

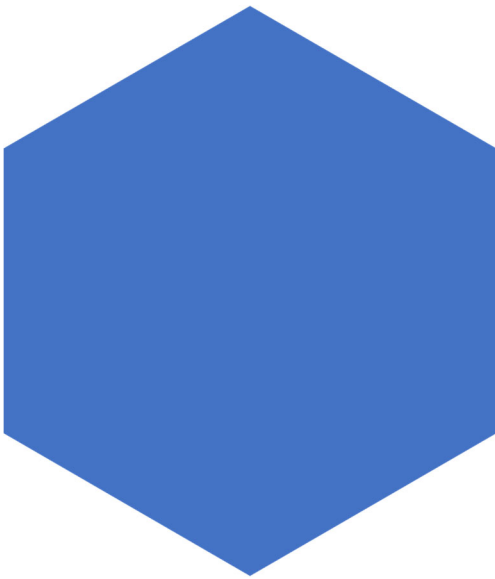


Reciprocal Education Approach

Frequently Asked Questions

Ministry of Education

March 2020



Reciprocal Education Approach

Introduction

The purpose of this document is to provide additional information about the Reciprocal Education Approach (REA) to ensure smooth and consistent implementation throughout the province. REA is designed to change the educational landscape for First Nation students and families by improving access, removing barriers and strengthening parent and guardian choice for First Nation students wishing to access schools of a school board or First Nation- or federally-operated schools under REA.

Background

In the Fall of 2017, in response to concerns from First Nations and school boards regarding Education Services Agreements (ESAs) and Reverse Education Services Agreements (RESAs), the Ministry of Education (ministry) invited representatives of First Nation Provincial Territorial Organizations, Independent First Nations, the Chiefs of Ontario, the Kinoomaadziwin Education Body and school board associations to participate in a working group (the “Working Group”).

In May 2018, amendments to the *Education Act* setting out the legislative framework for REA, received Royal Assent. In February 2019, the working group was reconvened to work on the implementation considerations for REA. The amendments to the *Education Act* (at sections 185 and 188), and the regulations (O. Reg. 261/19 (Reciprocal Education Approach) came into force on September 1, 2019. Regulations setting out implementation details were developed based on the input of the Working Group.

The questions included in this document are drawn from a variety of partners over the course of Regional Education Council meetings, REA Information Webinars, and on-going inquiries to the Ministry of Education.

Questions have been grouped by theme to assist in navigating the information based on local needs and concerns:

- General
- Funding
- Student Eligibility
- School Eligibility
- Existing ESAs/RESAs
- Documentation Requirements
- Student Registration
- Special Education
- Transportation
- Arrears
- Implementation Supports and Communications

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SECTION 1: GENERAL

1.1 What is the Reciprocal Education Approach (REA)?

A: REA supports access to education for eligible students (see Section 5.1) residing on-reserve who wish to attend a school of a school board and eligible students residing off-reserve who wish to attend a First Nation-operated or federally-operated school (First Nation school).

REA was developed in collaboration with representatives of First Nations and school boards from across Ontario to:

- improve access to education for First Nation students by eliminating the need for First Nations and school boards to negotiate and enter into an agreement for the base tuition fee; and
- strengthen a parent, guardian or student's choice when selecting the school that best meets their, or their child's, needs.

SECTION 2: FUNDING AND ELIGIBLE EXPENSES

2.1 What fee must a school board pay or charge to a First Nation under REA and how is it calculated?

A: The funding (known as the reciprocal base fee) that a school board is required to pay a First Nation entity that operates the First Nation school a student is attending under REA is the same amount that the same school board is required to charge the First Nation entity for a First Nation student attending a school of a school board.

The funding is based on a calculation unique to each school board. This calculation is standardized using the Grant for Student Needs (GSN) funding formula. School boards do not determine the base fee.

For further details, see O. Reg. 261/19 (Reciprocal Education Approach) and O. Reg. 278/19 (Calculation of Fees for Pupils for the 2019-2020 School Board Fiscal Year).

A list of each school board's base fee, based on its estimates, will be posted on the ministry's [website](#) on an annual basis.



The calculation of the reciprocal base fee under REA includes and excludes the GSN components below:

Included	Partially Included	Excluded	Additional Services/Supports Negotiated Outside of the Base Fee
<ul style="list-style-type: none"> • Pupil Foundation Grant • School Foundation Grant • Indigenous Education Grant • Safe and Accepting Schools Supplement • Cost Adjustment and Teacher Qualification and Experience Grant • Declining Enrolment Adjustment 	<ul style="list-style-type: none"> • Special Education Grant • Language Grant • Geographic Circumstances Grant • Learning Opportunities Grant • School Board Administration and Governance Grant • School Operations and Renewal Grant • School Authorities Allocation 	<ul style="list-style-type: none"> • Continuing Education and Other Programs Grant • Debt Service Support • Capital Funding • Special Education Grant <ul style="list-style-type: none"> • Care, Treatment, Custody and Correctional (CTCC) Amount 	<ul style="list-style-type: none"> • Special Education Grant <ul style="list-style-type: none"> • Special Incidence Portion • Special Equipment Amount (Claims-Based Amount) • Indigenous Education Grant² <ul style="list-style-type: none"> • Indigenous Languages Allocation • Indigenous Studies Allocation • Student Transportation Grant

¹ The grants and allocations specified within the table are based on the 2019-20 GSN and are subject to change based on year-over-year changes to the GSN.

