



Kahnawà:ke Combined Schools Committee (KCSC)

THE KAHNAWÀ:KE EDUCATION RESPONSIBILITY ACT (KERA)

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

FINAL DRAFT

To Be Ratified on Monday, June 25, 2018

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The Kahnawà:ke Education Responsibility Act

RECOGNITION

All KCSC legislation, policies and procedures have been created to honor the work of parents and community members who have shown exceptional courage, dedication and leadership with respect to the education of the children of Kahnawà:ke.

(See Appendix 1, History of Education in Kahnawà:ke)

PARENTAL RESPONSIBILITY

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.”* – L. Delormier. The Kahnawà:ke Education System remains a *“grass roots”* organization founded for and by the parents.

MANDATE

Stemming from the Joint Unification Agreement of 1968, the Kahnawà:ke Combined Schools Committee is the body established and mandated to govern the Kahnawà:ke Education Center under the authority of the parents, guardians and adult Post-Secondary students. The Kahnawà:ke Combined Schools Committee oversee both the Directors of Education and Finance & Administration to ensure the delivery of the highest quality of all education programs and services. The KCSC are responsible to maintain and uphold all legislation, all policies and procedures.

PREAMBLE

The Kahnawà:ke Education Responsibility Act, in regards to the KEC 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).

This Act governs all aspects of education for the three (3) schools under the Kahnawà:ke education system and the students who attend, and confirms formal recognition of parents as the authority over the Kahnawà:ke Education System.

This Act authorizes and protects all existing regulations made 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.

UNITED 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 Kanien'kehá:ka of Kahnawake have a 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. – D. Goodleaf

(See Appendix 2, UNDRIP)

GLOSSARY

The following table defines certain terms used in this document, and the meaning of the acronyms that are used.

Term/Acronym	As Used in this Document
<i>Act</i>	The formal product of a legislative body; a decision or determination;
<i>Ad hoc Committee</i>	A group set up to consider a specific issue and generate recommendations;
<i>Community Governance</i>	Those institutions recognized by members or groups as possessing political authority within the Community of Kahnawà:ke. This would include elected and traditional forms of government, regardless of official or legal status within the framework of the Government of Canada;
<i>Consensus</i>	As a means of settling disputes, arriving at a decision, consensus is used to bring balance back to an organization, a community, a Nation or a group of Nations when a conflict exists.

Term/Acronym	As Used in this Document
<i>Constitution of Kahnawà:ke Combined Schools Committee</i>	The Constitution, based on the 1968 Joint Unification Agreement, outlines the duties and responsibilities of the Kahnawà:ke Combined Schools Committee;
<i>Director of Education</i>	The person responsible for the oversight of all education related affairs of the KEC;
<i>Director of Finance & Administration</i>	The person responsible for the oversight of all finance, administration and Human Relations affairs of the KEC;
<i>Education-Related Acts, Legislation or Agreements</i>	Any act, agreement or sub-agreement negotiated or to be negotiated between Kahnawà:ke and the governments of Canada and/or Québec, related to the Mohawk jurisdiction and governance of the Territory of Kahnawà:ke;
<i>Governance Manual</i>	A set of guidelines that describes & outlines the day-to-day functions of the KCSC and helps to define the relationship with the Kahnawà:ke Education Center, students, parents/guardians and the community of Kahnawà:ke;
<i>Guardian/Legal Guardian</i>	A person who is legally responsible for a child.
<i>Independent Resolution Process</i>	An independent process used to assist in the resolution of issues that are related to the accountability of the KCSC, such as a violation of legislation/policy and or a grievance filed by either Director of the KEC;
<i>In-School Committee</i>	A committee comprised of parents who make up the majority and several staff of a community school that assists the principal in developing and implementing each respective school's policies, regulations and projects.

