

**MONDAY, MARCH 28, 2022**

Open Session: 5:00 p.m. – 6:00 p.m. (Virtual Meeting via MS Teams)

## **AD HOC GOVERNANCE AGENDA**

### **ATTENDANCE**

#### **Trustee Committee Members**

Trustee Doug Newton (Chair)

Trustee Nancy Beamer

Trustee Alex Bradnam

Trustee Lora Campbell

Trustee Elizabeth Klassen

#### **Administration/Resource**

Warren Hoshizaki – Director of Education

Karen Bellamy – Executive Assistant to Director of Education

Jennifer Feren – Board Lawyer

#### **Recording Secretary**

Kerry Baker – Legal Assistant to the Board Lawyer

### **1. CALL TO ORDER / WELCOME**

### **2. APPROVAL OF AGENDA**

### **3. BUSINESS ARISING FROM THE MINUTES**

**A. In-person Board and Committee Meetings**  
(verbal report)

**B. Addition of Indigenous Trustee**  
(report attached)

### **4. NEW BUSINESS**

None

# AD HOC GOVERNANCE COMMITTEE

MONDAY, MARCH 28, 2022

---



## 5. NEXT MEETING

The next meeting will be at the call of the Chair  
(Discussion on future meeting schedule)

## 6. ADJOURNMENT

## ADDITION OF AN INDIGENOUS TRUSTEE TO THE BOARD

Monday, March 28, 2022

### BACKGROUND:

The District School Board of Niagara (DSBN) acknowledges its responsibilities for truth and reconciliation and acknowledges our responsibility of working in partnership with Indigenous communities. At the DSBN we are looking to support all students and staff as we move towards a place where Indigenous and non-Indigenous peoples have mutual respect by honouring the Calls to Action of the Truth and Reconciliation Commission's Final Report (TRC) and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). The DSBN also acknowledges the need to continue building trusting relationships with the Indigenous Peoples in our community and recognizes the importance of including the voices of the local First Nations, Métis, and Inuit individuals and organizations in decision making.

The Indigenous Education Advisory Council (IEAC) was established in 2008 and reflects the ongoing commitment of the DSBN to improve the outcome of Indigenous students and is one means to achieve this goal. As well, the DSBN collaborates and partners with the Fort Erie Native Friendship Centre and Niagara Regional Native Centre (collectively the "Niagara Indigenous Communities") on many programs and initiatives to improve the educational experiences of all DSBN students and particularly the Indigenous students.

Under the current legislative framework (see Appendix), First Nation representation on a board of trustees is determined by the existence of one or more Education Service Agreements (ESA) or the Reciprocal Education Approach (REA) and by the number of Indigenous students attending the board's schools. The Education Services Agreement (ESA) are agreements between First Nations and/or education authorities and school boards to support a First Nation student who resides on reserve to attend a provincially funded school. The DSBN does not meet the pre-requisites under the Act to enter into an ESA/REA and therefore does not meet the threshold for Indigenous trustee appointments.

In the most recent data from Statistics Canada (2016), the Indigenous Peoples make up 2.6% of the population of the Niagara Region. The DSBN currently educates 943 self-identified First Nation, Métis, and Inuit students.

### SOVEREIGNTY

The DSBN respects the sovereignty of the Indigenous Peoples and is guided by the Assembly of First Nations Resolution and the Calls to Action under the Report of the Truth and Reconciliation Commission as follows:

[Assembly of First Nations](#)

Annual General Assembly, July 2019

Resolution no. 26/2019

Elders' Statement on Rights to Protect Nationhood

WHEREAS:

A. "First Nations inherent right to self-determination pre-exists contact with settler governments", including

# AD HOC GOVERNANCE COMMITTEE

Monday, March 28, 2022

Canada and the provinces. First Nations sovereign jurisdiction has existed since time immemorial as we are the original peoples to our lands and territories.”

## Truth and Reconciliation

The Calls to Action under the Report of the Truth and Reconciliation Commission, include:

- Improving education attainment levels and success rates of Indigenous students
- Protecting the right to Aboriginal languages, including the teaching of Aboriginal languages as credit courses
- Enabling Indigenous parents to fully participate in the education of their children

These goals can be best met by having the voice of the Indigenous People at the Board table.

The unique responsibilities of an Indigenous trustee:

- to the First Nation community
- to the school board

## BUDGET

Where an Indigenous trustee is appointed to the Board, the annual remuneration would be equivalent to the honourarium received by publicly elected trustees. (The current honorarium is \$11,998 based on the 2021-22 year)

## RECOMMENDED MOTION:

“That the District School Board of Niagara (DSBN) request the Niagara Indigenous Community to name one person to represent, on the Board, the interests of Niagara Indigenous students;

That the Board appoint the named representative as a member of the Board;

That the member appointed to the Board serve on the same term cycle as publicly elected trustees (November 2022 – 2026).

That the District School Board of Niagara correspond with the Ministry of Education to confirm the voting rights of the DSBN Indigenous trustee.”

## APPENDED DATA:

### [Legislative Background](#)

Respectfully submitted,

Warren Hoshizaki  
Director of Education

Date: March 28, 2022

*For further information, please contact Warren Hoshizaki, Director of Education*

## APPENDIX

### LEGISLATIVE BACKGROUND:

#### Indigenous Trustee Legislation (Ed Act and Regulation 462/97)

- Section 188 of the *Education Act* sets the framework for admission of pupils that are part of a band living on a reserve
- Several pre-requirements include:
  - receiving notice from the Crown, Band or Band Council and the parent/guardian/pupil (where 16-17 and withdrawn from parental control or 18 and over); and
  - the pupil being eligible to receive funding from the Crown, Band or Band Council for the purpose of education
- Where the pre-requirements are met, the Board can enter into an Education Services Agreement
- Where these conditions are met, then under Regulation 462/97 the Council of a Band may name a person to represent the interests of the pupils who belong to the band
- The Regulation makes the appointment in the discretion of the Board, if the number of enrolled pupil is fewer than the lesser of 10% of the average daily enrollment and 100. This is the provision that Lakehead Public Schools relied on as they have Education Service Agreements with 2 First Nations communities but there are only 66 pupils enrolled and they are moving to add a Trustee to represent the interests of the indigenous students.
- There can be 2 persons appointed where the enrolled pupils from the Band exceed 25% of the daily enrollment
- A person so named by the Council is deemed to be an elected member of the Board
- While there is discretion to appoint an Indigenous trustee in circumstances where there is low enrollment of pupils from the Band, there does not appear to be any discretion in the Regulation to appoint an Indigenous trustee where there are no pupils that are enrolled from a Band and funded by the Band for educational purposes