

# PIC MOBERT FIRST NATION EDUCATION LAW

## Table of Contents

JURISDICTION .....	1
INTERPRETATION.....	1
Definitions.....	1
Objects of this Law .....	2
Responsibilities .....	3
Entitlement to Attend School and Access Education Programs and Services.....	3
Education Governance and Authority.....	3
Education Committee.....	5
Regional Education Council .....	7
Kinoomaadziwin Education Body .....	7
Curriculum .....	8
Cost of Education.....	9
Education Staff and Teachers .....	9
Finance .....	9
Regulations .....	10

## JURISDICTION

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

## INTERPRETATION

### Definitions

2. In this Law,

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

“First Nation Education Committee” includes the committee described in section 18 of this Act;

“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;

“School” means the body of Students that is organized as a unit for educational purposes under the jurisdiction of a First Nation and includes the associated teachers, designated early childhood educators and other staff members, and the lands and premises used in connection with the unit;

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

“Post-Secondary School Student” means a person who is approved by Pic Mobert First Nation for funding under the First Nation Post-Secondary 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’

### **Objects of this Law**

3. The objects of this law are to:

- (a) ensure the Anishinabek Education System focusses on all students’ intellectual development and their body, mind, 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 bilingual education to contribute 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:
  - (a) the Kinoomaadziwin Education Body;
  - (b) the Regional Education Councils; and,
  - (c) the Local Education Authorities.

### **Responsibilities**

- 4. It is the responsibility of the First Nations, 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**

- 5. Every Student and Post-Secondary Student is entitled to access the education program and services offered by Pic Moberg First Nation.

### **Education Governance and Authority**

- 6. The First Nation jurisdiction over education is vested in the Chief and Council of the First Nation by the First Nation members.
- 7. 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.
- 8. The Chief and Council shall appoint, by Band Council Resolution, a First Nation Education Committee, as set out in section 18 of this Law. This committee is the Local Education Authority for Pic River First Nation.
- 9. The First Nation Education Committee will oversee the delivery of education programs and services in collaboration with the Chief and Council and the First Nation education staff.
- 10. 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.
- 11. 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.

### **Delegation of Jurisdiction and Authority**

12. Pic Mobert First Nation may delegate its education law-making power or other authority, in writing, to a legal entity located in the Province of Ontario and may withdraw such delegation of law-making power or other authority by Band Council Resolution.

13. Where law-making power or other authority is delegated by Pic Mobert First Nation pursuant to section 12, the legal entity to which the delegation has been made will be accountable to the First Nation for that law-making power or other authority pursuant to sections 14 to 16.
14. Pic Mobert First Nation will remain accountable for the exercise of the law- making power or other authority it delegates.
15. Notwithstanding section 12, where law-making power is delegated by Pic Mobert First Nation, Pic Mobert First Nation will ensure, in writing, that any law-making power it delegates is not further sub-delegated.
16. Pic River First Nation will ensure, in writing, that the legal entity to which a delegation of any authority, other than law-making power, from the First Nation has been made, does not further sub-delegate that authority without the written consent of the First Nation.

### **Education Committee**

17. The Pic Mobert First Nation shall have one Education Committee.
18. The Education Committee shall be comprised of:
  - (a) Education Portfolio Holder from Council;
  - (b) Education Director/Manager;
  - (c) Principal;
  - (d) Student Success Coordinator;
  - (e) Band General Manager;
  - (f) one Elder;
  - (g) one parent;
  - (h) one Youth for the Elementary level; and
  - (i) one Youth for the Secondary level.
19. The Chief and Council shall retain the authority to appoint or remove members of the Education Committee.
20. The Education Committee shall be responsible for:
  - (a) the development and implementation of curriculum for the First Nation including the development or selection of learning resources and materials;
  - (b) the development of curriculum and resources for the delivery of Anishinaabe culture and language programs;
  - (c) the review of updates on the expulsion or suspension of Students;

- (d) overseeing the First Nation school and education programs;
- (e) the development and administration of education policies for the First Nation; and
- (f) the guidance, support and promotion of education that includes lands-based learning for the Students to ensure they receive a well-rounded education supported by parental and community engagement.

21. The Education Committee shall:

- (a) govern itself according to the intent of this Act and the regulations;
- (b) advise the Chief and Council by preparing policy options, handbooks and education plans for their consideration;
- (c) make itself aware of circumstances and issues which might affect the educational policies, programs or services of the First Nation;
- (d) review the objectives and needs and evaluate the progress of the First Nation Students and Post-Secondary Students;
- (e) 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;

22. The Band General Manager will make education budgets and financial accounts and operational reports available to the Principal to present to the Education Committee.