Term/Acronym	As Used in this Document
<i>Joint Unification Agreement</i>	The Joint Unification Agreement signed in 1968 amalgamated the formerly separate Catholic and Protestant children as well as traditional longhouse children into a single community school system; and established the Kahnawà:ke Combined Schools Committee
<i>KCSC</i>	The Kahnawà:ke Combined Schools Committee is a governing body selected by parents/guardians and Post-Secondary Students who have reached the age of majority who retain the responsibility to oversee the Kahnawà:ke Education Center;
<i>KEC</i>	The Kahnawà:ke Education Center is the administrative arm of the Kahnawà:ke Combined Schools Committee that manages and operates all aspects of the Kahnawà:ke Education Center.
<i>Onkwehón:we</i>	Indigenous person;
<i>Pre-School Services</i>	Educational and child care services for children 0 to 5 years of age;
<i>Professional Learning Communities</i>	An extended learning opportunity to foster collaborative learning among colleagues within a particular work environment or field. It is often used in schools as a way to organize teachers into working groups;
<i>Regulation</i>	An authoritative rule dealing with details or procedure; for example, Safety Regulation;
<i>Special Needs Services</i>	Prescribed educational curriculum, programs, services, equipment and facilities modified or adapted to the intellectual, physical, social, behavioral and emotional needs of students assessed to have special needs;

Term/Acronym	As Used in this Document
<i>Stakeholders</i>	Students, Parents/Guardians,
<i>Student</i>	All students who are funded through the Kahnawà:ke Education Center;
<i>Tsi Niionkwarihó:ten philosophies</i>	Our ways of knowing our traditional philosophies.
<i>Tuition</i>	The fee chargeable for each student enrolled in a school, the purpose of which is to cover the costs of instructional services provided by said school;
<i>Tuition Agreements</i>	Tuition agreements signed with a provincial school board for the payment of tuition to the Kahnawà:ke Education Center for a student who resides outside the community but attends a school in Kahnawà:ke;
<i>United Declaration on the Rights of Indigenous Peoples (UNDRIP)</i>	Adopted by the UN General Assembly in September 2007; it represents the dynamic development of international norms and it reflects the commitment of the UN States to move in certain directions. It is an important standard for the treatment of indigenous peoples that will be a significant tool towards eliminating human rights violations against the planets 375 million indigenous people.
<i>User Fee, Charge, Levy</i>	Any supplemental fee or charge to parents of students for any additional services, activities or accommodations beyond the regular instructional services normally provided by a school;

PRINCIPLES

Responsibility for education has steadily evolved based on the premise that the ultimate authority to educate our children rests in the hands of the parents of Kahnawà:ke. Since its founding by parents in the late 60’s, the Kahnawà:ke Combined Schools Committee (KCSC) has based this practice on a simple set of principles:

1. That all children be educated under one system,

2. That our education system be of the best quality in programs and staff;
3. That our culture and language have a prominent place in our education system;
4. That our children be taught in a good and caring way, and as much as possible by our own people;
5. That control over education be by the community as represented by the parents.

PART 1 STUDENT RIGHTS

1. Every Kahnawà:kehrónon has the right to:
 - A. Pre-school development and learning services;
 - B. Elementary school instruction services;
 - C. Secondary school instruction services.
 - ii. 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 21 years as a continuing student at the secondary level, and due to special circumstances; and, in accordance with school regulations made by the Kahnawà:ke Combined Schools Committee (KCSC).
2. 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 and continue on to secondary school until the child attains the age of 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 2, 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;
 - iv. Is being home-schooled.
3. Children who are home-schooled must have access to the same quality educational materials and resources provided by the Kahnawà:ke Education Center (KEC).

4. Every student is entitled to the student and special needs services provided by the Kahnawà:ke Education Center (KEC).
5. Students with special needs will have equal access to community school programs.
6. Every student is entitled to a safe and secure community school.
7. Every 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.
8. The parent, guardian or person in whose care the child resides is responsible to ensure that the child attends school as required by sections 2 and 7
9. In the event that a child 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.
10. 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 Kahnawà:ke Education Center. However, the Kahnawà:ke Combined Schools Committee (KCSC) shall reserve the right to ensure that Kahnawakehró:non students from Kahnawà:ke are given priority regarding enrollment in the Kahnawà:ke school system.
11. The Kahnawà:ke Combined Schools Committee may provide or enter into agreement with a suitable carrier for school bus services to all or some of its students.
12. In the event that school bus services are provided by the KCSC, the Kahnawà:ke Combined Schools Committee shall establish a Transport Advisory Committee to assess and monitor student school bus operations and services.

