



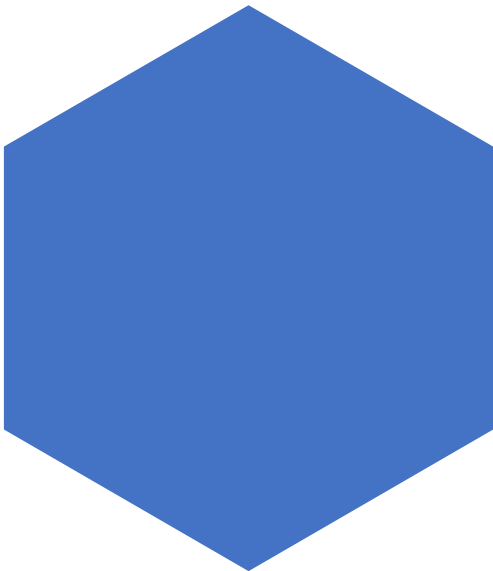
# Reciprocal Education Approach

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Frequently Asked Questions

Ministry of Education

2024-25





# Reciprocal Education Approach

## Introduction

The purpose of this document is to provide supplementary information in addition to the Reciprocal Education Approach (REA) to ensure consistent implementation throughout the province. The 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 Nations students wishing to access schools of a school board or First Nation- or federally-operated schools.

## Background

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* (in 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 ongoing 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 and Eligible Expenses
- Student Eligibility
- School Eligibility
- Existing Education Service Agreements (ESAs)/Reverse Education Service Agreements (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 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 Nations 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.

### 1.2 Which First Nations, Tribal Councils or Indigenous Education systems were engaged with on the development of the REA?

**A:** In the Fall of 2017, in response to concerns from First Nations and school boards on the provisions in the [Education Act](#) regarding Education Services Agreements and Reverse Education Services Agreements, the Ministry of Education invited First Nation Provincial Territorial Organizations, Independent First Nations, the Chiefs of Ontario, the Kinooaadziwin Education Board and school board associations to participate in a working group.

In May 2018, amendments to the *Education Act* received Royal Assent. These amendments set out the legislative framework for the REA. In February 2019, the working group was reconvened to work on the implementation considerations of the REA. Regulations setting out implementation details were developed based on the input of the working group.

### 1.3 How can First Nations continue to provide feedback on the REA?

**A:** The REA is currently in its fifth year of implementation. The Ministry of Education continues to collect feedback from partners on implementation challenges and successes through phone calls, the annual REA Webinars and via email.

The ministry also continues to engage with the REA Working Group on solutions to make the REA adaptive to the emerging needs of First Nations and school board partners. The REA Working Group will also continue to discuss First Nation representation and REA Working Group membership.





## 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 amount (known as the reciprocal base fee) that a school board is required to pay a First Nation entity that operates the First Nation school an elementary or secondary 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 elementary or secondary student who ordinarily resides on reserve attending a school of a school board.

The elementary or secondary base fees are per pupil amounts that are unique to each school board. The per pupil amounts are determined using a standardized calculation that is based on the formula for Core Education Funding (Core Ed), which is the provincial operating funding provided to school boards. School boards do not determine the elementary or secondary base fee.

For further details, see [O. Reg. 261/19 \(Reciprocal Education Approach\)](#).

A list of each school board's elementary and secondary base fees, based on their estimates, is posted on the ministry's website on an annual basis.

The calculation of the reciprocal base fee under REA includes and excludes the Core Ed components below<sup>1</sup>:

Included in Base Fee	Excluded from Base Fee	Additional Services/ Supports Negotiated Outside of the Base Fee
<b>Classroom Staffing Fund (CSF)</b>		
<ul style="list-style-type: none"> <li>• CSF – Per Pupil Allocation</li> <li>• Language Classroom Staffing Allocation</li> <li>• Local Circumstances Staffing Allocation</li> <li>• Indigenous Education Classroom Staffing Allocation<sup>2</sup></li> </ul>		<ul style="list-style-type: none"> <li>• Indigenous Education Classroom Staffing Allocation<sup>3</sup></li> </ul>

<sup>1</sup> The funds and allocations specified within the table are based on the 2024-25 Core Ed and are subject to change based on year-over-year changes to the Core Ed.

<sup>2</sup> Under the REA, additional funding may be negotiated separately (e.g., to support additional Indigenous languages or First Nations, Métis and Inuit studies courses).

<sup>3</sup> Additional amounts for Indigenous Languages or First Nations, Métis and Inuit Studies courses may be negotiated if the course is not offered at the school in which the student would be admitted to.



<ul style="list-style-type: none"> <li>Supplemental Staffing Allocation – Literacy, Numeracy and Other Programs</li> </ul>		
<b>Learning Resources Funding (LRF)</b>		
<ul style="list-style-type: none"> <li>LRF – Per Pupil Allocation</li> <li>Language Supports and Local Circumstances Allocation (<i>excluding start-up funding for new French-language elementary schools in LRF – FFL component</i>)</li> <li>Indigenous Education Supports Allocation<sup>4</sup></li> <li>Mental Health and Wellness Allocation</li> <li>Student Safety and Well-Being Allocation</li> <li>Continuing Education and Other Programs: Tutoring component</li> <li>School Management Allocation</li> <li>Differentiated Supports Allocation – Demographic, Socioeconomic and Other Indicators (<i>excluding transportation amounts</i>)</li> </ul>	<ul style="list-style-type: none"> <li>Language Supports and Local Circumstances Allocation: start-up funding for new French-language elementary schools in the LRF – FFL component</li> <li>Continuing Education and Other Programs Allocation (<i>all excluded except the Tutoring component</i>)</li> <li>Differentiated Supports Allocation – Demographic, Socioeconomic and Other Indicators: <i>transportation amounts within the LRF – Student Success, Grade 7 to 12 and LRF – Experiential Learning components</i></li> </ul>	
<b>Special Education Fund (SEF)</b>		
<ul style="list-style-type: none"> <li>SEF – Per Pupil Allocation</li> <li>Differentiated Needs Allocation (<i>except</i></li> </ul>	<ul style="list-style-type: none"> <li>Differentiated Needs Allocation: <i>Northern Adjustment category</i></li> </ul>	<p>Claims-based components:</p> <ul style="list-style-type: none"> <li>Negotiated additional special education</li> </ul>

<sup>4</sup> Under the REA, additional funding may be negotiated separately.



