

## Reciprocal Education Approach (REA)

### Qs and As

**Q: What is the current status of the legislation governing Education Services Agreements (ESAs)?**

Currently, under section 188 of the *Education Act*, school boards are permitted, but not required, to enter into agreements with First Nations allowing First Nation pupils to attend a school operated by a school board.

ESAs are agreements between school boards and First Nations to facilitate students living on-reserve to attend provincially-funded board-operated schools in exchange for a tuition fee. The base tuition fee is described in a “Calculation of Fees for Pupils” regulation made under the *Education Act* for each school year. Additional fees can be negotiated above the base tuition fee.

**Q: What is the current status of the legislation governing Reverse Education Services Agreements (RESAs)?**

Currently, under section 185 of the *Education Act*, school boards are permitted, but not required, to enter into agreements with First Nations allowing pupils of the school board to attend a school operated by a First Nation or the federal government (a RESA).

RESAs are agreements between school boards and First Nations to enable pupils of a board (e.g., students who are qualified resident pupils of the board and who are enrolled in a school operated by the board) to attend a First Nation- or federally- operated school in exchange for a tuition fee. The Ministry of Education provides funding to the school board for students attending a First Nation school under a RESA. Ministry funding for this purpose is calculated by taking the lower of the actual cost of educating the pupil at the First Nation- or federally-operated school, and the tuition fee for the relevant school board.

**Q: What is REA and how would it alter the current ESA/RESA structure?**

On March 28, 2018, amendments to the *Education Act* were introduced in the Legislative Assembly. If the proposed amendments receive Royal Assent and come into force, they would set out the legislative framework for the REA, including authorizing regulations under the Education Act to support implementation.

Under the proposed amendments, if certain conditions are met, pupils residing on reserve who wish to attend a school of a board would be admitted based on a transparent base funding amount that would be set out in regulation. In addition, if certain conditions are met, pupils of a school board who wish to attend a prescribed First Nation or federally operated school would be able to do so, if the operator of the

prescribed school provides notice, based on a base funding amount that would be set out in regulation.

**Q: If the proposed amendments receive Royal Assent and come into force, what First Nation schools would be eligible to receive funding under the REA?**

Eligible schools for REA would be prescribed in regulation. The ESA/RESA Working Group has begun working on this and other implementation considerations.

**Q: If the proposed amendments receive Royal Assent and come into force, what is the base fee that the school board will be required to pay to the First Nation operating the school that a pupil of the board attends (in the RESA context)?**

The base fee that the school board would be required to pay to the First Nation that operates the school would be established by regulation. This fee will be based on a formulaic approach, the details of which are still being developed by the Working Group.

**Q: If the proposed amendments receive Royal Assent and come into force, what is the fee that the school board would be required to charge the First Nation when an eligible First Nation pupil attends a board operated school?**

The base fee to be charged by the school board would be set out in regulation. This fee will be based on a formulaic approach, the details of which are still being developed by the Working Group.

**Q: Was this approach supported by the ESA/RESA Working Group?**

This approach was supported by the ESA/RESA Working Group, with representation of various First Nations, Trustee and Board Associations, and Ministry of Education staff. This Working Group was established to advise on issues related to ESAs and RESAs.

**Q: If the proposed legislation is passed and proclaimed into law, what happens to existing ESAs and RESAs?**

Existing agreements that were entered into prior to these amendments would remain in effect until the date they expire or a day to be determined in regulation, whichever occurs first. The existing agreements could also be subject to any restrictions or conditions that would be set out in regulation. The ESA/RESA Working Group has begun working on these and other implementation considerations.

**Q. What steps has the ministry taken to encourage school boards to enter into RESAs?**

**A.** In 2013, Ministry of Education released a resource guide in partnership with the Chiefs of Ontario, INAC, and the Ontario Public School Boards Trustees Association, to support school boards and First Nations in the negotiation of ESA and RESAs. The release of the guide was supported by a series of regional information sessions including both board and First Nation representation.

In September 2017, the Ministry of Education published a Board Memorandum informing boards of the Ministry's intention to propose legislative changes to the Education Act following engagement with First Nation partners and education stakeholders, and strongly encouraging boards to begin discussions with First Nations and education authorities interested in developing RESAs with them.