



# Kahnawà:ke Education Responsibility Act (KERA)

Kahnawà:ke Combined Schools Committee - KCSC

[Enacted by: Res. # KEC 99-2000-01 on 11 May 2000]

[Repealed and replaced by: Res. KCSC # 2018-0917-08]

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**In Regards to the Kahnawà:ke Education System/Center**

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# Kahnawà:ke Education Responsibility Act (KERA)

## PARENTAL RECOGNITION

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*All Kahnawà:ke Combined Schools Committee (KCSC) legislation, policies and procedures have been drafted honoring the work of parents and community members who have shown courage, dedication and leadership with respect to the education of the children of Kahnawà:ke. (See Appendix, History of Education in Kahnawà:ke, (Once it is completed)).*

The Kahnawà:ke Education System was established by parents of Kahnawà:ke who possessed, “...the ability, competency, love and respect needed to successfully carry out the vision of our forefathers.” – Lorna Delormier (KCSC Elder Alumni circa 1978). The Kahnawà:ke Education System remains a “grass roots” organization founded for and by the parents.

## PREAMBLE

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The Kahnawà:ke Education Responsibility Act (KERA), in regards to the Kahnawà:ke Education Center/System (KEC/S), was formally developed and affirmed by the parents of Kahnawà:ke and officially adopted under the authority of the Kahnawà:ke Combined Schools Committee (KCSC), on May 11, 2000 (KEC Resolution # KEC 99-2000-01).

The KERA was revised and amended by: (Res. KSCS # (Will be #’d once ratified)). It establishes the rights, roles and responsibilities of all stakeholders in the education of students. It is to be read in conjunction with the KCSC Constitution and By-Laws; KCSC Policies and Procedures; [Terms of Reference for Ad Hoc & Standing Committees (Once Terms of Reference are drafted)]; the In-School Committee Manual; Code of Respect; and, the [History of Education in Kahnawà:ke (Once it is completed)].

This Act governs all aspects of education for the three (3) schools under the KES and the students on the nominal roll who attend those schools, as well as students on the nominal roll and funded by the KEC, attending outside schools. It confirms formal recognition of parents/guardians, Post-Secondary students over the age of eighteen (18+) and the Community (Dependent on Survey results) as the authority over the KES.

This Act authorizes and protects all existing documentation drafted pursuant to this Act and provides the foundation for the development of all new rules, regulations, policies and procedures.

This Act provides specific processes for the adoption of new articles and/or proposals to amend any article contained herein. (See Part 20 – Amendments)

This Act sets out the rights, and responsibilities of students; teachers; school administrators; parents/legal guardians; the KEC Directors, the KSCS and the Community.

## UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES (UNDRIP)

*“The Kanien’kehá:ka of Kahnawake acknowledge and reaffirm in this Act, herein titled, The Kahnawake Education Responsibility Act (KERA), the fundamental inherent, inalienable and internationally recognized human right to freely exercise our rights to self-determination, with a view to pursue our social, cultural and educational development in accordance with our own laws and international instruments and conventions.” – Donna Kahérakwas Goodleaf, Doctorate in Education.*

### PART 1: STUDENT RIGHTS

1. All Kahnawà:kehrónon have the right to:
  - a. Pre-school development and learning services;
  - b. Elementary school instruction and services;
  - c. Secondary school instruction and services; as well as,
  - d. Post-Secondary instruction and services.
2. This right continues from the first day of the school calendar in the year that the child reaches the age of admission, to the last day of the school calendar in which s/he attains the age of twenty-one (21) years as a continuing student at the secondary level, in some cases and due to special circumstances, all in accordance with education regulations made by the KCSC.
3. It is compulsory for a child who has reached the age of five (5) years on/or before the date of admission of the school year to attend elementary school and continue on to secondary school until the child attains the age of sixteen (16) years.
  - a. A child who attains the age five (5) years after the admission date of the current school calendar shall attend elementary school on the first day of the next school year.
  - b. Notwithstanding Article 3, a child may be exempted from compulsory attendance in a Kahnawà:ke school if the child:
    - i. Is unable to attend school due to sickness or other unavoidable cause;
    - ii. Has obtained a secondary school graduation diploma;
    - iii. Has been suspended, expelled, or otherwise excluded by the provisions of this Act; and/or,
    - iv. Is being home-schooled (**Dependent on Survey results**).
4. Children who are home-schooled must have access to the same quality educational materials and resources provided by the KEC. (**Dependent on Survey results**).
5. Every student is entitled to student and special needs services provided by the KEC.
6. Students with special needs will have equal access to community school programs.
7. Every student is entitled to a safe and secure community school.
8. All Kahnawà:kehrónon shall have access to the resources of the post-secondary program offered by the KEC within the scope of its regulations and the provisions of this Act.
9. The parent or legal guardian in whose care the child resides is responsible to ensure that the child attends school as required by Article 3 of this Act.
10. In the event that a student is excessively or habitually absent from school without proper cause, the Principal will advise the parents/guardians in writing of the provisions of this Act, and, the KEC School Policy governing absenteeism.
11. Onkwehón:we students residing both in and outside of Kahnawà:ke may be enrolled in Kahnawà:ke schools. Nevertheless, it is the Onkwehón:we community of origin that is responsible for the funding of the student.

