

Implementing First Nations Jurisdiction Over Education

Background – What is First Nations education jurisdiction?

First Nations education jurisdiction refers to the authority of First Nations to control First Nations education by passing their own education laws. First Nations in BC have been working for over two decades to advance First Nations control over education through the education jurisdiction initiative.

Under this initiative, Canada and BC have formally recognized First Nations' inherent right to pass laws related to education by entering into a framework agreement in 2006 and enacting supporting federal legislation in 2006 and provincial legislation in 2007. This initiative specifically recognizes that First Nations who enter into education jurisdiction agreements with Canada will have law-making authority over their education systems on their land, including authority over curriculum development, graduation requirements, teacher certification, and school certification.

Currently, First Nations' ability to operate their schools is subject to federal policies, and potentially federal legislation, making them vulnerable to political change. By passing their own education laws, First Nations participating in this initiative will have greater protection from changes to federal policy or new federal legislation.

Next Steps for Jurisdiction

There are 13 Negotiating First Nations (NFNs), four of whom have completed the community approval process to enter into agreements with Canada. July 1, 2022 is the target effective date for these four NFNs to sign and begin implementing agreements as Participating First Nations.

What is a Participating First Nation and how do you become one?

A **Participating First Nation (PFN)** is a First Nation that has jurisdiction over its education system, which includes the authority to:

- Make education laws for education on its land through its Chief and Council.
- Establish a governance structure either through their Chief and Council or another governing authority that they establish (e.g. a Community Education Authority).

The *education laws* and *governance structure* provide the framework for how the PFNs' education system will work, including the operation of their schools.

In order for a First Nation to become a PFN, its membership must vote to approve the initiative, and then sign an education jurisdiction agreement with Canada, after which Canada will add them to the schedule of the federal Act recognizing their jurisdiction.

What is the FNEA and what does it do?

The **First Nations Education Authority (FNEA)** will assist PFNs in developing the capacity to provide education on First Nation land. Each PFN will appoint two directors, who together will make up the FNEA's board. The FNEA will exercise authority delegated by PFNs in the following areas:

- Teacher Certification
- School Certification
- Graduation Requirements and Course Approvals