

NIPISSING FIRST NATION EDUCATION LAW

Table of Contents

JURISDICTION	1
INTERPRETATION	1
Definitions.....	1
Objects of this Law	3
Responsibilities	4
Entitlement to Attend School and Access Education Programs and Services.....	4
Education Governance and Authority.....	4
Education Committee.....	5
Regional Education Council	6
Kinoomaadziwin Education Body	7
Curriculum	7
Cost of Education.....	8
Finance.....	8
Personal Information.....	9
Teacher/Principal Qualifications.....	9
Regulations	10
ENACTMENT	11

JURISDICTION

1. Nipissing First Nation has inherent jurisdiction over education as articulated under the Nipissing First Nation Gichi – Naaknigewin.

INTERPRETATION

Definitions

2. In this Law,

"Debendaagziwaad" (Debendaagzid - singular form) means those who are on the membership list of Nipissing First Nation.

“Council” means the executive decision making body made up of Councillors of the Nipissing First Nation elected in accordance with the Nipissing First Nation Custom Election Regulations or any law that replaces that law.

“Endaawaad” (Endaat - singular form) means those Endaawaad who live on the Nipissing First Nation but are not Debendaagziwaad and are not entitled to Nipissing Debendaagziwaad education funding.

“Nipissing First Nation” means the collective Debendaagziwaad, including the Chief and Council and Administration, for whose use and benefit in common, lands have been set apart.

“First Nation Laws” means any law made by the First Nation in accordance with the Gichi-Naaknigewin.

“Chief” means the person elected as the Chief in accordance with the Nipissing First Nation Custom Election Regulations or any law that replaces that law.

“Public Institution” and “Legal entity” means a board, commission, tribunal, committee established by the Nipissing First Nation Council by a quorum vote to exercise certain delegated jurisdictions of the Nipissing First Nation.

“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, and other staff members, and the lands and premises used in connection with the unit;

“Student” means a person who resides on Nipissing First Nation and who is enrolled and accepted by Nipissing First Nation Chi-Naaknigewin, into a Primary, Elementary or Secondary Education program offered by the First Nation and is approved in accordance with the criteria established by Nipissing First Nation.

“Post-Secondary School Student” means a person who is Debendaagzid and who is approved for funding under the Post-Secondary School Program in accordance with the

criteria established by Nipissing First Nation and who may not be a resident of Nipissing Nation and includes a Debendaagizid.

“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.

“Kinoomaadziwin Education Body” means the corporation established by the Anishinabek First Nations to support First Nation delivery of education programs and services.

“Regional Education Councils” means the councils established under the Anishinabek First Nations education laws to support the coordination and delivery of education on-reserve and relationships with school Boards.

“Education committee” means the committee established by Chief and Council in accordance with the criteria established by Nipissing First Nation.

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 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) support the preservation, use and promotion of Nishinaabe language and culture and provide Students with multiple opportunities for learning; and

- (h) establish the legislative framework for:
 - i) the Kinooaadziwin Education Body;
 - ii) the Regional Education Councils; and,
 - iii) the Education Committee.

Responsibilities

- 4. It is the responsibility of the First Nations, the Regional Education Councils and the Kinooaadziwin Education Body and all education staff to ensure that Nishinaabe 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 programs and services offered by Nipissing First Nation in accordance with the criteria and policy established by Nipissing First Nation.

Education Governance and Authority

- 6. Nipissing First Nation jurisdiction over education is vested in the Chief and Council of the First Nation by First Nation members.
- 7. The Chief and Council shall exercise jurisdiction over Nipissing First Nation education exclusively by this Law and in accordance with the provisions of this Law and any regulations.
- 8. The Nipissing First Nation Education Department, the principal and vice-principal will manage the day-to-day delivery of education programs and services in collaboration with the Education Committee and Chief and Council.
- 9. 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.
- 10. The Kinooaadziwin Education Body means the corporation established by the Anishinabek First Nations to support First Nation delivery of education programs and services. The Kinooaadziwin 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

