

Review of Services for African Nova Scotian Learners

Summary Report

December 2014

Introduction

In summer 2014, government undertook a legislative, regulatory and paper review of organizations that have been created to provide a number of supports to African Nova Scotian Learners. The purpose of the review was to examine the mandates, roles, responsibilities and governance of these organizations, how that compared to their current activities, and if the current activities were producing the maximum benefit for African Nova Scotian Learners while looking for overlap or redundancies. The review also considered previous work that had been undertaken to examine the operations and activities of these organizations.

The organizations included in the review were:

- Council on African-Canadian Education;
- Black Educators Association;
- African Canadian Services Division of the Department of Education and Early Childhood Development;
- Africentric Learning Institute of Nova Scotia Inc.; and
- The Delmore Buddy Daye Learning Institute Inc.

The review examined reports, legislation, regulations, contracts, correspondence and outcomes of previous reviews and recommendations that support African Nova Scotian Learners. This report provides a high-level description of each of the organizations included in the review, their roles and responsibilities, and a summary of the key findings.

Overview of Organizations

Black Educators Association (BEA)

The BEA was founded in 1969 to assist African Nova Scotian communities in developing strategies toward an equitable education system. The BEA is a volunteer, non-profit organization and has been involved in the establishment and development of numerous projects and programs (e.g., BEA Bursary Fund; Regional Educators Program; BEA Adult Learning Program). The BEA also coordinates their efforts with the African Canadian Services Division (ACSD) of the Department of Education and Early Childhood Development (the Department), community groups, parent associations, school boards, and other educational bodies.

Council on African-Canadian Education (CACE)

The CACE was established as an advisory council to the Minister following a recommendation in the *BLAC Report on Education – Redressing Inequity, Empowering Black Learners*, released in 1994. The Black Learners Advisory Committee (BLAC) recommended in its report that BLAC have its status modified to a provincial ministerial advisory council. In January 1996, the Nova Scotia Legislature

formalized this recommendation and CACE came into being. The legislative role and mandate of CACE is set out in the *Education Act* and *Ministerial Education Act Regulations*. The Act and Regulations govern CACE's authority, role and responsibilities which is primarily to serve as an advisory body to the Minister of Education regarding issues and policies that affect African Nova Scotian Learners.

Africentric Learning Institute of Nova Scotia Inc. (ALINS)

The ALINS was registered at the Nova Scotia Registry of Joint Stocks on March 25, 2008. ALINS was incorporated by CACE as a result of a motion passed by the members of the Council. It is important to note that CACE incorporated ALINS without the express authority or mandate to develop an Africentric learning institute.

Delmore Buddy Daye Learning Institute Inc. (DBDLI)

The DBDLI was registered at the Nova Scotia Registry of Joint Stocks on October 1, 2012. The volunteer board has a mandate to conduct research, develop programs and provide services on behalf of African Nova Scotian Learners of all ages. It is the position of the Department that the DBDLI is the Africentric Learning Institute contemplated by the Regulations and supported by the Minister, not the ALINS.

African Canadian Services Division (ACSD)

The ACSD was officially established in 1996 to implement the Department of Education's response to the BLAC Report. The ACSD develops, promotes and delivers programs, resources and services for African Nova Scotian students. It also advises and guides the Department regarding African Canadian education and works to address systematic racism and discrimination, by facilitating implementation of the *Racial Equity Policy*.

The ACSD is a key contact for the Department in relation to interactions and funding with the other various organizations and also provides for a number of scholarships for African Nova Scotian students.

Findings

It is evident that organizations which exist to support African Nova Scotian learners are committed to providing valuable and important services and programs. The province provides funding to these organizations each year to support a number of initiatives, projects, or programs. However, resources are limited. It is necessary to focus our energies and resources on the needs of African Nova Scotian learners, creating efficiencies where possible while ensuring there is no duplication or redundancies.