<p><i>Northern Adjustment category within Measures of Variability (MOV) component)</i></p> <ul style="list-style-type: none"> <li>• Complex Supports Allocation (except Special Incidence Potion (SIP) and ECPP components)</li> <li>• Specialized Equipment Allocation (SEA): SEA Formula component based on 2023-24 SEA Per-Pupil amount</li> </ul>	<p><i>within MOV component</i></p> <ul style="list-style-type: none"> <li>• Complex Supports Allocation:                             <ul style="list-style-type: none"> <li>○ SIP component</li> <li>○ ECPP component</li> </ul> </li> <li>• SEA: SEA Claims-Based component</li> </ul>	<p>staffing amounts based on 2022-23 maximum SIP funding amount per eligible claim with benchmark updates</p> <ul style="list-style-type: none"> <li>• Negotiated special education equipment amounts based on 2023-24 SEA claims-based approach and deductible</li> </ul>
<p><b>School Facilities Fund (SFF)</b></p>		
<ul style="list-style-type: none"> <li>• School Operations Allocation:                             <ul style="list-style-type: none"> <li>○ Base School Operations component (excluding amounts related to students funded primarily through the Continuing Education and Other Programs Allocation)</li> <li>○ Enhanced Top-up for School Operations component</li> <li>○ SFF – Supports for Students component</li> <li>○ SFF – Benefits Trusts component</li> </ul> </li> <li>• Rural and Northern Education Allocation</li> </ul>	<ul style="list-style-type: none"> <li>• School Operations Allocation:                             <ul style="list-style-type: none"> <li>○ Base Operations component for students funded primarily through the Continuing Education and Other Programs Allocation i.e. adult, high-credit, summer school and continuing education</li> <li>○ Community Use of Schools component</li> <li>○ Capital Lease on School Authority Amalgamation component</li> <li>○ ECPP Operations component</li> <li>○ Renewal Software Licensing Fee component</li> </ul> </li> </ul>	



	<ul style="list-style-type: none"> <li>• School Renewal Allocation</li> </ul>	
<b>Student Transportation Fund (STF)</b>		
	Entire STF	<ul style="list-style-type: none"> <li>• Student transportation amounts</li> </ul>
<b>School Board Administration Fund (SBAF)</b>		
<ul style="list-style-type: none"> <li>• Trustees and Parent Engagement Allocation</li> <li>• Board-Based Staffing Allocation</li> <li>• Data Management and Audit Allocation:                             <ul style="list-style-type: none"> <li>○ Managing Information for Student Achievement component</li> <li>○ Demographic Data Gathering component</li> <li>○ Capital Planning Capacity component</li> <li>○ Non-Instructional Spaces component</li> </ul> </li> <li>• Declining Enrolment Adjustment (DEA) Allocation</li> </ul>	<ul style="list-style-type: none"> <li>• Central Employer Bargaining Agency Fees Allocation</li> <li>• Data Management and Audit Allocation:                             <ul style="list-style-type: none"> <li>○ Regional Internal Audit Team (RIAT) component</li> <li>○ External Audit component</li> <li>○ Reporting Entity component</li> </ul> </li> </ul>	

**2.2 Why do dollars have to flow from a school board to a First Nation school? Why isn't funding flowed directly from the ministry to a First Nation school?**

**A:** The REA process is a local process, initiated by the submission of written notice by a First Nation entity to a school board. This requires collaboration between the First Nation entity and a school board to meet the needs of students. The funding follows this relationship.



**2.3 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. See [Question 8.2](#) regarding reimbursement criteria for these costs.

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 \(Reciprocal Education Approach\)](#).

**2.4 Are Indigenous Languages and First Nations, Métis and Inuit Studies course costs included in the reciprocal base fees, or do those costs need to be negotiated?**

**A:** Allocations within the Core Ed related to Indigenous languages and First Nations, Métis and Inuit studies courses are included in the reciprocal base fee. Additional amounts for Indigenous languages or First Nations, Métis and Inuit 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.

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

**A:** The payment schedule set out in the 2024-25 REA Instructions for First Nations and School Boards outlines the schedule of payments to school boards. Late submissions will be processed as part of the next payment cycle, provided information has been submitted as per the deadlines shown in the *REA Instructions*.

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 [2024-25 REA Instructions for First Nations and School Boards](#)*.

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

**A:** The reciprocal base fee calculations are 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 school board, the student should register at and deliver written notice to the nearby English-language public school board.

## **2.7 Does the base fee, calculated using school board estimates, get updated throughout the year and do the payments change accordingly?**

**A:** Payments are based solely on the base fee which is calculated using data submitted by school boards for the estimates cycle in the summer before each school year. The base fee is set at this amount for the year to ensure stability and predictability for all REA partners.

**Note:** The ministry is planning on updating 2024-25 benchmarks in Education Financial Information System (EFIS) prior to the start of the new school year to reflect both the impacts relating to Bill 124 along with the impacts relating to the 2022-2026 collective agreements. School boards' Estimates submissions will be updated with these revised benchmarks to reflect the updated fees prior to the start of the school year. The ministry will notify school boards when this update is effective. School boards are not required to calculate/estimate the increase to their tuition fees for the 2024-25 Estimates, nor are they required to put a corresponding revenue on Schedule 9 of the EFIS forms.

## **2.8 Will there be any adjustments to the base fee once revised estimates or financial statements have been submitted by school boards?**

**A:** The base fee is set at the amount established following school board estimates in the summer before each school year to ensure stability and predictability for all REA partners. The REA sets out a reciprocal base fee which school boards will be required to pay or charge First Nation Entities, depending on where the student attends school. As indicated on pg. 28-29 of the [2024-25 REA Instructions for First Nations and School Boards](#), the base fee amount will be based on school board estimates for the given school year. School boards are required to charge the base fee listed on the ministry's website which will be based on estimates data.

School boards have access to their base fee calculation based on estimates through the EFIS. However, please note that for 2024-25 the ministry is updating



benchmarks in EFIS prior to the start of the new school year to reflect both the Bill 124 impacts along with the impacts relating to the 2022-2026 collective agreements.

