

Act

ACT

Education A.E.1804

Under the guidance of Almighty God, Our Creator, and as a sovereign Nation; We, the peoples of Tsuut'ina Nation, in preservation and continuation of the Tsuut'ina Nation's unique culture, identity, traditions, language and institutions, and with respect to the special relationship to the land and resources, in continued relationship with all First Nations and Canada; Do ordain and establish this law in accordance with our inherent right to governance.

Nato ninist'iya dinachowi diyi nananitini k'asona diyi datl'ishi nanisaatluni niiha nihina?o-ha tlaat'a Tsuut'ina wusa dinaloku nihininisha, nihusno, misila yino?i, nihigunaha misila nihininana?o-hi. Nisk'a uwa mits'i-hi tlaat'a dina-tii uwa Canada isla najuna adadanazini diyi datlishi dik'asilo niiha nihina?o-ha gwasaala.

A Document to ratify the Tsuut'ina Education Act

**Enacted on March, 14 Day of 2018 in Tsuut'ina Nation
Coming Into Force: April 24, 2018**



Preamble

WHEREAS the Tsuut'ina Nation Chief and Council desire to make a Act governing Education on the Tsuut'ina Nation Reserve;

AND WHEREAS the Government of Canada recognizes the inherent right of self-government as an existing aboriginal right under section 35 of the Constitution Act, 1982;

AND WHEREAS it is recognized that the inherent right of governance includes the right to govern in relation to matters that are internal to the community, and integral to the unique culture, identity, traditions, languages and institutions of the Nation;

AND WHEREAS it is considered to be necessary for the benefit, security and preservation of the Tsuut'ina Nation and culture;

NOW THEREFORE: the Tsuut'ina Citizens hereby enact this Law through the Tsuut'ina Legislative Process and give authority to Chief and Council to ratify this Law:

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Definitions and Interpretations

Title

1. The title of this document is the *Tsuut'ina Nation Education Act*.

Definitions

2. **"Adult learning programs"** means educational and vocational training programs provided to people 18 years of age or older and includes high school completion, academic upgrading, skills and employment training and postsecondary education programs.
3. **"Board"** or **"Board of Trustees"** means the Tsuut'ina Nation Board of Trustees as established by this Act.
4. **"BAEC"** means the Bullhead Adult Education Centre.
5. **"Chair"** means the Chairperson of the Board as appointed by Council pursuant to Section 62.
6. **"Child Education System"** means K5 through grade 12.
7. **"Citizen"** means a member of Tsuut'ina Nation as defined and determined by the Tsuut'ina Citizenship Code.
8. **"Co-chair"** means a Trustee appointed to act in place of the Chair in accordance with Sections 66 and 67.
9. **"Conflict of Interest"** means a real or seeming incompatibility between private interests and public or Fiduciary duties.
10. **"Council"** means the duly elected Chief and Council of Tsuut'ina Nation.
11. **"Department"** means the Tsuut'ina Nation Department of Education.
12. **"Education Director"** means the Director of Tsuut'ina Nation Department of Education.
13. **"Early childhood services"** means a preschool or kindergarten program provided by Tsuut'ina Nation for children ages 3 to 5.
14. **"Educational facilities"** means:
 - (a) The Chiila Elementary School;
 - (b) The Tsuut'ina Middle and Senior High Schools;
 - (c) The Bullhead Adult Education Centre; and
 - (d) Any other educational facility designated as such by the Board.
15. **"Educational opportunities"** includes early childhood services programs, elementary, middle and senior high school programs, and adult learning programs.
16. **"Eligible Voter"** means a Tsuut'ina Citizen who is over 18 years of age and eligible to vote in Tsuut'ina elections.

17. **“Headstart”** means an early intervention program for children ages 3 to 5 based on nurturing, creativity, cultural and traditional beliefs in a safe and healthy environment, while supporting the spiritual, intellectual, mental and physical growth of each child.
18. **“Parent”** means the parent or legal guardian of a child attending a Tsuut’ina or Off Reserve school.
19. **“Principal”** means a teacher designated as a principal under this Act.
20. **“Off-reserve school”** means any accredited school that is not operated by Tsuut’ina Nation and includes accredited schools, operated by a public school board, a Catholic school board, private schools, or charter schools.
21. **“Resident”** means a person resident on Tsuut’ina lands as defined in the Tsuut’ina Residency Law.
22. **“Student”** means a person attending a Tsuut’ina school or and adult attending a training program or postsecondary program, as the context requires.
23. **“Teacher”** means a person in possession of a valid teaching certificate who is assigned by the Education Director to carry out the professional duties associated with classroom instruction and student supervision.
24. **“Trustee”** means a member of the Board of Trustees.
25. **“Tsuut’ina Education System”** means the Board of Trustees, the Department of Education, Tsuut’ina schools, Headstart, the BAEC, the Post-Secondary education program and any other programs designated by the Board to be part of the child and adult education system by the Board.
26. **“Tsuut’ina schools”** means Chiila Elementary School, the Tsuut’ina Middle and Senior High School, and any other school designated by the Board as a school for the purpose or providing education programs to children 20 years of age and under.
27. **“Aboriginal Head Start”** in Urban and Northern Communities (AHSUNC) Program is a community-based children's program funded by the Public Health Agency of Canada. AHSUNC focuses on early childhood development (ECD) for First Nations, Inuit and Métis children and their families living off-reserve.
28. **“Gender and Plurality”** wherever the singular or the masculine are used in this Act, the same shall be construed as meaning the plural or the feminine as the context requires.

Culture and Tradition

29. The structures, organizations and procedures established by or under this Act shall be interpreted in accordance with the accepted culture, traditions, practices and customs of the Tsuut’ina Nation.