African Nova Scotia children and youth are depending on the education system to provide the best possible opportunity for success and they are depending on all organizations to work together. It is important to ensure that resources are providing the maximum benefit to all African Nova Scotian learners within the province and an effective and coordinated approach to supporting these learners is essential to accomplishing this.

The following summary outlines the key observations from the review and includes examples to provide some context for the reader.

Governance and reporting structures are inconsistently applied and do not always have supporting authority or documentation.

The review of the organizations highlighted instances where organizations operated outside of proper authority with respect to certain activities or decisions. This included organizations undertaking activities beyond their legislative or otherwise contractual mandates. For example, an examination of CACE shows that the Council has participated in activities such as the hiring and employment of staff to support the day-to-day operations of CACE, however, there is no legislated or regulatory authority for them to do so.

The review also discovered a lack of consistent and effective oversight by the Department of the organizations providing services to African Nova Scotian learners. This has led to a loss of control over decision-making and accountability frameworks. For example, the Regulations require the ACSD to report to CACE describing the activities and operations of the Division on a quarterly basis. These reports have evolved to be more informal and less frequent than is required by and generally do not meet the requirement as outlined.

In another example, the Minister announced funding for the establishment of an African Nova Scotia Education Foundation. This foundation was created through a Trust Deed initially between CACE, the current Executive Director of CACE, and employees of the Department. The creation of this Trust by CACE exceeds CACE's authority and it is uncertain what the current status of this Trust is, who the remaining Trustees are, and how the funds initially allotted by the Department have been used, or are currently being used.

Services and supports provided may extend beyond the authority under which an organization was formed.

Authorities and mandates of organizations are outlined through various mechanisms such as legislation, regulation, and legal agreements. When an organization engages in activities that are beyond what they are authorized to do, this can result in a duplication or cross-over of roles and responsibilities with partnering organizations, creating inefficiencies in support provided to African Nova Scotian learners.

Specifically, in reviewing the activities of CACE it is evident that CACE has engaged in activities that are beyond their legislated mandate. CACE has a statutory mandate primarily to serve as an advisory body to the Minister. The duties and authorities of CACE are outlined in the *Education Act* and *Ministerial Education Act Regulations*. In reviewing the programs, services, and actions of CACE it is clear that they perform many functions which exceed their legislated authority as an advisory body. This includes such things as actual program delivery, the hiring of staff, hiring consultants and outside legal advisors, and maintaining office space and supporting infrastructure (e.g. telecommunications).

Additionally, CACE has developed its own by-laws and policies that exceed, and in some cases conflict with, their legislated and regulatory authority. This has resulted in CACE making decisions and operating within their own governance framework from which they are deriving authority that is in some instances outside of the legislative and regulatory authority granted to the Council.

A lack of clarity around roles has led to a duplication of services being offered to African Nova Scotian learners.

The ALINS and the DBDLI both present a similar mandate. There has been confusion over the intended name of the Institute, which resulted in two separate entities being incorporated, both purporting to be the Africentric Learning Institute supported by the Department as recommended for establishment in the BLAC Report and referred to in the Regulations to be established by the Minister. It is the position of the Department that the Africentric Learning Institute established by the Minister as contemplated by the Regulations is DBDLI.

The *Ministerial Education Act Regulations* state that CACE is to, among other things, provide advice to the Minister on the establishment, role, and ongoing operations of an Afrocentric Learning Institute. However, documentation shows that the ALINS was incorporated by CACE as a result of a motion passed by the members of the Council at a General Council meeting. The incorporation of ALINS is not consistent with CACE's authority as outlined in the legislation and regulations.

Although no documentation could be found to demonstrate agreement from the Minister for this initiative, the Department did provide additional funding through CACE to pilot the delivery of ALI-related programs through ALINS, which does imply some knowledge of the actions of CACE. It also appears from the documents that the original intention was that the Africentric Learning Institute be named the Delmore "Buddy" Daye Africentric Learning Institute. In 2012, the Minister of the day directed CACE to cause ALINS to change its name. The name change did not occur as directed.

