

Standards for Education Service Agreements Draft 2018

STANDARDS

WHEREAS students are entitled to welcoming, caring, respectful and safe learning environments that respect diversity and nurture a sense of belonging and a positive sense of self;

WHEREAS the Government of Alberta supports collaboration between the provincial education system and the First Nation education system for the educational success of First Nations students;

WHEREAS the Government of Alberta is committed to ensuring that all students and teachers learn about the histories, cultures and perspectives of First Nations, including treaties and the legacy of residential schools;

Whereas the Government of Alberta is committed to implementing the objectives and principles of the *United Nations Declaration on the Rights of Indigenous Peoples* in a manner that is consistent with the Canadian Constitution and Alberta law;

WHEREAS the Minister may, by order, establish requirements or standards that apply to agreements referred to in section 62(2)(b)(i) or (c) of *School Act* ("Education Services Agreements");

WHEREAS Education Services Agreements should reflect the unique needs and circumstances of First Nations in Alberta, provincial school boards, and the First Nation students they serve;

THEREFORE, all Education Services Agreements between school boards and First Nations and/or the Government of Canada, for the purpose of enabling First Nation students residing on-reserve to attend schools operated by school boards, shall, specify:

1. Program and Service Delivery

- 1.1. the scope of education programs supports and services to be provided, including the continuum of any supports and services for students, with special needs or "at risk" students
- 1.2. any opportunities for students to learn an Indigenous language
- 1.3. how First Nations culture(s) and perspective(s) will be integrated into education programs, school activities and school environments
- 1.4. how student transportation will be addressed by the parties
- 1.5. the school board/First Nation collaborative plan to enhance learning through mutually agreed-upon strategies, community engagement and shared responsibility (to be attached to the Education Services Agreement)
- 1.6. processes for monitoring student attendance and strategies for resolving attendance issues

2. Management Processes

- 2.1 the roles and responsibilities of each party in implementing the Education Services Agreement
- 2.2 processes and mechanisms to resolve disputes between the parties and to amend the Education Services Agreement

- 2.3 strategies to ensure that the First Nation has meaningful opportunities to inform school board decisions, including opportunities, if any, for appointment of one or more individuals under section 84 of the Education Act to the board and processes for the appointment
- 2.4 the commencement date and term of the Education Services Agreement

3. Financial Accountabilities, and Reporting

- 3.1 how the school board will report on Education Service Agreement student achievement and progress to the First Nation
- 3.2 processes for determining student eligibility under any student enrollment caps that have been established by the First Nation
- 3.3 that tuition fee calculations will be according to allocation criteria as determined by the Minister and as outlined in the annual *Funding Manual for School Authorities*
- 3.4 a tuition fee payment schedule, including a process for addressing any arrears
- 3.5 processes for the school board to share its audited financial statements with the First Nation

* Note:

- *Fee calculations for Education Services Agreements students will be based on two annual student counts: September 30th and February 28th. Tuition fees will be adjusted yearly according to the provincial jurisdiction funding profiles in place for the school year.*

KEY CHANGES FOR CONSIDERATION:

- The addition of two new recitals that recognize the jurisdictional relationship between the Government of Alberta, First Nations and Government of Canada.
 - o To be added at the beginning as Recital 1, a reflection of the Government of Alberta commitment:
 - WHEREAS the Government of Alberta is committed to First Nations students living on-reserve having streamlined access to schools operated by provincial school boards, funded by the federal government;
 - o Recital 6 to be added based on feedback of partners from the 2018 engagement sessions:
 - WHEREAS the Government of Alberta recognizes the Treaty relationship between First Nations in Alberta and Her Majesty the Queen in right of Canada;
- Adjustments to Recital 4 above to reflect the current state of government assessing the impact of federal Bill C-15 and the United Nations Declaration on the Rights of Indigenous Peoples Declaration on Alberta.
 - o Whereas the Government of Alberta is supportive of the spirit of the *United Nations Declaration on the Rights of Indigenous Peoples* in a manner that is consistent with the Canadian Constitution and Alberta law;
- Adjustment of the wording in the THEREFORE statement to clarify that standards will only apply to new ESA agreements.
 - o THEREFORE, where a school board enters into an Education Services Agreement with a First Nation, a person authorized by a First Nation and/or the Government of Canada for the purpose of enabling First Nation students residing on-reserve to attend schools operated by the school boards, the Education Services Agreement shall, at minimum, specify:

- Throughout the document the legislation change from the School Act to the Education Act will be reflected.
- **1. Program and Service Delivery**
 - Reframing of the language of Section 1.1 to be more inclusive and to align with the *Education Act*.
 - 1.1. the scope of education programs to be provided, including the continuum of any supports and services, which includes specialized supports and services, available to students that is consistent with the principles of inclusive education and meets the diverse learning needs of students
 - Clarifying in Section 1.5 that community engagement is “continuous”.
- **3. Financial Accountabilities, Assurance and Reporting**
 - The addition of the word “Assurance” to align with the new approach of the funding manual.
 - The extension of Section 3.1 to include how school boards may use results to improve the quality and effectiveness of education programs provided to students.
 - 3.1 how the school board will report on Education Service Agreement student achievement and progress to the First Nation and how the school board may use results to improve the quality and effectiveness of education programs provided to students
 - In Section 3.3 the approach is a principle based funding negotiation intended to allow more flexibility and autonomy in negotiations based on local context. If parties agree, they may use the provincial funding model, however, it is not mandatory. Note that the two student count dates no longer apply.
 - 3.3 a tuition calculation that is based on key guiding principles and considerations that is intended to support First Nation student education success. These key principles and considerations include but are not limited to:
 - Focus on student needs
 - Equitable funding
 - Recognition of the achievement gap
 - Transparency
 - Local conditions or circumstances
 - School boards are asked to approach tuition negotiations based on key principles and considerations such as those listed in the draft.
- *** Note:**
 - Removal of the *note section as the information included is no longer relevant due to changes in the Funding Manual.