FIRST NATIONS EDUCATION:

Education Services (Tuition) Agreements and Special Education

Ministry of Education

Spring 2011
Purpose

• As part of the Funding and Tuition Agreement Information Sessions, this presentation will cover:
  
  ▪ Tuition (Education Services) and Reverse Tuition Agreements
  ▪ How the per pupil fees are calculated
  ▪ The funding of Special Education
First Nation Education in Ontario

Education is provided for First Nations pupils who reside in a First Nation community through one or a combination of the following:

- Council-operated schools
- Federally-operated schools
- District School Board Operated Schools
- Provincial and Demonstration Schools
- Reverse Tuition Agreements

For 2010-11, there are more than 5,000 First Nation students attending schools in 40 different school boards in Ontario under education services (tuition) agreements.
Tuition Agreements

It is important to have a tuition agreement that
  - Protects both parties
  - Avoids misunderstanding
  - Addresses payment terms

Where a DSB is the educating party, the agreement must address:
  - All costs above the tuition fee per pupil amount
    - If a party from whom a fee is payable requests or if the board recommends and the party agrees
    - What is the program, service or equipment
    - How to determine if the board receives no or only partial funding
    - How to calculate the cost of the program, service or equipment
  - Process for adjustments during the term of the agreement
    - Changes that arise in types of programs or funding can be addressed and agreed upon by both parties

Where the FN is the educating party, the agreement must address:
  - Total cost of education
    - FN annual audit report
    - Total pupils in FN school
    - DSB pupils in FN school in October and March
  - Billing and payment processes
Calculation of Fees

• The calculation of fees is outlined in the provincial regulation 195/10 “Calculation Of Fees For Pupils For The 2010-2011 School Board Fiscal Year”
• A new regulation is filed annually to maintain consistency with the provincial funding formula
• The fees regulation outlines the formula for calculating the base tuition fee amount that boards must charge a First Nation
• The Fees regulation addresses the following:
  ▪ Tuition Fee Per Pupil Amount (Base Tuition Fee);
  ▪ Additional Program, Service or Equipment;
  ▪ Pupil Accommodation Charge
• The calculation uses most components of the Grants for Student Needs (GSN)
  ▪ Different for each board;
  ▪ Determined by a set of variables for each board;
  ▪ Excludes transportation and capital grants
GSN funding amount for each board in Ontario is different and has grown since 2003-04.
Per Pupil Amount is derived from the Grants for Student Needs (GSN)

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Tuition Fee Per Pupil Amount

- Per pupil funding is the total funding divided by the number of pupils. However, a number of grants are not derived based on the number of pupils.
- There are three major components to the GSN:

1. **Foundation Grants** (Pupil Foundation Grant and School Foundation Grant) cover the basic costs of an educational experience that is common to all students;
2. **Special Purpose Grants** address the unique needs of students, schools, and school boards;
3. **Debt Service** provides funding to cover the costs of capital debt incurred prior to August 2010.
Additional Costs

• Occasionally, the cost of providing certain programs, services, and equipment to students attending under tuition agreement requires additional costs

• The board and the First Nation may agree to increase the fee for a pupil for a specific program, service, or equipment

Additional Costs may be applied where the First Nation requests additional services reflecting their own priorities. Examples are:

- Specialized non-computer equipment that the board doesn’t receive funding for in the base fee
- Where a board doesn’t offer a native language or native studies program, the base fee doesn’t include costs of providing these programs to tuition paying pupils

• If the additional cost cannot be agreed upon, it shall be determined by three arbitrators. This process is outlined in the regulation (O. Reg. 84/08, section 3(6))
Amendments to the Calculation of Fees Reg

In some cases, it has been determined that the needs of individual First Nation students attending publicly-funded schools under tuition agreements may require additional funding over and above the per pupil tuition fee.

To better address this possibility, the Calculation of Fees Regulation was amended in 2010:

(6) If a party from whom a fee is payable requests, or if the board recommends and that party agrees, that the board provide an educational program, service or equipment for a pupil described in subsection (1), the fee in respect of the pupil may be increased as follows:

1. If the board does not receive any funding for the program, service or equipment in the base fee determined for the pupil, the fee may be increased by an amount equal to the cost of the program, service or equipment.
2. If the board receives partial funding for the program, service or equipment in the base fee determined for the pupil, the fee may be increased by an amount equal to the cost of the program, service or equipment that exceeds the amount received in the base fee.

(7) For the purposes of subsection (6), if the board providing the educational program, service or equipment and the party from whom the fee is receivable cannot agree on the amount by which the fee is to be increased, the amount shall be determined by three arbitrators, appointed as follows:

1. One arbitrator appointed by the board.
2. One arbitrator appointed by the party from whom the fee is receivable.
3. One arbitrator appointed by the arbitrators appointed under paragraphs 1 and 2.