The base fee amount, as posted on the Ministry website, should be used in all calculations for funding and invoicing purposes. The base fee will not be adjusted subsequent to the submission of revised estimates or financial statements by school boards.

## 2.9 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. School 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 are 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.

## 2.10 How will the base fee that is paid or charged to a First Nation entity change if a student decides to change schools?

**A:** School boards and First Nation schools report student enrolment of REA students on two dates in each school year, referred to as "count dates" (i.e., October 31 and March 31). As such, the amount that would be paid by the school board (for students registered at the school board who are attending First Nation schools under the REA), or charged to the First Nation (for students attending schools of the board under the REA) would be based on the reciprocal elementary or secondary base fee amount listed on the ministry's [website](#) for the school board where a student is registered on the count date.

For a student who may begin attending a different school of a different school board:

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



If the student moves to a different school within the same school board, the same reciprocal elementary or secondary base fee amount for that school board would apply.

For a student who may begin attending a different First Nation school operated by a different First Nation entity:

If a student moves to a First Nation school that is operated by a different First Nation entity, the First Nation entity operating the new school and the parent, guardian, student or Another Authorized Person would have to provide written notice to the school board to initiate the school board's obligation to support the student's admission to the new First Nation school.

If the student remains registered at the same school board and moves to a different First Nation school, then the same reciprocal elementary or secondary base fee amount for that school board would apply.

## **2.11 What will happen if a First Nation cannot afford to pay the base fee due to federal underfunding?**

**A:** The Ministry of Education will continue to engage with the Indigenous Services Canada to jointly identify solutions to support First Nation students to attend the provincially-funded school system under REA.

## **2.12 Why are fees different from one school board to the next?**

**A:** The amount (known as the reciprocal base fee) that a school board is required to pay a First Nation entity for an elementary or secondary student attending an eligible First Nation school under REA is the same amount that the same school board is required to charge the First Nation entity for a First Nation elementary or secondary student who ordinarily resides on reserve attending a school of a school board.

The elementary or secondary base fees are per pupil amounts that are unique to each school board. The per pupil amounts are determined using a standardized calculation that is based on the formula for Core Education Funding (Core Ed), which is the provincial operating funding provided to school boards. School boards do not determine the elementary or secondary base fee.

The Core Ed is equity-based to help ensure that the same level of services across the province can be provided by school boards, recognizing that a school board's unique circumstances (e.g., remote/rural factor, school dispersion and demographics) require different levels of resources, which means the per pupil amounts vary between school boards. The funds / allocations used to calculate the base fees are closely aligned with each school board's operating funding but





there are some variations (See REA Instructions for more details). The base fee calculations are also updated each year to reflect annual changes to the Core Ed formula made by the province.

A list of each school board's elementary and secondary base fees is posted on the ministry's website annually.

### **2.13 What if a First Nation requires a higher elementary or secondary base fee to be paid by the school board?**

**A:** The funding available for a student under the REA is the elementary or secondary base fee and any additional funding supports agreed to between the school board and the First Nation.

The base fee is the funding that a school board is required to pay a First Nation entity for an elementary or secondary student that is attending an eligible First Nation school under REA which is the same amount that the same school board is required to charge the First Nation entity for a First Nation elementary or secondary student attending a school of a school board.

Under REA, 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. In this case, parties are encouraged to seek advice of their legal counsel.

### **2.14 What are the implications of the REA if First Nation schools and Entities negotiate with Indigenous Services Canada a per pupil funding amount significantly higher than their provincial local school board amounts?**

**A:** Funding from the federal government is not part of the REA base fee calculation.

## **SECTION 3: DOCUMENTATION REQUIREMENTS**

### **3.1 What is a written notice?**

**A:** Written notice is the mandatory information that must be provided by the First Nation entity and the parent, guardian, student<sup>5</sup> or Another Authorized Person to the school of a school board to initiate the REA process. Written notice is

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<sup>5</sup> The student may provide written notice if they are 18 years old and older or if they are 16 or 17 and have withdrawn from parental control.



delivered to the school of a school board where the student is already registered, or intends to register for the purposes of REA.

Upon delivery of a complete written notice to the school, the school board must either admit an eligible student to a school of the school 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 school board or a First Nation school, the school board must pay or charge the elementary or secondary 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 Does the written notice have to be provided every year? What about when a student graduates from elementary school?**

**A:** Written notice must be submitted for each student under the REA and is a one-time requirement<sup>6</sup>.

### **3.3 If a new sibling enrolls with the intent of attending a First Nation school and evidence of residency was provided for the older siblings, does the same documentation need to be provided again for the new sibling?**

**A:** The school of a school board must verify each student's eligibility independently of their siblings to support the flow of funding from the school board to the First Nation entity operating the First Nation school.

The student and their parent, guardian or Another Authorized Person will be required to provide documentation demonstrating the following:

- Their right to permanently remain in Canada (e.g., band membership, citizenship status); and
- A resident of Ontario (i.e., home address).

Please contact the school board directly as they can assess each situation individually and provide guidance on the documentation required.

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<sup>6</sup> If a student changes to a school of a different School Board or a different First Nation school, the written notice must be resubmitted.



### **3.4 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 RESA<sup>7</sup>, written notice is not required unless or until the ESA or RESA expires or is terminated.

Should the ESA or RESA expire or be terminated, to participate in the REA and initiate the school board's obligations under REA, written notice must be provided.

### **3.5 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, student or Another Authorized Person. The written notice must be completed by the First Nation and the parent, guardian, student or Another Authorized Person for the student to participate in REA.

### **3.6 Who is responsible for completing the written notice?**

**A:** Completion of the written notice is a shared responsibility under the REA.

Parents, guardians, students and/or Another Authorized Persons are advised to work with their Band, Tribal Council, Education Authority or the federal government to complete these forms.

School boards and First Nation partners are encouraged to work together to support students and their families in completing the written notice.

For further clarification, to support the completion of the written notice the written notice requires information from the First Nation entity and student/family in Sections 1 and 2. Sections 3, 4 and 5 may be completed by the school board and/or the student/family.

Written notice must be delivered by the First Nation entity or the parent, guardian, or student or Another Authorized Person to the school of a school board at which the student is currently registered or going to register.

