



## **MASKWACÎS EDUCATION LAW**

**Approved and Adopted by Maskwacis Cree Nations Chiefs and Councils:  
Ermineskin Cree Nation, Louis Bull Tribe, Montana First Nation  
and Samson Cree Nation**

**April 26, 2018**

*Amended November 27, 2020; November 26, 2021, November 25, 2022*

## **MASKWACÎS EDUCATION LAW**

WHEREAS the Maskwacîs Cree, in a collaborative spirit, have delegated responsibility to the Maskwacîs Education Schools Commission to operate an innovative Education Authority that is accountable to its member First Nations communities and that recognizes that parents have the right and the responsibility to make informed decisions respecting the education of their children;

WHEREAS In recognition that the educational needs of all Maskwacîs children shall always be considered first, we the Maskwacîs Cree, as represented by the Chiefs, desire to establish a single education authority for the four independent Maskwacîs Cree Nations; Ermineskin Cree Nation, Louis Bull Tribe, Montana First Nation and Samson Cree Nation, this includes Maskwacîs members that reside at Pigeon Lake;

WHEREAS Education is our Treaty Right; pursuant to the adhesion pursuant to the adhesion to Treaty No. 6 entered into at Blackfoot Crossing, 1877, which must be recognized, observed and enforced as understood by the Maskwacîs Cree Nations.

WHEREAS Treaty 6 states: “Her Majesty agrees to maintain schools for instruction in such reserves hereby made, as to her Government of the Dominion of Canada may seem advisable, whenever the Indians of the reserve shall desire it”;

WHEREAS Section 35(1) of the *Constitution Act, 1982* states: “the existing Aboriginal and Treaty rights of the Aboriginal peoples of Canada are recognized and affirmed”, including inherent right of self-government, inherent right of self-determination “ohyotamahsowin”, including the right of self-government.

WHEREAS the parties are committed to implementing the *United Nations Declaration on the Rights of Indigenous Peoples* and the *Truth and Reconciliation Commission Calls to Action* in manner that is consistent with the Maskwacîs Education Law;

WHEREAS Articles 3 and 4 of the *United Nations Declaration on the Rights of Indigenous Peoples* states: “Indigenous peoples have the right to self-determination...in exercising their right to self-determination, have the right to autonomy or self-government”;

WHEREAS Article 14 (1) of the *United Nations Declaration on the Rights of Indigenous Peoples* states: “Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning”;

WHEREAS the Maskwacîs Cree envision a future where Maskwacîs Cree students speak Nehiyawewin, are academically successful, live a healthy lifestyle and are confident, resilient, know their history, language and culture;

WHEREAS, Wahkohtowin, Iyiniw Mamtohnehicikan, Nehiyaw Pimatisiwin and Nehiyawewin are the foundations of the Maskwacîs and are integral to pursuing self-determination as Cree peoples and ensuring the health and happiness of the Maskwacîs Cree. Exercising control over the formal system of education is how the Maskwacîs Cree revitalize and pass on Cree ways of thought. Along with supporting life-long learning;

WHEREAS nothing in this Law is intended to be construed so as to diminish, eliminate, abrogate or derogate from any rights of the First Nations recognized and affirmed by section 35 of the *Constitution Act, 1982*.

NOW THEREFORE, the Chiefs and Councils of the Maskwacîs Cree enact the following Law, which shall govern the operation of the “Education Authority”.

## **1. INTERPRETATION OF TERMS AND EXPRESSIONS**

- 1.1. In this Maskwacîs Education Law and in all other organizational by-laws of the Authority hereafter passed unless the context otherwise requires words importing the singular number or the masculine gender shall include the plural number or the female gender, as the case may be, and vice versa, and references to persons shall include firms and societies.
- 1.2. This Maskwacîs Education Law or any agreement entered into for education on the Maskwacîs Reserves shall not be construed as to affect, prejudice, diminish, abrogate or derogate from any or all Constitutionally protected Aboriginal Rights or Treaty Rights as provided for through the enforcement of the true spirit and intent of Treaty No. 6, for as long as the sun shines, the grass grows and the rivers flow; nor shall this Maskwacîs Cree Nation law or related agreements or arrangements infringe or violate any inherent or human rights, privileges or freedoms of the Maskwacîs Cree Nation.
- 1.3. The Education Authority for the Maskwacîs Cree shall be known as MASKWACÎS EDUCATION SCHOOLS COMMISSION (MESC) (herein called the “Authority”).

## **2. DEFINITIONS**

- 2.1. “Elders” means a person from the communities who is recognized to have reached a certain level of cultural knowledge, expertise, experience and wisdom and conducted their life following the Nehiyaw Mamtohnehicikan Cree ways.
- 2.2. “Board” means the Board of Governors established for the Authority.
- 2.3. “Chiefs and Councils” means the Chief and Council of each of the Maskwacîs Cree Nations duly elected from time to time in accordance with each individual Nation’s Election Law.