PART 2 TEACHERS

13. The Director of Education in partnership with the Kahnawà:ke Combined Schools Committee shall regulate the ratio of teachers to students comprising the student body; and determine the type and number of school support staff to service the said student body.

14. All teachers are entitled to a safe and healthy work environment.

15. All teachers will follow their Job Description as provided by the Kahnawà:ke Education Center, and comply with all of the approved policies of the Kahnawà:ke Education System.

16. Teachers will:

- A. Foster their students' identity as Kanien'kehá:ka,
- B. Contribute to students intellectual training; personal development and encourage within them 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 developing co-operation and coordination of effort among members of the school staff,
- F. Maintain a high level of professionalism,
- G. Show respect to the students, 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 involvement in their child's education.

17. 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 Kahnawà:ke Combined Schools Committee.

18. Notwithstanding section 17 the Kahnawà:ke Education Center may engage teachers and instructors not in possession of the prescribed qualifications for the whole or part of the school year.

- A. However, such staff must enroll in formal and ongoing program of studies in order to obtain such a certificate of qualification within a reasonable time period.

19. All teachers will participate in the Professional Development activities/projects provided or determined by the Kahnawà:ke Education Center.

- A. Every teacher will 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.

20. Every teacher hired by the Kahnawà:ke Education Center will undergo probation as an employee for the period of two (2) complete school years, with periodic evaluations by the KEC within this two (2) year period.

PART 3 KAHNAWÀ:KE SCHOOLS

21. The costs of instruction for community Kindergarten, elementary and secondary school programs will be free of charge to Onkwehón:we students of Kahnawà:ke. (Exception see Article 10 of this document)

22. The school will supply texts for instruction of its program of education. The school may also supply limited and reasonable amounts of consumable materials to the students in the course of their class/course work.

23. Students are responsible for the 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.

24. The school may not necessarily 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.

25. The education system year will begin on July 1st and run to June 30th annually.

26. Student records are to be retained by the school while the student is in attendance of a community school, or a school funded by KEC.

- A. One year after a student graduates, transfers, or otherwise departs from the education system, her/his records will be held in the archives of the Kahnawà:ke Education Center for a period of 75 years.
- B. Confidentiality of information will be assured.

27. 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.

- A. The cost of instruction for community or non-Kahnawà:ke schools, public or private, will be funded by the Kahnawà:ke Education Center within budgetary limitations according to Federal funding guidelines.

PART 4 SCHOOL PRINCIPALS

28. The Principal is responsible for the administration of the school and the application of the school program of studies and for the implementation of the policies and procedures provided by the Kahnawà:ke Combined Schools Committee.

29. The Principal will consult with the parents, KCSC and the Director of Education to determine the public usage of the school site.

- A. Such public usage would include, for example holding of community meetings, polling stations, adult education classes, recreation activities, fundraising, and other uses approved by the Principal in consultation with parents, KCSC and the Director of Education.

30. Visitors to school premises such as volunteers, parents and guests must sign in at the front office.

- A. The Principal may deny access to a person whom, in the Principal's opinion may be a disruption or other detriment to the well-being of the class or students or the staff
- B. A Vulnerability Sector Screening is required for all volunteers in the schools.
- C. All school entries must remain locked at all times for security purposes.

31. Principals will be present and available at the school as much as possible.

32. Principals must implement all policies and procedures.

33. As school leaders, principals have the responsibility to create Professional Learning Communities to improve student learning.

34. Principals must develop positive, respectful relationships with staff, parents and students, and focus on learning by reviewing school rules, routines, curriculum and instruction to ensure coherence in the system.