### **3.7 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

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<sup>7</sup> "Existing" ESAs/RESAs are ESAs and RESAs that were entered into before September 1, 2019.



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 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.

### **3.8 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. 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 meet the criteria set out in the [Special education funding guidelines: Special Equipment Amount \(SEA\), 2023-24](#) for special education equipment and the [Special Education Funding Guidelines: 2022-23 Special Incidence Portion \(SIP\)](#) for additional special education staffing. In this case, school boards and First Nations may want to align the 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 questions 8.2 and 8.3.

### **3.9 How are school boards to report students registered with a school 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 Ontario School



Information System (OnSIS) application. These students must not be included in the school board's Enrolment Register for Day School Students.

**3.10 In terms of the preliminary payment reporting requirements for school boards, what happens if the number of new written notices provided to the board and/or existing RESAs that are in place do not accurately reflect the number of First Nation students enrolled in the school of the board? If a child still attends the school from a First Nation from the previous year?**

**A:** As per Section 2c of the [2024-25 REA Instructions for First Nations and School Boards](#), the preliminary payment is based on the number of complete written notices provided to a school of a school board and/or existing RESA in place.

The second payment will be updated to take into consideration any difference between the September estimates and October actuals.

**3.11 How would a school board know a First Nation's semester model (i.e., conventional model, quadmester, octomester, etc.)?**

**A:** The school board should verify the First Nation school's semester model with the First Nation school directly.

**3.12 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 elementary or secondary 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; 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. Note: See [Question 8.2](#) regarding reimbursement criteria for these costs.

### **3.13 Are school boards required to review education agreements under REA annually?**

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

### **3.14 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 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 for First Nations and School Boards 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 in accordance with the timelines set out in the 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.

As part of the audit process, First Nation schools/Entities may be required to provide student timetables or other documents 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 For a student who wishes to attend a First Nation school, is it necessary to complete and keep a Pupil Eligibility Attestation Form?**

**A:** School boards are required to retain evidence (e.g., Pupil Eligibility Attestation Form) regarding student eligibility for any student attending a First Nation school under the REA for audit purposes.

#### **4.3 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, this is sufficient to confirm they are eligible to attend a school of a school board under the REA, and 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.
- A student who is already registered or attending a school of a school board is only required to deliver a complete written notice form to the school in which the student is currently registered or attending and no further action is required.
- Students should be listed on the Enrolment Register for Day school students as “Other Pupils” with the appropriate board residence status type.

#### **4.4 Are students eligible to register under REA for a second semester start date?**

**A:** Yes. The written notice, if required, should indicate the second semester start date.

#### **4.5 When a student moves to a reserve mid-year, should the student be considered a pupil of the board or ‘other’ student when attending a school of a school board?**

**A:** The student's status on the funding count dates should be followed. If a First Nation pupil moves to a reserve before a count date (e.g., October 31 or March





31), the pupil should enter into a REA to attend a school of a school board. If the pupil moves after the count date, they would be funded by the province as a pupil of the board.

#### **4.6 What are the documents acceptable by the ministry which school boards may use to verify a student's residence to determine pupil of the board status eligibility?**

**A:** Please see below a list of acceptable documents which school boards may use to verify residence:

- current utility bill
- current property tax bill
- current phone bill
- current agreement of purchase and sale (property)
- other documentation to confirm a student's residency status

An Ontario driver's license is not an acceptable form of documentation to confirm a student's residency status.

This information can be found in the [SB Memo: Clarification of Policies and Supporting Documentation to Confirm Pupil Residency and Eligibility Status](#) sent on May 7, 2018 as well as the [Enrolment Register Instructions for Elementary and Secondary School Students](#).

#### **4.7 How can an Ontario Student Record (OSR) or Ontario Education Number (OEN) be generated for students that have never attended a school of a school board, but are now attending a First Nation school through the REA?**

**A:** If a student will be attending a school of a school board, the school board is encouraged to contact the First Nation entity to confirm if an OSR exists for the student in question and request the First Nation entity transfer the record if it exists.

If it has been ascertained that an OSR does not exist or is not available, then the school board should create an OSR for the student for its own records (student will be attending a school of the school board) or create and prioritize the transfer of the new OSR to the First Nation entity that operates the school the student intends to attend.

As detailed in the OSR Guideline, First Nation schools may, but are not required to, establish and maintain an OSR for their students.



In the case where an OEN was not provided in the Written Notice Form, it is recommended that the school board contact the respective First Nation school to confirm if an OEN exists for the student in question. If not, the school board should search the OEN Registry to verify that an OEN was never assigned to the student by another school. If it has been ascertained, from both sources, that an OEN was not previously provided, then the school board should assign an OEN to the student. The new OEN should then be shared with the First Nation entity that operates the school the student intends to attend.

School boards are encouraged to take the steps above for both students transferring from within the school board's jurisdiction, and those transferring from outside the school board's jurisdiction (i.e., First Nation- / federally-operated schools), respectively.

#### **4.8 Is the written notice form required for the transfer of a student's OSR?**

**A:** It is not necessary to use the written notice form in order to request transfer of a student's OSR. Any written request that sets out the information needed as outlined in the OSR Guideline, should be acted upon.

#### **4.9 We are looking to consolidate written notice with our existing registration forms and consents to simplify the requirements - do they need to be separated or is consolidating them okay?**

**A:** First Nation Entities may complete written notice for the purposes of REA in a way that makes sense with existing policies and processes. However, there are some mandatory components of the written notice process that must be adhered to:

- The written notice template provided by the ministry does not have to be used, however all mandatory sections of the template must be represented on the written notice submitted to the school board. A template for written notice that may be used is on the ministry's website.
- Written notice must be provided for each student as a one-time requirement<sup>8</sup>.
- Written notice must be completed by the First Nation entity and the parent, guardian, student or Another Authorized Person.
- Written notice must be delivered by the First Nation entity or the parent, guardian, student or Another Authorized Person to the school of a school board at which the student is currently registered or going to register.

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<sup>8</sup> See [Q2.10](#) for Written Notice requirements when a student changes schools.



#### **4.10 What happens if a First Nation does not consent to sign a written notice for a student to attend a school of a school board through the REA?**

**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 support a student to attend a school of a school board under the REA.