- 2.4. “Contractor” someone who is independent of MESC. That is not an employee of MESC. A person or organization that has a defined contract with MESC outlining all duties and tasks to be performed.
- 2.5. “Governor” means a person appointed to the MESC Board of Governors.
- 2.6. “Guardian” means a person who has legal custody of a child or primary responsibility for a child but is not necessarily the Parent of the child.
- 2.7. “Indemnity” security or exemption from liability for damages.
- 2.8. “Independent Student” means a student who is; 18 years of age or older, or 16 years of age or older and living independently or is a party to an agreement under section 57.2 of the *Child Youth and Family Enhancement Act*.
- 2.9. “Iyiniw Mamtohnehicikan” (Cree thinking) means an overall, encompassing way of seeing and understanding the world through a Cree perspective including the Maskwacîs Cree language, ceremonies, values and understanding of good relationships (Wahkohtowin).
- 2.10. “Liability” the state of being responsible for something.
- 2.11. “Maskwacîs Cree” refers to the Nations that are comprised of Ermineskin Cree Nation, Louis Bull Tribe, Montana First Nation and Samson Cree Nation. This includes the residents of Pigeon Lake that are members of one of the Maskwacîs Cree Nations.
- 2.12. “Maskwacîs Education Law” means the law approved by Chiefs and Councils of the Maskwacîs Cree describing the operation, functions and duties of Governors, officers, employees and identifies the delegated powers of the Board and the Authority.
- 2.13. “MESC” - Maskwacîs Education Schools Commission
- 2.14. “Nehiyawewin” means the Cree language.
- 2.15. “Nehiyaw Pimatisiwin” means the Cree way of life, living and learning off the land.
- 2.16. “Parent” means the father or mother of a child with legal custody and includes a person who has legally adopted a child and a person who has adopted a child in accordance with the custom of a First Nation.
- 2.17. “Reserve” means the four (4) reserves that make up Maskwacîs; Ermineskin Cree Nation, Louis Bull Tribe, Montana First Nation and Samson Cree Nation.

2.18. “School Age” a person is of school age if he or she has not already graduated from secondary school and:

2.18.1. at September 1 in a school year is 3 years of age or older; and

2.18.2. is younger than 21 years of age

2.19. “Superintendent of Schools” means the person appointed and employed by the Board as the Executive Officer of the Authority, and Education Officer of the Authority pursuant to this Law.

2.20. “Wahkohtowin” means the belief that all things are related and connected, that all of existence has spirit and that living in a good way requires people to maintain good relationships with each other and other aspects of existence. The Maskwacîs Cree recognize that respect for mother earth, elders, youth, and the treaties are paramount to planning ahead and making decisions for future generations.

### **3. OBJECTIVE**

3.1. In recognition that the educational needs of all Maskwacîs children shall always be considered first, we the Maskwacîs Cree Nations, as represented by the Chiefs and Councils, desire to collaborate on the establishment of a single education authority for the four independent Maskwacîs Cree Nations of Ermineskin Cree Nation, Louis Bull Tribe, Montana First Nation and Samson Cree Nation. Create safe and caring schools for Maskwacîs children. Focused on learner success and increased achievement levels in Cree, Numeracy and Literacy

3.2. This Law will govern the administration of Education by the Authority and will govern the Board of Governors. This Law will ensure MESC is accountable to the Maskwacîs Chiefs and Councils and to the Maskwacîs Nations.

3.3. The Law does not give the board the power or authority to represent the Maskwacîs Cree Nations on any discussion, decisions or negotiation that may be construed as to deal with Treaty rights issues.

### **4. HEAD OFFICE**

4.1. The Head Office of the Authority shall be on the Reserve.

### **5. LEGAL ENTITY**

5.1. The Maskwacîs Cree Chiefs and Councils will establish MESC as a separate legal entity under the *Canada Not-for-Profit Corporations Act* by Maskwacîs Cree Chiefs and Councils Resolution.

## **6. BOARD OF GOVERNORS**

- 6.1. The property, business and operation of the Authority shall be managed through meetings of the Board of Governors.
- 6.2. The Board of Governors builds trust and fosters positive working relationships, shares and promotes the Maskwacîs Cree values, within the Maskwacîs Education System.

## **7. BOARD OF GOVERNORS SELECTION PROCESS**

- 7.1. The Board of Governors will be appointed through three (3) selection processes. The Board Selection Committee, The Elders Circle and the Parent Advisory Circle.
- 7.2. The Board Selection Committee will select four (4) community representatives to the Board of Governors. One (1) member from each of the following Nations, Ermineskin Cree Nation, Louis Bull Tribe, Montana First Nation and Samson Cree Nation.
- 7.3. The Board Selection Committee will appoint two (2) Members at Large to the Board of Governors.
- 7.4. The Elder's Advisory Circle will appoint two (2) members from their Circle. One (1) male and one (1) female.
- 7.5. The Parent Advisory Circle will appoint two (2) members from the Parent Advisory Circle to the Board of Governors.