Language

30. The language of Tsuut’ina Nation may be used to clarify the meaning of any provision in this Act, if the meaning of the provision is not clear in English.

Fair Interpretation

31. This Act shall be interpreted in a fair, large, and in a liberal manner.

Authority

32. The power and jurisdiction of Tsuut'ina Nation to govern and administer its educational system flows from the Creator to the people of Tsuut'ina Nation, and from the people to their Chief and Council according to the custom, traditions, and laws of our Nation.

Special Interpretation

33. Nothing in this Act abrogates or derogates from the fiduciary relationship between Her Majesty and Tsuut'ina Nation and its Citizens.

Preservation of Aboriginal and Treaty Rights

34. Nothing in this Act abrogates or derogates from any inherent aboriginal rights or treaty rights of Tsuut'ina Nation and its Citizens and, in particular, nothing in this Act abrogates or derogates from Tsuut'ina Nation's treaty right to education as entrenched in Treaty 7 and protected by section 35 of the *Constitution Act, 1982*.

Purpose, Scope, and Application

Purpose

35. The purpose of this Act is to establish the governing authority, accountabilities, and responsibilities for the Tsuut'ina Education system, and to outline the administrative processes, management, and operating requirements of the Tsuut'ina Education system.

Scope and Application

36. This Act applies to:
- (a) The Board of Trustees;
 - (b) The Department and its employees;
 - (c) The Chiila Elementary School;
 - (d) The Tsuut'ina Middle and Senior High School;
 - (e) Any other school or educational facility that the Board designates as subject to this Act;
 - (f) Tsuut'ina Citizens attending off-reserve schools;
 - (g) BAEC;
 - (h) Skills training programs;
 - (i) Tsuut'ina Postsecondary Program; and
 - (j) Headstart.

Board Mandate and Responsibilities

Board Mandate

37. The Board represents the Tsuut'ina Nation Citizenship in matters concerning the educational goals, plans, and directions of Tsuut'ina Nation for both the children and adults of the Nation.

Board Governed by Legislation and Policy

38. The Board shall carry out its mandate to govern the Tsuut'ina Education system in accordance with this Act and any applicable legislation as well as all policies established by the Board and Tsuut'ina Nation, including but not limited to the Tsuut'ina Finance and Administration Act, the Tsuut'ina Accountability Code, and the Tsuut'ina Human Resources Policy and Procedures Manual.
39. In the event of conflict between the Education Act and other policies or legislation, the Education Act shall prevail.

Board Non-Interference

40. In carrying out its mandate, the Board shall not interfere in the day-to-day operations of the Tsuut'ina Education system or the work of the Education Director, Department staff, school principals and vice principals, teachers, support staff, program directors and coordinators, and other professional and support staff.
41. Interference in the day-to-day operations of the Tsuut'ina Education system or the work of the Education Director, Department staff, school principals and vice principals, teachers, support staff, program directors and coordinators, and other professional and support staff may be deemed to be a breach of conduct and may be grounds for removal of a Trustee from the Board in accordance with Section 56.

Board Responsibilities

42. The Board shall:
- (a) Support lifelong learning from Headstart through adulthood by speaking with an informed voice on behalf of the Tsuut'ina Education system;
 - (b) Establish a clear vision and mission for the Department and the Tsuut'ina Education system through consultation with parents, Elders, the Tsuut'ina community, other school districts, and the provincial Department of Education and with regard to the values and aspirations of Tsuut'ina Nation;
 - (c) Foster a positive and productive environment within the Tsuut'ina Education system;
 - (d) Support innovation and growth through policy development, resource allocation, relationship building, and sustained initiatives;
 - (e) Make policy and governance decisions required for the efficient and effective operation of the Department;
 - (f) Ensure that the policies of the Board are consistent with the Department's contractual obligations with federal and provincial departments;

- (g) Monitor the implementation of its policies, goals, and plans;
- (h) Ensure that the mandate of the Department is met;
- (i) Hold the Education Director accountable for meeting the goals of the Department;
- (j) Fulfill its budgetary responsibilities under the Tsuut'ina Finance and Administration Act;
- (k) Monitor the general quality of student learning experiences and student achievement;
- (l) Evaluate the levels of confidence and satisfaction held by parents, Citizens, and the community in the results achieved by the students attending Tsuut'ina schools and participating in adult learning programs;
- (m) Support and supplement Citizens receiving education programs off-reserve pursuant to available funding.
- (n) Monitor and evaluate its own performance and report on its performance to Council;
- (o) Perform any duty or function delegated to it by Council with terms of the delegation; and
- (p) Any Amendments must follow Legislative Process.

Board and Policies

43. All approved Board and Department policies shall be appended to this Act.

Designated Board Functions

44. The Chair may, in consultation with the Education Director, Executive Director of Programs and the Board, delegate Trustees to attend Nation or other education functions to represent the Board and Department, subject to available funding.
45. Trustees attending functions pursuant to Section 44 shall be reimbursed according to the Tsuut'ina Nation Human Resources Policy.

Board Composition

Board Composition

46. The Board shall be composed of:
- (a) Five (5) Trustees appointed by Chief and Council;
 - (b) Two (2) Trustees who are Council Representatives and are appointed by the Chief; and
 - (c) One (1) Elder Trustee.
47. The two Council Representative Trustees are non-voting members of the Board except in accordance with Section 63.

Trustee Qualification

48. Any Eligible Voter, whether resident on or off reserve, is eligible for appointment as a Trustee except:
- (a) Any person convicted of a criminal offence that was prosecuted by way of indictment in the past 5 years; and
 - (b) Any person declared to be mentally incompetent by a court of competent jurisdiction in Canada or otherwise at the time of appointment.