35. The Principal in conjunction with the Directors, staff, the In-School Committee, and the Kahnawà:ke Combined Schools Committee will develop the operational policies of the school as the need arises.

36. The Principal will identify, provide and monitor the needed professional development of the school staff.

- A. Where relevant and feasible, the professional development will be opened up to interested parents.

PART 5 PARENTS/IN-SCHOOL COMMITTEE

37. An “In-School Committee” is a committee composed of parents of students of the schools, along with staff members and the Principal/Associate Principal.

- A. The majority representation will be parents. The In-School Committee is renewed annually at a meeting called by the Principal.
- B. Parents will select parent representatives; staff will select staff representatives.
- C. The In-School Committee may meet on the school premises and will be immune from personal liability stemming from its activities so long as these are not done in a negligent or illegal manner.
- D. Terms of Reference will be given to In-School Committees.

38. In the event that an In-School Committee 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 In-School Committee in place.

39. The functions of the In-School Committee are:

- A. To provide parental input of the education in regard to their child's respective school;
- B. To promote partnership between the school and parents;
- C. To provide advice to the Principal with respect to the aims and objectives of the school;

- D. 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;
- E. To make recommendations to the Kahnawà:ke Combined Schools Committee on changes to policy, programs, regulations, instruction, special student services, and other areas of major concern within their school;
- F. It may also receive additional mandates as delegated by the Kahnawà:ke Combined Schools Committee through resolution, or request additional support from KCSC as the need arises;
- G. Will elect/appoint two (2) representatives to the KCSC.

PART 6 KAHNAWÀ:KE COMBINED SCHOOLS COMMITTEE

40. The Kahnawà:ke Combined Schools Committee is the governing body legally empowered to uphold the functions of this Act.

- A. It belongs to, is selected by, and is accountable to the parents/guardians of the students of the KEC and the adult students enrolled in its Post-Secondary program. The parental right to govern the Kahnawake Education System/Center; stems from the of the Joint Unification Agreement of 1968.

41. The Kahnawake Education Responsibility Act (KERA) and Constitution & By-laws of the Kahnawà:ke Combined Schools Committee set out its duties and responsibilities and will serve as the operating documents, along with the Governance Manual.

42. The Kahnawà:ke Combined Schools Committee will have office and staff as it determines; it will establish a personnel policy for its employees and other operational policies as is required.

43. The Kahnawà:ke Combined Schools Committee will take into consideration all applicable laws of Kahnawà:ke and the Government of Canada especially in relation to Human Resource issues.

44. The Kahnawà:ke Combined Schools Committee members will have personal and individual immunity in any of its activities as long as it conducts its affairs lawfully and in good will.

45. The function of the Kahnawà:ke Combined Schools Committee is to ensure maintenance of high quality education services for its students.

- A. It will establish, evaluate, or amend schools and school programs including their aims and objectives in partnership with the KEC Directors, Principals and staff.

46. The Kahnawà:ke Combined Schools Committee will ensure that persons entitled to education services are so provided by the KEC according to this Act. However, the KCSC may exempt community schools from providing education services to some persons under some circumstances of special need, when:

- A. To do so would overtax the physical and/or financial capacity of the school to provide such services.
- B. Where the school does not have the appropriate training facilities or certification to meet the learning needs of the student.

47. The Kahnawà:ke Combined Schools Committee will ensure the provision of instructional service and programs in the Kanien'keha, English, and French languages individually or in combination.

48. The Kahnawà:ke Combined Schools Committee will ensure the provision of services for K4 (Nursery) and set appropriate criteria accordingly.

49. The Kahnawà:ke Combined Schools Committee 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 and staff.

- A. It will approve core and elective programs of study that allow for intellectual, spiritual, emotional, physical, and personal development of Kahnawà:keronon students.
- B. It will confirm that the methods of instruction, texts, and materials used meet requirements to allow students to progress well in their learning.