Such students shall be bound by the regulations of the KEC. However, the KCSC shall reserve the right to ensure that Kahnawakehrón:non students are given priority regarding enrollment in the Kahnawà:ke Education System (KES).

12. The KCSC may provide or enter into an agreement with a suitable carrier for school bus services to all or some of its students.
13. In the event that school bus services are provided by the KCSC, they in collaboration with the KEC Directors shall establish a Transportation policy.

## PART 2: TEACHERS

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14. The Director of Education (DOE) will collaborate with the KCSC to regulate the ratio of teachers to students comprising the student body; and determine the type and number of school support staff to service said student body.
15. All teachers are entitled to a safe and healthy work environment.
16. All teachers will follow their job description as provided by the KEC and comply with all KES policies.
17. Teachers will:
  - a) Foster their students' identity as Kanien'kehá:ka in keeping with Tsi Niionkwarihò:ten;
  - b) Contribute to students intellectual training; personal development and encourage a desire to learn;
  - c) Protect and care for the well-being and rights of the students;
  - d) Comply with the program of studies as set out for the school;
  - e) Assist in fostering co-operation and coordination of effort among members of the school staff;
  - f) Maintain a high level of professionalism;
  - g) Show mutual respect to the students, administration, fellow staff, parents, and, guardians;
  - h) Take appropriate care of the assets and resources provided by the school for their use in the instruction of students;
  - i) Maintain open communication with parents; and,
  - j) Encourage parental & family involvement.
18. Persons employed to teach in the elementary and secondary schools will possess an appropriate certificate of qualification and teaching license as prescribed by the legislation and policies of the KCSC.
19. Notwithstanding Article 18 of this Act, the KEC may engage teachers and instructors not in possession of the prescribed qualifications for the whole or part of the school year: However, such staff must enroll in formal and ongoing program of studies to eventually obtain the appropriate certificate of qualification and teaching license as per Article 18.
20. All teachers will participate in the Professional Development activities/projects provided or determined by the KEC. Every teacher must pursue formal courses of study intended to upgrade their professional/teaching skills. The period of time to pursue these formal courses will take place at intervals and not exceed five (5) years.
21. Every teacher hired by the KEC will undergo probation as an employee as defined by the KEC and will undergo semi-annual evaluations.

## PART 3: KAHNAWÀ:KE SCHOOLS

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22. The cost of instruction for Community kindergarten, elementary and secondary school programs will be free of charge to Onkwehón:we students who are on the KEC Nominal Roll.
23. The school will supply texts for instruction. The school may also supply limited and reasonable amounts of consumable materials to the students in the course of their class/course work.
24. Students are responsible for care of textbooks and materials provided by the school and must return these to the class inventory when called to do so.

- a. The cost of any loss or damage, except for normal wear and tear, will be recoverable from the student or the student's parent/guardian.
- 25. The school may not cover the cost of field trips or other extra-curricular activity and will inform the student and parent/guardian when such costs are not covered.
- 26. The KES year will begin on July 1<sup>st</sup> and run to June 30<sup>th</sup> annually.
- 27. Student records are to be retained by the school while the student is in attendance at a Community school, or a school funded by the KEC:
  - a. One (1) year after a student graduates, transfers, or otherwise departs from the KES, her/his records will be held in the archives of the KEC for a period of seventy-five (75) years; and,
  - b. Confidentiality of information is assured.
- 28. SCHOOL SAFETY: For safety purposes, visitors to school premises, such as, volunteers, parents and guests must sign in at the front office of each respective community school.
- 29. All school entrances must remain locked at all times for security purposes.
- 30. The KCSC has developed a screening policy for volunteers in the schools. The policy includes, a Background/Criminal Security Check; Volunteer Application Form; and Volunteer Agreement. (See Kahnawà:ke Education Volunteer Program Policy)
- 31. The Kahnawà:ke Emergency Preparedness Manual is in effect at all times.

#### PART 4: SCHOOL PRINCIPALS

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- 32. The Principal is responsible to ensure a healthy and safe school climate for all students, staff, parents and community members.
  - a. The Principal may deny access to any person whom, in the Principal's opinion, may be a disruption or other detriment to the well-being of a class, students, or staff.
- 33. The Principal is responsible for the administration of their respective school; the application of the school program of studies; and, implementation of the policies and procedures provided by the KCSC, KEC and their school.
- 34. The Principal will consult with the parents of their respective school, the KCSC, and the DOE to determine the public usage of the school site.
  - a. Such public usage may include but is not limited to: holding of community meetings; polling stations; KEC adult education classes (**Dependent on Survey results**); recreation activities; fundraising; and, other uses approved by the Principal in consultation with parents, KCSC, and the DOE.
- 35. Principals will be present and available at their respective schools. When the principal is not present or available, the Associate Principal will stand in their place.
- 36. Principals have the responsibility to develop, organize and provide Professional Learning Communities to improve student learning.
- 37. Principals must develop positive respectful relationships with staff, parents, students, as well as, focus on learning by reviewing school rules; routines; curriculum; and, instruction to ensure coherence and excellence in the KES.
- 38. The Principal, in conjunction with the Directors', staff, the In-School Committee, and, the KCSC will develop the operational policies of their school as the need arises.
- 39. The Principal will ensure that performance appraisals of all staff are conducted annually, semi-annually and more if in probationary period.
  - a. Based on the performance appraisal, the Principal will identify, provide and monitor the needed Professional Development of the school staff.