Appointments

49. Appointments of the five Chief and Council appointed Trustees shall be for two (2) year terms.
50. To ensure continuity, Trustees will be appointed for staggered terms. In order to have staggered terms, and for no other purpose, Chief and Council may shorten or lengthen the term of a Trustee.
51. The appointment of the two Council Representatives shall be governed by the processes and policies of Chief and Council.
52. The Elder Trustee shall be determined according to the procedures of the Elder Council.

Length of Term

53. Trustees may only serve for two (2) consecutive two year terms and may then reapply for a position on the Board of Trustees after a full-term passes.

Trustee Orientation

54. Prior to attending their first regularly scheduled Board meeting, a Trustee shall receive a Trustee Orientation in accordance with the Trustee Orientation Policy.

Vacancies on Board

55. The office of a Trustee of the Board becomes vacant if the person, while holding office:
- (a) Becomes ineligible to hold office pursuant to Section 48;

- (b) Is deceased;
- (c) Resigns;
- (d) Fails to disclose a Conflict of Interest in accordance with Section 6(2.6) of the Tsuut'ina Nation Human Resources Policy Manual; or
- (e) Is removed from office in accordance with Sections 56, 71-74, 101, or 116-119 of this Act.

Attendance Requirements

56. Where a Trustee fails to attend three Board meetings without reasonable excuse as determined by the Chair, the Trustee shall be removed from his office of Trustee for the remainder of his term.
- (a) A reasonable excuse includes but is not limited to:
 - i. Family Emergency;
 - ii. Medical Emergency;
 - iii. Funeral; and
 - iv. At the discretion of the Chair

57. A Trustee removed from the Board pursuant to Section 56 shall not be eligible for re-appointment to the Board for two years from the date of the disqualification resolution.
58. A Trustee may raise the attendance record of any other Trustee as a point of order.

Vacancy in Term

59. Where the office of a trustee becomes vacant for more than 90 days before the date when another selection would ordinarily be held, a special selection, upon the recommendation of the Board, may be made by Council in accordance with this Act to fill the vacancy.
60. A Trustee selected to fill a vacancy pursuant to Section 56 remains in office for the balance of the term of the Trustee they are replacing.

Trustee Compensation

61. Trustees shall be compensated according to the Tsuut'ina Nation Human Resources Policy.

Board Chair

62. The Chair of the Board shall be designated by the Chief and shall be one of the two Council Representatives.
63. The Chair shall be a non-voting member of the Board except in case of a tie in which case the Chair shall cast the deciding vote.

Chair's Role

64. The Chair shall:

- (a) Call Board meetings to order and preside at all Board meetings;
 - (b) Facilitate an atmosphere of friendliness, respect, and safety at all Board meetings, encouraging all members to actively participate.
 - (c) Ensure that the perspectives and opinions of all Trustees are given an equal voice;
 - (d) Control order of the Board meeting;
 - (e) In collaboration with the Education Director, encourage Trustees to forward agenda items to the Executive Secretary for upcoming meetings;
 - (f) Ensure that the agenda is agreed to by Trustees, that the agenda is followed and that the discussion does not stray from agenda items;
 - (g) Ensure that the time frame set out in the agenda is maintained;
 - (h) Be the official spokesperson for the Board and the Department faithfully representing the opinions and decisions of the Board as a whole;
 - (i) Ensure that the resolutions and policies of the Board are carried into effect;
 - (j) Convey to the Education Director such concerns as are relayed to him by Trustees, parents, students, or employees which may affect the administration of the Department;
 - (k) Provide counsel, when requested, to the Education Director when a course of action may be necessary, the substance of which is not within the parameters of existing Board Policy;
 - (l) Report regularly to Chief and Council in regards to the operation of the Board and the Department; and
 - (m) Report to Chief and Council regarding any major decisions, issues or concerns arising in the Department.
65. Where Chief and Council members have concerns, questions, ideas or any other input regarding the Board, the Department, and its functioning, Chief and Council members shall take those questions, ideas or input to the Chair and shall not interfere in the operation or functioning of the Board or the Department.

Co-Chair

66. The appointed Council representatives shall act as the Co-Chair.

Co-Chair Role

67. In the absence of the Chair, the Co-Chair shall chair meetings of the Board and in the absence of both the Chair and the Co-chair, they may appoint any other board member who shall chair meetings of the Board.

Elder Trustee

68. The Elder Trustee shall be elected through an Elder voting process according to their procedure at a duly called Elders meeting.
69. The Elder Trustee shall be a voting member of the Board.

Elder Trustee Role

70. The Elder Trustee shall:
- (a) Serve as a liaison between the Board and the Elder group and bring information to the Elder group;
 - (b) Facilitate mediation where appropriate;
 - (c) Act as an advisor to the Board and the Department;
 - (d) Act as interpreter where required;
 - (e) Ensure that spiritual and traditional values are incorporated at the Board and education program level;
 - (f) Play a listening and supporting role to the Board, staff and community in relation to the Department;
 - (g) Offer the wisdom of their life experience to the Board;
 - (h) Offer commitment to the Department; and
 - (i) Act as a role model for, and of, the Department and help the program earn respect of the community.

Board Procedures

Oath of Confidentiality

71. All Trustees are bound by the Accountability Code and shall take an Oath of Confidentiality from an individual duly qualified for the taking of such oaths for the safe keeping and confidence of all Board business.
72. For greater certainty, Trustees shall not discuss Board or Department business with anyone either in person, via social media, or all other forms of media.
73. Where it is alleged that a Trustee is in breach of the Oath of Confidentiality the Chair, in consultation with General Legal Counsel, shall investigate the allegation.
74. Where the Chair determines that a Trustee is in breach of the Oath of Confidentiality:
 - (a) The Chair shall present its findings and a recommendation to Council; and
 - (b) Chief and Council shall determine whether to discipline the Trustee or to remove the Trustee from the Board for improper conduct.