² Additional amounts for Indigenous Languages or Studies courses may be negotiated if the course is not offered at the school in which the student would be admitted to.

2.2 Does the ministry reimburse additional negotiated amounts or does that come from the school board's budget?

A: Generally, any negotiated amounts in addition to the base fee provided for a student to attend a First Nation school under REA, would come from the budget of the school board. However, the ministry may reimburse school boards for the costs of some additional services and supports negotiated under REA. Specifically, school boards can request that the funds paid to the First Nation entity for additional special education staffing and special education equipment



costs be reimbursed by the ministry. School board reimbursement requests must meet the ministry's [Special Education Funding Guidelines](#).

Note that additional services and supports may also be negotiated for students attending schools of school boards under the REA. In this context, a school board may only charge a First Nation for negotiated additional services and supports that are prescribed in O. Reg. 261/19 (Reciprocal Education Approach).

2.3 Are Indigenous Languages and Studies course costs included in the reciprocal base fee, or do those costs need to be negotiated?

A: Allocations within the GSN related to Indigenous Languages and Studies courses are included in the reciprocal base fee. Additional amounts for Indigenous Languages or Studies courses may be negotiated between the First Nation and the school board if the course is not offered at the school to which the student has been admitted.

2.4 If school boards miss the deadlines to submit documents to the ministry, will payments be delayed?

A: Yes. The payment schedule set out in the *REA Instructions for First Nations and School Boards* outlines the schedule of payments to school boards based on required documentation being submitted at the time of processing. Late submissions will be processed but as part of the next payment cycle, provided information has been submitted as per the deadlines shown in the *REA Instructions*. Processing of late submissions is limited to one payment cycle.

Details about the reporting processes can be found in Section 2, sub-section C: *Payment and Fees Charged to First Nation Entities for Students* in the [REA Instructions for First Nations and School Boards](#).

2.5 Which school board should be utilized to calculate the reciprocal base fee where there are coterminous boards in a particular jurisdiction?

A: The reciprocal base fee calculation is based on the school board to which the written notice was delivered. While a student who resides in the catchment area of an English-language public school board may seek to register at a coterminous French-language or Catholic school board, in general, Catholic and/or French-language school boards have discretion around whether to admit/register students who are non-Catholics and/or whose parents are not French-language education rights holders.

If the student does not reside in the catchment area of any board, the student should register at and deliver written notice to the nearby English-language public school board.



2.6 Are all payments based on the estimates calculation?

A: Yes, payments are based solely on the base fee calculated on data which school boards provide in their annual estimates.

2.7 How are fees for part-time students calculated?

A: In general, a student's enrolment status is based on the number of minutes the student is "registered for classroom instruction" per school day. Boards must provide 300 minutes of instruction per day. A full-time student is typically registered for 210 minutes or more of classroom instruction per school day while a part-time student is registered for less than 210 minutes per school day.

Fees for part time students is based on the base fee for the school board where the student is registered and pro-rated to reflect the student's course load.

For example, if the number of minutes of instruction for which the student is enrolled is 150 minutes, the student's Average Daily Enrollment (ADE) is 0.5 (150/300) and should be charged for half of the base fee.

2.8 Will payment follow students if students decide to change schools?

A: Under REA, funding is based on student enrolment on two dates in each school year, referred to as "count dates" (i.e., October 31 and March 31). As such, funding will reflect the reciprocal base fee of the school board where a student is registered at on the count date. If the student moves to a different school within the jurisdiction of the same school board, then the same reciprocal base fee amount would apply.

If a student moves to a school in the jurisdiction of a different school board, then the student/parent/guardian/First Nation entity would have to provide written notice to the new school board to initiate that particular school board's obligation to either admit the student to a school of that school board or support the student's admission to the First Nation school. In this scenario, the reciprocal base fee would be the amount listed on the ministry's [website](#) for that particular school board.



SECTION 3: DOCUMENTATION REQUIREMENTS

3.1 What is written notice?

A: Written notice is the mandatory information that must be provided by the First Nation entity and the parent, guardian, or student¹ to the school of a school board to initiate the REA process. Written notice is delivered to the school of a board where the student is already registered or intends to register.

Upon delivery of written notice to the school, the school board must either admit an eligible student to a school of the board or support an eligible student's admission to an eligible First Nation school. On admission of the student to either a school of a board or a First Nation school, the school board must pay or charge the base fee to the First Nation in accordance with the regulation.

The ministry has developed example templates of written notice that are intended to assist parties in this process. These templates can be found here:

[Written Notice for Eligible Students to Attend an Eligible First Nation School](#)

[Written Notice for Eligible Students to Attend a School of a School Board](#)

3.2 Is written notice required if there is an ESA or RESA in place?

A: If the student is attending a school of a school board under an existing ESA or a First Nation school under an existing RESA², written notice is not required unless and until the ESA or RESA expires or is terminated.

