

Background

In the Fall of 2017, the Ontario Ministry of Education convened a working group to explore opportunities to improve how First Nation students living on-reserve may attend schools in the Ontario system under s. 188 of the Ontario Education Act, and how students who live off-reserve may attend First Nation schools under s. 185 of that Act.

The working group included First Nation representatives, school board associations and Ministry of Education employees. Throughout the next year, the working group supported the development of new legislation, now known as the Reciprocal Education Approach (REA). The framework for this new legislation was informed by the discussions and the research of the working group. REA officially came into effect on September 1, 2019.

REA is intended to improve the educational landscape for First Nation students and families by improving access to and removing barriers from education, and by strengthening parental choice for First Nation students transitioning between school systems in Ontario.

REA Highlights

- Eligible students living off-reserve will be funded to attend First Nation-operated schools and federally-operated schools. A [Written Notice](#) must be provided.
- Eligible students living on-reserve will be admitted to provincially-operated schools. A [Written Notice](#) must be provided.
- First Nation schools must [register with the Ministry of Education](#) to be eligible for funding under REA.
- Existing Education Service Agreements still apply, and base fees will be determined using the Ontario “Calculation of Fees” regulation.
- [Base fees](#) are different for each school board.

Students Living On-Reserve

Students Living Off-Reserve

Before REA	Before REA
Education Service Agreements were created between the First Nation and the school board, and the First Nation would provide the school board with a list of authorized pupils for whom the First Nation would provide funding.	Reverse Education Service Agreements were created between the First Nation and the school board, students would be registered with a school board, and the board would provide the First Nation with a list of authorized pupils for whom the board would provide funding.
Under REA	Under REA
Students must now provide a Written Notice form to the school board, which indicates that they will be attending a provincially-funded school under REA. (When a First Nation and a school board have an Education Service Agreement that indicates an alternative process for submitting Written Notice, the Education Service Agreement applies.)	Students must first be registered with a school board. Students must find out the First Nation school’s admission procedures and apply for admission at the school. If admitted, students must now provide a Written Notice form to the provincially-funded school or board they are registered with or would be eligible to be registered with.
First Nation must also sign the Written Notice	First Nation must also sign the Written Notice
First Nation pays the school board for student tuition. An Education Service Agreement may still be created, and is advisable.	School board pays the First Nation. An Education Service Agreement may still be created, and is advisable.
Base fee is determined by the Ontario “Calculation of Fees” regulation	Base fee is determined by the Ontario “Calculation of Fees” regulation
Additional programs and services with additional costs may be negotiated at the local level.	Additional programs and services with additional costs may be negotiated at the local level.

Additional REA information can be found on the Ministry of Education [website](#), and in the following fact sheet: https://efis.fma.csc.gov.on.ca/faab/Memos/SB2019/SB11_Attach1_Final.pdf.

Questions & Answers

Q. Will existing ESAs continue in effect?

A. Existing agreements remain in effect until the end date stated in the agreement, unless otherwise agreed to by the First Nation and Ontario District School Board. The base fee for each year continues to be determined by the Ontario “Calculation of Fees” regulation.

Q. Is it necessary to have an ESA in place still?

A. It is recommended that AES Participating First Nations continue to have formal written agreements in place with their partner school boards. The [ESA Guidelines](#) were developed and distributed by the Kinooaadziwin Education Body to support the negotiation process. Under REA, where there are additional programs, services, and/or equipment needed to support students, there must be a written agreement that outlines the services and the additional agreed-upon costs in place.

Q. How is the base fee calculated?

A. Funding to school boards is calculated through the Grants for Student Needs (GSN). The base fee for students attending schools under REA, is determined by the Ontario “Calculation of Fees” regulation. The components used in the “Calculation of Fees” regulation are linked to the GSN components.

Q. What is the base fee for First Nation schools with students attending from off-reserve?

A. Where students are attending schools under REA, the base fee, as determined by the Ontario regulation is applied. The school boards are required to follow the Ontario laws and regulations in relation to fees. The base fees for the 2019-2020 school year may be reviewed [here](#).

Q. Can there be other fees?

A. Costs for programs and services other than those covered under the base fee, may be negotiated between the First Nation and the school board. These are in addition to the base fee.

Q. Were First Nations involved in the process for developing REA?

A. In the Fall of 2017, a working group was formed, lead by the Ministry of Education. First Nations were partners in this working group. The Anishinabek Education System was represented at the working group, by the Kinooaadziwin Education Body.

Q. Do students have to provide a Written Notice if they are already attending school under an ESA?

A. If students are already attending under an agreement, they do not have to provide a Written Notice.

Q. If a First Nation school has students attending under what has been known as a Reverse Education Service Agreement, can the existing arrangement continue under REA?

A. The current agreement continues to apply until its expiry date, unless otherwise agreed to by the First Nation and school board. The school board will be required to pay the base fee as calculated by the Ontario regulation. The First Nation school must register with the Ministry of Education as an eligible entity by March 30, 2020, for the 2020-2021 school year.

Q. Under REA, how will we know if our school is eligible for funding under Ontario legislation?

A. The Ministry of Education has produced a list of First Nation schools that are eligible for funding through the REA for the 2019-2020 school year. Table 1 is a list of federally operated schools and Table 2 is the list of First Nation operated schools. [A First Nation school must provide documentation by March 30, 2020](#), to show that it meets the criteria to remain a First Nation school eligible for funding under the Ontario legislation. The two criteria are detailed under First Nation Governance and Financial Eligibility.

Q. Does REA legislation supersede the Parental Choice policies of a self-governing First Nation?

A. Participating First Nations of the Anishinabek Education System are self-governing in education. The education laws and policies of a self-governing First Nation supersede provincial and federal legislation, where it relates to education. This includes Parental Choice policies.