Education Committee

11. Nipissing First Nation shall have one Education Committee.
12. The Education Committee shall be comprised of Debendaagziwaad who apply and are 18 years of age or over, and is selected by Chief and Council based on their established criteria.
13. The Education Committee shall be responsible for:
 - (a) providing advice on school priorities and outcomes;
 - (b) providing advice on First Nation school and education programs; and
 - (c) the review of draft education policies for Nipissing First Nation and make recommendations to Chief and Council on the education policies.
14. In matters of education policy, the Education Committee shall:
 - (a) govern itself according to the intent of this Law and the regulations;
 - (b) advise the Chief and Council by preparing policy options and identifying education outcomes for their consideration;
 - (c) make itself aware of circumstances and issues which might affect the educational policies, programs or services of Nipissing First Nation;
 - (d) review the available data on the progress of the First Nation Students and Post-Secondary Students; and
 - (e) review the annual education plan.
15. The Chief and Council shall be responsible to:
 - (a) review, discuss and approve the annual education plan developed by the Education Department which:
 - i) is consistent with Nipissing First Nation Gichi-Naaknigewin;
 - ii) is sensitive to the spiritual beliefs of the First Nation and to its social, cultural, language, economic and political objectives;
 - iii) 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;
 - iv) reflects the vision of the First Nation;

- v) estimates the educational staffing requirements of the First Nation;
 - vi) estimates the costs and cash-flow requirements of the First Nation education plan;
- (b) 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 Committee will remain under the direction of the Chief and Council and Nipissing 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 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 aggregate achievement data of Students and Post-Secondary Students.

Regional Education Council

17. The Chief and Council on the recommendations of the Education Committee shall appoint two persons to represent Nipissing First Nation at the Regional Education Council.
18. 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

19. Each Regional Education Council shall select three of its members to be Directors on the Board of Directors of the Kinoomaadziwin Education Body.
20. 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.

Curriculum

21. 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 Department shall determine from time to time.
22. The curriculum for the School shall be constituted as follows:
 - (a) a core prescribed by the Education Department;
 - (b) a set of elective subjects, which shall be prescribed by the Education Department, from which the school shall be required to choose a set number; and
 - (c) a program of Nishinaabe cultural and traditional knowledge including treaty as approved by the Education Department and Chief and Council.

23. The content of the curriculum shall not be defined narrowly nor be restricted to those sessions in which Nishinaabe 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 Nishnaabek world-view. This world-view shall be the context and give meaning to every subject taught in the First Nation School.
24. In the matter of Nishnaabe language:
- (a) every School shall teach Nishnaabemwin as part of its academic curriculum and shall encourage students to use Nishnaabemwin as their first language;
 - (b) a principle and enduring objective of every school shall be to bring every student up to a level of proficiency in Nishnaabemwin at least equal to the proficiency in the English language expected of students by the Education Department;
 - (c) the teaching and administrative staff of the First Nation School shall use Nishnaabemwin 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.
25. The Education Department 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

26. All students who reside on Nipissing First Nation shall have the right to Primary, Elementary and Secondary Education within the First Nation's education system that is consistent with policy in accordance with the criteria and policy established by Nipissing First Nation.
27. Except as otherwise provided in this Law, the educational services mentioned in section 26 are to be provided by the First Nation at no cost to the students or to their parents and guardians.

Finance

28. 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.
29. 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.
30. The First Nation education funding shall be expended on the implementation of the First Nation education plan.

31. 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 shall be supported by a plan and may be placed in a reserve account at year end.
32. The Chief and Council shall ensure that financial due diligence is followed so that Nipissing First Nation does not incur a deficit in education. Any deficit must be planned and in a budget approved by the Chief and Council.

Personal Information

33. The Nipissing 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 Nipissing 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 Nipissing First Nation.
34. Nipissing 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.
35. Nipissing First Nation shall protect the confidentiality of personal information and will not report publicly report any personal information.

Teacher/Principal Qualifications

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 policies of Nipissing First Nation.
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.

Regulations

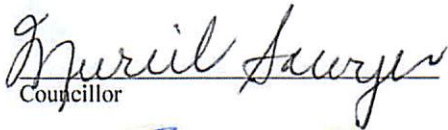
38. For the purpose of carrying out the provisions of this Act according to their intent, the Chief and Council may make regulations that are in addition to and are not inconsistent with this Law, and every regulation made under this section has the force of law and, without restricting the generality 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) 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 Law;
 - (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) 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 Law are, in the opinion of the Chief and Council, insufficient;
 - (l) respecting any other matter considered necessary or advisable to carry out the purpose and intent of this Law.
 - (m) this law may be amended in the same manner as how enacted, as determined by Nipissing First Nation in accordance with their consultation processes.

ENACTMENT

This law is approved by the Chief and Council of Nipissing First Nation this 17 day in the month of April, 2018.

Signed into Law this _____ day in the month of _____, 2018.


Chief

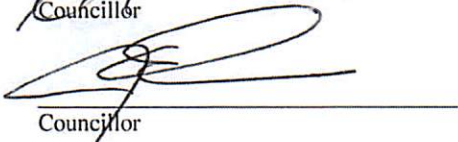

Councillor


Councillor


Councillor


Councillor


Councillor


Councillor

Councillor