

Next Steps for Ratified First Nations

Congratulations on successfully completing the ratification process and taking the next step in exercising jurisdiction over your Nation's Education System!

This document sets out the next steps for your Nation between ratification and the effective date. For activities to be undertaken on and after the effective date, please see the Education Jurisdiction Implementation Plan attached to the back of your individual Canada-First Nation Education Jurisdiction Agreement.

Signing the Canada-First Nation Education Jurisdiction Agreement:

- 1) Inform Canada of your successful ratification vote.
 - a) Usually this is done by email to one of their representatives (at this point, Amanda Kellett would be the appropriate contact). In the email include the following:
 - i) Confirm the ratification vote was successful.
 - ii) It is a good idea to include a document that has been signed by an authorized individual (e.g. your ratification officer, if you had one) that confirms the ratification vote was successful.
 - iii) Confirm the version of the agreement you have is the one to be signed. Some things to look for to ensure this are:
 - (1) It should have your Nation's name on it;
 - (2) You may want to confirm with Canada that the headers are correct;
 - (3) It will need to have your Nation's contact information correctly inserted under section 11.33 (under the heading "Notices and Communications") on page 27;
 - (4) It will also need to have the title and name of your Nation's authorized signatory typed in the bottom of the last page (29) under the signature line. It should say: "Per: [title] [first and last name]" (rather than: "Per: duly authorized signatory").
- 2) After Canada confirms you have the correct version for signing, have your Nation's designated signatory (likely your Chief) sign the document. **Notes on signing:*
 - a) the authorized signatory will sign on the right-hand side of the signatory page;
 - b) the language on that page says "in the presence of" so it should be signed in person in the physical presence of a witness, and the witness would sign on the left-hand side of the page. Their name may also be printed/typed under their signature.
- 3) Send the signed agreement to Canada.
- 4) Canada will then complete its ratification process to sign the agreement and then send a completed version back to you. Note: this could take a few weeks.

Signing the Canada-First Nation Education Jurisdiction Funding Agreement:

- 1) Confirm the version of the funding agreement you have is the one to be signed. **Please note that Canada is currently preparing an updated version.** Once Canada sends the updated version to you, review it to ensure:
 - a) It has your Nation's name on it;
 - b) It has your Nation's contact information correctly inserted (under the heading "Notices and Communications");
 - c) It has the title and name of your Nation's authorized signatory typed in the bottom of the last page under the signature line. It should say: "Per: [title] [first and last name]" (rather than: "Per: duly authorized signatory").
- 2) Make sure the funding agreement is reviewed by the appropriate individual(s) in your Nation's funding department and then forward it to Chief and Council for final approval. Your Nation's designated signatory (likely your Chief) will sign the funding agreement.
- 3) Then, send the signed funding agreement to Canada (at this time, the person to send it to is Amanda Kellett). After you have sent it to Canada, they will take it through their system and work to get it signed on their end. Note: it is unclear at this point when it will be signed by them and it could take weeks, however this should not affect you being able to become a *Participating First Nation* (PFN) on the effective date.

Signing the BC-PFN Agreement:

- 1) Receive the **form of agreement** from FNEC or BC (at this time, BC's person of contact for this document would be Stephanie Sinitsin).
- 2) Once received, the form of agreement will need to be filled out with:
 - a) your Nation's name (all spaces that are indicated with red font);
 - b) your Nation's contact information correctly inserted (under the heading "Notices and Communications");
 - c) the title and name of your Nation's authorized signatory typed in the bottom of the last page under the signature line. It should say: "Per: [title] [first and last name]" (rather than: "Per: duly authorized signatory").
- 3) Have your Chief and Council review the agreement for final approval. Your Nation's designated signatory (likely your Chief) will sign the agreement.
- 4) Then, send the signed agreement to BC (at this time, the person to send it to is Stephanie Sinitsin). After you have sent it to BC, they will take it through their system and work to get it signed on their end. Note: it is unclear at this point when it will be signed by them and it could take weeks, however this will not affect you being able to become a *Participating First Nation* (PFN) on the effective date.

Appointing Directors to the FNEA Board:

- 1) Appoint two individuals to be Directors for the FNEA Board. These appointments will take effect on the date your Nation's Canada-First Nation Education Jurisdiction Agreement comes into effect (likely July 1 of the year in question).

***Note:** it is not until your Nation formally becomes a PFN on the effective date that the two individuals appointed will become Directors of the FNEA. Until this time, your Nation will be able to engage with the FNEA in accordance with their Terms of Reference as a *Ratified First Nation* (RFN).

The reason it takes so long for your Nation to become a PFN is because of Canada's internal processes (particularly the process for passing the Order in Council).

Under the FNEA Terms of Reference, you are able to engage with the FNEA as an RFN in the following way:

- (a) *each RFN will be invited to send one representative, at their own expense, to attend meetings of the Board where decisions are to be made that impact on both current and future PFNs; and*
- (b) *RFN representatives will be invited to provide their views on matters being considered by FNEA, but will not have a vote.*

The federal legislation states that a First Nation becomes a PFN once it is added to the Schedule to the legislation by Order in Council. As such, only Directors appointed by a recognized PFN are eligible to vote, as they carry the liability for FNEA decisions.

Consider what model your Nation will adopt for governing your education system:

- 1) Your Nation will also need to decide on the governance model you will be implementing for your Education System. For example, will you establish a Community Education Authority (CEA)? If so, you should determine the extent of the CEA's authority and how it will interact with Chief and Council. Note: As there are numerous possible models, a memo was prepared setting out four main models. This memo is attached as Appendix A to this document.
- 2) The next steps for establishing the governance model will vary from Nation to Nation and will be context-specific. See the Education Jurisdiction Implementation Plan (attached to your individual Canada-First Nation Education Jurisdiction Agreement) for additional information on next steps.

Formally Recognize Your First Nation Law-Making Protocol Coming into Effect:

- 1) The First Nation Law-Making Protocol that was approved along with your jurisdiction agreement is the version that now governs how your Nation passes its education law.

- 2) Your Nation may formally recognize your First Nations Law Making Protocol by creating and signing a document that states it is the official Protocol and was passed by way of community ratification vote on a specified date. When it comes time to pass your Education Law, the Protocol will need to be reviewed carefully and it will be helpful if it is clear what is the official version.