The REA process is initiated by the submission of the written notice form to the school of a school board. Under the REA, upon submission of the written notice, school boards must pay the base fee for an elementary or secondary student attending a First Nation school or admit an eligible student to a school of a school board, as the case may be.

If the school board has not received written notice under the REA and there is no existing education services agreement in place between the First Nation and school board, and the student is a “registered Indian residing on a reserve within the meaning of the Indian Act (Canada)”, it is within the board’s discretion to admit the student.

The board is encouraged to consult with its legal counsel on these matters, as well as on issues regarding the charging of fees for such students. Parents of students wishing to attend the school board may also wish to speak with representatives of the First Nation to address issues regarding the payment of fees for a student.

#### **4.11 If a student who was already enrolled in the local school of a school board wishes to attend a First Nation-operated school, is it necessary to confirm eligibility again when the student wishes to enroll in the First Nation-operated school?**

**A:** For each student, school boards will be required to confirm eligibility requirements at the time of registration of the student with a school of the school board.

If the pupil is already enrolled as a pupil of the school board, the existing registration/attestation documents are sufficient.

A complete written notice form is required to initiate the REA.

## **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-operated/federally-operated school under REA, subject to the school’s admission policy.



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 or Another Authorized Person 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, eligible to attend a school of a school 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 not on the nominal roll, eligible to attend a school of a school board under REA?**

**A:** Students who ordinarily reside on-reserve and attend, or wish to attend, a school of a school board, are eligible to attend a school of a school board 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 roll can attend provincially-funded schools with a fee of \$40 per month, or they are eligible to attend First Nation-operated/federally-operated schools under the REA process, subject to the school's admission policy.



#### 5.4 Can a school board participate under the REA with a First Nation that is not neighboring or close to their catchment area?

##### **A: Scenario 1** – *For a student who wishes to attend a school of a school board*

As specified in the [REA Instructions for First Nations and School Boards](#), the eligibility criteria for students who attend, or wish to attend, a school of a school board under the REA include the following requirements:

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).

Provided that the student meets the above criteria, and submits the required documentation, including complete written notice (including written notice from the student's First Nation), the student would be eligible to attend a school of a school board under the REA. The school board would also charge the elementary or secondary base fee as prescribed in the annual Fees regulation under the *Education Act*.

Please note that 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.

##### **Scenario 2** – *For a student who wishes to attend a First Nation school*

The REA does not preclude a school board from supporting a pupil of the board (or a person eligible to be a pupil of the board in accordance with the REA regulation) to attend a school on a First Nation reserve that is not close by or neighbouring the school board catchment area (or a First Nation-operated/federally-operated school that is off reserve but located in another school board area).

The school board must support the student to attend the First Nation school if the following eligibility criteria are met:

- the school that the student intends to attend is an eligible school (please see list on the ministry [website](#);
- 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 are a pupil of the board or are eligible to be a pupil of the board in accordance with [O.Reg.261/19 \(Reciprocal Education Approach\)](#).

As such, a student who resides off-reserve and wishes to attend a First Nation school must deliver the written notice to, and register at, a school of a school



board.

**Please note**, 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 the [REA Instructions for First Nations and School Boards](#) for further details.

**5.5 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:** 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.

The ministry is currently working with the REA Working Group to explore potential solutions associated with the age cap and eligible funding amounts on adult education for students over the age of 21.

**5.6 Are First Nations required to consent to and pay for First Nation students who wish to attend a provincially funded school off-reserve?**

**A:** Nothing in the *Education Act* or its regulations requires a First Nation to support a student to attend a school of a school board under the REA.

If the First Nation supports a student to attend a school of a school board under the REA, and agrees to pay the reciprocal elementary or secondary base fee for the student, the entity may provide written notice to the school board.

**5.7 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/federally-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.



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

**Equally, can a non-French-language education rights holder, who resides off reserve, register at a school of a French-language school board under REA and attend a First Nation-operated school? Or should they register at the English language public school 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 school 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-operated/federally-operated 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, school boards may wish to consider consulting with their legal counsel on individual cases.

**5.9 How is student eligibility verified by the school board?**

**A:** School boards are required to verify student eligibility under the REA through the written notice process.

The purpose of the written notice is to initiate a school board's obligation to support an eligible student's admission to an eligible First Nation-operated/federally-operated school or to admit an eligible student to a school of a school board and provide the necessary information to verify student, and school eligibility, where applicable.

Upon receiving the written notice, schools must ensure that:

- Written notice has been submitted (Note, the written notice template provided by the ministry does not have to be used, however all mandatory sections of the template must be represented on the written notice submitted to the school board. A template for written notice that may be used is on the ministry's [website](#);
- The mandatory content in the form is completed;
- Where a student wishes to attend a First Nation-operated/federally-operated school, the school that the student intends to attend is an eligible school; and,
- Where a student wishes to attend a First Nation-operated/federally-operated school, the student is eligible to be registered as a pupil of the





board in accordance with the ministry's enrolment policies set out in the [Enrolment Register Instructions for Elementary and Secondary Schools](#).

## 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 First Nation school to be eligible to receive funding for students attending their schools under REA, the school must be operated by an eligible entity<sup>9</sup> and must not charge tuition to pupils for elements of classroom education that are required by, and generally common to, all students.

The schools contained in Table 1 of s. 3 of [O. Reg 261/19 \(Reciprocal Education Approach\)](#) are eligible for funding under the REA.

If a First Nation school is not listed in Table 1 of section 3 of O. Reg. 261/19 and wishes to participate in the REA, schools are required to provide documentation to the ministry that demonstrates that:

- they are governed by an eligible entity; and
- they do not charge tuition to pupils or their parents or guardians for elements of a classroom education that are required by, and generally common to, all students (e.g. costs related to staffing and administration.)

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

- Band Councils: Band Council Resolution
- Eligible corporate entities: Board resolution or declaration

To demonstrate that the school does not charge tuition, the following documentation will be accepted by the ministry:

- An attestation that confirms the school does not charge tuition to pupils or their parents or guardians for elements of a classroom education that is required by, and generally common to, all students.

For any school not listed in Table 1 of O. Reg. 261/19, the entity that operates that school must provide the above-described documentation to the ministry by no later than October 30<sup>th</sup> 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](#)

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<sup>9</sup> 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 provide their school eligibility documentation in the form of a Band Council Resolution?