Quorum

75. Quorum of Board meetings shall be no less than 3 voting members present at a meeting.
76. If quorum is not present at the start of a meeting, the remaining Trustees shall select a time and location for an alternative meeting.
77. If a quorum is not present at anytime during a meeting, the meeting shall be adjourned and the minutes of the meeting shall record:
 - (a) That the meeting did not have a quorum;
 - (b) The time the meeting was adjourned; and
 - (c) The time Trustees arrive and leave meeting if they are not present at the beginning of the meeting and at the end of the meeting.

Dissolving the Board

78. If quorum is not achieved at three consecutive meetings, Chief and Council may dissolve the Board.
79. Where Chief and Council dissolves the Board pursuant to Section 78 Chief and Council shall act as the Interim Board pending the appointment of a new Board in accordance with Section 76.
80. Where Chief and Council dissolves the Board pursuant to Section 78 Chief and Council shall appoint a new Board within 30 days of the dissolution.
81. Where Council appoints a new Board pursuant to Section 80:
 - (a) Trustees of the dissolved Board who did not miss any meetings shall be re-appointed;

- (b) Trustees of the dissolved Board who have missed at least one (1) but no more than three (3) meetings during the term to the date when the Board is dissolved may be eligible for re-appointment as determined by Chief and Council; and
- (c) Trustees who missed three or more unexcused meetings shall not be re-appointed to the Board for a period of two (2) years from the date the Board is dissolved.

Monthly Board Meetings

- 82. The Board shall hold duly convened meetings monthly throughout the year.
- 83. The Board may establish a specific day each month for regular meetings.

Special Meetings

- 84. In addition to the monthly Board meetings, the Board may hold a special meeting where there is a single issue of significant magnitude that requires a full meeting to address it.
- 85. There shall be a maximum of two (2) special meetings per month.

Emergency Meetings

- 86. **Emergency Meetings**
- 87. The Board may hold an emergency meeting where:
 - (a) There is a single-issue agenda;
 - (b) The issue is significant magnitude that a full meeting is required to address it; and
 - (c) A decision is required prior to the next monthly Board meeting.

Policy Review

- 88. Once per year at a regularly held monthly meeting, the Board shall review its policies and update them as required in accordance with the Tsuut'ina Legislative Process.

Education Director's Attendance at Board Meetings

- 89. The Education Director shall attend all Board meetings *ex officio* except those meetings held in camera for the review of the Education Director's performance and remuneration, or any other matter directly affecting the Education Director either personally or professionally.

Notice of Meetings

- 90. Notice of all regular and special meetings of the Board shall be emailed, delivered, mailed, faxed, texted, or telephoned to each Trustee not less than five (5) business days before the meeting is to take place.
- 91. No formal notice of a meeting is necessary if all of the Trustees were present at the meeting at which the date was fixed, or if those present have signified their consent to the meeting held without notice and in their absence.
- 92. Notice of Emergency meetings shall be telephoned, texted, or emailed to each Trustee and all reasonable efforts to contact each Trustee will be made prior to the emergency meeting.

In-Camera Meetings

93. The Board shall address the following matter in camera:
- (a) Litigation involving the Board; and
 - (b) Such other matters, as the Board deems necessary to address in camera.
94. All discussions during in-camera sessions are confidential.
95. Decisions of in-camera sessions will be recorded in the minutes of the meeting.

Minutes of Meeting

96. The business conducted at meetings of the Board shall be recorded in the form of minutes.
97. Minutes of each Board meeting shall be available to each Trustee prior to a subsequent Board meeting where the minutes shall be submitted for the Board's approval.
98. The Trustees may have the minutes recorded by a member of the staff of the Board.

Voting

99. All decisions made by the Board shall be determined by a majority vote at a duly convened meeting.
100. Voting shall take place as follows:
- (a) Each voting Trustee shall be entitled to one (1) vote on any issue at any meeting of the Board;
 - (b) Every resolution shall be decided by a show of hands;
 - (c) In the case of a tie vote, the Chair shall cast the deciding vote;
 - (d) Every resolution shall be recorded and dated in the minutes;
 - (e) Any trustee may request a recorded vote on any resolution;
 - (f) Where a Trustee has requested a recorded vote, the Board shall vote on whether to hold a recorded vote;
 - (g) All abstentions in voting shall be recorded with the name of the abstaining Board member; and
 - (h) There shall be no proxy voting.

Proof of Resolution

101. A declaration by the Chair that a resolution has been carried and an entry to that effect in the minutes is conclusive evidence of the fact, without additional proof, of the number and proportion of votes recorded in favour of and against the resolution.

Abstentions

102. A Trustee who abstains in a vote in more than 3 meetings in a school year without reasonable excuse as determined by the Chair shall, if the Board by resolution decides, be removed as a

Trustee and shall not be entitled to be re-appointed to the Board for a period of 2 years following the date of the last meeting attended.

103. A Conflict of Interest is a reasonable excuse for abstaining from a vote.

Dispute Resolution

Dispute Resolution Process – Tsuut’ina Child Education System

104. Where a person has an issue, dispute or grievance relating to a student, teacher, instruction, discipline, learning materials, programs or other aspect of the Tsuut’ina child education system, the person shall attempt to resolve the issue, dispute or grievance with the following people in the following order:
- (a) The teacher or other staff member;
 - (b) The school principal;
 - (c) The Education Director; and
 - (d) All parties involved.
105. Issues, disputes and grievances shall be resolved in accordance with the Education Department Dispute Resolution Policy.