If the ESA or RESA expires or is terminated, written notice must be provided to initiate the school board's obligations under REA.

3.3 What should schools do if a family tries to register their child at a school of a school board under REA but the written notice has not been delivered?

A: Schools are encouraged to support families who arrive at their schools to register under REA. School office administration can do this by having the two written notice forms available and on-hand to print and provide to the parent, guardian or student. The written notice must be completed by the First Nation and the parent, guardian or student for the student to participate in REA.

¹ The student may provide written notice if they are 16 or 17 and emancipated from their parent or guardian.

² "Existing" ESAs/RESAs are ESAs and RESAs that were entered into before September 1, 2019.



3.4 Who is responsible for completing the Student Information Report?

- A:** School boards are required to complete and submit the Student Information Report to the ministry, documenting eligible students who are attending First Nation schools under REA. For funding purposes, school boards are required to submit the Student Information Report in accordance with the requirements set out in the [REA Instructions for First Nations and School Boards](#).

School boards are required to collect student enrolment information provided by First Nation entities/schools after each count date through the Student Enrolment List. School boards are then expected to reconcile this information on the Student Information Report. School boards are expected to establish new administrative processes to ensure accurate, up-to-date information is reported to the ministry.

Please refer to page 33 of the [REA Instructions for First Nations and School Boards](#) for a summary of timelines and reporting dates impacting school boards, as well as the associated documentation requirements.

3.5 What are the documentation requirements for additional special education staffing and special education equipment?

- A:** School boards and First Nation entities may negotiate additional services and supports for which funding may be provided in addition to the base fee. These additional funds may be provided only if the school board and the First Nation entity enter into an agreement that sets out the additional funds to be paid; and these additional funds may include additional special education staffing and special education equipment.

The documentation required for these additional fees must follow the conditions outlined in the [REA Instructions for First Nations and School Boards](#), for example special education equipment fees may contain a deductible that shall not exceed \$800 per school year. The exact documentation requirements and forms will be determined locally between the First Nation and the school board.

School boards may want to seek reimbursement from the Ministry of Education for these additional special education fees, assuming these costs would meet the criteria set out in the Ministry Special Education Funding Guidelines. In this case, school boards and First Nations may want to align their agreed upon documentation requirements with those that the school board will have to provide to the Ministry. For further details on the reimbursement process please refer to question 8.3.



3.6 How are school boards to report students registered with a board, and attending a First Nation school under REA, in OnSIS?

A: School boards are currently required to report these students on the Student Information Report and submit it to the ministry through the Secure Online Data Transfer (SODT) portal. These students would not be included in the board's OnSIS submission.

3.7 Will school boards or First Nations be provided with templates for education agreements under REA?

A: "Education agreements" is a term the ministry uses to describe agreements entered into on or after September 1, 2019 which are intended to support students attending schools under the REA. Note that these agreements are not required for the payment of the reciprocal base fee. These agreements may contain terms regarding additional services and supports for which fees are payable from the school board or First Nation to support the REA student.

As the ministry is not a party to education agreements under REA, it does not have a template to provide for these agreements. Parties are encouraged to develop agreements to meet their local needs. However, where the agreements include additional services and supports for which fees are payable, the agreements must include the following:

- the additional service(s) and/or support(s), and the amounts payable in respect of these services and supports;
- if a school board or First Nation entity agrees to pay an additional amount for additional special education staffing, a term that indicates that the amount for such staffing per student, per school year, is the amount agreed upon under the agreement, which shall not exceed the maximum amount the board is entitled to receive annually for each student under the Special Incidence Portion of the annual GSN Regulation; and
- if a school board or First Nation agrees to pay an amount for special education equipment costs and a deductible is agreed upon, a term that indicates any deductible that was agreed upon. The deductible shall not exceed \$800 per school year.

3.8 Are Boards required to review education agreements under REA annually?

A: While boards are not required to review education agreements under REA annually, it is good practice to meet with partners regularly to ensure the agreement is working for both parties.



3.9 Does information such as bell times and schedules for students attending a First Nation school have to be submitted along with the Student Enrolment List?

A: Under REA, the submission of the Student Enrolment List (shown as Appendix D in the [REA Instructions for First Nations and School Boards](#)) supports the standardized payment process for flowing funds to First Nation entities by identifying students attending First Nation schools on an ongoing basis each year.

Entities operating First Nation schools (and/or First Nation schools) are required to provide a list of students attending their respective schools under REA as documentation that students are active as of the count dates (October 31 and March 31) of a given school year.

In addition to filling out the required fields in the Student Enrolment List, where a student is attending a First Nation school, requirements specified in the REA Instructions must also be met. These include:

- submitting a Student Enrolment List to each “home” school board. Payments can only be provided for students by the school board at which they are registered. The First Nation entity or First Nation school must identify the students by their “home” school board and include the OEN number assigned to that student.
- providing the Student Enrolment List within 30 days following the two count dates in each school year (October 31 and March 31) for funding to be provided on schedule.
- an attestation from the First Nation entity or First Nation school confirming the data accurately reflects the active students at the time of the count date.