- b. Where relevant and feasible, the Professional Development will be opened up to interested parents.  
(Dependent on Survey results).
- 40. The Principal is responsible to ensure the implementation of the KEC strategic plan.
- 41. The Principal is responsible to ensure that school-wide operational objectives are being met.

## PART 5: PARENTS

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### 42. PARENTAL RESPONSIBILITY

In keeping with Onkwehón:we traditions, it is the parents/guardians of Kahnawà:ke who are responsible for the children of Kahnawà:ke in the realm of education. Parents/guardians are responsible to develop and/or approve all legislation including the *KERA*, *Constitution* and *By-Laws*, as well as, KCSC education-related Policies/Procedures, and the ISC Manual located in the Governance Manual. It is the parents/guardians who elect/appoint parent/guardian representatives to the KCSC.

### 43. FREEDOM OF CHOICE

- a) Parents/guardians have the right to send their children to the school of their choice, whether it is a Kahnawà:ke school or a non-Kahnawà:ke public or private school.
- b) The cost of instruction will be equally funded for Community or non-Kahnawà:ke schools, public or private. This cost will be funded by the KEC within budgetary limitations according to federal funding guidelines.

## PART 6: IN-SCHOOL COMMITTEE (ISC)

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(See ISC Manual)

- 44. An In-School Committee (ISC) is a committee composed of the parents of students within each respective school; along with two (2) staff members; the Principal; and, Associate Principal.
  - a) The Principal and/or Associate Principal are responsible to initiate and coordinate the first ISC meeting of the year.
  - b) Parents will make up the majority of the ISC.
  - c) Each respective school will ensure that the Minutes of the meetings are recorded and maintained and a copy is distributed to: ISC Members, Administration, the KCSC, Directors; and, store minutes in each respective school, as well as, forwarded to the KCSC Administrative Assistant who will place to KCSC files and KEC archives (Dependent on Survey results).
  - d) During the first meeting of the ISC in September, the parents/guardians will select a Chair and/or Co-Chair for the school year.
  - e) During the first meeting of the ISC in September, the staff will select the two (2) representatives for the school year.
  - f) Terms of Reference will be developed by the KCSC and ISC.
- 45. In the event that an ISC is not formed or ceases to exist during any given year, the KCSC in partnership with the Principal will take responsibility to put an interim ISC in place.
- 46. The functions of the ISC are:
  - a) To empower and involve parents to be active members of their school community.
  - b) To offer parental input regarding education provided by their child's respective school;
  - c) To promote partnership between the school and parents;

- d) To provide advice to the Principal and/or Associate Principal with respect to the aims and objectives of the school;
- e) To review and assist in the establishment of internal policies for the school's operation pertaining to school safety; field trips; extra-curricular activities; discipline codes; curriculum; and, graduation activities;
- f) To provide input to the KCSC regarding; policy, programs, services and any major concern or issue that may impact their school both internally and externally;
- g) It may also receive additional mandates as delegated by the KCSC through resolution, or request additional support from KCSC as the need arises; and,
- h) Will elect/appoint two (2) representatives to the KCSC who will be the liaisons between the ISC and the KCSC, as the ISC/KCSC representatives.

## **PART 7: KAHNAWÀ:KE COMBINED SCHOOLS COMMITTEE (KCSC)**

*(To be read in conjunction with the Constitution and By-Laws)*

### **47. KCSC GENERAL RESPONSIBILITIES**

- a) The KCSC is the governing body legally empowered to uphold the functions of this Act.
- b) It belongs to, is selected by, and is accountable to the parents/guardians of the students of the KEC, Post-Secondary students over the age of eighteen (18+) and the Community (stakeholders). The parental right to govern the KES/C stems from the Joint Unification Agreement of 1968.
- c) The KCSC, governed by a Code of Respect, delegated by the stakeholders, and in the best interest of students and parents/legal guardians, governs the KES; oversees the Director of Education (DOE) and the Director of Finance and Administration (DOFA); and, is responsible to ensure programs and services are carried out through the Directors.
- d) All members of the KCSC are required to perform their duties and exercise their collective authority with prudence, diligence, honesty and good faith in the best interests of the students, parents and community.
- e) Each committee member must respect the collective. The value of collective thinking is one of the philosophies of Tsi Nionkwarihò:ten. Therefore, all KCSC members, even when they disagree, must support the wisdom of the table and work towards consensus. Governance responsibilities entail those belonging to the KCSC both as a collective and as individual members.
- f) The KCSC will act as one body in the exercise of its authority. Individual members **do not** have the authority to act on behalf of the KCSC. Neither the KCSC, nor any other body, can delegate to any other individuals; committees; or, institutions, the KCSC's responsibilities/authority of overseeing the business of education and the KEC Directors' who, in turn, are responsible for managing the day-to-day operations of the KEC.

48. The KERA, as well as, Constitution and By-laws of the KCSC set out its duties and responsibilities, serving as the operating documents, along with KCSC Policies and Procedures, as well as, the ISC Manual, all located in the Governance Manual.