## **8. BOARD OF GOVERNORS SELECTION COMMITTEE**

- 8.1. A Board Selection Committee to select the Board of Governors will be comprised of;
  - 8.1.1. Four (4) Chiefs of the Maskwacîs or their Councillor Designate;
  - 8.1.2. Four Councillors, one (1) from each Nation within Maskwacîs;
  - 8.1.3. One (1) Chair to appointed by Maskwacîs Chiefs and Councils, must be a current Chief or Council member of the Four Nations of Maskwacîs.
- 8.2. The Maskwacîs Cree Chiefs and Councils will appoint a Board Selection Committee Coordinator to assist the Board Selection Committee with its appointments. In addition, the recording secretary of the Board may assist the Coordinator with administrative support.

- 8.3. The Board Selection Committee will select four (4) community representatives to the Board of Governors. One (1) member from each of the following Nations, Montana, Louis Bull, Ermineskin and Samson.
- 8.4. The Board Selection Committee will select and appoint an Elders Circle comprised of ten (10) Elders from the Maskwacîs Nations. Five (5) will be female and Five (5) will be male. Two (2) from each Maskwacîs Nation and two (2) Maskwacîs members that reside in Pigeon Lake.
- 8.5. The Board Selection Committee will appoint two (2) Members at Large to the Board of Governors.
- 8.6. Six (6) months prior to the completion of a Board Member's, Elders Circle term, the Board Selection Committee will convene and begin the selection process.
- 8.7. The term of appointments begins at the date of appointment by the Selection Committee.

## **9. ELDERS CIRCLE**

- 9.1. The Board Selection Committee will select and appoint an Elders Circle comprised of ten (10) Elders from the Four Nations. Five (5) will be female and Five (5) will be male.
- 9.2. The Elders Circle with the assistance of the Authority will establish a Terms of Reference and governance policies.
- 9.3. The Elders Circle will be comprised of two (2) from each Maskwacîs Nation and two (2) that reside in Pigeon Lake.
- 9.4. The Elders Circle will appoint two (2) of their members, one (1) male and one (1) female to sit on the Board of Governors.
- 9.5. Each member appointed to the Elders Circle will hold a four (4) year term.

## **10. MEMBERS AT LARGE**

- 10.1. The Board Selection Committee will appoint two (2) Members at Large to the Board of Governors.
- 10.2. Members at Large must be members of the Maskwacîs Cree. They are deemed to represent Maskwacîs as whole.
- 10.3. Members at Large are chosen based on their education and experience.

They must be recognized as experts in their fields; Governance, Finance, Legal or Education. They must hold at least a Master's degree in their designated field or equivalent certification.

10.4. Members at Large will serve a four (4) year term.

## **11. PARENT ADVISORY CIRCLE**

11.1. Each School within the Authority will have a Parent Advisory Committees with their own terms of reference. The chair of each Parent Advisory Committee will represent that school at the Parent Advisory Circle.

11.2. A Parent Advisory Circle will be established with the assistance of the Education Authority.

11.3. A Parent Advisory Circle Terms of Reference will be created.

11.4. The Parent Advisory Circle will appoint two (2) members of the Circle to the Board of Governors.

11.5. The members of the Parent Advisory Circle must have at least one student attending one of the Education Authority Schools and must be in good standing with that school.

11.6. If a child ceases to be enrolled in the school, the member is no longer a member of the Parent Advisory Circle or the Board of Governors

11.7. Parent Advisory Circle Members on the Board of Governors will have a four (4) year term.

## **12. BOARD OF GOVERNORS QUALIFICATIONS**

12.1. Governors must be twenty-one (21) years of age with power under law to contract.

12.2. A Governor cannot be a current employee or contractor of MESC.

12.3. Governors must be a member of one of the four Maskwacîs Nations.

## **13. BOARD OF GOVERNORS COMPOSITION**

13.1. The Board of Governors will be comprised of the following;

13.2. Two (2) Elders appointed from the Elders Circle, one (1) male and one (1) female.



- 13.3. Four (4) community representatives, one (1) from each reserve of Ermineskin Cree Nation, Louis Bull Tribe, Montana First Nation and Samson Cree Nation.
- 13.4. Two (2) Members at Large.
- 13.5. Two (2) Parent Representatives appointed by the Parent Advisory Circle.
- 13.6. The Board shall select a Chairperson amongst themselves, who shall act as Chair of the Board of Governors.
- 13.7. Terms of Appointment
  - 13.7.1. Four Community Representative – four (4) year term.
  - 13.7.2. Two Members at Large – four (4) year term.
  - 13.7.3. Two Elders Circle Representatives four (4) year term.
  - 13.7.4. Two Parent Advisory Circle Representative four (4) year term.
- 13.8. The Board of Governors will be comprised of ten (10) voting members Quorum will be six (6) voting members.
- 13.9. Current Chiefs of Maskwacîs may sit as ex-officio on the Board with no voting power. Should they appoint a proxy, the proxy must be an active member of Council and will also have no voting power.
- 13.10. Board of Governors Positions will be appointed at the Annual General Meeting of the Authority.

