

First Nations Jurisdiction Over Education Update

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.

The first milestone in the initiative was the signing of a “Memorandum of Understanding with Respect to First Nations Authority and Jurisdiction over Education” in 2003 by Canada, BC, and First Nations represented by FNEESC, under which the parties agreed to work together to implement First Nations’ jurisdiction over education. Since then, 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. Together, these paved the way for First Nations to enter into education jurisdiction agreements with Canada, which recognize First Nations’ law-making authority over their Kindergarten to grade 12 education systems on their land.

Updates on the Initiative:

In May 2022, Canada and four First Nations signed individual Canada-First Nation Education Jurisdiction Agreements (Jurisdiction Agreements). On July 1, 2022, these Jurisdiction Agreements came into effect and these first four First Nations – aq’am, Cowichan Tribes, Lil’wat Nation, and Seabird Island – became Participating First Nations (PFNs). Three more First Nations – Canim Lake, Ditidaht and Sk̓wxwú7mesh Úxwumixw – signed individual Jurisdiction Agreements with Canada and became PFNs on July 1, 2023.

Now that Jurisdiction is being implemented, a number of agreements and documents have been updated, including:

- Education Jurisdiction Initiative Terms of Reference (April 24, 2023)
- Education Jurisdiction Framework Agreement – Replacement Agreement (July 21, 2023)

Establishment and Operations of the First Nations Education Authority:

FNEA [[WEBSITE LINK](#)], which came into full operation on July 1, 2022, is an independent body that assists PFNs that have assumed jurisdiction over education systems under this initiative.

FNEA will exercise jurisdiction delegated to it by PFNs over the following education matters:

- Certification and regulation of teachers (other than First Nations language and culture teachers);
- School certification;
- Graduation requirements and approval of courses required for graduation; and
- Any other matters that may be delegated to FNEA by PFNs in the future.

Next Steps:

- Under the education jurisdiction initiative, FNEESC’s key role is to support First Nations on the pathway to becoming PFNs.
- FNEESC is updating its support resources for the initiative, including a comprehensive toolkit to support First Nations entering the initiative, and moving through the process.