49. The KCSC will have office and staff, namely the DOE, DOFA along with the KCSC Administrative Assistant and other staff as it determines; it will follow the KEC Employee Personnel Policy for its employees and all other operational policies as required.
50. The KCSC, in conjunction with the KEC, may order any examinations to be taken by students in order to assess the performance of the KES.
- i) In the event of an error, or other irregularity, in the exam results, it may annul exams; retain class marks; or, require new examinations be taken.
51. The KCSC through the KEC will award certificates or diplomas in recognition of learning acquired by students, and mandate the KEC to issue transcripts of marks and report cards.
52. The KCSC in partnership with the KEC Directors will acquire, renovate, build, or lease such movables and immovable properties anywhere, to carry out its activities, and, to determine the use of such property, including lease to other parties. It will insure its property in whole or in part.
53. The parents/guardians via the KCSC, in partnership with the KEC, will be the curators of all private and public land officially designated for educational purposes including all lands associated with Kateri School, Karonhianónhnha School, Kahnawà:ke Education Center (KEC) and the Kahnawà:ke Survival School (KSS), as per BCR #5, 1979; SSL 1, MCR #94/79-80.
54. The KCSC may delegate or mandate any sub-committee, or party, to act on its behalf on any matter, and, for whatever period it will determine.
- i) All individuals working with or on behalf of the KCSC will be bound by all relative KCSC legislation and policies, including the Code of Respect and Ethical Behavior Policy.
55. The KCSC will provide an orientation to any duly delegated sub-committee or ISC of the practices, policies and regulations of the KES, and to otherwise assist them in their deliberations and projects. They will also provide a mandatory board training session for all new KCSC Members.
56. Along with the above-mentioned General Responsibilities, the KSCS Members have legal; functional; and, other responsibilities that stem from history, existing education legislation, and funding agreements.
57. LEGAL RESPONSIBILITIES  
The KCSC Members have an obligation and legal responsibility to:
- a) Act in the best interests of the KCSC, KEC and KES as a whole;
  - b) Support the KCSC and KEC as a whole to achieve its mandate;
  - c) Consult with expertise and develop an informed opinion on issues with potential liability;
  - d) Delegate authority to the DOE and the DOFA to fulfill the operational; administrative; and, financial management functions of the KEC on its behalf;
  - e) Give full attention to the opinion of both Directors;
  - f) Be accountable for all public education monies and contracts in accordance with regulations, policies and guidelines in effect;
  - g) Establish conditions and criteria in collaboration with the Directors for learning within the KES;
  - h) The KCSC will take into consideration all applicable laws within or external to Kahnawà:ke, especially in relation to Human Resource issues.
  - i) Authorize budgets on behalf of the KES;
  - j) Hold an Annual General Assembly (AGA) for parents/guardians, Post-Secondary Students (18+) and the Community, and may hold a Mid-Year School Meeting (**Dependent on Survey results**) for parents/guardians of the three (3) schools; as well as,
  - k) Exercise authority and perform all acts as the Committee is required to do under this Act, and the Constitution and By-Laws.

58. FUNCTIONAL RESPONSIBILITIES OF THE COMMITTEE

Together the members of the Committee will undertake the following functional responsibilities:

- a) Maintain communication using various multi-media outlets including the KEC website.
- b) Ensure representation of the KCSC at the First Nations Education Council (FNEC) on matters of governance;
- c) Choose Members to sit on the KCSC Directors' Supervision Standing Committee (DSSC) that will oversee performance objectives, mentor and guide the growth of the organization and the capacity of the staff, and conduct the performance evaluation of the DOE, DOFA and KCSC Administrative Assistant;
- d) Choose Members to sit on the Finance; Strategic and Operational Planning; as well as, Curriculum Standing Committees;
- e) When needed, choose members to sit on the Grievance Ad Hoc Committee (GAHC);
- f) Hold an election meeting (either at the AGA or Special meeting called for that purpose), as needed to replace elected members of the Committee when their Term of Office has expired, they resigned; they have been dismissed; or, otherwise forfeited their seat;
- g) Ensure that decision-making is by consensus, to the extent possible;
- h) Ensure every decision is culturally appropriate according to Tsi Niionkwarihò:ten Philosophies;
- i) To make decisions in the best interests of all Kahnawà:ke students;
- j) Create a policies review schedule and a calendar of events schedule for the organization;
- k) Follow all KCSC policies and procedures; and,
- l) Review the Constitution and By-Laws, KERA, KCSC Policies and Procedures, and the In-School Committee Manual (ISCM) every five (5) years.

#### 59. Reporting

- i) Prepare an annual activity report for parents/guardians, Post-Secondary students (18+) and Community; present it at the AGA; ensure that highlights are posted on the KEC website; and,
- ii) Review and approve the activity reports presented by the DOE and DOFA.

#### 60. Staffing

- i) Represent KCSC on hiring committees as needed;
- ii) Oversee, supervise and approve the hiring of the Directors' and the KCSC Administrative Assistant, through the Directors' Supervision Standing Committee (DSSC); and,
- iii) Review and approve changes to the internal organizational staffing structure of the KEC, or its schools, as presented from time to time by the Directors;

#### 61. Finance and Administration

- i) Review and approve the annual education budget as prepared by the DOFA;
- ii) Sign the annual audited financial statements for education;
- iii) Ensure that program and personnel policies for education are applied in a fair and appropriate manner;
- iv) Work with the Directors to reduce risks to the organization and promote ongoing quality improvement; and,
- v) Review new policies, or amendments to existing policies governing human, financial, informational and material resources in education;

#### 62. Education and Student Services

- a) Foster and support Kanien'kehá:ka culture and language throughout the KES (See [Articles 73](#) and [86 a](#));
- b) Review general orientations and priorities for KES programs and services;
- c) Participate in the planning of long-term goals for KES programs and services;
- d) Ensure the implementation of best practices is innovative and culturally appropriate;
- e) Review and approve proposals prepared by the Directors for new programs or services; and,
- f) Ensure policy and regulations are in place to support quality education for students who are home-schooled ([Dependent on Survey results](#)).