First Nation schools/entities and school boards are also encouraged, but not required, to provide student timetables as part of the verification process for funding purposes.

For more information on reporting requirements, including details about the Student Enrolment List, please refer to **Section C: Payment and Fees Charged to First Nation Entities for Students** in the [REA Instructions for First Nations and School Boards](#).

SECTION 4: STUDENT REGISTRATION

4.1 How do school boards register students residing off-reserve who wish to attend a First Nation school under REA?

A: For a student residing off-reserve wishing to attend a First Nation school:

- if a student is not already registered with a school of a school board, the school will need to complete the registration process in accordance with the



Ministry of Education's enrolment policies set out in the Enrolment Register Instructions for Elementary and Secondary Schools. Please note that:

- if a complete written notice form is provided, and the student demonstrates that they are under the age of 21 years old, a resident of Ontario and eligible to be registered as a pupil of the board, the school board must register the student. Please refer to Table 1: Summary of Eligibility in the [REA Instructions for First Nations and School Boards](#) for further information on student eligibility.
- schools will be required to retain the documentation supporting enrolment and copies of the written notice for each student for the current and the previous two school years for auditing purposes.
- these students must not be included on the enrolment register for day school students. If a written notice is received for a current pupil of the board, that student must be removed from the enrolment register once that student starts to attend the First Nation school.
 - refer to Section 2, Part C – Payment and Fees Charged to First Nation Entities for Students under the heading School Board Administrative Processes for further information about documenting and reporting these students for funding purposes.
- if a student is currently registered as a pupil of the board at the school of a school board prior to delivering the written notice, there is no further action required by the school board in terms of registration aside from removing the student from the enrolment register for the day school. The student may begin attending the First Nation school on the later of the two dates specified on the written notice, subject to that First Nation school's admission policies.

4.2 How do school boards register students who wish to attend a school of the school board under REA?

A: For a student wishing to attend a school of a school board:

- provided that the eligibility requirements are demonstrated in the written notice described above, the school board will be required to register the student as an "other pupil" in accordance with the enrolment policies set out in the Enrolment Register Instructions for Elementary and Secondary Schools.
 - please note that if complete written notice is provided, and the student demonstrates that they are eligible to attend a school of a school board under the REA, the school board must register the student.



- schools will be required to retain the documentation supporting enrolment and copies of the written notice for each student to support the invoicing process with the First Nation entity.
- In the case where a student is currently registered as an “other pupil” at the school of a school board prior to delivering the written notice, there is no further action required by the school board in terms of registration (refer to Section 2, Part C – Payment and Fees Charged to the First Nation Entities for Students). The student may begin attending the school of the school board where the written notice was delivered.

4.3 Are students eligible to register under REA for a second semester start date?

A: Yes. Funding for students is calculated based on the Oct 31 and March 31 count date.

The written notice, if required, should indicate the second semester start date.

SECTION 5: STUDENT ELIGIBILITY

5.1 Which students are eligible for REA?

A: A person who is registered as a pupil of the board, or a person under the age of 21 years old, who is a resident of Ontario, and who is eligible to be a pupil of the board in accordance with O. Reg. 261/19 (Reciprocal Education Approach) is eligible to attend a First Nation school under REA.

Students who are eligible to receive funding for primary or secondary education from the federal government or a band, a council of the band, or an education authority that is authorized by a band or a council of a band or by the federal government, and who are ordinarily resident on a reserve, are eligible to attend a school of a school board under REA.

Parents/guardians/students and First Nation entities must complete and deliver the written notice to a school of their local school board and register at that school.

5.2 Are students who reside on reserve, but out-of-province, and temporarily reside in a school board’s catchment area eligible to attend a school of a board under REA?

A: For a student to be eligible to attend a school of a school board under REA, the student must meet the following eligibility criteria:

- the student is eligible to receive funding for elementary or secondary education from the federal government, a band, a council of the band, or



an education authority that is authorized by a band or a council of a band or by the federal government; and

- the student ordinarily resides on a reserve within the meaning of the Indian Act (Canada).

If the student is ordinarily resident outside of Ontario and not eligible to attend a school of the school board under REA, the school board may charge the out-of-province fee.

5.3 Are students who are resident on reserve but are non-First Nation, or not on the nominal role, eligible to attend a school of a board under REA?

A: Students who ordinarily reside on-reserve and attend, or wish to attend, a school of a school board, are eligible for funding under REA if:

1. The student is eligible to receive funding for elementary or secondary education from the federal government, a band, a council of a band, or an education authority that is authorized by a band or a council of a band or by the federal government; and
2. The student ordinarily resides on a reserve within the meaning of the *Indian Act* (Canada).

Students who are on reserve but are not on the nominal role can attend provincially funded schools with a fee of \$40 per month or they are eligible to attend First Nation-operated schools under the REA process.

5.4 Are students who are 21 years old and older and live off-reserve (and community law allows them to attend school on-reserve) eligible under REA?

A: No. Eligible students who wish to attend a First Nation school under REA, must be under the age of 21 years old to be eligible for funding under the REA.