50. The Kahnawà:ke Combined Schools Committee will initiate and or approve all school program regulations.

51. The Kahnawà:ke Combined Schools Committee 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.

52. The Kahnawà:ke Combined Schools Committee in partnership with the KEC Directors may establish a curriculum development center to select texts and teaching methods; to evaluate instructional materials and services; to 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).
- A. Such a curriculum development center may develop project and program materials in the Kanien'kéha language and for the Kanien'kéha:ka culture.
 - B. Project program materials in Kanien'kéha:ka will be translated into French so the materials may be used in all classrooms.
53. The Kahnawà:ke Combined Schools Committee through the KEC may order any examinations to be taken by students in order to assess the performance of the school system.
- A. In the event of an error or other irregularity in the results of the exams, it may annul exams, retain class marks, or require new examinations to be taken.
54. The Kahnawà:ke Combined Schools Committee will award certificates or diplomas in recognition of learning acquired by students, and mandate the KEC to issue transcripts of marks and report cards.
55. The Kahnawà:ke Combined Schools Committee will acquire, renovate, build, or lease such movables and immovable properties through the KEC 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.
56. 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, Karonhianonhnha School, Kahnawà:ke Education Center and the Kahnawà:ke Survival School as per the BCR #5, 1979; SSL 1. (See BCR)
57. The Kahnawà:ke Combined Schools Committee may delegate or mandate to any sub-committee or party to act on its behalf on any matter and for whatever period it will determine.

58. The Chairperson of the Kahnawà:ke Combined Schools Committee will provide an orientation to any duly delegated sub-committee or In-School Committee of the practices, policies and regulations of the Kahnawà:ke Education System, and to otherwise assist them in their deliberations and projects.

PART 7 KAHNAWÀ:KE EDUCATION CENTER DIRECTORS

59. The Director of Education and the Director of Finance and Administration are responsible for the day-to-day operational management of activities and resources of the Kahnawà:ke Education System pursuant to this Act.

- A. The Directors shall ensure that the decisions and directives of the Kahnawà:ke Combined Schools Committee are carried out and will perform other duties assigned by the Kahnawà:ke Combined Schools Committee.
- B. The Directors shall render regular accounts of management to the Kahnawà:ke Combined Schools Committee.
- C. His/her appointment, dismissal or non-renewal will require consensus. There must be two-thirds (2/3) of the members of the Kahnawà:ke Combined Schools Committee when this issue is addressed and consensus of those members must be achieved.

60. The Director of Education and the Director of Finance and Administration may convene an advisory committee on management comprised of school principal(s), associate principal (s), directors of departments, members of the Kahnawà:ke Combined Schools Committee, or other delegates for the purpose of examining:

- A. Definition of education system policies, devising school programs and school regulations;
- B. Adult education and vocational programs and their policies and regulations;
- C. Handicapped student services and services to other students with special needs;
- D. School calendars;
- E. Any other education matters.

61. The Kahnawà:ke Education Center will maintain a listing of KEC and KCSC policies and policy changes adopted by the Kahnawà:ke Combined Schools Committee.

PART 8 PROGRAMS AND SERVICES

62. The Kahnawà:ke Combined Schools Committee shall ensure that Kanien'kéha:ka culture and language programs have equal standing with any other, and that these are included in the core curriculum of the community school(s).

63. All students will have equal access to the community schools, however, enrollment may be affected by both human and financial resources.

64. All Kahnawà:ke schools may develop integration methods weighted to consider student support and the ability to serve students.

65. The KEC will establish regulations related to student evaluation, program intervention, norms and limits, budgets, supports, and other student services matters to be approved by the KCSC.

66. Transportation of all students to the community, Québec public and private schools are 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.

PART 9 POST-SECONDARY, VOCATIONAL AND ADULT EDUCATION

67. The Kahnawà:ke Combined Schools Committee may establish, permit, amend, or dismantle adult education programs and services including academic and vocational programs within the mandate of the KEC.

68. 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.

69. The principal and the teachers will choose the textbooks and 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.

70. 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.