63. Five-Year Review/Parent Consultation

- a) Every five (5) years the KCSC, via the Directors' Supervision Standing Committee (DSSC), will initiate a five (5) year review of the KEC that includes consultation with all KEC stakeholders.

64. Strategic and Operational Planning

- a) Every June, review the annual operational plan ([When implemented in future since it currently does not exist](#)) for the KEC, and ensure that highlights are posted on the KEC website, and circulated in the Newsletter ([When created](#));
- b) Participate in long-term strategic planning and approve the strategic plan for the organization; and,
- c) Work with the Directors to ensure collaboration and networking with other services, agencies and stakeholders within and outside the community.

65. Evaluation

- i) Self-evaluate the Committee's performance annually;
- ii) Participate in the review of programs and services; and,
- iii) Participate in the five (5) year evaluation of Kahnawà:ke Schools.

66. OTHER RESPONSIBILITIES

The KCSC Members have an obligation and responsibility to:

- i) Honor our history, recognize and acknowledge the effects of colonization on our people that have contributed to the social situation and challenges of today by participating in a de-Colonization Workshop (See History of Education in Kahnawà:ke in Appendices ([Once completed](#));
- ii) Put the interests of the Committee before any personal interest;
- iii) Not participate in controversial behavior or irresponsible behavior that reflects badly on the KCSC or KEC;
- iv) Not contravene the KCSC mandate or applicable laws; and,
- v) Ensure that every decision is taken in the best interests of all students under the KEC.

## Part 8: KAHNAWÀ:KE EDUCATION CENTER DIRECTORS

67. The Director of Education (DOE) is responsible for the day-to-day operational management of activities and resources of the KEC, in accordance with their job description, the policies and goals of the KES pursuant to this Act and the Constitution and By-Laws.

68. The Director of Finance and Administration (DOFA) is responsible for the finance, administration and the Human Resources department of the KEC. He/she will manage public education monies and the effective and efficient operation of the administrative departments of the KES, in accordance with their job description, the policies and goals of the KES pursuant to this Act and the Constitution and By-Laws.

- a) The Directors shall ensure that the decisions and directives of the KCSC are carried out;
  - b) The Directors shall provide monthly reports to the KCSC; and,
  - c) His/her appointment, dismissal or non-renewal will require consensus of two-thirds (2/3) of the KCSC.
69. The DOE and DOFA may convene an advisory committee on management comprised of the school principal(s); associate principal(s); department managers; members of the KCSC and ISC; or, other delegates for the purpose of examining:
- a) Definition of KES policies, devising school programs and school regulations;
  - b) Possible KEC Adult education and vocational programs and their policies and regulations(**Dependent on Survey results**);
  - c) Handicapped and/or special needs student services;
  - d) School calendars;
  - e) Home-Schooling (**Dependent on Survey results**); and/or,
  - f) Any other education matters.
70. The Directors' will ensure that the KEC maintains copies and a listing of KEC and KCSC adopted policies and policy changes.

## PART 9: KAHNAWÀ:KE EDUCATION CENTER (KEC)

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71. In 1981 the Kahnawà:ke Education Center (KEC) was established by the KCSC to administer, manage and operate all locally controlled educational programs previously administered by Indigenous & Northern Affairs Canada (INAC). The KEC is responsible for the management of the three (3) Community schools and administering all tuition agreements for students attending schools outside of Kahnawà:ke, which include the following:
- i) Elementary;
  - ii) Secondary;
  - iii) Post-Secondary institutions in Canada and the US; as well as,
  - iv) Special schools/institutions.

## PART 10: LIABILITY

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### 72. EXEMPTION FROM LIABILITY

The KEC must obtain adequate liability insurance to safeguard both the activities of the KEC operations and the KCSC.

The KCSC Members, Directors', or other staff, will not be held personally responsible for any costs, charges, damages, or expenses that may arise from any actions in rightfully and lawfully performing their duties, unless these costs are incurred by willful neglect or willful default.

The DOFA will verify on a yearly basis that the KEC liability insurance policy is in force.  
(See Constitution and By-Laws, Article 11 - Liability)