**A:** The ministry has provided guidance on the types of documentation that Entities may submit to demonstrate school eligibility requirements, for example, a Band Council Resolution, board resolution or declaration (to demonstrate First Nation governance), and an attestation (to demonstrate that the entity does not charge tuition). However, it is for the First Nation entity to decide what documentation would be appropriate to demonstrate the above requirements. Other forms of documentation may be provided, which the ministry will review on a case-by-case basis.

## 6.3 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).

## 6.4 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]**.”*

## 6.5 What happens once a First Nation-operated/federally-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 added to the list of [eligible schools on the ministry's website](#) by November of each year.

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



**6.6 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 eligible students who reside off reserve to be able to attend their schools, and to receive funding for students attending their schools, under REA.

**6.7 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 another band council, are still eligible for REA.

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

**A:** The initial list of eligible schools was established with the intent of ensuring as many schools as possible would have the opportunity to be eligible for funding under REA.

Table 1 of s. 3 of [O. Reg. 261/19 \(REA\)](#) includes federally-operated schools, First Nation-operated schools that have been inspected by the ministry for the purposes of credit-granting authority for the Ontario Secondary School Diploma, schools operated by an eligible entity that had a reverse education services agreement in place with a school board in 2017-2018, and schools operated by an eligible entity that had an existing relationship with the ministry through the ESA/RESA Working Group.

Any schools not listed in Table 1 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 list, or if they are not on the list, they may opt not to submit the required documentation to demonstrate eligibility, if they choose not to participate in REA.

For the current list of eligible schools, please refer to the [Eligible School List](#) on the [Reciprocal Education Approach webpage](#).



### **6.9 Can a student who lives off reserve in Ontario enroll in a school on a reserve out-of-province?**

**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 elementary or secondary 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-operated/federally-operated 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/RESAs<sup>10</sup> remain in effect until the agreement expires or the agreement is terminated.

- any existing RESA will be subject to the condition that the elementary or secondary base fee that is to be paid to the First Nation entity must be at least the fee calculated in accordance with the reciprocal elementary or secondary base fee 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.

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, students or Another Authorized Persons 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

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<sup>10</sup> Existing ESAs/RESAs refers to ESAs and RESAs entered into prior to September 1, 2019.



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:

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 the [2024-25 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 attending a First Nation-/federally-operated school must deliver written notice and register with a school board if



they wish to attend the First Nation-/federally-operated school under 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 elementary or secondary base fee funding to the First Nation entity for the student.

## **7.5 Can existing ESAs or RESAs be extended or renewed once they expire?**

**A:** The ability to extend/renew an existing ESA/RESA would depend on the terms of the particular agreement. Parties are encouraged to seek advice of their legal counsel regarding the option to extend an existing agreement.

The REA applies if an existing ESA/RESA expires and it is determined that the agreement cannot be renewed or extended, or if there is no existing agreement in place between a First Nation and a school board. The REA eliminates the need for First Nations and school boards to negotiate and enter into an agreement for the base tuition fee.

First Nations and school boards can establish arrangements to meet their local needs. After existing agreements expire, First Nations and school boards can continue to enter into education agreements to support students in attending a First Nation school or a school of a school board under the REA, as the case may be (for special education supports, transportation, etc.). In this case, parties are encouraged to seek advice of their legal counsel.

Please note that in accordance with the regulation for Core Education Funding only school boards that provide the elementary or secondary base fee to First Nations under the Reciprocal Education Approach (REA), or under an existing RESA entered into before September 1, 2019 may be reimbursed by the ministry.



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

**A:** The ministry now refers to agreements entered into on or after September 1, 2019, as “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.

## 7.7 Does an ESA outlining payment schedules supersede REA between school boards and First Nations?

**A:** In the case where First Nation students are attending a school of a school board under an existing Education Services Agreement (ESA), the parties to the ESA may agree on a payment schedule that is different from the REA reporting requirements.

However, REA reporting requirements must be followed to facilitate payment to First Nation Entities for students attending First Nation schools through an existing Reverse Education Services Agreement (RESA).

Please note:

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

- 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 reciprocal base fee set out in Appendix A of the REA Instructions.
- any existing ESAs will be subject to the condition that the fee as set out in the annual Fees regulation applies.

## 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 Special Incidence Portion (SIP) guidelines even when different requirements have been negotiated as per the REA Instructions?

**A:** School boards are to develop their own internal policies and procedures for reviewing requests for 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 entity meets or aligns with [Special Education Funding Guidelines: 2022-23 Special Incidence Portion \(SIP\)](#) would facilitate the



reimbursement request that school boards may submit to the Ministry of Education. See question [8.2](#) and [8.3](#) for more information regarding reimbursement of additional special education fees by the Ministry of Education.

## **8.2 What is the ministry’s reimbursement process for additional special education fees, particularly for additional staffing costs?**

**A:** School boards are expected to submit an application package for the reimbursement of additional special education costs similar to what is outlined in the [Special Education Funding Guidelines: 2022-23 Special Incidence Portion \(SIP\)](#) for additional special education staffing and the [Special education funding guidelines: Special Equipment Amount \(SEA\), 2023-24](#) for special education equipment..

School boards and First Nation Entities are encouraged to collaborate in the preparation of applications for reimbursement by the ministry for additional special education equipment and / or special education staffing costs.

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: 2022-23 Special Incidence Portion \(SIP\)](#), and [Special education funding guidelines: Special Equipment Amount \(SEA\), 2023-24](#). The ministry will monitor implementation and consider flexibility in documentation requirements for reimbursement claims, (e.g. 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 the amount claimed for reimbursement does not exceed \$32,782; 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 Nation Entities 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, in an effort to seek continuous improvements.





**8.3 When a pupil attends a First Nation school under REA, the professional assessment requirement for additional special education equipment should 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 Special Equipment Amount (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 should be completed by a qualified professional or, in extenuating circumstances, an assessment may be completed 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 needs 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.

**8.4 What happens in instances where a school board will only negotiate up to the amount established in the REA Instructions for special education staffing, but the actual cost exceeds that amount?**

**A:** Additional special education staffing supports may be negotiated between the First Nation entity and the school board to support students attending a school of a school board or a First Nation school under the REA who have extraordinarily high needs and require additional staff to address their health and/or safety needs.

