

# **Backgrounder on the Tripartite Agreement**

January 2012

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 (“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 the First Nations Education Steering Committee (FNESC) and the First Nations Schools Association (FNSEA), the capacity to implement research-based and relevant programs to support First Nations schools to deliver quality education and improve student outcomes through the BC First Nations Education System, which has been recognized by British Columbia.

On November 25, 2005, Canada, British Columbia and the political executives of the First Nations Summit, the Union of BC Indian Chiefs and the BC Assembly of First Nations (the First Nations Leadership Council) signed the Transformative Change Accord, committing to joint efforts to, among other things, close the gap in education between First Nations and other British Columbians.

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 an 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, FNSEA 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’ treaty negotiations.

In light of the concerns associated with the federal government’s “new approach” and these three options, FNESC approached the First Nations Summit and the Union of BC Indian Chiefs in

June seeking support for the BC First Nations Education System and asking them to call on the federal government to reengage in negotiations with FNEESC.

Since July 2011, FNEESC negotiators have been engaged in discussions with AANDC and British Columbia on implementing Option 2, and have negotiated a 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
  - FNEESC 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 FNEESC 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 FNEESC.

The Tripartite Education Agreement provides the following:

- Recognition of and support for the BC First Nations Education System developed by FNEESC and the FNSEA;
- 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;
- A primacy clause that ensures this agreement will prevail over other federal policies and guidelines that are incompatible with it; and
- The term of the Agreement commences on the date it is signed and terminates on March 31, 2017, unless it is extended or renewed.

More than 170 representatives of First Nations and First Nations schools attended an information meeting hosted by FNEESC on August 25, 2011 to review the Tripartite Education Agreement

and provided general direction to the FNEC negotiating team to continue the negotiations to finalize the agreement and advance the new funding model.

By Resolution #1211.06, the First Nations Summit Chiefs in Assembly reaffirmed their full support for the comprehensive BC First Nations Education System, including second level services, that has been designed and implemented by FNEC and the FNSA; fully supported the Tripartite Education Agreement among FNEC, Canada and British Columbia, that was approved by FNEC and the FNSA; and reaffirmed their agreement that individual First Nations will be able to decide whether to participate in this initiative after they have received financial information on the Tripartite Education Agreement that is specific to their community.

By Resolution #2011-24, the Union of BC Indian Chiefs (UBCIC) unanimously supported the comprehensive First Nations K-12 Education System that has been designed by FNEC and the FNSA, and by Resolution 2011-39, the UBCIC affirmed that it is the responsibility of the FNEC Board of Directors to review and, if acceptable, approve the final version of the Tripartite Education Agreement.

The members of FNEC are individual First Nations and the Board of Directors of FNEC, which includes one director appointed by each member First Nation, met on November 18, 2011 to review and approve the 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.