5.5 Are First Nations required to consent to and pay for First Nation students who wish to attend an off-reserve school?

A: First Nation entities, such as a band or Tribal Council, may choose to support a student to attend a school of a school board under REA. Nothing in the *Education Act* or its regulations requires a First Nation to participate in REA by supporting a student to attend a school of a board.

The REA process is initiated by written notice to the school board. Written notice must be provided by the First Nation entity and the parent, guardian or student. If the First Nation supports a student to attend a school of a school board and agrees to pay the reciprocal base fee for the student, the entity may provide written notice to the school board.



5.6 Does a student need to have Indian status (as defined in the *Indian Act* (Canada)) to attend a school on a reserve under REA?

- A:** Students who meet the criteria below are eligible to attend a First Nation-operated school under REA:
- a pupil of the board, or
 - a person under the age of 21 years old, who is a resident of Ontario, and who is eligible to be a pupil of the board in accordance with O.Reg.261/19 (Reciprocal Education Approach).

A student's admission to a First Nation school is subject to the school's admission policy.

5.7 Can a non-Catholic student, who resides on reserve, register and attend a school of a Catholic board under REA? Or should they register at the English public board, instead?

Equally, can a non-French-language education rights holder, who resides off reserve, register at a school of a French-language board under REA and attend a First Nation-operated school? Or should they register at the English public board, instead?

- A:** In general, Catholic and/or French-language school boards have the discretion to admit students who are non-Catholic and/or whose parents are not French-language education rights holders. With respect to REA, such boards may choose to participate in REA by admitting such students.

All school boards are obligated to support a student who wishes to attend a First Nation school, if the student is a pupil of the board and all other legislative requirements under REA have been met. As with any operational matter, boards may wish to consider consulting with their legal counsel on individual cases.

SECTION 6: SCHOOL ELIGIBILITY

6.1 Which First Nation schools are eligible for funding through REA? How does a First Nation school become eligible for REA funding? What are the deadlines?

- A:** For a school to be eligible to receive funding under REA, the school must be operated by an eligible entity (i.e., a band, council of a band, the Crown in right of Canada, or an education authority authorized by the Crown in right of Canada) and must not charge tuition to pupils for elements of classroom education that are required by, and generally common to, all students.



Apart from the six schools operated by the federal government, schools are required to demonstrate that:

- they are governed by an eligible entity³ by means of a one-time resolution or declaration; and
- they do not charge tuition to pupils for elements of a classroom education that are required by, and generally common to, all students by means of an attestation.

To demonstrate governance by an eligible entity, the following documentation will be required:

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

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

- an attestation that confirms the school does not charge tuition to pupils for elements of a classroom education that is required by, and generally common to, all students. For example, costs related to staffing and administration.

The schools contained in Table 1 of s. 3(4) of [O. Reg 261/19 \(Reciprocal Education Approach\)](#), federally-operated schools, are eligible for REA funding, and do not need to provide the above-noted documentation.

The schools contained in Table 2 of s. 3(4) of [O. Reg 261/19 \(Reciprocal Education Approach\)](#) must provide the documentation noted above to the ministry by no later than March 30, 2020 to be eligible to receive funding for students attending their school under REA for the 2019-20 school year and the subsequent school years.

For any school not listed in Tables 1 or 2 of O. Reg. 261/19, or for schools in Table 2 that do not make the March 20, 2020 deadline, the entity that operates that school must provide the above-described documentation to the ministry by no later than October 30th of a given school year to be eligible to receive funding for that school year and subsequent school years for students attending their schools under REA.

An ongoing list of eligible schools will be maintained on the ministry [website](#).

³ Eligible entities include: band, a council of a band, the Crown in right of Canada, or an education authority that is authorized by a band or a council of a band or by the Crown in right of Canada.



6.2 Do First Nation schools have to demonstrate eligibility every year?

A: No, this is a one-time requirement for each school. The ministry will review the First Nation school eligibility documentation upon receipt to confirm the requirements have been met.

Eligible First Nation entities are required to provide the ministry with notification if an eligible First Nation school is dissolved or if they no longer meet the eligibility requirements (e.g., there is a change to the tuition fee policy).

6.3 Does the ministry have sample wording for the resolution or declaration required to be eligible for funding under REA?

A: Yes.

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].**”

6.4 What happens once a First Nation-operated school submits its required documentation to become eligible for participation under REA?

A: Schools that meet the eligibility requirements for REA and provide the required documentation by the specific deadline will be kept on or added to the list of eligible schools on the ministry’s website. It may take approximately 5 business days for schools to appear on the online list.

Eligible entities are required to notify the ministry if an eligible First Nation school is dissolved or if they no longer meet the eligibility requirements (e.g., there is a change to the tuition fee policy).

6.5 Can First Nations that operate schools opt not to participate in the REA?

A: Yes, First Nation entities are not required to provide school eligibility documentation to the ministry unless they want their school(s) to be eligible to receive funding for students attending the school(s) under REA.



6.6 Are schools that charge tuition fees to other public entities eligible for participation under REA?

A: Schools that charge tuition fees to other public entities, such as the federal government or a band council, are still eligible for REA.