#### **14. ONE YEAR TRANSITION PERIOD FOR BOARD OF GOVERNORS**

- 14.1. The Selection Committee may appoint Four (4) Community Members at the establishment of the new Authority and two (2) members at Large.
- 14.2. After one full school year under the new Authority the Selection Committee will call for the Elders Circle Representative and the Parents Association Representative.

#### **15. TEMPORARY BOARD ADDITIONS**

- 15.1. At the discretion of the Maskwacîs Cree Chiefs and Councils a special meeting may be called for the purpose of appointing up to an additional two (2) current Council Members to act as a full voting Members of the Board at any time deemed necessary, for a term not to exceed nine (9) months Such appointment(s) may be made pursuant to particular circumstances, including but not limited to:

- 15.1.1. The Maskwacîs Chiefs and Councils must have reason to believe and evidence that the Board is not acting in the best interest of the Maskwacîs Cree Nations; and/or
- 15.1.2. Any other appropriate and reasonable cause, which shall be specifically set out in the form of an Maskwacîs Cree Nation Chiefs and Councils Band Council Resolution.
- 15.1.3. If the Chiefs and Councils has reason to believe there is financial mismanagement of the Authority, the Council can call for a forensic audit.

## **16. REMOVAL OF BOARD OF GOVERNORS MEMBERS**

- 16.1. The office of Governors shall be automatically vacated:
  - 16.1.1. If a Board member resigns by delivering a written resignation to the Chair or the Superintendent of Schools;
  - 16.1.2. If he or she becomes a dependent adult under the Dependent Adults Act of Alberta, or suffers from a mental disorder that affects your capacity as a Board of Governor, confirmed by a medical physician, or has been so found by a Court of competent jurisdiction;
  - 16.1.3. If, at a duly called special meeting of the Board, a motion is passed by three-quarters (3/4) of the Voting Members of the Board requiring that he or she be removed from office, having provided the individual with 3 days' notice of the special meeting, as well as allowing for the individual to provide information or address outstanding issues;
  - 16.1.4. If, a Governor becomes deceased;
  - 16.1.5. With respect to a Governor who is also a Council member, upon ceasing to be a Council Member; in which case, the Board Selection Committee may immediately appoint a replacement from the current Council of Maskwacîs Cree so as to ensure continuity.
  - 16.1.6. If a Governor is appointed via the Parent Advisory Committee and their child ceases to attend an Education Authority School.
  - 16.1.7. If a Governor becomes an employee of the Education Authority

- 16.1.8. For greater certainty, where a vacancy in the Board occurs with an appointed Governor and the remaining term of that Governor is less than six (6) months, no new appointments will be made and the remaining Governors shall function and operate as a full Board. The Board shall exist so long as the number of remaining Governors is not less than four (4). Where a vacancy in the Board occurs and where the remaining term of that Governor is six (6) months or greater, than the application and interview process pursuant to section 2.3.2 shall apply to finish that particular term, subject to section 2.4.
- 16.1.9. If a Board Member has been absent without notice for three (3) consecutive meetings in a row.
- 16.2. The Governors shall, receive remuneration for their services, as determined and as approved by the Board. Governors may be paid reasonable expenses incurred in the performance of their duties. The Governors Honorarium and Per Diem schedule will be developed and reviewed by the Board Chair and the Superintendent of Schools annually. The Governors shall not be paid for duties outside of their roles as Board of Governors.

## **17. MEETINGS OF THE BOARD OF GOVERNORS**

- 17.1. Meetings of the Board may be held at any time and place to be determined by the Board.
- 17.2. Only the Chair of the Board has the authority to call meetings.
- 17.3. The Chair in consultation with the Superintendent of Schools may call a special meeting of the Board so long as all Members of the Board are given notices as provided herein.
- 17.4. Two (2) business days' notice of such meeting shall be sent by telephone, text or email to each Board member, providing there shall be at least one (1) meeting per month of the Board.
- 17.5. Meetings of the Board may be held by telephone subject to the approval of the Board members physically present at the meeting place. No error or omission in giving notice of any meeting of the Board or any adjourned meeting of the Board shall invalidate such meeting or make void any proceeding taken there at. Any voting Board member shall be entitled to one (1) vote on any issue at any meeting of the Board.
- 17.6. The Board of Governors will have an annual engagement session with

Elders Circle, Leadership Summit, Parent Advisory Circle and the Student Leadership Program.

