

## BACKGROUND: EXERCISING JURISDICTION OVER EDUCATION

### Overview and Background: 2006 Framework Agreement and supporting legislation

In 2003, Canada, BC and the First Nations Education Steering Committee (FNESC) signed a Memorandum of Understanding with Respect to First Nations Authority and Jurisdiction over Education. In 2006, Canada, BC and FNESC then signed a Framework Agreement on education jurisdiction, setting out the parties' responsibilities in supporting the exercise of jurisdiction over education by First Nations. In support of this initiative, Canada passed enabling legislation in 2006 and BC passed supporting legislation in 2007 recognizing *Participating First Nations'* (PFNs') jurisdiction over education.

There are currently 13 Negotiating First Nations (NFNs) in negotiations with the federal government and there are numerous other First Nations who have expressed an interest in exercising jurisdiction over education. FNESC is currently providing support to the NFNs who, after signing individual education jurisdiction agreements with Canada, will become PFNs and will be able to pass their own education laws. These laws would be recognized by Canada and BC and would also provide protection from changes to federal policies over time. Ultimately, First Nations would have control over their education systems including: teacher certification, courses required for graduation, and school certification.

### Recent Updates

A number of agreements were attached to the 2006 Framework Agreement, including a template Canada-First Nation Education Jurisdiction Agreement, a template Canada-First Nation Education Jurisdiction Funding Agreement and a bilateral agreement between British Columbia and FNESC. Canada recently received the necessary policy approvals to update the template Canada-First Nation agreements. Canada has also provided offer documents to NFNs that include a commitment to provide *one-time implementation and ratification support* funding to those NFNs who accept the offer.

On August 11, 2021, the Minister of Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) and FNESC signed an agreement to amend the Framework Agreement by attaching the updated template Canada-First Nation agreements negotiated and agreed to by NFNs and Canada to the Framework Agreement.

Some NFNs are now working to prepare for their community ratification votes. It is anticipated that those NFNs who successfully complete their community ratification process by January 2022 will be able to sign individual Canada-First Nation agreements in early-mid 2022. The current target effective date for these First Nations to implement their Canada-First Nation agreements is July 1, 2022. Other NFNs may follow at a later date.

### Provincial Legislative Amendments for Implementing Education Jurisdiction

BC and NFNs are working to update the 2006 BC-FNESC agreement to align with current education practice, recognizing First Nations' rights to self-government and the evolving Crown-Indigenous relationship.

The bilateral agreement between BC and FNESC, signed in 2006, outlined the parties' intention to advance teacher certification. In support of this approach, FNESC has been working with the BC Ministry of Education to create a joint First Nations teacher certification process for the certification of teachers working in PFN schools. Work is currently being done to determine amendments that will be required to the *Teachers Act*, the *First Nations Education Act* and other provincial statutes to enable the implementation of this process. The goal is to complete the process and finalize proposed legislative amendments so they can be added to the Fall 2021 provincial legislative agenda.