## PART 11: PROGRAMS AND SERVICES

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73. The KCSC shall ensure that Kanien'kéha:ka culture and language programs have equal standing with all other programs, and that these are included in the core curriculum of the Community schools. (Articles 62 a) and 86 a) (See below)
74. All students will have equal access to the Community schools; however, enrollment may be affected by both human and financial resources. (See Articles 11, 22 and 80)
75. All Kahnawà:ke schools may develop integration methods weighted to consider student support and the ability to serve students.
76. The KEC will establish regulations related to student evaluation; program intervention; norms and limits; budgets; supports; and, other student service matters to be approved by the KCSC.
77. Transportation of students to the Community, Québec public and private schools is not guaranteed under this Act.
  - a) Some students may have to furnish their own transportation or use other means of public transportation in whole or in part.
78. The function of the KCSC is to ensure maintenance of high quality education programs and services for all students under the KES/C.
  - a) The KCSC will collaborate on and approve all student success initiatives. It will establish schools, evaluate or amend school programs and services, including goals and objectives, in partnership with the KEC Directors, Principals and staff.
79. The KCSC, in collaboration with the KEC Directors', will ensure a system-wide evaluation of all programs, services and curriculum is conducted every five (5) years.
  - a) The evaluation will include consultation with all parents of students and Post-Secondary students (18+) on the KEC Nominal roll.
80. The KCSC will ensure that all students on the KEC Nominal Roll will receive appropriate programs and services. However, the KCSC may exempt Community schools from providing education programs and services in specific circumstances when:
  - a) To do so would overtax the physical and/or financial capacity of the school; and/or,
  - b) Where the school does not have the appropriate programs, services, facilities and/or certification to meet the student's needs.

However, the students may be funded to attend another school off-reserve that can provide the necessary services the KEC Community schools are unable to, dependent on federal and/or provincial funding sources. (See Article 22).
81. The KCSC will ensure the provision of instructional service and programs in the following three (3) languages: Kanien'kéha, English, and French, individually, or, in combination.
82. The KCSC will ensure the provision of services for K4 (Kindergarten) and set appropriate criteria accordingly.
83. The KCSC will collaborate on, and approve, the conditions and criteria of learning required for the students in the Community schools, in partnership with the KEC Directors, Principals and staff.
  - a) It will approve core and elective programs of study that allow for intellectual, spiritual, emotional, physical, and personal development of all KES/C students.
  - b) It will approve the methods of instruction, and ensure texts, and materials used, meet requirements allowing students to excel in their learning.
  - c) It will ensure all measures will be taken to promote student success.
84. The KCSC will initiate and/or approve all school program regulations.
85. The KCSC may enter into agreements for developmental; cognitive; and instructional services; including those services termed special needs, with public school boards or private school institutions, or, with specialists.

86. The KCSC, in partnership with the KEC Directors, will:
- a) Ensure Kanien'kéha:ka culture will be fundamental to all programs, services and curriculum; (See [Article 62 a\)](#) and [73](#))
  - b) Ensure that all core subjects, programs, services and curriculum meet or surpass the standards of the educational landscape within the area surrounding the territory of Kahnawà:ke;
  - c) Establish and maintain a curriculum development department;
  - d) Develop and/or select texts and teaching methods;
  - e) Monitor and evaluate all instructional materials, programs, services; and,
  - f) Recommend any educational project or program for the improvement or enhancement of the quality of Kahnawà:ke education for all subjects, and, in all three (3) languages (Kanien'kéha, English & French).
87. Project program materials in Kanien'kéha will be translated into English & French so the materials may be used in all classrooms.

## PART 12: POST-SECONDARY, VOCATIONAL AND KEC ADULT EDUCATION [\(Dependent on Survey results\)](#)

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88. The KCSC may establish; permit; amend; or, dismantle KEC adult education programs and services including academic and vocational programs within the mandate of the KEC.
89. Any KEC adult education programs and services will be managed as a separate system from the regular day school education program.
- a) It will be administered separately with its own principal, teachers, and materials acquired through a separate budget.
90. The principal and the teachers will choose the textbooks and programs for KEC adult education programs. An advisory committee composed of adult education staff and adult students may be established to assist the principal on matters related to the operation of the adult education programs.
91. KEC Adult education may use the facilities of a regular day division school so long as it does not disrupt or conflict with the regular school schedule.
92. The KCSC may establish post-secondary programs, or enter into agreements with post-secondary institutions, and establish regulations to govern the operation of these within the community.

## PART 13: FINANCIAL GOVERNANCE

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93. In relation to financial accountability, the KCSC is responsible to oversee the financial management of programs and services administered by the DOFA in conformity with all funding agreement terms and conditions.
94. Each year, the KCSC in partnership with the DOFA, will oversee and approve estimates of all sums required to operate all of its elementary, secondary, adult education [\(Dependent on Survey results\)](#) and post-secondary school programs.
95. The KCSC in partnership with the DOFA is responsible for overseeing all education monies and works.
- a) The KEC budget will follow generally accepted accounting principles; it shall not accumulate a deficit.
96. The KCSC in partnership with the DOFA will establish policies and procedures for the allocation and accountability of financial resources to Community schools; staff; committees; all programs; services; and, arrangements.

97. The budget estimates will reserve annually an amount up to one percent (1%) of the revenues available for education for the purpose of meeting the costs of student transfers or operational contingencies that may occur during the course of the year.
98. Any and all education monies and revenues that are due, or become due, at any time and from any source, will be for the exclusive use of KEC education programs pursuant to this Act.
- a) This will include any surpluses anticipated or realized in a current year or in prior fiscal period.
98. Amounts of money borrowed or loaned by the KCSC will be restricted to one million dollars (\$1,000,000.00) per transaction.
- a) The parents, in an open and public process convened for this purpose, may approve any transaction exceeding this amount, taking into account any and all financial and operational recommendations and ramifications. **(Dependent on Survey results)**
99. The KCSC, through the Treasurer in collaboration with the DOFA, will ensure proper accounting records are kept and independent external auditors are appointed annually to examine these and accordingly file audit reports. The DOFA will provide detailed monthly financial reporting to the KCSC.
100. Investment and safekeeping of education funds by the KCSC will be restricted to the use of chartered bank services in Canada, or the Caisse Populaire of Kahnawà:ke.
101. The KCSC will ensure the production of an annual report of financial activities for the community and hold Annual General Assemblies (AGA's) as prescribed in the Constitution.