If a school board or First Nation entity agrees to pay an additional amount for additional special education staffing, it is important to note that there is a maximum amount that a P arty may pay annually (see [Question 8.2](#)).

While school boards and First Nation Entities may negotiate additional services and supports for which funding may be provided in addition to the base fee, this is on top of the base fee which already includes special education elements or funding. The elementary or secondary base fee accounts for most of the funding components that the province provides to school boards each year via the funding model, called Core Education Funding (Core Ed), which includes the Special Education Fund (SEF). School boards are expected to use the SEF and other allocations of the Core Ed to support students with special education needs. Similarly, First Nation Entities are expected to use the base fee, any additional negotiated amounts and other funding available to them to support students with special education needs.





**8.5 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 should be completed by a qualified professional or in extenuating circumstances, 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.

**8.6 Is the receiving school still responsible for the deductible for the special education equipment cost?**

**A:** If a school board or First Nation entity agrees to pay an amount for special education equipment costs including the deductible, the deductible must be specified in the agreement between the First Nation entity and school board on additional costs. The agreement will detail which party is responsible to pay what proportion (all or part) of the deductible.

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

**8.7 Can psychological assessments be included in additional special education supports?**

**A:** The elementary or secondary base fee calculation under REA includes most of the funding allocations provided through the annual Core Education Funding (Core Ed) , including the Special Education Fund (SEF). School boards are expected to use funding generated through the SEF to support the needs of students with special education needs. Similarly, First Nation Entities are expected to use the base fee and any additional negotiated amounts or other funding available to them to support the needs of students with special education needs, including assessments by professionals .

Note, while school boards and First Nation Entities may negotiate for services and supports in addition to the base fee, this does not include funding for special



education assessments by professionals . For more information on the negotiation of additional services and supports, including special education, please refer to Section 3: Information for all in the [REA Instructions for First Nations and School Boards](#) and Appendix A for more details on the Core Ed allocations that are included, partially included or excluded from the 2024-2025 REA base fee calculation.

**8.8 Who is responsible for applying for additional funding for special education staff and costs for First Nation students attending a First Nation school? Who applies when they are attending a school of a school board?**

**A:** Where students are attending a First Nation school, the First Nation entity that operates the school is responsible for assessing whether a student requires additional special education equipment or staffing, informing the school board of these needs and delivering necessary documentation as per the [REA Instructions for First Nations and School Boards](#).

To facilitate the reimbursement request that school boards may submit to the Ministry of Education, school boards should ensure that documentation supporting an additional special education staffing fee paid to a First Nation entity is consistent with Special Incidence Portion (SIP) guidelines. Similarly, ensuring that documentation supporting an additional special education equipment claim paid to a First Nation meets or aligns with Special Equipment Amount guidelines would facilitate the reimbursement request that school boards may submit to the Ministry of Education.

Where students are attending a school of a school board, the school board is responsible for assessing whether a student requires additional special education equipment or staffing, informing the First Nation of these needs and delivering necessary documentation as per the [REA Instructions for First Nations and School Boards](#).

Upon receipt of the documentation, the First Nation entity is responsible for verifying the documentation to ensure the student qualifies for additional special education staffing and/or equipment funding.

See [Question 8.2](#) regarding reimbursement criteria for these costs.



**8.9 Can school boards negotiate to receive an additional fee from a First Nation entity for additional special education supports and / or special education equipment and still get funding from the Ministry of Education? Are negotiations between school boards and First Nation Entities permitted over and above Special Incidence Portion (SIP) and Specialized Equipment Allocation (SEA) Claims-Based components?**

**A:** No, the additional special education equipment and/or staffing costs which may be negotiated between the First Nation entity and a school board to support students with extraordinarily high needs (staffing or equipment) attending a school of a school board in the REA context is in place of the Special Incidence Portion (SIP) component and Specialized Equipment Allocation (SEA) Claims-Based component in the school board context. Thus, these amounts cannot be combined with a school board claim submitted to the Ministry of Education.

**8.10 Provincially-funded school board special education supports differ from those provided to First Nation schools. How is this being addressed?**

**A:** The Ministry of Education cannot comment on the funding amounts that are provided to First Nations from the federal government.

**8.11 Can you confirm what is covered under the base fee vs. what could be negotiated for additional services and supports for special education?**

**A:** The REA sets out the elementary and secondary base fee which school boards will be required to pay or charge First Nation Entities, which is dependent upon where the student attends school. As this base fee is reciprocal, under REA a school board is required to pay a First Nation entity that operates the First Nation school attended by an elementary or secondary student of the school board, the same amount that the same school board is required to charge the First Nation entity for a First Nation elementary or secondary student attending a school of a school board.

Elementary and secondary base fee calculations align with the annual funding that the province provides to school boards known as Core Education Funding (Core Ed). The Special Education Fund, which is part of the Core Ed provides School boards and First Nation Entities additional services and supports for which funding may be provided in addition to the base fee.

See [Question 8.2](#) regarding reimbursement criteria for additional special education costs that may be negotiated.



**8.12 Are costs for additional services and supports determined in a primarily subjective way? Was there more than one reference to an amount?**

**A:** School boards and First Nation Entities may negotiate for funding, in addition to the base fee, for additional services and supports. Costs for these additional services and supports were developed in collaboration with First Nations partners and school boards from across Ontario, and came into effect September 1, 2019, through amendments to the Education Act. These additional amounts formalized in the REA instruction are summarized below:

- Additional special education costs. See [Question 8.2](#) regarding reimbursement criteria for these additional special education costs.
- Transportation amounts – No set amount, additional amounts may be negotiated between First Nation Entities and school boards.
- Indigenous languages and First Nation, Métis and Inuit studies courses - No reference amount, additional amounts may be negotiated between First Nation Entities and school boards.

**8.13 Do Special Education Fund components of the elementary and secondary base fee calculations consider factors such as school size, additional central supports and level of system structures already in place, generally, as it relates to all school boards? Is it the stance of the ministry that First Nations Entities have comparable special education supports in place?**

**A:** The REA sets out reciprocal elementary and secondary base fee amounts which school boards will be required to pay or charge First Nation Entities, depending on where the student attends school. The elementary and secondary base fee accounts for a majority of the components of funding that the province provides to school boards each year called Core Education Funding (Core Ed) including the Special Education Fund.