Dispute Resolution Process – Adult Learning Programs

106. Where a person has an issue, dispute or grievance relating to a student, Citizen, teacher, instruction, discipline, learning materials, programs or other aspect of the adult learning programs or the adult education system, the person shall attempt to resolve the issue, dispute or grievance with the following people in the following order:
- (a) The program staff;
 - (b) The coordinator of the program;
 - (c) The Education Director; and
 - (d) All parties involved.
107. Issues, disputes and grievances shall involve all parties and be resolved in accordance with the Education Department Dispute Resolution Policy.

Dispute Resolution by the Board

108. Where an issue, dispute or grievance remains unresolved pursuant to Sections 103 or 104, and the person involved wishes to bring the matter to the attention of the Board, the person may request in writing to the Board that they may bring their issue, dispute or grievance to a Board meeting pursuant to the Accountability code.
109. The written request required under Section 107 must include a description of the issues, grievance or dispute and description of the steps that have been taken to resolve the issue, dispute or grievance.
110. Where the Board receives a request pursuant to Section 107 the Board may:
- (a) Grant the request to hear the issue, dispute or grievance in which case the person making the request shall make a presentation to the Board pursuant to section 110; and

- (b) Deny the request to hear the issue, dispute or grievance by sending a letter to the person setting out the reasons for denying the request and advising the individual how to proceed.

Presentations to the Board

111. Where the Board has granted a request to a person to bring an issue, dispute or grievance to the Board pursuant to Section 109(a), the person shall:
- (a) Make an appointment time with the Executive Secretary of the Department;
 - (b) Provide a written statement of the nature of the presentation to the Executive Secretary at least 7 days prior to the date of the appointment;
 - (c) Provide a written statement of the attempts made to resolve the issue, dispute or grievance including the people involved and the dates of meetings and communications; and
 - (d) Where it is a group presentation, appoint a spokesperson for the group.
112. Where a person or persons has brought an issue, dispute or grievance to the Board, the Board may:
- (a) Decline to address the issue, dispute or grievance because it is a day-to-day management issue into which the Board ought not to interfere pursuant to Sections 40 and 41;
 - (b) Decline to address the issue, dispute or grievance because the proper channels of dispute resolution have not been followed in which case the Board will direct the person or people making the complaint about the proper procedure for complaint and dispute resolution;
 - (c) Implement a process for resolving the issue, dispute or grievance; or
 - (d) Make a decision resolving the issue, dispute or grievance.

Communication of Board Decision

113. The Board shall communicate its decision in writing to the appropriate party within 7 days of making their decision.

Conduct of Trustees

Trustees Knowledge

114. Trustees shall be knowledgeable regarding all Tsuut'ina Nation policies and legislation, the policies of the Board and the Department, and other applicable legislation.

Conflict of Interest

115. Trustees shall abide by the Conflict of Interest rules set out in Section 6(2) of the Tsuut'ina Nation Human Resources Policy.
116. When an actual or potential conflict exists, the Trustee shall:
- (a) Disclose the conflict to the Chair;
 - (b) Refrain from participating in any decision-making process involving the conflict;
 - (c) Shall excuse themselves from the meeting during the discussion;
 - (d) Refrain from discussing the matter with any decision maker involved;
 - (e) Not vote in any decision involving such matters.

Trustees Conduct

117. Trustees shall abide by this Act, all Board, Department and Nation policies, and all applicable legislation.
118. Trustees shall conduct themselves in a manner that is respectful, courteous, and cooperative and shall act with honesty, integrity, and reliability.
119. Through their actions and decisions, Trustees shall promote the best interests of the Department, the students, the Citizens, and the Nation.
120. Where Chief and Council, either of its own accord or on the advice of the Board, determines that a Trustee has consistently failed to comply with Sections 116, 117, or 118, or that a Trustee's presence on the Board otherwise undermines the confidence of the Citizens in the operation of the Board, the Chief and Council shall:
- (a) Seek from the Board a determination of the facts and details of the matter; and
 - (b) Request the Trustee to resign and, where the Trustee refuses to resign, shall terminate the Trustee.

Dereliction of Duty

121. Council may dissolve a Board where it is found by Council to be derelict in its duty to carry out its mandate in accordance with this Act or other relevant legislation or is operating in a dysfunctional manner or a manner that is not in the best interests of the Citizens.

Dissolution of the Board

122. Where Council dissolves a Board pursuant to Section 120, Trustees shall abide by the decision.

123. Where Council dissolves a Board pursuant to Section 120, a new Board shall be established in accordance with Sections 78 to 81.

Department of Education Mandate, Roles and Responsibilities

Mandate

124. The Department is responsible for the day-to-day management of the Tsuut'ina Education System in the best interests of the students, Citizens, and Nation.
125. The Department shall:
 - (a) Provide programs and curriculums sufficient to allow students to meet the standards of education set by the Board;
 - (b) Provide educational opportunities for Citizens to complete Headstart, Early Education, K-12, High School, High School equivalency, Post-Secondary preparation, skills training, and post-secondary access; and
 - (c) Practice fiscal responsibility in the management of the Tsuut'ina Education System in accordance with the requirements of funding sources.

Portfolio Liaison Officer

126. Council shall appoint the PLO who shall work in collaboration with the Education Director to ensure the Education Department is operating in compliance with and in adherence to the HR Policy, Tsuut'ina Nation Finance and Administration Act, and all other applicable Tsuut'ina, International, Federal, Provincial Legislation

Education Director

127. The Board shall hire an Education Director to manage the Department.
128. The Education Director is accountable to the Board for the proper conduct and management of the Department.
129. The Board oversees the Education Director through the Tsuut'ina Nation and Finance Administration Act.