Subsequently, the DBDLI was formed. It is the position of the Department that the DBDLI is the Africentric learning institute referred to in the Regulations and supported by the Minister. The existence of these two organizations has created a duplication of mandates and confusion over which institute is the true Africentric Learning Institute supported by government.

The provision of funds, and a mutual understanding of how these funds are to be used, is not consistently reflected in formal agreements and proper accountability practices.

A lack of accountability measures, and/or a lack of oversight of existing accountability measures have contributed to incomplete financial records and, in some cases, improper accounting practices. This is a concern as proper accounting of monies provided is essential in determining how funding was used and if the funding was used appropriately. Additionally, business planning and financial reporting have not been required from funded organizations on a consistent basis.

For example, funding has been provided, in the past, from the Department without proper legal agreements in place governing the disbursement and outlining the intent of the funds, and without a proper reporting mechanism with respect to how funds were used. This limits the ability of the Department to track the use and effectiveness of the money being provided. There are examples where both CACE and the DBDLI received funding from the Department for an operating grant without formal contractual agreements with written terms and conditions in place to govern and oversee the spending of the funds.

Next Steps

In order to address the concerns highlighted as a result of the review, the Department will be taking the lead on enhancing programs and services offered to support African Nova Scotian Learners and encourage an efficient, collaborative and sustainable approach to providing these services.

Ensure clarity of roles and create well defined areas of responsibility for the organizations.

The Department will work with each organization to ensure that roles and responsibilities fall within the mandate and authority of each group and that the scope of work undertaken by each group is appropriate and coordinated.

Specifically, the Department will

- Establish regular meetings between CACE and the Minister to provide an opportunity for CACE to advise the Minister and make recommendations related to programs and services offered to African Nova Scotian Learners.
- Work with CACE to ensure that all activities which are undertaken by the Council are aligned with their authority and mandate.
- Ensure that proper governance mechanisms, which align with the established authority of the Council, are in place.

Strengthen oversight and accountability by ensuring proper documentation exists and the necessary reporting requirements are in place.

The Department will ensure that documentation exists to support the activities of each organization receiving funding from the province and that proper governance and accountability mechanisms are in place.

All organizations will be required to enter into appropriate agreements or arrangements. They will be expected to submit detailed business plans which include goals and priorities and which outline the allocation of resources to meet these priorities. Priorities will be aligned with the needs of African Nova Scotian learners, and respectful of the role and mandate assigned to each organization. Organizations will be required to provide accountability reports each year that outline their achievements and report on the success of the identified goals and priorities and how funds have been used.

The ACSD will prepare and submit reports describing the activities and operations of ASCD to CACE on a quarterly basis, as required by the *Ministerial Education Act Regulations*.

Ensure funding is directed to supports and programs that will provide the greatest benefit to African Nova Scotia learners.

The Department will work to ensure that resources are available to those organizations and programs that have demonstrated success in providing the necessary services and programs to ensure that all African Nova Scotia learners can achieve success.

For example, the Department will continue to work with the BEA to provide successful initiatives such as the Regional Educators Program and the BEA bursary program. The Department will work with BEA to determine if the Regional Educators Program has the needed scope and resourcing to continue the successful work being undertaken. In addition, opportunities will be explored to expand the BEA bursary program, a program that has been instrumental in supporting African Nova Scotian learners pursue their post-secondary aspirations.

Implement formal financial processes and agreements, and strengthen funding accountability requirements.

In addition to business planning and accountability reporting, the Department will work with organizations to ensure that proper agreements are in place when funding is being provided to support programs and activities. The Department will also require that proper accounting procedures are in place.

Specifically, the Department will

- enter into appropriate funding agreements and arrangements with the organizations that provide clear terms and conditions and reporting with respect to where funding is going and what outcomes are expected,
- formalize a funding agreement with DBDLI to properly account for any funds received,
- work with CACE to strengthen their accounting practices.