OUR LAND IS OUR FUTURE

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UNION OF B.C. INDIAN CHIEFS
43RD ANNUAL GENERAL ASSEMBLY
SEPTEMBER 14TH –SEPTEMBER 16TH, 2011
WHISTLER, B.C.

Resolution no. 2011-39

RE: Support for Negotiation of Tripartite Education Agreement

WHEREAS First Nations in BC have been working together for almost two decades to advance quality educational opportunities and improve educational outcomes for First Nations students and, through their collective efforts, have established a solid foundation for a comprehensive, integrated, well-supported BC First Nations education system, which is founded on First Nations' languages and cultures and reflects the values and traditions of First Nations communities;

WHEREAS First Nations in BC have demonstrated, through their engagement in the First Nations Education Steering Committee (FNESC) and the First Nations Schools Association (FNSA), the capacity to implement research-based and relevant programs to support First Nations schools to deliver quality education and improve student outcomes;

WHEREAS in December 2010, the federal government unilaterally introduced a new approach, which provided First Nations with three options for funding First Nations schools:

- Option 1: a return to the national Band Operated Funding Formula (BOFF);
- Option 2: engagement in implementation-ready tripartite agreement; or
- Option 3 – First Nations education jurisdiction with Own Source Revenue (OSR);

WHEREAS FNESC negotiators are currently engaged in discussions with Aboriginal Affairs and Northern Development Canada (AANDC) on implementing Option 2 and have negotiated a draft tripartite education framework agreement (Tripartite Education Agreement) that is intended to benefit First Nations

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Grand Chief Stewart Phillip, President

schools and support the BC First Nations education system, without providing any provincial oversight over First Nations schools;

WHEREAS the draft Tripartite Education Agreement, a copy of which is attached to this resolution for information purposes, provides the following:

- Recognition of and support for the BC First Nations education system developed by FNESC and the FNSA;
- Sustainable funding approach;
- Reduced proposal and report writing;
- Secure funding for second level services (such as school assessment, professional development for teachers and principals, management of data collection on performance measures, distance education);
- Greater ability to tailor second level services to meet the unique education needs and priorities of First Nations students and communities;
- New interim funding approaches for transportation and technology, with a commitment to jointly develop a long-term approach; and
- A primacy clause that ensures this agreement will prevail over other federal policies and guidelines that are incompatible with it;

WHEREAS the United Nations *Declaration on the Rights of Indigenous Peoples* state as follows:

> **Article 14(1)**: 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; and
> **Article 18**: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions;

WHEREAS over 170 representatives of First Nations and First Nations Schools attended an information meeting hosted by FNESC on August 25, 2011 to review the draft Tripartite Education Agreement and provided general direction to the FNESC negotiating team to continue the negotiations to finalize the agreement and advance the new funding model;

WHEREAS the members of FNESC are individual First Nations and the Board of Directors of FNESC, which includes one director appointed by each member First Nation, will meet in November 2011 to review and, if acceptable, approve the proposed Tripartite Education Agreement;

WHEREAS individual First Nations will be able to decide whether to participate in this initiative after they have received financial information on the tripartite model that is specific to their community;

WHEREAS by UBCIC Resolution 2011-24, the UBCIC Chiefs Council unanimously supports the comprehensive First Nations K-12 Education System that has been designed.

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly fully support the continued efforts of FNESC to negotiate and finalize a draft tripartite education framework agreement (Tripartite Education Agreement) with Canada and British Columbia.

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly agree that it is the responsibility of the FNESC Board of Directors to review and, if acceptable, approve the final version of the Tripartite Education Agreement.

Moved:	**Chief Nelson Leon, Adams Lake Indian Band**
Seconded:	**Chief Janet Webster, Lytton First Nation**
Disposition:	**Carried**
	Opposed: Diane Louis, proxy for Okanagan Indian Band
Date:	**September 15th, 2011**

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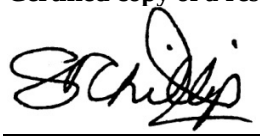

Grand Chief Stewart Phillip, President

BRIEFING NOTE

TO: UBCIC CHIEFS COUNCIL
FROM: FIRST NATIONS EDUCATION STEERING COMMITTEE
DATE: AUGUST 30, 2011
RE: SUPPORT FOR NEGOTIATION OF TRIPARTITE EDUCATION AGREEMENT

PURPOSE

This resolution relates to the development of a new funding model to support First Nations schools. This model is being developed through negotiations between the First Nations Education Steering Committee (FNESC) and Aboriginal Affairs and Northern Development Canada (AANDC). This model is intended to be implemented through a tripartite education framework agreement (Tripartite Education Agreement). The new funding model will be made available to all First Nations that operate First Nations schools that are funded by AANDC. However, First Nations that do not wish to participate in the new funding model will not be required to do so.

