234	14299	13684	12005	12319	12454	12737	13867	14709	14654	15170

Source: Data from Yukon Department of Education Annual Reports, Yukon Government Annual Reports, and Yukon Government Public Accounts 1958–2003

¹ Source: Yukon Bureau of Statistics, http://www.eco.gov.yk.ca/stats/pdf/Yukon_census_population_historical_2016.pdf

² O&M is 'Operations and Maintenance' and does not include capital expenditures, in \$000s, adjusted to 2018 dollars

³ in 2018 dollars

⁴ Source: Statistics Canada, <https://www150.statcan.gc.ca/n1/pub/81-582-x/2013001/tbl/tblc2.2-eng.htm>

Figure 3. Rural and Whitehorse Enrolments, System and per pupil costs, 1958-2003