6.7 How was the list of eligible schools developed, did First Nations have a say?

A: The lists of eligible schools were established with the intent of ensuring as many schools as possible would have the opportunity to be eligible for funding under REA in the first year of its implementation.

Table 1 of s. 3(4) of the [REA regulation](#) (O. Reg. 261/19) contains lists of federally-operated schools. These schools were considered eligible for funding under REA and do not need to submit any documentation.

Schools in Table 2 of the regulation have been inspected by the ministry for the purposes of credit-granting authority for the Ontario Secondary School Diploma, the entity that operated the school had a reverse education services agreement in place with a school board in 2017-2018, or the entity that operated the school had an existing relationship with the ministry through the ESA/RESA Working Group. These schools are still required to provide the required documentation to the ministry but have until March 30, 2020 to do so to continue to be eligible for funding for the 2019-2020 school year.

Any schools not listed in Table 1 or Table 2 may provide the required documentation to the ministry if they wish to participate in the REA and receive funding for students who attend their schools. Documentation would need to be submitted no later than October 30 of a given school year in order to be eligible for funding for that, and subsequent, school years.

First Nations may request to be removed from the lists, or they may opt not to submit the required documentation to confirm or demonstrate eligibility, if they choose not to participate in REA.

6.8 Can a student who lives off reserve in Ontario enroll in a school on a reserve in Quebec?

A: This student would not be eligible to attend a First Nation-operated school under REA.



SECTION 7: EXISTING ESAs/RESAs

7.1 Are school boards required to enter into agreements after existing Education Services Agreements (ESAs) and Reverse Education Services Agreements (RESAs) expire?

A: Existing ESAs/RESAs remain in effect until the agreement expires or is terminated.

Under REA, an agreement is not required for the base fee to be charged or paid to the First Nation entity for students attending a school of a school board or an eligible First Nation school.

If the school board and First Nation entity negotiate for the payment of additional supports and services, an agreement must be in place between the parties. Parties are free to include terms in their agreement regarding other supports and services which do not require the payment of a fee (e.g. provisions regarding cooperation between the school board and First Nation, sharing of resources and information, etc.)

7.2 What happens to existing ESAs/RESAs?

A: Existing ESAs/RESAs⁴ remain in effect until the agreement expires or the agreement is terminated.

- any existing RESA will be subject to the condition that the base fee that is to be paid to the First Nation entity must be at least the fee calculated in accordance with the new reciprocal base fee formula, set out in regulation.
- any existing ESAs will be subject to the condition that the fee as set out in the annual Fees regulation applies (e.g. the fee set out in section 3 of O. Reg. 278/19 (Calculation of Fees for Pupils for the 2019-2020 School Board Fiscal Year)).

REA reporting requirements must be followed under existing ESAs and RESAs.

Where an existing ESA or RESA expires or is terminated, First Nations and parents, guardians or students who wish to participate in REA must follow the steps regarding delivery of the written notice form to the school board. If the student is already registered at the school of the school board, the student does not need to re-register at the school after delivery of the written notice.

7.3 How are students on an existing ESA or RESA reported under REA?

A: To support REA's standardized invoicing process,

⁴ Existing ESAs/RESAs refers to ESAs and RESAs entered into prior to September 1, 2019.



Where a student is attending a school of a First Nation school or entity (existing RESA):

- First Nation entities and/or schools will be expected to report the students attending a First Nation school through existing RESAs in the Student Enrolment List (please see Appendix D of the [REA Instructions for First Nations and School Boards](#)).
- the First Nation school (or First Nation entity operating that school) must submit a Student Enrolment List to each “home” school board. Payments can only be provided for students by the school board at which they are registered.
- the Student Enrolment List must be provided within 30 days following the two count dates in each school year (October 31 and March 31) for funding to be provided on schedule. Late submissions will be processed as part of the subsequent payment.
- the list must include an attestation from the First Nation entity or First Nation school confirming the data accurately reflects the active students at the time of the count date.

Where a student is attending a school of a school board (existing ESA):

- school boards must submit one consolidated Student Enrolment List to each First Nation entity within 30 days following the two count dates in each school year (October 31 and March 31).
- the list must include an attestation by the Director of Education of the school board confirming that the list accurately reflects the active pupils at the time of the count date.

Please note that school boards are also required to include students on existing RESAs reported by the First Nation entity or school in the Student Information Report that is submitted to the ministry for funding purposes.

For more information regarding the other conditions for existing agreements, please refer to page 45, *Section C: Existing Agreements* within the [REA Instructions for First Nations and School Boards](#).

7.4 Do students have to register with a school board when a RESA expires?

A: If the agreement has expired, students must deliver written notice and register with a school board if they wish to participate in REA. Participation in REA enables First Nation schools to receive funding for eligible students who attend their schools.

Under REA, for school board obligations to be initiated, First Nations and students must:



- meet certain eligibility criteria; and
- submit written notice for each student, to the school of the school board the student intends to register at or is currently registered at.

Provided the requirements have all been met, the school board will be required to:

- ensure the student is registered with the school board, and
- provide or charge the reciprocal base fee funding to the First Nation entity for the student.