- 17.7. Decisions of the Board shall require approval by a majority of votes cast on any particular matter however, in the case of a tie vote, the Chairman of the Board of Governors shall be entitled to a casting vote.

## 18. LIMITATION OF LIABILITY AND INDEMNIFICATION

- 18.1. **LIMITATION OF LIABILITY** - No Governor, Board Member or Member Representative, Member of the Maskwacis Cree Chiefs and Councils, Maskwacis Affiliate, or Officer of the Authority shall be liable for any omissions, acts, receipts, neglects or defaults of any other Member or Member Representative, Governor, Officer, or employee of the Authority, or for any loss, damage or expense happening to the Authority through the insufficiency or deficiency of title to any property acquired by resolution of the Board of Governors, Chief and Council, or Members for or on behalf of the Authority, or for the insufficiency or deficiency of any security in or upon which any of the monies of the Authority shall be invested, or for any loss or damage arising from the bankruptcy, insolvency or tortuous act of any person with whom any of the monies, securities or effects of the Authority shall be deposited, or for any loss occasioned by any error of judgement or oversight on their part, or any other loss, damage or misfortune whatsoever which shall happen in the execution of the duties their offices or in relation thereto unless the same shall happen through their own gross negligence, wilful neglect, wilful default, wilful misconduct, dishonesty or bad faith.
- 18.2. **INDEMNITY** - Governors, former Governors, Officers and former Officers, Board Members (and Member Representatives), former Board Members (and Member Representatives), Maskwacis Chiefs and Councils and each of them, and each of their respective heirs, executors, administrators, successors and assigns, shall from time to time and at all times be indemnified and saved harmless out of the assets and profits of the Authority from and against all costs, charges, losses, damages and expenses which they, or any of them, or any of their heirs, executors, administrators, successors and assigns, shall or may incur or sustain by or by reason of the performance of their duty or purported duty in their respective offices, except such (if any) as they shall incur or sustain by or through their own gross negligence, wilful neglect, wilful default, wilful misconduct, dishonesty or bad faith respectively. This indemnification is in addition to, but not exclusive of, any other right of indemnification to which the Governors, former Governors, Board Members, Former Board Members, Officers and former Officers, Members (and Member

Representatives) and former Members (and Member Representatives) may be entitled to at law or in equity.

## **19. COMMITTEES OF THE BOARD**

- 19.1. Subject to the restrictions contained in this Maskwacîs Education Law, the Board may provide for the creation of an adhoc committee or committees who shall be appointed by the Board. Such committee shall exercise any powers as authorized and provided by the Board.
- 19.2. Each Committee will have a Terms of Reference to be adopted by the Board
- 19.3. Any committee member may be removed by a majority vote of the Board.

## **20. POWERS OF THE BOARD**

- 20.1. Subject to the restrictions contained in this Maskwacîs Education Law, the Maskwacîs Cree Chiefs and Councils hereby authorize and delegate the following rights, powers, and obligations to the Board:
  - 20.1.1. The power to administer the business and activities of the Authority and ensure that every order, ordinance, decision, motion or contract as described in the Policy Manual, organizational by-laws as amended from time to time, and in this Maskwacîs Education Law, be faithfully and impartially observed and carried out;
  - 20.1.2. The Board shall, select and appoint the Superintendent of Schools-
  - 20.1.3. The remuneration of all officers, agents and employees shall be fixed by Board motion from time to time.
  - 20.1.4. The Board will facilitate a process for the Maskwacîs Cree Chiefs to select and appoint all provincial school board Maskwacîs representatives, including but not limited to; Wetaskiwin Regional Public School, Wolf Creek Public Schools and Star Catholic School Division.
  - 20.1.5. Such other functions as may be delegated to it in writing by the Maskwacîs Cree Chiefs and Councils;
- 20.2. For the purpose of carrying out its objects:

- 20.2.1. Ensure that policies respecting the provision of educational services and programs are developed.
  - 20.2.2. The Board is responsible for the development, implementation, review, and revision of Board policies.
  - 20.2.3. The Board may make or cause to be made for the Authority, in its name, any contract which the Authority may lawfully enter into on behalf of the MESCC;
  - 20.2.4. The Board shall have power to authorize expenditures on behalf of the Authority from time to time and may delegate to an agent of the Authority the right to employ and pay salaries to employees. The Board shall have the power to make expenditures for the purposes of furthering the objectives of the Authority.
  - 20.2.5. The Board shall have the power to enter into a trust arrangement with a bank, trust company or credit union for the purpose of creating a trust fund in which the capital and interest may be made available for the benefit of promoting the interest of the Authority;
  - 20.2.6. The Board shall take such steps as they deem necessary to enable the Authority to acquire, accept, solicit or receive legacies, gifts, grants, settlements, bequests, endowments and donations of any kind whatsoever for the purpose of furthering the objectives of the Authority.
- 20.3. The Board shall be restricted in its powers in the following respects:
- 20.3.1. The Board does not have the power or authority to represent the Maskwacîs Cree Nations on any discussion, decisions or negotiation that may be construed as to deal with Treaty rights issues.
  - 20.3.2. The Board shall be required to inform the Maskwacîs Cree Chiefs and Councils on its budget each year for the next fiscal period and keep the Maskwacîs Cree Chiefs and Councils fully apprised of all financial matters at all times;
  - 20.3.3. The Board shall only keep its funds and assets in such investments or accounts that are in line with principles;
  - 20.3.4. It shall be prohibited from making loans to individuals or guaranteeing loans or other financial arrangements for individuals;

