

## **Constitutional authority**

In 1867, when four British territories in North America (Nova Scotia, New Brunswick, Quebec and Ontario) were united as the Dominion of Canada, the statute of the British parliament which created the union — the British North America Act — specified that “in and for each province the (provincial) legislature may exclusively make laws in relation to education”. This constitutional jurisdiction was given to other territories as they achieved provincial status: Manitoba (1870); British Columbia (1871); Prince Edward Island (1873); Saskatchewan and Alberta (1905); and Newfoundland (1949).

The Constitution Act of 1982, which re-enacted the provisions of the BNA Act with respect to education, recognizes no federal presence in education. However, the federal government has assumed direct responsibility for the education of persons outside provincial jurisdiction — Indians and Inuit, armed forces personnel and their dependents in Canada and abroad, and inmates of federal penal institutions. Over the years, as education has expanded, indirect federal participation in the form of financial assistance has become extensive.

The Council of Ministers of Education, an agency created by the provincial departments of education in 1967, provides a means whereby the provinces can consult and co-operate in matters of mutual interest and concern in education.

### *Provincial education systems*

Because each province has executive constitutional responsibility for education within its boundaries, a single national system of education has not developed in Canada. Instead, there are distinct provincial systems that differ in organization, policies and practices. While there are similarities between provinces, it is hardly possible to make more than a few definitive statements about education in Canada without adding the caveat “except for provinces X, Y, and Z”.

This paper describes those features of Canadian education common to most provinces and does not dwell on provincial exceptions.

Each province has a department of education headed by a minister who is an elected member of the provincial legislature. Day-to-day