7.5 Will the terms ESA and RESA still be used under REA?

A: The ministry is moving towards calling agreements entered into on or after September 1, 2019 “Education Agreements”. This is to acknowledge the new policy approach and to distinguish between agreements entered into before September 1, 2019, under the previous ESA/RESA regime.

SECTION 8: SPECIAL EDUCATION

8.1 Who at the school board is responsible for reviewing the additional special education staffing claims and ensuring that they follow the SIP guidelines even when different requirements have been negotiated as per the REA Instructions?

A: School boards are to develop their own internal policy and procedures for reviewing requests for Reciprocal Education Approach (REA) additional services and supports, for which funding may be provided in addition to the base fee. The process to review claim documents for special education staffing and special education equipment at the school board is at the sole discretion of the school board.

Ensuring that documentation supporting an additional special education staffing claim paid to a First Nation meets or aligns SIP guidelines would facilitate the reimbursement request that school boards may submit to the Ministry of Education. See question 8.3 for more information regarding reimbursement of additional special education fees by the Ministry of Education.

8.2 Can school boards have an assurance that we will not have to meet the SIP deadline for the 2019-2020 school year?

A: It is understood that school boards and First Nations entities continue to negotiate agreements under REA. With the school board SIP submission deadline of December 13, 2019, we recognize that any school board applications for



reimbursement of additional special education staffing costs will require an extension. Similarly, when and if there are special education equipment reimbursement requests from school boards outside of the Ministry deadlines for Special Equipment Amount (SEA), the ministry will consider those requests too.

8.3 What will the ministry reimbursement process be for additional special education fees, particularly for additional staffing?

A: The ministry is monitoring REA implementation, as this is a new process for all involved. For the 2019-20 school year, we are encouraging school boards and First Nations to collaborate in the preparation of applications for reimbursement from the ministry for additional special education equipment and / or special education staffing costs. School boards would be expected to submit a similar application package for reimbursement, to what is outlined in the *Special Education Funding Guidelines (both SIP and SEA)*.

As stated in the [REA Instructions for First Nations and School Boards](#), a reimbursement application made by a school board must demonstrate that students meet the criteria set out in the *Special Education Funding Guidelines (both SIP and SEA)* for that school year. The ministry will monitor implementation and will consider flexibility in documentation requirements for reimbursement claims, provided the criteria in the *Special Education Funding Guidelines* are met. For example, as it relates to documentation of specific staff support ratios provided to a student during the school day. In addition, other reimbursement criteria state that school boards must:

- have an agreement in place with the First Nation entity for the special education staffing or equipment.
- ensure that the amount claimed for reimbursement is no higher than the maximum amount that school boards may claim under the SIP amount under the GSN regulation (e.g. under O. Reg. 277/19); or
- ensure that any deductible on equipment does not exceed \$800. This deductible applies per student, per school year. This may include multiple pieces of equipment for a student in a single school year.

The ministry will share more information with First Nations and school boards as it becomes available.

The ministry will continue to consult with First Nation partners and school boards through the REA Working Group, to improve the process moving forward.



8.4 When a pupil attends a First Nation school under REA, the professional assessment requirement for additional special education equipment can be completed by the school principal; however, if the school board seeks reimbursement from the Ministry of Education for this additional fee, school boards are required to follow provincial SEA guidelines. Is the school board required to then go back and get a professional assessment completed, as per SEA Guidelines?

A: Where a student is attending a First Nation school under REA, the assessment for required equipment may be completed by a qualified professional or by the school principal. The ministry will accept documentation in this context provided the following conditions are met:

- the document provides a description of the condition the equipment is meant to address; and
- there is a functional recommendation regarding the specific types of equipment the student requires to address their strengths and needs.

8.5 Is there a limit on the amount for special education staffing that may be negotiated per student? Is there a limit on the deductible that can be paid for special education equipment amounts?

A: Yes. The amount for additional special education staffing supports is capped at the maximum amount the board is entitled to receive annually for each student under the Special Incidence Portion of the annual GSN Regulation.

Similarly, if a school board or First Nation agrees to pay an amount for special education equipment costs and a deductible is agreed upon, the deductible must be specified in the agreement between the First Nation and school board on additional costs. The deductible shall not exceed \$800 per school year.

These conditions are outlined in the [*REA Instructions for First Nations and School Boards*](#).

8.6 Are there definitions school boards or First Nation schools can refer to in order to determine what the threshold is for: "Qualifies for Special Education equipment costs"?

A: Additional special education equipment costs may be negotiated between the First Nation entity and the school board, *where the need for specific equipment is required for the student to access education and where the equipment is recommended by a qualified professional.*

Special education equipment, must be documented by:



- an assessment or assessments from an appropriately qualified professional (where a student is attending a First Nation school under REA, this may be completed by a qualified professional or by the school principal);
- evidence of proof of purchase such as a copy of a paid invoice;
- and a copy of the student's current Individual Education Plan (IEP) that provides evidence of the intended use of the equipment in the student's program.