(8) The decision of the arbitrators or a majority of them is final and binding on the board and on the party from whom the fee is receivable.
Pupil Accommodation Charge

**Pupil Accommodation Charge (PAC)** is a standard charge which pays for capital costs which must be charged by boards. These charges have remained constant since 1998.

- **Elementary:** $141
- **Secondary:** $282

*These are considered modest charges, as the benchmark funding for new schools is $1,167 for elementary students and $1,591 for secondary pupils*
Special Services

• The Education Act (188(4)) allows for boards to provide special services for fee paying pupils that it doesn’t provide for pupils of the board if the cost of such services is recovered by the board

• This allows First Nations to purchase services not otherwise provided

• Examples of Special Services include:
  – *First Nation student advisors in schools;*
  – *Additional staff funded through a First Nation job creation program*
Reverse Tuition Agreements

The Simcoe County DSB and Rama First Nation approached the Ministry to develop a “reverse tuition agreement” beginning in the 2002-03 school year

- A number of families were moving to the area to work at Casino Rama;
- Although they were unable to live on the reserve, they wanted their children to attend the school operated by the First Nation;
- The request was facilitated by the Ministry by amending the Grants for Students Needs regulation (GSN) to allow the board to pay tuition to the First Nation;
- A tuition agreement was developed that outlined the programs and services that each party provided, and how funding would be exchanged

Should other school boards and First Nations wish to enter into similar arrangements, they should discuss the proposed agreement with the Finance Officer for the board (http://faab.edu.gov.on.ca/FO%20List.pdf)
Reverse Tuition Agreement Process

• Once an agreement is in place
  ▪ First Nation bills the board for the students attending the school operated by the First Nation as of the October 31st and March 31st count dates
  ▪ It is the responsibility of the board to verify the accuracy of the invoice (i.e. number of pupils attending, full-time vs. part-time)

• Board will submit to the Ministry Finance Officer the invoice and documentation for review
  ▪ Agreement related to the arrangement for admission of board pupils in the First Nation school
  ▪ Number of pupils in school and board pupils attending school
  ▪ Cost per pupil (lesser of First Nation operating cost supported by annual audit report and board GSN per pupil)

• Upon approval, board request is processed for payment
  ▪ Payment handled similarly to payments for students attending schools in Manitoba and Quebec
  ▪ Board reports tuition expenditure as other non operating expenditure, and revenue as other grants
Special Education Per-Pupil Components

• There are some differences in how the province and the federal governments approach and fund Special Education

• Per-pupil provincial Special Education funding is based on total enrolment allocated through the Special Education Grant (incremental to other GSN funding); the per-pupil components are:
  - Special Education Per Pupil Amount (SEPPA);
  - High Needs Amount (HNA);
  - A portion of the Special Education Equipment Amount (SEA);
  - Behaviour Expertise Amount (BEA)
Special Education Funding
Per Pupil Components

SEPPA (Special Education Per Pupil Amount)
- Recognizes cost of providing additional assistance to the majority of students with special needs;
- Allocated to boards based on total enrolment, not just students with special education needs

HNA (High Needs Amount)
- Addresses the cost of providing the intensive staff support (e.g. Education Assistants) required by the small number pupils with very high needs;
- Board specific per-pupil amount based on multiple calculations (ADE x board-specific HNA; plus 50% stabilization compared to 2006-07; plus the Measures of Variability) based on total enrolment, not just students with special education needs

Special Equipment Amount (SEA)
- Supports pupils with unique equipment needs;
- Based on Guideline requirements:
  - a per-pupil amount for computers based on total enrolment, not just students with special education needs;
  - excludes non-computer claims based amounts

Behaviour Expertise Amount (BEA)
- Per-pupil funding provided to hire additional board level Applied Behaviour Analysis (ABA) expertise to support principals, teachers, and multi-disciplinary transition teams.
Summary

Education for First Nation students who reside in a First Nation community is provided for through federal funding. AANDC oversees the terms and conditions for the various aspects of education funding. In Ontario, most First Nation communities set local education policy and manage their own operations. AANDC directly administers education in a small number of First Nation communities.

First Nations may opt to purchase education services from a publicly-funded board. Provincial legislation guides how this practice occurs. Legal agreements between First Nations or AANDC and Boards outline the specific costs and services.

The provincial legislation clearly outlines how a base fee is determined. It also allows for additional programs, services, and equipment as agreed upon by the First Nation or AANDC and the Board in their tuition agreement.

The tuition calculation is intended to reflect the provincial funding associated with providing the education program within an individual board. It is based on the profile of the board, its pupil mix, and programs provided.
Summary

The education funding structures and policies that apply to First Nation students attending schools on reserve will be different from those that apply in a district school board. The structure and policies in First Nation communities have evolved to meet the needs of each unique community. In developing an Education Services agreement that works well for First Nation students, it is important that each party to the agreement has a clear understanding of the similarities and differences in their respective structures and policies, and that there is validity and value in each.

Where there are tuition fees being charged, a formal written agreement between the First Nation or AANDC and Board, outlining services and costs, must be in place.

Questions?

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