BACKGROUND

First Nations in BC have been working together for almost two decades to advance quality educational opportunities and improve educational outcomes for First Nations students and, through their collective efforts, have established a solid foundation for a comprehensive, integrated, well-supported BC First Nations education system, which is founded on First Nations' languages and cultures and reflects the values and traditions of First Nations communities.

First Nations in BC have demonstrated, through their engagement in FNESC and the First Nations Schools Association (FNSA), the capacity to implement research-based and relevant programs to support First Nations schools to deliver quality education and improve student outcomes.

In December 2010, the federal government unilaterally introduced a new approach, which provided First Nations with three options for funding First Nations schools:

- Option 1: a return to the national Band Operated Funding Formula (BOFF);
- Option 2: engagement in implementation-ready tripartite agreement; or
- Option 3 – First Nations education jurisdiction with Own Source Revenue (OSR).

The process by which the options were developed did not include consultation with FNESC, FNSA or First Nations in BC, and each of these options presented significant concerns for First Nations. Option 1 would result in a significant decrease in funding for most First Nations schools. Option 2 was viewed by First Nations as providing BC with an oversight role over First Nations schools (which they have never had) and inconsistent with the principle of First Nations control of First Nations education. Also, Option 2 would require a closer alignment of First Nations school programs, standards, and services with those of provincial schools – a condition that would undermine the work already done by First Nations. Option 3 raises serious concerns because of the application of the federal OSR policy in education agreements. This is problematic as First Nations firmly rejected the application of the federal OSR policy during the jurisdiction negotiations and are concerned that its inclusion in a sectoral agreement will undermine First Nations' positions in other negotiations.

In light of the concerns associated with the federal government's "new approach" and these three options, FNESC approached the Union of BC Indian Chiefs and the First Nations Summit in June seeking support for the BC education system and asking them to call on the federal government to reengage in negotiations with FNESC.

CURRENT STATUS

Since July 2011, FNESC negotiators have been engaged in discussions with AANDC on implementing Option 2 and have negotiated a draft Tripartite Education Agreement that is intended to benefit First Nations schools and

support the BC First Nations education system, without providing any provincial oversight over First Nations schools. In particular, the following changes and clarifications to Option 2 have been achieved:

- AANDC is no longer requiring that:
  - BC play a role in overseeing First Nations schools;
  - First Nations schools align themselves with the provincial education system;
  - Each First Nation sign its own tripartite agreement; or
  - FNESC play a compliance role;
- AANDC has agreed to:
  - Recognize the existing BC First Nations education system;
  - Explore new approaches to funding transportation and technology; and
  - Provide funding for FNESC to prepare a business case to support additional funding for language and culture; and
- BC has confirmed that:
  - It has no interest in overseeing First Nations schools; and
  - It has a collaborative working relationship with FNESC.

The draft Tripartite Education Agreement, a copy of which is attached to the resolution for information purposes, provides the following:

- Recognition of and support for the BC First Nations education system developed by FNESC and the FNSA;
- Sustainable funding approach;
- Reduced proposal and report writing;
- Secure funding for second level services (such as school assessment, professional development for teachers and principals, management of data collection on performance measures, distance education);
- Greater ability to tailor second level services to meet the unique education needs and priorities of First Nations students and communities;
- New interim funding approaches for transportation and technology, with a commitment to jointly develop a long-term approach; and
- Commitment that this agreement will prevail over other federal policies and guidelines that are incompatible with it.

Over 170 representatives of First Nations and First Nations schools attended an information meeting hosted by FNESC on August 25, 2011 to review the draft Tripartite Education Agreement and provided general direction to the FNESC negotiating team to continue the negotiations to finalize the agreement and advance the new funding model.

The members of FNESC are individual First Nations and the Board of Directors of FNESC, which includes one director appointed by each member First Nation, will meet on November 18, 2011 to review and, if acceptable, approve the proposed Tripartite Education Agreement.

Individual First Nations will be able to decide whether to participate in this initiative after they have received financial information on the tripartite model that is specific to their community.

COMMENTARY

FNESC is seeking political support for the direction it proposes to take regarding the negotiation and approval of a Tripartite Education Agreement.

FNESC is seeking reaffirmation of the Union of BC Indian Chiefs' support for the comprehensive BC First Nations education system that has been designed by FNESC and the FNSA. FNESC is also seeking support for its continued efforts to negotiate and finalize a draft Tripartite Education Agreement with Canada and British Columbia. Finally, FNESC is seeking confirmation that it is the responsibility of the FNESC Board of Directors to review and, if acceptable, approve the final version of the Tripartite Education Agreement.