SECTION 9: TRANSPORTATION

9.1 Is transportation included as part of the reciprocal base fee?

A: Transportation amounts are not part of the reciprocal base fee. Under REA, agreements may be negotiated locally between First Nations and school boards for additional services and supports to best support student needs. This includes amounts related to transportation.

Additional amounts for transportation may be provided only if the school board and the First Nation entity enter into an agreement that sets out the additional funds to be paid.

Please see section 3 of the [REA Instructions for First Nations and School Boards](#) for further details.

SECTION 10: ARREARS

10.1 How does the arrears process work under the REA?

A: School boards should not be in a position of arrears with a First Nation entity.

From September 1, 2019, school boards will be permitted to offset payments to the entity operating the First Nation school if the entity is in arrears with a school board. The following parameters apply to offsetting payments:

- the amount will be limited to overdue/outstanding base fee amounts owed after September 1, 2019 and would not apply to any fees owed in relation to additional negotiated services and supports; and
- a school board may not apply interest to the amount owed by the First Nation entity.

Any outstanding amounts owed by entities to school boards prior to September 1, 2019, are not subject to the offsetting rules set out above. Outstanding fees are not forgiven by REA coming into force.



In the case where there is a disagreement regarding arrears, parties could also follow a dispute resolution process (refer to section 3 of the [REA Instructions for First Nations and School Boards](#)).

10.2 How can Human Rights and Equity Advisors play a role in dealing with arrears?

A: Human Rights and Equity Advisors (HREAs) are available for the 2019-2020 school year for First Nation entities and school boards to help support dispute resolution. HREAs are funded by the ministry and work in several school boards across Ontario. They are employees of school boards.

On an as-needed basis, and where feasible, the HREAs can support the resolution of disputes concerning additional fees for services and supports students receive under REA. For example, HREAs could:

- help support the development or negotiation of an agreement for additional services and supports by encouraging dialogue between the First Nation entity and the school board;
- help facilitate discussions about the level of special education supports provided to students with special education needs by arranging, or being part of, mediation or other forms of dispute resolution; and
- arrange for a fact-finding or investigation process (e.g. establishing an independent fact-finding team) if a dispute over facts cannot be resolved. After an investigation, a report can be generated that identifies whether the provisions of the relevant legislation, regulation or policy have been appropriately observed. The report can assist with further decision-making by the parties.

Note: Any dispute resolution costs, other than HREA, are the responsibility of the First Nation and the school board.

A school board without an HREA may use the services of one employed at another school board, with the consent of the school board that is the employer of the HREA.

Where disputes are time-consuming or very complex, an HREA may suspend their support and the parties may be asked to engage the assistance of an outside resource.



SECTION 11: IMPLEMENTATION SUPPORTS AND COMMUNICATION

11.1 What supports are available to First Nations and School Boards?

A: The ministry continues to provide accurate, real-time support to school boards and First Nation partners to support REA implementation. To date, the ministry has shared the following materials with school boards and First Nation partners:

- B Memorandum on the components of REA:
https://efis.fma.csc.gov.on.ca/faab/Memos/B2019/B18_EN.pdf
- SB Memorandum on how to access REA:
https://efis.fma.csc.gov.on.ca/faab/Memos/SB2019/SB11_EN_Final.pdf
- Parent Guardian and Student Fact Sheet on REA:
https://efis.fma.csc.gov.on.ca/faab/Memos/SB2019/SB11_Attach1_Final.pdf
- SB Memorandum sharing the REA Instructions:
https://efis.fma.csc.gov.on.ca/faab/Memos/SB2019/SB16_EN.pdf
- REA Instructions for First Nations and school boards:
https://efis.fma.csc.gov.on.ca/faab/Memos/SB2019/SB16_Attach1_EN.pdf

The ministry has continued to provide additional supports through phone calls and email responses, in addition to hosting four Regional Education Council sessions in October-November 2019, and four webinars, hosted on November 18th and 19th, to provide additional clarity on the requirements of REA. We hope to provide additional opportunities to learn about REA in the future.

Should you have additional questions and concerns not addressed within this document, or by the supports noted above, please contact:

Subject	Contact	Email
Written notice Eligible entities Eligible schools Student eligibility Additional services and supports Transitions of ESAs/RESAs	Taunya Paquette	Taunya.paquette@ontario.ca
First Nation Trustees	Bruce Drewett	Bruce.drewett@ontario.ca
Base Fee Calculation	Paul Duffy	Paul.duffy@ontario.ca
Special Education (under REA)	Claudine Munroe Tony Dias	claudine.munroe@ontario.ca tony.dias@ontario.ca



Process of Payments	Med Ahmadoun	med.ahmadoun@ontario.ca
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11.2 Is there an Indigenous Education Office Education Officer that can provide some support for the Thunder Bay region?

A: Yes. You can reach out to Education Officer Patti Pella at Patti.Pella2@ontario.ca.

11.3 Who is communicating about REA to First Nations parents?

A: During the first year of implementation of REA, the ministry is working with school boards and First Nation partners to identify appropriate communications approaches to ensure parents and families are being informed of the changes. In addition to this FAQ Guide, the ministry has also developed a [Parent Guardian and Student Fact Sheet](#) on REA.