

DRAFT
WAHNAPITAE FIRST NATION EDUCATION LAW

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JURISDICTION

1. Wahnapiatae First Nation has inherent jurisdiction over education. This law is an exercise of our jurisdiction.
2. The Wahnapiatae First Nation may collect personal and other information, directly or indirectly, for purposes related to the following matters, and may use it for those purposes:
 - (a) administering this Law and the regulations, and implementing the policies and guidelines made under this Law;
 - (b) planning or delivering education programs or services that the First Nation provides or funds, in whole or in part;
 - (c) risk management, error management or activities to improve or maintain the quality of the programs or services that the First Nation provides or funds, in whole or in part;
 - (d) research and statistical activities that relate to education and are conducted by or on behalf of the First Nation.
3. Wahnapiatae First Nation shall not collect or use more personal information than is reasonably necessary to meet the purpose of the collection or use described in this Law.
4. Wahnapiatae First Nation shall protect the confidentiality of personal information and will not report publicly report any personal information.

INTERPRETATION

Definitions

5. In this Law,

“First Nation Member” means a person who is recognized as a member of the First Nation and whose name appears on the First Nation membership list;

“Funding Allocation Agreement” means the five-year agreement agreed to by the First Nations that comprise the Anishinabek Education System for the distribution of Transfer Payments among the First Nations and the structures of the Anishinabek Education System;

“Student” means a person who resides on the First Nation reserve and who is enrolled and accepted by the First Nation into a Primary, Elementary or Secondary Education program offered by the First Nation;

“Post-Secondary School Student” means a person who is a recognized First Nation Member and who is approved by a First Nation for funding under the First Nation Post-Secondary Student Support Program in accordance with the criteria established by the First Nation as set out in the First Nation policies;

“Transfer Payments” means the payments received by the Kinoomaadziwin Education Body on behalf of the First Nations to support the delivery of Primary, Elementary and Secondary Education, to allow for access to post-secondary education and to support the operation of the Anishinabek Education System.

Purpose of this Law

6. The purposes of this law are to:
- (a) ensure the Anishinabek Education System focusses on all students’ intellectual development and their physical, emotional, social and spiritual well-being;
 - (b) support the development and delivery of educational programs and services to enhance the development of confident, responsible and capable individuals who can contribute to Anishinabek society;
 - (c) encourage and support life-long learning, the opportunity for continued personal development and the pursuit of post-secondary education, training and employment;
 - (d) support the development of educational programs and services that meet the diverse learning needs and abilities of all students;
 - (e) create mechanisms for First Nations leadership, parents and communities to become significantly involved in the education of their children;
 - (f) ensure local educational needs and priorities are addressed;
 - (g) create an environment of learning inclusive of Anishinabek language and culture in the curriculum, resources and school programs being developed and delivered by the Anishinabek Education System;
 - (h) support education that contributes to the preservation, use and promotion of Anishinabek language and culture and provide Students with multiple opportunities for learning; and,
 - (i) establish the legislative framework for:
 - i) the Kinoomaadziwin Education Body;
 - ii) the Regional Education Councils; and,
 - iii) the Local Education Authorities.

Responsibilities

7. It is the responsibility of the First Nation, the Regional Education Councils and the Kinoomaadziwin Education Body and all education staff to ensure that Anishinabek language, culture and values are incorporated throughout, and fostered by the Anishinabek Education System.

Entitlement to Attend School and Access Education Programs and Services

8. Every Student and Post-Secondary Student is entitled to access the education programs and services offered by the First Nation.

EDUCATION GOVERNANCE AND AUTHORITY

9. The First Nation jurisdiction over education is vested in the Chief and Council by the First Nation Members.
10. The Chief and Council shall exercise jurisdiction over First Nation education exclusively by this Law and in accordance with the provisions of this Law and any regulations.
11. The Regional Education Council is a First Nation collective body established to address regional educational priorities. It has no authority over the delivery of educational programs and services in any First Nation in the region, unless that authority is delegated by the First Nation under this Law or its regulations.
12. The Kinoomaadziwin Education Body is a First Nation collective body established to support the delivery of educational programs and services by the Anishinabek Education System First Nations. It has no jurisdiction or authority unless that authority is delegated by the First Nation under this Law or its regulations. The Kinoomaadziwin Education Body does not have any jurisdiction or authority over the delivery of educational programs and services in any First Nation, unless that authority is delegated by the First Nation under this Law or its regulations.

Local Education Authority

13. The First Nation Local Education Authority is Chief and Council.
14. The Chief and Council shall be responsible for:
 - (a) the development and administration of education policies for the First Nation;
 - (b) the approval of approve the 5 year education plan, education budgets and expenditures;
and
 - (c) the development of the First Nation 5-year education plan for approval by Chief and Council.
15. The Chief and Council shall:
 - (a) govern itself according to the intent of this Law and the regulations;
 - (b) make itself aware of circumstances and issues which might affect the educational policies, programs or services of the First Nation;

- (c) make budgets and financial accounts and operational reports and evaluations to be carried out as required by and in accordance with the provisions of this Law.