The Core Ed Special Education Fund consists of 6 different allocations which work together to address variation in students with special education needs and the ability of school boards to address those needs. As such, the Special Education Funds includes a multitude of factors intended to provide equitable levels of funding for students across the province. These allocations account for external factors that affect the school board's ability to meet the needs of their student population.

For example, certain funding amounts within the Special Education Fund include adjustments that recognize particular circumstances of each school board. This includes using base amounts, which are the same for all school boards regardless of size (which benefits smaller school boards) and using allocations that recognize other factors such as a remote and rural adjustments.



The elementary and secondary base fees are based on the same principles as the Core Ed and, where applicable, the same funding formulas. The elementary and secondary base fee amounts are unique to each school board.

School boards are expected to use the Special Education Fund and other allocations of the Core Ed to support students with special education needs. Similarly, First Nation Entities are expected to use the elementary or secondary base fee, any additional negotiated amounts and other funding available to them, to support students with special education needs.

The Ministry of Education cannot comment on the funding amounts that are provided to First Nations from the Federal government.

## SECTION 9: ADDITIONAL SUPPORTS AND SERVICES

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

**A:** Transportation amounts are not a part of the reciprocal base fees. 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.

### 9.2 Is there room to negotiate Indigenous language courses and First Nation, Métis and Inuit studies that are offered?

**A:** Allocations within the Core Education Funding (Core Ed)-related to Indigenous Language and First Nation, Métis and Inuit studies courses are included in the reciprocal base fees.

Additional amounts for Indigenous languages or First Nation, Métis and Inuit 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.

Under REA, agreements for additional services and supports are negotiated between the First Nation entity and the school board. In this case, parties are encouraged to seek advice of their legal counsel.



## 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 2024-25 school year for First Nation Entities and school boards to help support dispute resolution.

HREAs that are funded by the ministry work in several school boards across Ontario. They are employees of school boards. The HREA acts in an impartial and neutral capacity to protect and advance human rights as they are articulated in the *Ontario Human Rights Code* and school board policies.

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. Working in a neutral capacity, HREAs could, for example:

- 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, the fact-finder/investigator can generate a report 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, as long as permission is obtained from the board.

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: First Nation Trustees

### 11.1 As a student, what are my entitlements to First Nation trustee representation?

**A:** Under the Education Act, and as outlined in [O. Reg. 462/97](#) (First Nations Representation on Boards), students attending schools of a school board may be entitled to representation by a First Nation trustee.

Families of First Nation students who reside on reserve and attend provincially funded schools are not eligible to vote for a board's elected trustees. To ensure representation of those students on the board of trustees, Ontario Regulation 462/97 enables boards to appoint up to two First Nation trustees where there are students residing on reserve who are attending schools of the board under existing Education Services Agreements (ESA) or the Reciprocal Education Approach (REA). However, First Nation board supporters who do not reside on reserve, as well as Metis and Inuit board supporters, are eligible to vote in school board elections and are officially represented by a board's elected trustees.

### 11.2 What is the process to become an Indigenous Student Trustee?

**A:** [O. Reg. 7/07 \(Student Trustees\)](#) requires school boards to establish a policy which provides for all matters related to student trustees and payment of honoraria in accordance with the regulation and s. 55 of the Education Act. A growing number of boards have established a position for Indigenous Student Trustees; however, the election process and mandate of an Indigenous Student Trustees is determined at the board level. Please review your local school board policies or by-laws for detailed information on the process or contact your local school board for more information.





## SECTION 12: IMPLEMENTATION SUPPORTS AND COMMUNICATION

### 12.1 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:

- SB Memorandum on the components of REA:  
[https://efis.fma.csc.gov.on.ca/faab/Memos/B2019/B18\\_EN.pdf](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](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](https://efis.fma.csc.gov.on.ca/faab/Memos/SB2019/SB11_Attach1_Final.pdf)
- REA Instructions for First Nations and school boards 2024-25

The ministry has continued to provide additional supports through phone calls and email responses, in addition to hosting annual webinars, 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
<ul style="list-style-type: none"> <li>• Written notice</li> <li>• Eligible Entities</li> <li>• Eligible schools</li> <li>• Student eligibility</li> <li>• Additional services and supports</li> <li>• Transitions of ESAs/RESAs</li> </ul>	Nick Bertrand	<a href="mailto:nick.bertrand@ontario.ca">nick.bertrand@ontario.ca</a>
<ul style="list-style-type: none"> <li>• Base Fee Calculation</li> </ul>	Romina Di Pasquale	<a href="mailto:romina.dipasquale@ontario.ca">romina.dipasquale@ontario.ca</a>
<ul style="list-style-type: none"> <li>• Special Education (under REA)</li> </ul>	Charmaine Perera Tony Dias	<a href="mailto:charmaine.perera@ontario.ca">charmaine.perera@ontario.ca</a> <a href="mailto:tony.dias@ontario.ca">tony.dias@ontario.ca</a>
<ul style="list-style-type: none"> <li>• Process of Payments</li> </ul>	Andrew Yang	<a href="mailto:andrew.yang@ontario.ca">andrew.yang@ontario.ca</a>





## 12.2 Is there an Education Officer in the Indigenous Education Office that can provide some support in each of the regions?

**A:** Yes. You can reach out to Education Officers according to region as per below:

**Thunder Bay Region** – Patti Pella at [Patti.Pella2@ontario.ca](mailto:Patti.Pella2@ontario.ca).

**London Region** – JoAnn Henry at [JoAnn.Henry@ontario.ca](mailto:JoAnn.Henry@ontario.ca)

**Barrie Region** – Ian McCallum at [Ian.McCallum@ontario.ca](mailto:Ian.McCallum@ontario.ca)

**Toronto Region** – James Groat at [James.Groat@ontario.ca](mailto:James.Groat@ontario.ca)

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## 12.3 Who is communicating about REA to First Nations parents?

**A:** 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.

## 12.4 How can First Nations have input into their children's education if there is no requirement to enter into an agreements with provincially funded school boards?

**A:** The ministry continues to work with the education sector and First Nation partners to obtain feedback on opportunities for improvement on the REA to support local needs, including addressing barriers to accessing necessary supports and services