## **PART 14: PROVISIONS AND PENALTIES**

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102. Any member of the KCSC, staff or any other person who after ceasing to hold office or employ with the KES, does not surrender money, documents or other objects that is in his/her possession and belonging to the KES is guilty of an offense.
103. Any person who falsely or fraudulently acts in the capacity of a representative of the KES is guilty of an offense as they actually committed the offense and the KCSC will do everything within their authority and under all applicable laws to ensure that the individual will be penalized under the law and will be prosecuted.
104. Any person who contravenes the KCSC Election Policy and Election Procedures, by participating when not entitled or more times than permissible, using a fictitious or assumed name, falsifying or modifying eligibility lists or ballots or other papers is guilty of an offense. The KCSC will do everything within their authority and under all applicable laws to ensure that the individual will be penalized under the law.
105. Any electoral officer; polling clerk; KEC Registrar; and/or other like worker who falsifies or destroys any ballot or eligibility list or gives false information or false announcement of results is guilty of an offense and the KCSC will do everything within their authority and under all applicable laws to ensure that the individual will be penalized under the law.
106. CONTRAVENTION
- a) A person found guilty of contravening the above sections may be suspended, or dismissed from their tasks, duties, or position for any period of time.
- b) If the person who is found guilty of contravening the above sections is a KEC Employee, they may be suspended, or dismissed from their tasks, duties, or position for any period of time as determined by the KEC Employment Personnel Policy approved by the KCSC

**(The following: #'s 107-109, are dependent on Survey results)**

107. The KCSC will be subject to the Independent Resolution Process (IRP) when the following is alleged:



- a) The KCSC has violated either: this Act, Constitution and By-Laws; policy; and/or, procedures (See IRP Appeal Screening Assessment (**Once drafted and dependent on Survey results**)) Any grievance filed by either the DOE and/or the DOFA against the KCSC.

The decision and/or recommendation(s) of the IRP Panel will be binding on the KCSC.

108. During any IRP investigation of a serious breach allegedly committed by the KCSC, the IRP Panel may decide to suspend the powers and duties of the KCSC, in which case:

- a) The IRP Panel may appoint an interim KCSC to exercise the powers and duties of the KCSC for a period of six (6) months during the investigation.

109. If after investigation, the KCSC is found to have breached this Act, and/or Constitution and By-Laws, the KCSC will be required to make restitution by adhering to the IRP findings. If the KCSC refuses, or if there is found to be a grievous issue in the operation of the KCSC then the IRP Panel will:

- a) Dissolve the existing KCSC;
- b) Appoint an interim KCSC to exercise the powers and duties of the KCSC for a period of six (6) months during the investigation; and,
- c) Will mandate interim board to hold elections according to the Constitution and By-Laws to put in place a new KCSC.

## **PART 15: RELATIONSHIPS/POLITICAL AFFILIATIONS**

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### **110. MOHAWK COUNCIL OF KAHNAWÀ:KE**

The Mohawk Council of Kahnawà:ke (MCK) acts as a financial conduit receiving all education related funding from Indigenous and Northern Affairs Canada (INAC) which they immediately transfer directly to the KEC on behalf of the KCSC. The MCK must conform to all funding agreement terms and conditions.

The KCSC provides a copy of its annual audited financial statements to INAC through the MCK.

The MCK may provide political support upon request. An open line of communication will be maintained between KCSC and the MCK through the Education Portfolio Chiefs who are the political liaisons of the MCK. As well, an open line of communication will be maintained between the KEC Directors' (Director of Education/Director of Finance and Administration), and the respective departments within the operations of the MCK.

The MCK cannot engage in any political negotiations related to education without free, prior, informed consent and approval by the KCSC and KEC.

### **111. FIRST NATIONS EDUCATION COUNCIL (FNEC)**

The KCSC has a financial, political and resource role with the First Nations Education Council (FNEC). The KCSC is represented at the FNEC technical tables by the KEC Directors'. The KEC Directors' also sit with the MCK at the educational governance tables representing the Community of Kahnawà:ke on educational issues.

### **112. ASSEMBLY OF FIRST NATIONS OF QUEBEC AND LABRADOR (AFNQL)**

The KCSC works in partnership with the MCK who sit on **provincial** educational governance tables to present educational issues on behalf of the parents/guardians, students and Community of Kahnawà:ke, and collaborates with the MCK on educational governance issues.



#### 113. ASSEMBLY OF FIRST NATION (AFN)

The KCSC work in partnership with the MCK who sit on **federal** educational governance tables to present educational issues on behalf of the parents/guardians, students and Community of Kahnawà:ke, and collaborates with the MCK on educational governance issues.

#### 114. FEDERAL GOVERNMENT

The whole or any part of the money that the Minister of Indigenous Affairs Canada, or, the Government of Canada under its fiduciary obligation and/or responsibility, will through the provisions of the *Indian Act*, pay for the education of Kahnawà:ke students and shall come to the KCSC without delay for management and administration pursuant to the provisions of this *Act*.

Any *Act*, Proclamation or Agreement that affects, deletes or exempts Kahnawà:ke from the *Indian Act* will include this *Article (114)*.