71. The Kahnawà:ke Combined Schools Committee 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 10 FINANCIAL GOVERNANCE

72. In relation to financial accountability, the KCSC is responsible to oversee the financial management of programs and services administered by the Kahnawà:ke Education Center in conformity with all funding agreement terms and conditions.

73. Each year, the Kahnawà:ke Combined Schools Committee will oversee and approve estimates of all sums required to operate all of its elementary, secondary, adult education, and post-secondary school programs in partnership with the Director of Finance and Administration.

74. The Kahnawà:ke Combined Schools Committee is responsible for overseeing all education monies and works in partnership with the Director of Finance and Administration.

A. The Kahnawà:ke Education Center budget will follow generally accepted accounting principles; it should not accumulate a deficit.

75. The Kahnawà:ke Combined Schools Committee establish policies and procedures for the allocation and accountability of financial resources to community schools, staff, committees and all programs, services and arrangements in partnership with the Director of Finance and Administration.

76. The budget estimates will reserve annually an amount up to one (1) percent 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.

77. 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.

78. Amounts of money borrowed or loaned by the Kahnawà:ke Combined Schools Committee will be restricted to one (1) million dollars per transaction.

- A. The parents, in an open and public process convened for this purpose, may approve any transaction exceeding this amount.

79. The Kahnawà:ke Combined Schools Committee will ensure proper accounting records are kept and independent external auditors are appointed annually to examine these and accordingly file audit reports as necessary.

- A. The Director of Finance and Administration will provide detailed monthly financial reporting to the Kahnawà:ke Combined Schools Committee.

80. Investment and safekeeping of education funds by the Kahnawà:ke Combined Schools Committee will be restricted to the use of chartered bank services in Canada, or the Caisse Populaire of Kahnawà:ke.

81. The Kahnawà:ke Combined Schools Committee will ensure the production of an annual report of activities for the community and hold annual public meetings as prescribed in the Constitution document.

PART 11 PROVISIONS AND PENALTIES

82. Any member of the Kahnawà:ke Combined Schools Committee, staff or any other person who after ceasing to hold office or employ with the Kahnawà:ke Education System, does not surrender money, documents or other objects that is in his/her possession and belonging to the Kahnawà:ke Education System is guilty of an offense.

83. Any person who falsely or fraudulently acts in the capacity of a representative of the education system 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 is penalized under the law and will be prosecuted.

84. Any person who contravenes the regulations of public decision process 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 is penalized under the law.

85. Any returning officer 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 is penalized under the law.

86. A person who is found guilty of contravening the above sections may be suspended, or dismissed from their tasks, duties, or position for any period of time as determined by the KEC Personnel Policy approved by the Kahnawà:ke Combined Schools Committee.

87. The Kahnawà:ke Combined Schools Committee will refer to an Independent Resolution Process when the following is alleged:

1. KCSC has violated their own legislation, policy and or procedures (See Independent Resolution Process Appeal Screening Assessment)

2. Any grievance filed by either the Director of Education and or the Director of Finance and Administration against the KCSC.

The result and or recommendations of the process will be addressed promptly by the Kahnawà:ke Combined Schools Committee.

88. During or after any investigation of a serious breach of the Act by the Kahnawà:ke Combined Schools Committee itself, the Members of the Independent Resolution Process may decide to suspend the powers and duties of the Kahnawà:ke Combined Schools Committee.

- A. The Independent Resolution Process may appoint an interim board of trustees to exercise the powers and duties of the Kahnawà:ke Combined Schools Committee for a period of six (6) months during the investigation.

89. If after investigation, the Kahnawà:ke Combined Schools Committee is found to have breached the Act, the KCSC will be required to make restitution. If the KCSC refuses, or if there is found to be a grievous issue in the operation of the Committee, then the Independent Resolution Process will dissolve the existing KCSC, and will mandate the interim board to hold elections according to the Constitution to put in place a new Kahnawà:ke Combined Schools Committee.