23. The Education Committee 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;
- (b) policy control over education shall be exercised by the Chief and Council;
- (c) financial control shall be exercised by the Chief and Council through the provisions of this Act whereby the budgets are approved by the Chief and Council; 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.

24. The Education Committee is accountable only to Chief and Council, and all statutory reports, audits and evaluations which the Education Committee is obliged to produce and submit by this Act shall be submitted by the Education Committee to the Chief and Council.

### **Regional Education Council**

25. The Chief and Council, on the recommendation of the Education Committee, shall appoint two persons to represent Pic Mobert First Nation at the Regional Education Council.
26. 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**

27. Each Regional Education Council shall select three of its members to be Directors on the Board of Directors of the Kinoomaadziwin Education Body.
28. The Kinoomaadziwin Education Body shall be responsible:
- (a) for the receipt, administration, accountability and distribution of Transfer Payments in accordance with the Funding Distribution 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.

## **Curriculum**

- 29. The First Nation School shall incorporate in its curriculum a core and set of electives composed of those subjects, topics, disciplines, methodologies and standards which the Education Committee shall determine from time to time.
- 30. The curriculum for the School shall be constituted as follows:
  - (a) a core prescribed by the Education Committee;
  - (b) an option of elective subjects, which may be prescribed by the Education Committee, from which the school shall be required to choose a set number; and
  - (c) a program of cultural and traditional knowledge including treaty as approved by the Education Committee.
- 31. The content of the curriculum shall not be defined narrowly nor be restricted to those sessions in which Anishinabe culture, languages, traditional practices or history are dealt with explicitly, but is to be defined broadly to include the complex of beliefs, attitudes, values and practices which are implicit in the integrated Anishinabek world-view. This world-view shall be the context and give meaning to every subject taught in the First Nation school.
- 32. In the matter of Anishinabe language:
  - (a) every School to the best of our availability teach Anishinabemowin as part of its academic curriculum and shall encourage Students to use Anishinabemowin as their first language;
  - (b) a principle and enduring objective of every School will strive be to bring every Student up to a level of proficiency in Anishinabemowin at least equal to the proficiency in the English language expected of Students by the Education Committee;
  - (c) the teaching and administrative staff of the First Nation School shall use Anishinabemowin as their language of work to the greatest possible extent consistent with the efficient working of the School and the broad educational interests of the Students.

33. The Education Committee shall determine what standards shall be acceptable in the First Nation School in accordance with the standards established and approved by the Kinoomaadziwin Education Body.

### **Cost of Education**

34. 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 on life-long learning.
35. Except as otherwise provided in this Act, the educational services mentioned in section 34 are to be provided by the First Nation at no cost to the Students or to their parents and guardians.

### **Education Staff and Teachers**

36. No person shall be engaged, appointed, employed or retained as a teacher, instructor or Principal in any School unless he or she is in possession of a valid certificate of qualification or a provisional certificate of qualification issued pursuant to the regulations of the Education Committee.
37. A Teacher shall diligently and faithfully teach the Students in the educational program assigned to the Teacher by the Principal or other administering authority and in cooperation with such authorities and colleagues shall be responsible for the advancement of First Nation education, in general, and the standards and efficiency of the School, in particular, and shall participate in educational planning by the School Staff.

### **Finance**

38. 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.
39. 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.
40. The First Nation education funding shall be expended on the implementation of the First Nation 5-year education plan.
41. 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.

42. The Education Committee 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**

43. 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 consistent 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) for the classification and certification of all teachers, principals and professional staff employed by the First Nation;
  - (d) for the organization, administration and supervision of Schools under this Act;
  - (e) for the classification of Students and educational programs pertaining to the programs of studies from Junior Kindergarten to Grade 12;
  - (f) for the setting of common or universal standards and for the testing of Students according to those standards;
  - (g) for professional development programs for teachers and professional education staff;
  - (h) for the acquisition, location, specifications, financing, furnishing and maintenance of the School and other building facilities related to the delivery of education programs and services;
  - (i) prescribing the qualifications of persons employed as teacher aides and the conditions of employment and general duties of such persons;
  - (j) with respect to the use of languages of instruction;
  - (k) the requirement and process to review this Act;
  - (l) the process to amend this Act;
  - (m) 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; and,

(n) respecting any other matter considered necessary or advisable to carry out the purpose and intent of this Act.