#### 115. EDUCATION-RELATED ACTS AND/OR AGREEMENTS

Any Governance-related discussions, negotiations, and decisions that implicate or affect the KEC, will require complete consultation, participation and ratification from the KCSC and the KEC.

Governance related issues include, but are not limited to: any Act, Agreement, Sub-Agreement in regard to any and all education programs, services and finances.

#### 116. COMMUNITY ORGANIZATIONS

The KCSC commits to cooperate with other community organizations responsible for carrying out the provisions of any Act or Agreement, intended for the support, security and protection of minor aged children of Kahnawà:ke, other than for education.

This could include appropriate sharing of resources, participation in interventions and general support to parents/guardians.

#### 117. LABOR:

Every KEC employee shall respect and be bound by the terms, processes and procedures of labor and labor related matters, as is contained in their contract, Human Resources (HR) KEC Employee Personnel Policy and relevant Labor Laws.

### **PART 16: SCHOOL FEES AND ASSESSMENTS**

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118. Any rate of tuition; user fee; charge; or, levy for education services only, shall be devised, set, or otherwise determined, by the DOFA and approved by the KCSC.

119. Sales taxes will not apply to purchases of goods and services made by the KEC.

### **PART 17: DECISIONS FOR MAJOR MATTERS**

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(This appears in the *KCSC Constitution By-Law 6 - Section 1*)

120. The KCSC through the KEC is responsible for the functions of this Act and its application to all school programs, services and education projects and their related regulations.

121. Actions or recommendations for action that would have a major impact on the KES/C will be decided by the parents/guardians of the elementary and secondary schools, Post-Secondary students (18+) and the Community in a public decision process at a Special Meeting called for that purpose.

The matters that will require such a decision include, but may not be limited to:

- i) Cancellation, dissolution and/or major changes to the post-secondary student support program;
- ii) Dissolution of the KCSC as the body responsible to carry out all functions of this Act;
- iii) Any major issues pertaining to any lands designated for education;
- iv) The creation of a new school, the closure of an existing school, or, complete school project;
- v) Transaction to construct, purchase, or, the disposal of fixed assets, the value of which exceeds one million dollars (\$1,000,000.00);
- vi) Financial arrangements with any third party that exceeds one million (\$1,000,000.00), other than for cost of tuition to Québec public or private schools (**Dependent on Survey results**);
- vii) Cancellation or reduction of funding for students attending schools outside of the KES;
- viii) Charging of tuition fees for regular instruction of Kahnawà:ke students in Kahnawà:ke schools; and,
- ix) Any other issue that the KCSC deems to be of major significance in its effect on the KES.

122. KCSC Monthly and/or Special meetings, or meetings with other individuals who are not KCSC Members, will be held at the KEC offices or other public places as necessary.

123. The rules of the Public Decision Process shall be provided by regulations of the KCSC (**Once these Regulations are drafted**).

124. By-Laws and Resolutions:

- a) KCSC By-Laws and Resolutions will not be in conflict with this Act.
- b) Such By-Laws and Resolutions are to be kept by the KCSC Secretary & the Administrative Assistant of the KCSC in a registry for that purpose.

## PART 18: TRANSITIONAL

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125. Any Constitution; regulation; policy; resource; school project; or, agreement, in effect prior to the implementation of this Act is deemed to have been put into effect or operation pursuant to this Act.

## PART 19: THIS ACT

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126. Any article of this Act that may be null or void will not have the effect of nullifying the whole Act but only the Article deemed null or void.

127. The ratification process for this Act will proceed as follows:

- a) The draft KERA will be presented to the parents/guardians of the students on the nominal roll, Post-Secondary Students (18+) and the Community, for two (2) weeks for review and recommendations.
- b) The results of the draft review will be posted two (2) weeks prior to an AGA or Special Meeting called for the purpose of voting on the draft for ratification.

- c) A final version of the Act ratified by the parents/guardians of students on the nominal roll, Post-Secondary Students (18+) and the Community, will be adopted by the KCSC and come into effect by Resolution of the KCSC.
- d) The Act will be presented to the applicable bodies of community governance for their support and formal recognition.
- e) This Act will be made available on the KEC website and copies made available upon request after its passage.

## PART 20: AMENDMENTS

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128. The KCSC and/or the KEC, or, Parents/Guardians of students on the nominal roll, Post-Secondary Students (18+) and the Community (stakeholders) may propose amendments to the KERA at: an Annual General Assembly (AGA); a Special Meeting called for that purpose; and/or, in writing addressed to the KCSC;
- a. The KERA amended by majority (fifty or more (50+) **(Dependent on Survey results)** agreement of the parents/guardians of students on the nominal roll, Post-Secondary Students (18+) and the Community, in attendance at the AGA or Special Meeting called for that purpose, provided written notices of the said proposed amendment(s) has been distributed to the community and posted publicly at least two (2) weeks in advance of the date of the Meeting;
  - b. A majority requires fifty or more (50+) parents/legal guardians, Post-Secondary students (18+) and Community **(Dependent on Survey results)**, in attendance; and Amendments to the KERA shall be published and made accessible to all stakeholders two (2) weeks after being adopted. (See Constitution and By-Laws – Article 10 - Amendments)
  - c. The KERA, along with the Constitution and By-Laws and the In-School Manual (ISCM) will be reviewed every five (5) years.