PART 12 RELATIONSHIPS

In relation to:

90. Federal Government

- A. 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 or be paid for the education of Kahnawà:ke students shall come to the Kahnawà:ke Combined Schools Committee without delay for management and administration pursuant to the provisions of this Act.
- B. Any Act or Proclamation or Agreement that affects or deletes or exempts Kahnawà:ke from the Indian Act will include Section 90 of this Act.

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

92. Education-Related Legislation Acts and or Agreements:

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

Governance related issues including but not limited to: Any act, agreement, sub-agreement in regard to any and all education programs, services and finances.

93. Community Organizations:

The Kahnawà:ke Combined Schools Committee 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.

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

94. Labor:

- A. Every employee of the Kahnawà:ke Education Center who signs a contract of employment shall respect and be bound by the terms and processes and

procedures over labor and labor related matters as is contained in the contract, Human Resources (HR) Policy and relevant Labour Laws.

PART 13 SCHOOL FEES AND ASSESSMENTS

95. Any rate of tuition; user fee; charge; or levy for education services only shall be devised, set or otherwise determined by the Director of Finance and Administration and approved by the Kahnawà:ke Combined Schools Committee.

96. Sales taxes shall not apply to purchases of goods and services made by the Kahnawà:ke Education System.

PART 14 DECISIONS FOR MAJOR MATTERS

97. The Kahnawà:ke Combined Schools Committee is responsible for the functions of this Act and its application to all school programs, services and education projects and their related regulations.

98. Actions or recommendations for action that would have a major impact on the Kahnawà:ke Education System/Center will be decided by the parents/guardians of the KEC and the adult students enrolled in the KEC Post-Secondary program in a duly regulated public decision process.

The matters that will require such a decision are:

- A. Cancellation, dissolution and or major changes to of the post-secondary student support program.
- B. Dissolution of the Kahnawà:ke Combined Schools Committee as the body responsible to carry out all functions of this Act.
- C. Any major issues pertaining to any lands designated for education.
- D. Cancellation of the post-secondary student support program.
- E. Dissolution of the Kahnawà:ke Combined Schools Committee as the body responsible to carry out all functions of this Act.
- F. The creation of a new school or the closure of an existing school or complete school project;

- G. Transaction to construct, purchase or the disposal of fixed assets, the value of which exceeds one (1) million dollars;
- H. Financial arrangements with any third party that exceeds \$1,000,000 other than for cost of tuition to Québec public or private schools;
- I. Cancellation or reduction of funding for students attending schools outside of the Kahnawà:ke school system;
- J. Charging of tuition fees for regular instruction of Kahnawà:ke students in Kahnawà:ke schools;
- K. Any other issue that the Kahnawà:ke Combined Schools Committee deems to be of major significance in its effect on the community school system.

99. The rules of the Public Decision Process shall be provided by regulations of the Kahnawà:ke Combined Schools Committee.

100. By-Laws and Resolutions:

- A. Kahnawà:ke Combined Schools Committee By-Laws and Resolutions will not be in conflict of this Act.
- B. Such By-Laws and Resolutions are to be kept by the Administrative Assistant of the Kahnawà:ke Combined Schools Committee in a registry for that purpose.

PART 15 TRANSITIONAL

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

PART 16 THIS ACT

102. Any article or part of this Act that may subsequently be deemed to be unlawful would have the effect of nullifying that part of this Act and shall not render the balance of the Act inoperable.

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

- A. The draft Kahnawà:ke Education Responsibility Act (KERA) will be presented to the community's parents and guardians of the students at a

ratification meeting called for this purpose for their review and recommendations.

- B. A final version of the Act accepted by the parents/guardian will be adopted by the Kahnawà:ke Combined Schools Committee and come into effect by Resolution of the Kahnawà:ke Combined Schools Committee.
- C. The Act will be presented to the applicable bodies of community governance for their support and formal recognition.
- D. A printed copy of “The Act” will be made available to the public after its passage.

104. Amendments to this Act approved by parents/guardians will be approved in the same manner as the Act was originally approved, and with a three-week notice of meetings provided to parents.

- A. Amendments shall be made available to the public (See Amendments in the Governance Procedural Manual).