

Reciprocal Tuition Agreement Backgrounder

October 22, 2009

Summary:

First Nations have consistently maintained the critical importance of receiving sufficient and fair levels of funding for First Nations schools, including full tuition for those students who live off-reserve but choose to attend a First Nations school. For several First Nations schools that have provincial Independent School status, tuition is provided by the Province at a 30 or 50% rate for off-reserve students. For the other First Nations schools no tuition is available for off-reserve learners.

Now, a new Reciprocal Tuition Agreement has been reached by the First Nations Education Steering Committee (FNESC) and the BC Ministry of Education, according to which the Ministry of Education will pay the full tuition costs for off-reserve students. This agreement represents an important step ahead in recognizing the important role that First Nations schools play in the BC education system.

Context:

When First Nations communities first began establishing their own on-reserve schools, they received no tuition dollars for those students who live off-reserve but choose to attend their schools. Those students could not be counted on the federal government's nominal roll, which determines how much funding First Nations schools receive each year from Indian and Northern Affairs Canada (INAC). At first the BC Ministry of Education also did not provide funding for those students because their jurisdiction did not extend to reservation lands. Over time B.C. began partial tuition payments for off-reserve learners to those First Nations schools that gained Independent School status. Over the years, this funding gap has persisted and it has posed a major challenge for First Nations schools, as they have accepted responsibility for educating those students with only partial or no accompanying funding.

Accordingly, recent efforts by BC First Nations to achieve control or "jurisdiction" over K-12 education on their lands have included discussion regarding tuition funding for those off-reserve students, known as "reciprocal tuition." Working together through FNESC, First Nations negotiated with the provincial government to make reciprocal tuition part of the jurisdiction agreements. Through those efforts, such a commitment was embedded in a document called the BC-FNESC Agreement, which was signed by the Province and FNESC in July 2006 as part of a larger set of jurisdiction agreements. In 2007, the principle of reciprocal tuition then passed into provincial law with the passage of *The First Nations Education Act*.

In 2008, then Minister of Education, Shirley Bond, announced that the Province of BC was committed to reciprocal tuition and that an Agreement in Principle on reciprocal tuition had been reached with FNESC. This agreement meant that the province would begin providing full tuition dollars to First Nations schools for off-reserve students. Reciprocal tuition payments have already been paid to Independent Band Operated schools for non-status and status off-reserve students. Negotiations between FNESC and the Ministry for reciprocal tuition to all other First Nations schools (those not covered under the *Independent Schools Act*) has continued throughout the past year.

FNESC and the BC Ministry of Education have now finalized a Memorandum of Agreement related to the reciprocal tuition, which will be signed on November 6, 2009 at the 15th Annual Provincial Conference on Aboriginal Education in Vancouver. The Agreement means that the provincial government will provide full funding for all status and non-status students who live off-reserve but attend a First Nations school in BC. Funding will be retroactive to September of 2008. The Honourable George Abbott, Minister of Aboriginal Relations and Reconciliation will sign the agreement, along with Tyrone McNeil, President of

FNESC, Nathan Matthew, Chief Jurisdiction Negotiator for FNESC, and Ernie Hill, Vice-President of the First Nations Schools Association.

For many of the 130 First Nations schools across BC, reciprocal tuition funding will be a significant and welcome enhancement to their efforts to provide quality educational opportunities to their students.

The goal of the overall jurisdiction efforts is to improve the success of First Nations students within an education system that is effective and culturally relevant, and the additional resources that come with reciprocal tuition will help First Nations schools move even closer to that goal. First Nations are aware that a great deal of work lies ahead to address other persistent underfunding issues, but this Reciprocal Tuition Agreement with the BC Ministry of Education represents a critical and welcome advancement.

Timeline

Jurisdiction: *definition*: authority, control, responsibility

1867: the *Indian Act* provides Canada's federal government exclusive authority in relation to "Indians and Lands Reserved for Indians".

1973: "Indian Control of Indian Education" report is issued by the National Indian Brotherhood

2000: Negotiations begin on BC First Nations jurisdiction over education

July 2003: BC, Canada, and FNESC commit to negotiations

July 5, 2006: First Nations, federal and provincial government representatives sign a full package of jurisdiction agreements

November 2006: the federal government passes *Bill C-34: First Nations Jurisdiction over Education Act*

December 12, 2006: Bill receives Royal Assent. This federal enabling legislation creates a new legal entity, the First Nations Education Authority, and establishes the legal foundation for the creation of Community Education Authorities through First Nations' laws

November 29, 2007: Provincial enabling legislation is passed through *Bill 46: The First Nations Education Act*. That receives Royal Assent in the BC Legislature

November 2008

- 13 First Nations submit mandate Band Council Resolutions (BCRs) to proceed with negotiations. Working as a collective, the 13 Negotiating First Nations conclude the negotiation of their Community First Nations Education Jurisdiction Agreements, which means that they confirm their options on the negotiable items
- BC Ministry of Education announces its commitment to provide reciprocal tuition funding for non-status and off-reserve students attending First Nations schools

October 2009

- BC Ministry of Education and FNESC reach a new draft agreement regarding *reciprocal tuition payments for First Nations schools*. According to this agreement, the provincial government is providing funding for non-status students attending First Nations schools on-reserve in BC
- The process for implementation of the reciprocal tuition BC-FNESC Agreement is developed