- 20.3.5. Unless it obtains written approval from the Maskwacîs Cree Chiefs and Councils, the Board shall not enter into any arrangements for the purpose of borrowing monies; and
  - 20.3.6. It shall only function so as to further the objectives for which it has been created and shall not be empowered to carry out any act, which does not further the achievement of such objectives.
- 20.4. No individual Governor of the Board has the authority to make decisions or bind the Board or the Authority on any matter that should otherwise be determined by the Board sitting in its official capacity. A decision made by a Governor of the Board acting without the formality of a Board meeting and not otherwise previously approved by the Board shall be null and void. The Board may, in its discretion, take action deemed necessary to sanction any such act or future acts by a Governor of the Board.

## **21. OFFICERS**

- 21.1. The Officers of the Board shall be: the Chair, Vice-Chair and any such other officers as the Board may determine. Officers of the Authority other than the Chair shall be appointed and replaced by motion of the Board.

## **22. DUTIES OF OFFICERS**

The Chair Shall:

- 22.1. Preside over any Regular monthly, Public, Planning, and Special Meeting of the Board and in consultation with the Superintendent of Schools call and set the Board meeting agendas;
- 22.2. Change the time of, cancel, or postpone a Regular Monthly Public, Planning, and Special Meeting of the Board;
- 22.3. Be a member or ex-officio voting member of all committees of the Board as the Board may deem appropriate from time to time;
- 22.4. Serve as the spokesperson and representative of the Board at official functions;
- 22.5. Communicate to the media on behalf of the Board; and report to the Governors, Officers, employees, and public at such times as he or she deems fit or as requested by the Board;
- 22.6. Serve as the official signing officer of the Board;
- 22.7. Perform such other duties as may from time to time be approved by the Board.

The Chair Shall Not:

- 22.8. Extend his or her authority to implementing or making decisions that belong to the Board as a whole;
- 22.9. Supervise or direct the Superintendent of Schools in situations in which a matter could reasonably be considered at a forthcoming Board Meeting; neglect to fulfill normally accepted obligations related to signing authority and other legal requirements;
- 22.10. Or withhold from the Board any relevant information acquired during the performance of his or her duties as Chair.

The Vice Chair Shall:

- 22.11. The Vice-Chair shall assume all the duties and have all the authority of the Chair in the absence of the Chair or when there is a vacancy in the office of the Chair or in the event of the Chair's inability to act.

### **23. ROLE OF THE SUPERINTENDENT OF SCHOOLS**

The Superintendent of Schools Shall:

- 23.1. Serve as the Chief Executive Officer of the Education Authority and shall be responsible for implementing the strategic plans and policies of the Education Authority approved by the Board of Governors and shall be responsible for the general management of the activities and affairs of the Education Authority. The Superintendent of Schools shall supervise all other employees.
- 23.2. Build trust and fosters positive working relationships, shares and promotes the Maskwacîs Cree values and language, within the Maskwacîs Education System.
- 23.3. Assist the Board of Governors in developing and operating a model Cree School System that is dedicated to the Cree language, Culture and Traditions and History.
- 23.4. Has the authority for and responsible to the Board for all aspects of the administration, organization, operation, and management of the Authority.
- 23.5. Develop and implement all administrative regulations and procedures and advise, assist, and work with the Board in developing objectives, programs, policies, and courses of action.
- 23.6. Has the authority for and responsible to establish the central office and to appoint the Senior Financial Officer and any other senior administrator so to effectively operate the Authority.



- 23.7. The Superintendent is the supervisor of the Senior Financial Officer and any other Senior Administrator he or she appoints.
- 23.8. He or she shall see that all orders and motions of the Board are carried into effect.
- 23.9. He or she shall perform his or her duties as prescribed from time to time in the Policy Manual, job description, and this Maskwacîs Education Law.
- 23.10. He or she will develop a MESC Teacher certification program.
- 23.11. He or she will establish MESC performance measures for all schools and administration.