Education Director's Role

130. The Education Director shall carry out all duties assigned to her by the Board including:
 - (a) Supervising the delivery of education programs;
 - (b) Supervising the administration of the Department including human resources and the financial systems of the Department in accordance with the Tsuut'ina Nation Human Resources Policy and the Tsuut'ina Nation Finance and Administration Act;
 - (c) Implementing education policies established by the Board and other applicable policies established by Council;
 - (d) Ensuring that students attending Tsuut'ina schools have the opportunity to meet the standards of education set by the Alberta Education Standards, and Federal Health Standards;

- (e) Ensuring that adult students attending adult learning programs have the opportunity to meet the standards of education set by Council, the Board, and the Alberta Education Standards;
- (f) Advocating on behalf of Tsuut'ina Citizens attending off-reserve schools, skill training programs, and postsecondary programs;
- (g) Establishing the budget for the Department including honorariums for Board members; and
- (h) Providing leadership in all matters relating to Education.

Decision Making

- 131. The Education Director shall make decisions that are in accordance with Department and Nation policies, and all legal requirements.
- 132. Where the Education Director must make a decision for which there is no applicable policy or legislation, the Education Director shall consult with a Human Resources Representative and General Legal Counsel and shall make the decision in the best interests of the students, the schools, and the Department in accordance with the tenor of existing policy.

Communication of Education Director's Decisions

- 133. The Director shall advise the Board of any major decisions taken by the Director and of any major events or issues of concern within the Department of Education.
- 134. The communication contemplated in Section 132 is for advisory purposes only and does not confer on the Board the authority to overturn the Director's decisions taken in the day-to-day operations and management of the Department.

Policy Development

- 135. Where, in the opinion of the Education Director, there are circumstances which require a new policy, the Education Director shall, at the next regularly scheduled Board meeting:
 - (a) Provide an oral or written report to the Board detailing the circumstances giving rise to the need for a new policy; and
 - (b) Recommend to the Board a new policy to address the circumstances.
- 136. The Board shall review the Education Director's report and either approve, revise or reject the policy.

Education Director's Absence

- 137. The Education Director shall appoint one of the school principals to act in his or her absence.
- 138. If the Education Director's absence continues for more than one (1) month but less than six (6) months, a qualified and certified teacher appointed by the Board of Directors shall act as an Interim Education Director.

Designation of Principals, Vice Principals and Coordinators

139. In accordance with Sections 150 and 151, the Education Director shall Hire, designate and supervise in accordance with the Tsuut'ina Nation Human Resources manual:
- (a) A Principal for each school;
 - (b) A Vice Principal for each school;
 - (c) Headstart Coordinator;
 - (d) System Administrator;
 - (e) A BAEC Coordinator; and
 - (f) A Post-Secondary Coordinator.

School Principal

140. A Principal of a school shall fulfill all the duties of a school principal as more specifically described in the Tsuut'ina Nation School Administration Policy.
141. The Principal of a school shall be a certified teacher.

Vice Principal

142. A Vice-Principal of a school shall carry out all the duties of a Vice-Principal as more specifically described in the Tsuut'ina Nation School Administration Policy.
143. A Vice-Principal shall be a certified teacher.

Teachers

144. A teacher shall carry out the professional duties associated with classroom instruction, student supervision and such other duties as required as more specifically described in the Tsuut'ina Nation School Administration Policy.
145. Tsuut'ina language teachers are not required to be certified teachers but, if uncertified, Tsuut'ina language teachers shall be supervised at all times by a certified teacher.

BAEC Coordinator

146. The BAEC Coordinator shall carry out all duties associated with providing adult learning programs and such other duties as required and as more specifically described in the Tsuut'ina School Administration Policy.

Post-Secondary Coordinator

147. The Post-Secondary Coordinator shall carry out all duties associated with providing adult learning programs and such other duties as required and as more specifically described in the Tsuut'ina Nation School Administration Policy.

Systems Administrator

148. Systems Administrator shall carry out all duties associated with providing effective provisioning installation, configuration, operation and maintenance of systems hardware and software and related infrastructure.

Conduct of Department Staff

149. All Department staff are required to conduct themselves in accordance with the policies and procedures of the Department, the code of conduct of their profession, and all applicable Tsuut'ina Nation and other legislation.

Education Department Human Resources Policy

Tsuut'ina Nation Human Resources Policy

150. Subject to Section 148 the Tsuut'ina Nation Human Resources Policy shall govern the recruitment, retention and employment of all Department employees, including Tsuut'ina Education Department Administrative Staff.
151. The following exceptions to the Tsuut'ina Nation Human Resources Policy apply to Tsuut'ina Nation School staff:
- (a) All staff working in Tsuut'ina schools shall be entitled to paid leave as specified in the school year calendar including but not limited to, Winter Break, Spring Break and Summer Break;
 - (b) Any other vacation leave requested by an employee that does not fall within the above calendar days, shall take vacation leave without pay;
 - (c) The Tsuut'ina Nation Human Resources Policy regarding sick leave eligibility shall apply except section 5(2.10) of the Tsuut'ina Nation Human Resource Policy Manual. All staff working in Tsuut'ina schools are entitled to 1.25 days per month over a 10-month period, for a total of 12.5 days or 87.50 hours; and
 - (d) Tsuut'ina Nation School staff are not entitled to mental health days as provided in the Tsuut'ina Nation Human Resources Policy.

Personnel Hiring

152. The Department shall employ the best personnel available for any given position solely on the basis of merit and qualifications but where qualifications are equal, priority shall be given in accordance with clause 2.1.9 of the Tsuut'ina Nation Human Resources Policy.
153. On behalf of the Department, the Education Director shall:
- (a) Engage the services of teaching and non-teaching staff including, but not limited to, principals, vice-principals, teachers, teaching assistants, counselors, program coordinators, administrative staff and general staff as may be required for the efficient and effective operation of the Department's mandate; and
 - (b) Have the final decision regarding all Department staff.

