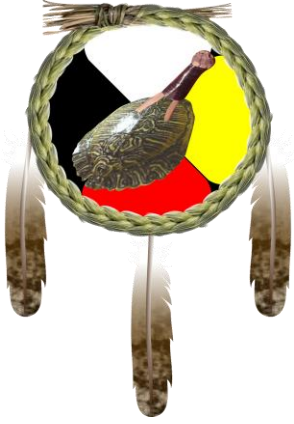


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SHESHEGWANING FIRST NATION



SHESHEGWANING KINOOMAAGEWIN NAAKNIGEWIN (Education Law)

Draft for Phase II – Edbendaagzijig Consultation

Introduced By: Chief Dean Roy

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JURISDICTION

1. Sheshegwaning First Nation has inherent jurisdiction over education. This law is an exercise of our jurisdiction.

INTERPRETATION

Definitions

1. In this Law,

“Education Committee” means the education committee of Sheshegwaning First Nation;

“First Nation Edbendaagzijig” 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 among 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 Territory of Sheshegwaning First Nation and who is enrolled and accepted by Sheshegwaning 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 Edbendaagzjig and who is approved by Sheshegwaning First Nation for funding under the First Nation Post-Secondary Student Support Program in accordance with the criteria established by the First Nation;

“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.

Purposes of this Law

2. 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 Odawa 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 continuation, use and promotion of Anishinabaamowin and culture and provide Students with multiple opportunities for learning; and,
 - (i) establish the legislative framework for:
 - a) the Kinoomaadziwin Education Body;
 - b) the Regional Education Councils; and,
 - c) the Local Education Authorities.

Responsibilities

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

Entitlement to Attend School and Access Education Programs and Services

4. Every Student and Post-Secondary Student is entitled to access the education program and services offered by the Sheshegwaning First Nation.

Education Governance and Authority

5. The First Nation jurisdiction over education is vested in the Chief and Council of the Sheshegwaning First Nation by the First Nation Edbendaagzijig.
6. The Chief and Council shall exercise jurisdiction over First Nation education exclusively by this Act and in accordance with the provisions of this Act and any regulations.
7. The First Nation's Education Committee will be consulted and work in collaboration with the Sheshegwaning First Nation education staff.
8. 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 Act or its regulations.
9. 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 Act 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 Act or its regulations

First Nation Education Committee

10. There shall be a Sheshewaning Education Committee comprised of three to four members.

Length of Term

11. Members shall be appointed to the Education Committee for a term of two years.
12. The Education Committee shall be comprised of two members serving two-year terms and two members serving one-year terms. The one year terms are only for the purpose of creating a staggered membership and shall revert to a two year term once the committee's

one year appointments have expired. Thereafter, all terms shall be for a period of two years.

Appointment of Members

13. Chief and Council shall have the sole discretion to appoint members to the Education Committee.
14. Members of the Education Committee shall be selected from a list of nominees solicited from the community and compiled when the vacancies occur, as per the following procedures:
 - a) In November of the same year as Chief and Council elections, the Band Executive Director will post a notice in the Band Administration Office requesting nominations for the positions on the Committee;
 - b) The notice will remain posted for two weeks, at which time, nominations will close;
 - c) The list of nominees will be presented to the Chief and Council who will select from the list, two persons to serve on the Education Committee for a two year term starting in January.
15. With respect to the first Education Committee referred to under Length of Term above, Chief and Council shall have sole discretion to determine which two members will serve two year terms and which two members will serve one year term.
16. The Education Committee may, from time to time, appoint as an advisor, any person who they feel would make a positive contribution on matters under their jurisdiction.

Eligibility

17. The following persons are prohibited from being members of the Education Committee:
 - a) The Band Executive Director;
 - b) The Band Chief or any member of the Band Council;
 - c) Any person employed by or on contract with the Education Committee;
 - d) Any person in a real or potential conflict of interest with the Education Committee (eg. Immediate family of employees, those with fiscal relationship to the Committee);
 - e) Persons who are not Edbendaagzijig of the Sheshegwaning First Nation.

Conflict of Interest

18. If someone is in a conflict of interest with respect to any decision to be made by the board, that person will declare a conflict of interest and absent themselves from the discussion and the decision with regard to this matter.

Chairperson

19. The Education Committee shall consist of one chairperson and two to three Committee members.
20. The chairperson shall be selected by consensus of the appointed members.
21. The chairperson shall be selected for a two year term. (Unless that person has been appointed for a one year term in the first year of these terms of reference). There shall be no limit on the number of terms that the chairperson shall be entitled to hold that position.

Relationship to Chief and Council

22. The Education Committee shall be governed by all of those policies contained in the Executive Limitations section of Chief and Council's Governance Policies.

Administration and Personnel

23. The Education Committee shall abide by all of the Administrative and Personnel Policies of the Sheshegwaning First Nation.