16. The Education Department shall:

(a) prepare an education plan for five years for approval by the Chief and Council which:

- i) is sensitive to the spiritual beliefs of the First Nation and to its social, cultural, language, economic and political objectives;
- ii) contains an analysis of the present and future social, economic and political circumstances of the First Nation with particular reference to its future technological, professional, skilled and general employment requirements;
- iii) reflects the vision of the First Nation;
- iv) estimates the educational staffing requirements of the First Nation;
- v) estimates the costs and cash-flow requirements of the First Nation education plan;

(b) monitor the progress of Students and Post-Secondary Students; and,

(c) manage the day-to-day delivery of the First Nation education programs and services.

17. Education will remain under the control of the First Nation Members in the following manner:

(a) legislative control over education shall be exercised by the Chief and Council elected by the First Nation Members;

(b) policy control over education shall be exercised by the Chief and Council elected by the First Nation Members;

(c) the budgets are approved by the Chief and Council elected by the Members; and

(d) program and financial accountability through annual reports to the First Nation Members on the First Nation's education programs and services, the education budget and expenditures and the achievement of Students and Post-Secondary Students.

Regional Education Council

18. The First Nation Chief and Council shall appoint two persons to represent the First Nation at the Regional Education Council.

19. The Regional Education Council shall be responsible:

(a) to support the coordination and delivery of Primary, Elementary and Secondary Education for the First Nations in the region;

(b) for the development of template policies regarding the negotiation of tuition or education agreements between the First Nations and the local school boards, as well as the administration of such agreements;

(c) to support the negotiation of tuition agreements, if requested by a First Nation;

- (d) for the development, coordination and administration of practices regarding the professional development and performance evaluation of teaching staff; and
- (e) the provision of a forum to discuss and address issues of relevance and importance with regard to Primary, Elementary and Secondary Education, and Post-Secondary Education, as well as economies of scale.

Kinoomaadziwin Education Body

- 20. Each Regional Education Council shall select three of its members to be Directors on the Board of Directors of the Kinoomaadziwin Education Body.
- 21. The Kinoomaadziwin Education Body shall be responsible:
 - (a) for the receipt, administration, accountability and distribution of Transfer Payments in accordance with the Funding Allocation Agreement;
 - (b) for the administration of funding agreements between itself and the First Nations who are part of the Anishinabek Education System;
 - (c) for the establishment of policies and guidelines relating to the operation of the Anishinabek Education System;
 - (d) for the development and implementation of conditions regarding the granting of diplomas and certificates by First Nation schools;
 - (e) for the establishment and maintenance of a repository of First Nation education laws;
 - (f) to be the central liaison with the Province of Ontario regarding education matters; and
 - (g) for carrying out of any other powers, duties and functions delegated by the First Nations.

Cost of Education

- 22. All Students shall have the right to Primary, Elementary and Secondary Education within the First Nation's education system that is consistent with the First Nation's education and financial policies.
- 23. Except as otherwise provided in this Law, the educational services mentioned in section 22 are to be provided by the First Nation at no cost to the Students or to their parents and guardians.

FINANCE

24. The First Nation shall maintain a Funding Allocation Agreement with the Kinoomaadziwin Education Body for the education funding to deliver the First Nation's education programs and services.
25. The terms and conditions in relation to the Funding Allocation Agreement shall be signed by all First Nations that are part of the Anishinabek Education System.
26. The First Nation education funding shall be expended on the implementation of the First Nation 5-year education plan.
27. Any funds not spent at the end of the fiscal year by the First Nation may be retained or spent by the First Nation at its own discretion providing that it is spent for educational purposes and that the terms of the Funding Allocation Agreement under which the funds were originally provided shall be observed. Retained surpluses not designated for immediate use should be placed in a reserve account at year end.
28. The Chief and Council shall ensure that financial due diligence is followed so that the First Nation does not incur a deficit in education. Any deficit must be planned and approved by the Chief and Council.

REGULATIONS

29. For the purpose of carrying out the provisions of this Law according to their intent, the Chief and Council may make regulations that are in addition to and are not inconsistent with this Law, and every regulation made under this section has the force of law and, without restricting the generality of the foregoing, the Chief and Council may make regulations:
- (a) defining any word or expression used in this Law but not defined in this Law;
 - (b) prescribing any matter required or authorized by this Law to be prescribed by regulation;
 - (c) governing the procedure to be followed with respect to any proceedings or thing authorized by this Law in any case where the provisions of this Law are, in the opinion of the Chief and Council, insufficient; and
 - (d) respecting any other matter considered necessary or advisable to carry out the purpose and intent of this Law.

ENACTMENT CLAUSE

30. This Wahnapiatae First Nation Education Law was ratified by the Members of the Wahnapiatae First Nation on this _____ day of _____ in the year 2018, and signed into law on behalf of the Wahnapiatae First Nation by Chief and Council on this ___ day of _____ in the year of 2018.

Chief Ted Roque

Date

Councillor Bob Pitfield

Councillor Barret Dokis

Councillor Samantha Corbiere

Councillor Larry Roque