#### **24. ROLE OF THE Senior Financial Officer**

The **Senior Financial Officer** shall:

- 24.1. Build trust and fosters positive working relationships, shares and promotes the Maskwacîs Cree values, within the Maskwacîs Education System.
- 24.2. Report directly to the Superintendent.
- 24.3. Be bondable, and shall have the custody of the funds, assets, accounts and investments of the Authority and shall keep full and accurate accounts of assets, liabilities, receipts and disbursements of the Authority in the books belonging to the Authority.
- 24.4. He or she shall deposit all monies, securities and other valuable effects in the name and to the credit of the Authority in such chartered bank, trust company, or Credit Unions or, in the case of securities, in such registered dealer in securities as may be designated by the Board from time to time.
- 24.5. He or she shall disburse the funds of the vouchers for such disbursements, and shall render to the Chairman and the Board of Governors at the regular meeting of the Board, or whenever they may require it, an accounting of all the transactions and a statement of the financial position of the Authority.
- 24.6. He or she shall perform such other duties as may be from time to time be prescribed by the Policy Manual job description and this Maskwacîs Education Law.

- 24.7. Ensures the fiscal management of the Authority is in accordance with the terms or conditions of any funds received.
- 24.8. Ensures the Authority operates in a fiscally responsible manner, including adherence to recognized accounting procedures
- 24.9. Prepares the annual budget documents for consideration by the Superintendent and Board, which reflects Board Vision, Mission Goals and policies.

## **25. ROLE of DEPUTY SUPERINTENDENT**

- 25.1. The Deputy Superintendent takes the place of Superintendent in his/her absence.

## **26. OFFICIAL LANGUAGE**

- 26.1. The official language of the Maskwacîs Cree is Cree.
- 26.2. The official language of instruction for all schools operated by MESC will be Cree and English.

## **27. CREE CULTURE**

- 27.1. We have the inherent right to operate our own schools, decide our own curriculum and determine our own outcomes. Motivated by our identity as Maskwacîs Nehiyawak, our curriculum will focus on our history, culture and language. Nehiyaw teaching methods and perspectives relevant to Maskwacîs will be included in all aspects of the education system.
- 27.2. Wahkohtowin, Iyiniw Mamtohnehicikan, Nehiyaw Pimatisiwin and Nehiyawewin are the foundations of our Maskwacîs Schools and Administration. These foundational beliefs will be reflected through our school system and our operations.

## **28. EXECUTION OF DOCUMENTS**

- 28.1. Subject to specific direction of the Board to the contrary, contracts, documents or any instruments in writing requiring the signature of the Authority, must be:
  - 28.1.1. Signed by not less than two (2) Members of the Board.
  - 28.1.2. Subject to these policies and any terms and conditions of third parties including Chiefs and Councils of Maskwacîs Cree, the Board of Governors may delegate signing authority under this

section to the Superintendent of Schools and Financial Controller of the Authority. Such delegation of signing authority shall be reviewed from time to time by the Board of Governors, and any instruments, agreements, contracts or similar documents executed under such delegation shall be reported to the Board at regular intervals or as necessary.

- 28.1.3. The Board shall have power from time to time by motion to appoint an officer or agent to sign specific instruments on behalf of the Authority under the name of “Maskwacîs Education Authority” and shall be considered to be contracts made on behalf of the Maskwacîs Cree

## **29. MINUTES OF BOARD OF GOVERNORS**

- 29.1. Minutes of the meetings of the Board shall be made available for inspection to the Maskwacîs Cree Chiefs and Councils of the Maskwacîs Cree and shall be available upon written request to each Nation member.
- 29.2. Regular monthly Board meeting minutes shall be also available for inspection to the MESC Personnel, Parents, Students and Nation Citizens of the Maskwacîs Cree and will be posted on the Authority’s website.

## **30. YEARLY REPORT ON THE PERFORMANCE OF THE AUTHORITY**

- 30.1. The Board shall publish and submit one Yearly Report that contain the performance result of the schools and the authority to the Maskwacîs Cree Chiefs and Councils and to the Members of the Maskwacîs Cree at the general meeting and will make available this same report to any interested parent or Band Member of Maskwacîs Cree and others who may be interested in it.

## **31. FINANCIAL YEAR**

- 31.1. Unless otherwise ordered by the Board the fiscal year of the Authority shall be April 1 to March 31 in any year.

## **32. AUDITORS**

- 32.1. The Board shall appoint an Auditor to conduct the annual audit of the Authority accounts. The Authority will pay the auditor.

## **33. BOOKS AND RECORDS**

- 33.1. The Board shall see that all necessary books and records of the Authority required by the Maskwacîs Education Law.

#### **34. RULES AND REGULATIONS**

- 34.1. The Board may prescribe such rules and regulations (MESC organizational by-laws) consistent with this Maskwacîs Education Law or other Maskwacîs Cree Laws relating to the management and operation of the authority, as they deem expedient.