Contractual Employment

154. All school principals, vice principals, teachers, counselors, program coordinators, and non-teaching support staff shall be employed initially on a contractual basis for two years, then move to an indefinite contract, with progressive discipline, in order to meet the specific and changing needs of the community.
155. Department employment contracts may specify exceptions to the Tsuut'ina Nation Human Resources Policy.

Employees of the Department

156. All Department employees, as a condition of their contracts, shall acknowledge and respect the fact that Tsuut'ina Lands are independent of the jurisdiction of the Province of Alberta and that Tsuut'ina Nation laws apply to them in the performance of their employment, and adhere to the accountability code.
157. All non-Nation employees of the Department are guests of the Nation and are expected to conduct themselves accordingly including treating all Citizens with dignity and respect notwithstanding that they may, from time to time, require behavioral guidance.

Operational Requirements for Tsuut'ina Elementary, Middle and Senior High Schools

158. Every person:

- (a) Who is a Tsuut'ina Citizen;
- (b) Who on September 1 in a year is 3 years of age or older and younger than 20 years of age;
- (c) Is entitled to attend a Tsuut'ina school in accordance with this Act.

Access to Tsuut'ina Schools

159. Every person who:

- (a) Is a resident on Tsuut'ina lands;
- (b) Who resides with a Tsuut'ina Citizen;
- (c) Who at September 1 in a year is 5 years of age or older and younger than 20 years of age;
- (d) Who is an off-reserve Citizen;
- (e) Who is a child of a Nation Teacher;
- (f) A non-citizen;
- (g) may attend a Tsuut'ina School in accordance with this Act if the school principal determines that there is adequate funding, space and resources for the student in the school, with priority given to Tsuut'ina Nation Citizens and Residents.

Access to Off-Reserve Education Programs

160. The Board and Tsuut'ina Nation recognize that parents of Tsuut'ina Citizens have the right to determine how their children are educated, subject to any applicable laws, and may choose to enroll their children in an off-reserve school and such enrollment shall have no effect on the Citizen enrolling in Tsuut'ina schools in the future.
161. Where parents of Tsuut'ina Citizens choose to enroll their children in off-reserve schools, funding and support shall be provided to the student in accordance with the Tsuut'ina Off-Reserve Schools and Programs Funding and Support Policy.

Headstart Student Age Requirements

162. Headstart students must be 3 years old as of September 1st of the school year to attend in September of that school year.

Pre-School Student Age Requirements

163. Pre-School students must be 4 years old as of December 31st of the school year to attend in September of that school year.

K5 Student Age Requirements

164. K5 Students must be 5 years old as December 31 of the school year to attend in September of that school year.

Registration Deadlines

165. The deadline for registration of students is September 30th.
166. In special circumstances and at the discretion of the Director, students may be permitted to register after September 30th if adequate staff, funding and resources are available, after contact has been made with their previously attended school.
167. Students who are permitted to register after September 30th must bring their own school supplies.

Student Withdrawals

168. Students who withdraw from Tsuut'ina schools May not be permitted to reregister until any outstanding issues have been resolved.
169. Students who electively withdraw from Tsuut'ina schools will be permitted to reregister based upon available space and funding.

Student Placement and Assessment

170. Student placement at the beginning of the school year will be determined by the Principal, in consultation with teachers and parents, based on assessments, academic performance, and attendance.
171. New students for whom adequate records cannot be obtained may be assessed for academic placement.

Student Records

172. The Department shall establish and maintain a student record for:
173. Each student enrolled in a school operated by the Tsuut'ina Nation; and
174. Each child or students enrolled in an early childhood education program provided by the Board.

Access to Student Records

175. The following persons may review the student record maintained in respect of a student or a child enrolled in an Education program:
176. The student;
177. The student's parent, except where the student is an independent student; and
178. The parent of a child enrolled in an education program.
179. A person who is entitled to review a student record under Section 173(a) may submit a request for a copy of the student record, along with any associated fee, to the Department and the Department shall provide a copy of the student record to the person.

Providing Information for Student Records

180. A person who provides information to a student record is exempt from any liability with respect to the provision of that information if that person, in providing that information:
181. Acted in good faith;
182. Acted within the scope of that person's duties and responsibilities; and
183. Did not act in a negligent manner.

Rectification of a Student Record

184. If, on reviewing a student record, a person who is entitled to review the student record is of the opinion that the student record contains inaccurate or incomplete information, that person may request that the Department rectify the matter.

Board is Responsible to Provide an Education Program

185. The Board shall ensure that all eligible students are provided with an educational program in accordance with this Act that is sufficient and appropriate to meet the unique educational needs of each student, pending funding availability.

Diverse Learning Needs

186. Tsuut'ina Nation and the Board recognize that while all students are unique, some students have diverse learning needs that require additional educational resources.
187. Where a student is assessed to have diverse learning needs, the Board shall provide an educational program for that student in accordance with the Diverse Learning Assessment Policy.

Curriculum

188. The Nation and the Department have entered into the School Declaration with the Province of Alberta in order to ensure that Citizens are able to obtain educational certifications that will allow them to pursue employment, skills training, and post secondary education.
189. In accordance with the School Declaration, the Department shall provide the Alberta Education curriculum to students.
190. Wherever possible, the Department shall infuse the Alberta Education curriculum with Tsuut'ina language, culture, traditions, history, and practices.

Tsuut'ina Language and Culture Program

191. All students shall participate in the Tsuut'ina Language and Culture Program.
192. Students attending an off-reserve school shall attend Tsuut'ina Language and Culture programs where they are offered in the off-reserve school.

