

DATE: July 26, 2019

MEMORANDUM TO: Directors of Education
School Board Associations
First Nation Education Partners

FROM: Nancy Naylor

SUBJECT: Reciprocal Education Approach: Improving Access to
Education for First Nation Students

I am writing to inform you about the new Reciprocal Education Approach (REA) legislation that is scheduled to come into effect on September 1, 2019. REA will help change the educational landscape for First Nation students and families by improving access, removing barriers and strengthening parent choice for First Nation students transitioning between school systems in Ontario.

In 2018, the Ministry amended the *Education Act* to make changes to Education Services Agreements (ESAs) and Reverse Education Services Agreements (RESAs). Using the new Reciprocal Education Approach (REA), these amendments set out a new approach to support school transitions and educational options for First Nation students. The ministry engaged with a Working Group to help guide the legislative amendments and the development of regulations to support amendments.

As we move forward with these proposed regulations, we would like to provide you with some information to prepare you for the implementation of REA for the 2019-2020 school year.

APPROACH OVERVIEW:

The REA will improve access to education for First Nation students by eliminating the need to negotiate the base tuition fee. In accordance with requirements set out in the legislation, eligible students would be automatically admitted to a provincially funded school in an ESA scenario. Similarly, provincial school boards will also support students to attend an eligible First Nation-operated school or federally operated school, subject to the First Nation school's admission policies in a RESA scenario.

In both of these scenarios, the new legislative and regulatory framework will govern the base tuition fee that school boards must pay and/or charge for any eligible students moving between provincial schools and First Nation-operated school or federally operated schools. In cases where additional supports and services (such as transportation, some special education equipment costs, and additional special education staff supports) exceed the base tuition, fees may be negotiated.

Under these changes, existing ESAs and RESAs would remain in effect where First Nations and school boards agree, with the condition that the new REA reciprocal base fee formula is applied.

To demonstrate a First Nation-operated school's eligibility for REA, First Nation entities must provide the Ministry of Education with documentation that demonstrates two criteria. There are specified timelines in which to provide this documentation. Please see Appendix A for further details.

NEXT STEPS:

Further information about the REA will be shared in mid-August 2019, including:

- detailed information about the reciprocal base fee calculation
- the process for signaling intent to attend a school board or eligible First Nation-operated school or federally operated school (written notice)
- the process of payments
- the process for negotiating additional supports and services
- school board obligations under the new framework.

Please refer to Appendix A, which highlights the criteria for proposed First Nation school eligibility for the REA and immediate next steps for First Nations wishing to participate for the 2019-20 school year.

We look forward to continuing to work with you to support First Nation students throughout their learning journeys.

Sincerely,

Nancy Naylor
Deputy Minister

Attachments:

Appendix A: Information for First Nations Regarding School Eligibility for Reciprocal Education Approach

c.

Denise Dwyer, Assistant Deputy Minister, Indigenous Education and Well-Being Division

Andrew Davis, Assistant Deputy Minister, Education Labour and Finance Division

Taunya Paquette, Director, Indigenous Education Office

Paul Duffy, Director, Education Funding Branch

APPENDIX A¹

INFORMATION FOR FIRST NATIONS REGARDING SCHOOL ELIGIBILITY FOR RECIPROCAL EDUCATION APPROACH

In accordance with the proposed regulations for REA, First Nation entities (including bands, councils of bands, and education authorities that are authorized by a band or by a council of a band) should take immediate action for the 2019-20 school year to demonstrate their school's eligibility to participate in the REA to access provincial funding.

To demonstrate the school's REA eligibility, the First Nation entity that operates the school must provide the Ministry of Education with documentation that meets the following two criteria:

1. **First Nation governance:**

Under the REA, an eligible school must be operated by a band, council of a band, a First Nation education authority or the federal government. To demonstrate First Nation governance, the following documentation will be required:

- **Band Councils:** Resolution from the council of the band
- **Eligible corporate entities:** Board resolution or declaration

The resolution or declaration must indicate that the First Nation entity providing the documentation operates the school and must include the legal name of both the school and the entity. Examples of language that would indicate this are:

- "The **[legal name of the eligible entity]** operates **[legal name of school]** school."
- "**[Legal name of school]** school is operated by **[legal name of eligible entity]**."

Please note that this is a one-time requirement. If the school dissolves or is no longer operated by the entity indicated in the resolution or declaration, the entity is required to provide notification of this to the ministry.

2. **Financial Eligibility:**

To demonstrate financial eligibility, the following documentation will be required:

- A financial attestation that confirms the school does not charge tuition to pupils for elements of a classroom education that is required by, and

¹ The proposals set out in this document can only take effect if regulations are made by the Minister of Education or Lieutenant Governor in Council under the Education Act. Such regulations have not yet been made. Therefore, the content of this document is subject to such regulations, if and when made.

generally common to, all students. For example, costs related to staffing and administration.

Please note:

- Pupils may be subject to additional non-mandatory fees for room and board.
- Schools that charge tuition fees for students to other public entities (e.g., school boards or other First Nations) will still be eligible for the REA.

NEXT STEPS:

If your school is inspected by the ministry for Ontario Secondary School Diploma credit-granting purposes or had a reverse education services agreement in place with a school board in 2017-2018, it may be placed on a conditionally-approved list of schools for the REA regulation.

- If your school is on this list, please provide the above noted documentation to the ministry, no later than **March 30, 2020**, to be eligible for funding for the 2019-20 school year.
- If your school is not on this list please provide the above noted documentation to the ministry, no later than **October 30, 2019**, to be eligible for funding for the 2019-20 school year
- **If your school is federally-operated, you do not need to take any action.**

Please note that we cannot guarantee REA funding beyond the above noted dates until the above eligibility requirements are met.

Please send your documentation to:

Taunya Paquette, Taunya.Paquette@ontario.ca, Director of the Indigenous Education Office. Please ensure that Alice Fernandes, Alice.Fernandes@ontario.ca, Assistant to the Director, is copied.