#### **35. DISPUTE RESOLUTION**

- 35.1. The Education Authority will establish a dispute resolution process available to Maskwacîs Schools that it administers to attempt to resolve disputes pertaining to the provision of Education Programs, management of education facilities, delivery of education services and any other matters that may have an impact on the operation of the Education Authority.
- 35.2. The dispute resolution process will flow from the foundational values that guide MESC, including *United Nations Declaration on the Rights of Indigenous Peoples* articles 27, 28, & 40.
- 35.3. In the event a dispute cannot be resolved we will follow emergency circumstance procedures as per Maskwacîs Education Schools Commission Resource and Development Agreement.

#### **36. PRIVACY LEGISLATION**

- 36.1. The Education Authority will establish and implement a privacy policy outlining data collection and information management. The policy will address but is not limited to;
  - 36.1.1. The retention and destruction of information;
  - 36.1.2. Maintenance of student records, including registration and attendance records.
  - 36.1.3. How personal and confidential information will be used and disclosed; and
  - 36.1.4. The First Nations Principles of O.C.A.P (ownership, control, access, and possession) will apply to the Education Authority's

data collection, intellectual property and information management processes.

**37. SEVERABILITY**

37.1. Any part of this law that is invalid, unenforceable, or unconstitutional shall be severed from the law and shall not affect the enforceability of other parts of the law, which shall remain in full force and effect.

**38. REVIEW OF THE LAW**

38.1. The Maskwacis Cree Chiefs and Councils will review the Maskwacis Education law annually.

**39. AMENDMENT OF MASKWACIS CREE EDUCATION LAW**

39.1. This law can be amended upon a resolution of the Maskwacis Cree at a duly convened meeting of Maskwacis Cree Chiefs and Councils.

**40. COMING INTO FORCE**

40.1. This Law comes into force upon a resolution of the Maskwacis Cree at a duly convened of Maskwacis Cree Chiefs and Councils.

**Amendment History**

Section Modified	Description of Change	Amendment Authorized	Amendment Effective	Amendment Source	Other Impact
Add 8.7	The Selection board should bring appointments to ratification by a the Maskwacis Cree Chiefs and Councils.	November 27, 2020	November 27, 2020	Maskwacis 4 Nations Meeting	
Add 20.1.4	MESC Board of Governors will facilitate the selection process for provincial school districts Maskwacis trustee and the Chiefs will make the selection.	November 27, 2020	November 27, 2020	Maskwacis 4 Nations Meeting	
Remove 9.6 Modified 13.2 & 13.8	Elders on the MESC Board of Governors have voting privileges and be included in quorum.	November 27, 2020	November 27, 2020	Maskwacis 4 Nations Meeting	

Maskwacis Education Law

Additions to Preamble para 3	(insert) pursuant to the adhesion to Treaty No. 6 entered into at Blackfoot Crossing, 1877, which must be recognized, observed and enforced as understood by the Maskwacis Cree Nations.	November 26, 2021	November 26, 2021	Maskwacis 4 Nations Meeting	
Additions to Preamble Para 5	inherent right of self-government inherent right of Self-determination “ohyotamahsowin”, including the right of self-government.	November 26, 2021	November 26, 2021	Maskwacis 4 Nations Meeting	
New Preamble para 7	WHEREAS Articles 3 and 4 of the <i>United Nations Declaration on the Rights of Indigenous Peoples</i> states: “Indigenous peoples have the right to self-determination... in exercising their right to self-determination, have the right to autonomy or self-government”;	November 26, 2021	November 26, 2021	Maskwacis 4 Nations Meeting	
Addition to Preamble final para	(Insert) diminish, eliminate	November 26, 2021	November 26, 2021	Maskwacis 4 Nations Meeting	
Modify 1.2	(Insert) the enforcement of Treaty 6 to Treaty No. 6 (Insert) - diminish	November 26, 2021	November 26, 2021	Maskwacis 4 Nations Meeting	
Section 35.2	(Insert) including <i>United Nations Declaration on the Rights of Indigenous Peoples</i> articles 27, 28, & 40.	November 26, 2021	November 26, 2021	Maskwacis 4 Nations Meeting	
Modify All	Amend Maskwacis to Maskwacis	November 26, 2021	November 26, 2021	Maskwacis 4 Nations Meeting	
Modify Section 9.5, 10.4, 11.7 and 13.7	Change board term from three (3) years to four (4) years	November 26, 2021	November 26, 2021	Maskwacis 4 Nations Meeting	
Modify 2.1	community to communities	November 26, 2021	November 26, 2021	Maskwacis 4 Nations Meeting	
Modify 8.7	Remove sections lined out and add “Selection Committee” <del>The Board Selection Committee will present their selections to the Maskwacis Cree</del>	November 25, 2022	November 25, 2022	Maskwacis 4 Nations Meeting	

Maskwacis Education Law

	<p>Chiefs and Councils for approval. The term of appointments begins at the date of appointment by the Selection Committee resolutions of the Maskwacis Cree at a duly convened meeting of the Maskwacis Cree Chiefs and Councils</p>				
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