Instructional Hours and Teaching Days

193. The number of instructional hours per day shall be established by the Education Director in accordance with the Instructional Hours policy.
194. The number of teaching days per year shall be established by the Education Director in accordance with the Instructional Hours policy.

Recess

195. A minimum of 2 recess periods or class breaks shall be scheduled during each day for Early Childhood Students and elementary students.

Lunch Period

196. Each student shall be provided a daily lunch period.

School Operating Hours

197. The Principal, in consultation with staff and the Education Director, shall determine the times when school doors will be unlocked each day.

Report Cards

198. A report card will be issued for each student in accordance with the school calendar.

Graduation Goal

199. It is the goal of Tsuut'ina Nation, the Department and the Board that all Tsuut'ina Citizens graduate from Tsuut'ina high school.
200. Students are encouraged to complete their high school program within four years at the Tsuut'ina High School.
201. Students who do not complete their high school program by the age of 20 will be transferred to the BAEC to complete the remainder of their high school program.
202. Students who are 21 years of age at the commencement of the school year are to register at BEAC.

High School Individual Program

203. A high school student's individual program should be challenging and, to the extent possible, geared towards the student's career goals.

Graduation Requirements

204. In order to graduate, a student must complete the credits required in accordance with the Alberta Education Standards, Alberta High School Diploma Requirements.

High School Course Withdrawal

205. The final date for student withdrawal from a high school course will be half way through the course and, if a student withdraws after that date, a final mark will be submitted.

Diploma Exams

206. Diploma examination will be written in selected grade 12 courses, as determined by the Education Director, to ensure province-wide standards of achievement are maintained, as based on the Alberta Education Standards, to certify the level of individual student achievement, and to report individual and group results to the Board.

Student Conduct

207. Students shall conduct themselves in accordance with the Tsuut'ina Nation Schools Student Code of Conduct.

Student Discipline

208. Where a teacher, Principal, Vice-Principal, or Education Director is required to discipline a student, they shall do so in accordance with the Tsuut'ina Nation Schools Discipline Policy.
209. Without limiting the generality of Section 200 the Tsuut'ina Nation Schools Discipline Policy includes the authority to suspend or expel a student.

School Safety and Security

210. The Board, Education Director and Principals shall ensure that the Tsuut'ina Nation School Safety and Security Policy is implemented.
211. Anyone, including students, teachers, faculty, administrative staff, or parents attending at a Tsuut'ina Nation School or participating in a Tsuut'ina Nation excursion shall abide by the Tsuut'ina Nation Schools Safety and Disaster Policy.

General**Severability**

212. If any section or sections of this Act or parts thereof are found in any court of law to be illegal or beyond the power of Council to enact, such section or sections or parts shall be deemed to be severable and all other sections or parts of this Act shall be deemed to be separate and independent therefrom and to be enacted as such.

Indemnity

213. Members of Council, the Board, and officers and employees engaged in carrying out any matter related to the administration of the Tsuut'ina Nation Education System are indemnified and saved harmless from all claims, liabilities and demands of any kind or nature whatsoever arising from the performances of their obligations and duties under this Act, provided they have not acted fraudulently or negligently in the performance of their obligations and duties.

Liability Coverage

214. Council shall arrange, maintain and pay, insurance coverage for its officers and employees engaged in carrying out any matter related to Tsuut'ina Nation Educational System to indemnify them against personal liability from the performance of those duties.

Extent of Coverage

215. The extent of the insurance coverage shall be determined by Council.

Additional Laws

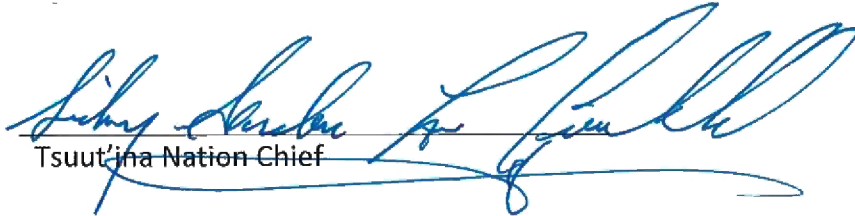
216. Council and the Board may make such laws, regulations or policies as is necessary to implement this Act.

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Chief and Council Signatory Page


THIS ACT IS HEREBY made at this duly convened meeting of the Chief and Council of the Tsuut'ina Nation this 24th day of April, 2018 by Nation Council Resolution.

Voting in favour of the Education Act, as evidenced by signatures, are the following members of the Chief and Council:


Tsuut'ina Nation Chief

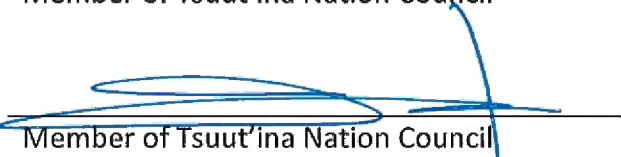
Member of Tsuut'ina Nation Council



Member of Tsuut'ina Nation Council


Member of Tsuut'ina Nation Council



Member of Tsuut'ina Nation Council

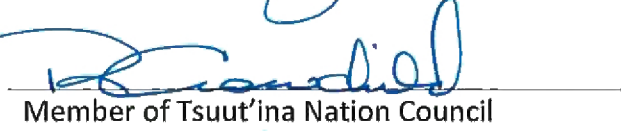

Member of Tsuut'ina Nation Council



Member of Tsuut'ina Nation Council

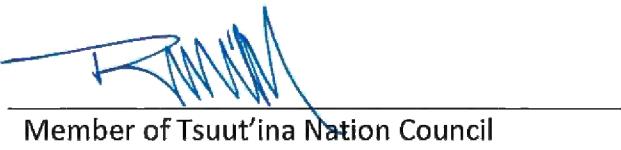

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