Meetings

24. Meetings of the Education Committee will be held every month, subject to the following exceptions:
 - a) Special meetings may be scheduled as needed.
25. All meetings of the Education Committee shall be open to the public. In camera sessions may be held at the discretion of the full Committee. Members wishing to put forward an item for the Education Committee agenda shall do so in writing seven days prior to the meeting.
26. Notice of meetings and agendas shall be posted by the Chairperson in the Band Administration office five days prior to each meeting.

Quorum

27. Quorum shall be three members of the Education Committee.
28. A meeting shall not be considered official unless a quorum of members is present.

Decision Making

29. All decisions of the Education Committee shall be by consensus of the members present.

Attendance at Meetings

30. A member of the education committee who misses 50% of all meetings in a calendar year or three meetings in a row will be deemed to have resigned from the Education Committee. The Education Committee may wish to review the resignation and, under exceptional circumstances, may reinstate the member.

Filling Vacancies

31. The Chief and Council shall have the sole discretion to fill any vacancies on the Education Committee. First priority to fill vacancies shall be given to persons whose names appear on the most recent list of nominees referred to under Appointment of Members. Should there be no persons on this list then Chief and Council shall initiate a new process of nominations under Appointment of Members.
32. The member of the Education Committee appointed to fill a vacancy shall serve the remainder of the original member's term.

Role of Band Executive Director:

33. The Band Executive Director or his/her delegate shall, in an ex-officio capacity, provide advice and support to the Education Committee.

Expenses:

34. All personal expenses incurred by members of the Education Committee while performing their duties as members shall be paid by the individual members subject to the following exceptions:
 - a) Administrative and travel expenses of the Education Committee shall be paid at those rates as established by the Band. Authorization for such expenditures shall be given by the Education Committee prior to the expense being incurred.
 - b) Training expenses for members of the Education Committee shall be paid as per the budget of the Education Committee.
 - c) The Education Committee shall not exceed its budgeted amount for personal expenses in any fiscal year.
35. Members shall be paid a honorarium of \$75.00 per meeting for performing their duties as a member of the Education Committee to the limit of the resources available in the annual budget. Payment will be limited to once per month. As such, if the Committee must meet more than once in a calendar month, only one payment of \$75.00 will be made. Any person serving on Committee business while being paid a regular wage shall not be eligible to receive both payments.

Accountability

36. The Education Committee shall be accountable to Chief and Council for policy recommendations and the overall performance of the Education system and in all areas pertaining to the Education of eligible Band Members for which the Sheshegwaning First Nation is responsible.
37. The Education Committee shall be accountable to Chief and Council for setting the budget and overseeing the preparation of budgets, financial accounts and other financial aspects of the Sheshegwaning First Nation Education Department.
38. The Education Committee shall follow all of the policies and procedures of the Band in execution of their duties.
39. The Education Committee shall be accountable to Chief and Council for implementing all Economic Development related goals as set forth by Chief and Council.
40. The Education Committee shall abide by any changes in priorities, policies and procedures as introduced by Chief and Council.

Role of the Chairperson

41. It is the role of the Education Committee to:
 - (a) To convene meetings of the Education Committee.
 - (b) To communicate with Chief and Council, the Education Director, media, external funders and others as directed by the Education Committee as a whole.
 - (c) To prepare the agenda for meetings.
 - (d) To notify the Band Executive Director when vacancies occur requiring advertising for new members.
 - (e) To ensure that properly signed, dated and approved minutes are available for Committee meetings, Chief and Council and, the community members.
 - (f) To ensure that Education Committee members are notified well in advance of meetings changes or cancellations.
 - (g) To ensure that the terms of reference for the Education Committee are reviewed annually by the full Edbendaagzijig.

Role of Individual Members of the Education Committee

42. It is the role of the members of the education committee:
- (a) To attend meetings when they are called.
 - (b) To review any documentation necessary for decision making prior to attending meetings.
 - (c) To perform at all times in an open, fair and unbiased fashion.
 - (d) To verbally and otherwise support decisions made by the Education Committee.

Education Budget

43. The **Board of Education** will set the budget for all income and expenditures pertaining to the education of all eligible band members for which the Sheshegwaning First Nation is responsible.

Community School on Sheshegwaning First Nation:

44. The Education Committee shall in regards to the Sheshegwaning community school be responsible for:
- (a) setting and implementation of policies with respect to the Education Committee of all Band Members who are eligible to attend the community school;
 - (b) hiring and supervising of the Education Director. Supervision means setting performance standards; monitoring performance; conducting annual evaluations of performance; periodically reviewing their job description; applying the band discipline policy;
 - (c) use, operation and maintenance of school buildings on the Sheshegwaning First Nation;
 - (d) hiring of teaching staff support and resource persons to meet the education needs of the Students attending the community school and for the preparation and maintenance of all contracts entered into such persons;
 - (e) addressing concerns and complaints from the community and dealing with any disputes which arise and are related to the education of students attending the community school. The Education Committee may wish to design an appropriate conflict resolution process for managing these matters;
 - (f) reviewing the objectives and needs and evaluate the progress of the First Nation Students and Post-Secondary Students;
 - (g) ensuring that correct and adequate textbooks, school supplies and resources are on hand at the community school;
 - (h) ensuring that Native Language is taught at the community school;
 - (i) setting the calendars for the school year and the school day for the community school.

45. The Education Committee shall set priorities as well as short and long-term goals for the community school with input from the community via Chief and Council.
46. The Education Committee shall prepare an education plan for five years for approval by the Chief and Council which:
 - a) is sensitive to the spiritual beliefs of the First Nation and to its social, cultural, language, economic and political objectives;
 - b) 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;
 - c) reflects the vision of the First Nation;
 - d) estimates the educational staffing requirements of the First Nation;
 - e) estimates the costs and cash-flow requirements of the First Nation education plan;
47. The Education Committee may, within the limits of its budget, hire or contract with qualified agencies or persons, to perform educational or other services.
48. The Education Committee shall be responsible for monitoring and evaluating performance and ensuring that the resources are deployed in an appropriate manner to meet the education goals of the community.
49. The Education Committee shall be responsible for ensuring all operational reporting.
50. The Education Committee shall be responsible for ensuring the establishment and maintenance of an education information system for collecting, storing, sharing and using data and information related to the implementation of the Anishinabek Nation Education Agreement.
51. The Education Committee shall be responsible for ensuring that:
 - a) Approved curriculum guidelines are available and being followed;
 - b) Programs and staff are evaluated on an annual basis and in a fair manner.
52. The Education Committee shall be responsible for ensuring that:
 - a) All students attending the community school are formally registered;
 - b) Complete attendance records are maintained;
 - c) Proper student records are maintained; and
 - d) A code of conduct for students is in place.

Eligible Students Attending Elementary or Secondary Schools Which are Not Located on the Sheshegwaning First Nation

- 53. The education Committee shall be responsible for negotiating bussing contracts.
- 54. The education committee shall be responsible for ensuring the correct fees are paid of the school justification under which the students attending school off the Sheshegwaning First Nations are being educated.

Eligible Students Attending Post Secondary Institutions or Eligaiable Training Programs

- 55. The education committee shall be responsible for setting and implementing policies related to the acquisition and distribution of funds to assist eligible students who are attending post-secondary institutions or eligible training programs.
- 56. The Education Committee shall be responsible for reviewing and approving all applications for funding received from eligible students.
- 57. The Education Committee shall be responsible for monitoring all recipients' of funds.

Staffing

- 58. The Education Committee shall hire an Education Director for the purpose of executing the work of the Committee.

Conflict resolution

- 59. In the case of a band member disagreement with a decision of the Education Committee, that member will be asked to take the dispute to the Dispute Resolution Advisor for action.

Changes to These Terms of Reference

- 60. Sections 10 to 62 of this law shall be reviewed annually by the members of the Education Committee in a regularly scheduled meeting to determine if changes are seen as necessary, the Committee will recommend these changes to Chief and Council in writing.

Regional Education Council

- 61. The Chief and Council shall appoint two persons to represent the Sheshegwaning First Nation at the Regional Education Council.
- 62. 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

- 63. Each Regional Education Council shall select three of its members to be Directors on the Board of Directors of the Kinoomaadziwin Education Body.
- 64. 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 standards 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

- 65. All Students resident on the Territory of the First Nation 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 policy of life-long learning.
- 66. Except as otherwise provided in this Act, the educational services mentioned in section 65 are to be provided by the First Nation at no cost to the Student or to their parents and guardians.

67. 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.
68. The terms and conditions in relation to the Funding Allocation Agreement shall be signed by Sheshegwaning First Nation as part of the Anishinabek Education System.
69. The First Nation education funding shall be expended on the implementation of the First Nation 5-year education plan.
70. 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 First Nation reserve account at year end.
71. The Education Committee shall ensure that financial due diligence is followed so that the Sheshegwaning First Nation does not incur a deficit in education which has not been planned and approved by the Chief and Council.

Personal Information

72. The First Nation may collect personal 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; and
 - (d) research and statistical activities that relate to education and are conducted by or on behalf of the First Nation
73. The 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.
74. The First Nation shall protect the confidentiality of personal information and will not report publicly any personal information.

Regulations

75. For the purpose of carrying out the provisions of this Act according to their intent, the Chief and Council may make regulations that are in addition to and are not inconsistent with this Act, 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 Act but not defined in this Act;
- (b) prescribing any matter required or authorized by this Act to be prescribed by regulation;
- (c) governing the procedure to be followed with respect to any proceedings or thing authorized by this Act in any case where the provisions of this Act are, in the opinion of the Chief and Council, insufficient;
- (d) respecting any other matter considered necessary or advisable to carry out the purpose and intent of this Act.

Enactment Clause

76. This law is approved by the Chief and Council of Sheshegwaning First Nation this ____ day in the month of _____, 2017.

Signed into Law this _____ day in the month of _____ 2017.

Chief Dean Roy

Councillor Alana Endanawas

Councillor Nicole Bush

Councillor Lance Panamick

Councillor Gene Cada