
Assembly of First Nations

55 Metcalfe Street, Suite 1600
Ottawa, Ontario K1P 6L5
Telephone: 613-241-6789 Fax: 613-241-5808
www.afn.ca



Assemblée des Premières Nations

55, rue Metcalfe, Suite 1600
Ottawa (Ontario) K1P 6L5
Téléphone: 613-241-6789 Télécopieur: 613-241-5808
www.afn.ca

SPECIAL CHIEFS ASSEMBLY
December 5, 6 & 7, 2017, Ottawa, ON

Resolution no. 65/2017

TITLE: New Interim Funding Approach for First Nation Education

SUBJECT: Education

MOVED BY: Chief Stanley Grier, Piikani Nation, AB

SECONDED BY: Tyrone McNeil, Proxy, Kwaw Kwaw Apilt First Nation, BC

DECISION: Carried; 15 objections; 7 abstentions

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 14(1): Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
 - ii. Article 19: States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
 - iii. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- B. First Nations have inherent and Treaty rights with regard to education and the Government of Canada must uphold and honour the inherent authority of First Nations to exercise control over lifelong learning.

Certified copy of a resolution adopted on the 5th of December 2017 in Ottawa, ON


PERRY BELLEGARDE, NATIONAL CHIEF

65 - 2017
Page 1 of 4

SPECIAL CHIEFS ASSEMBLY

December 5, 6 & 7, 2017, Ottawa, ON

Resolution no. 65/2017

- C. Education is a fundamental human right. For First Nations, this right is uniquely situated within a framework of inherent rights as Indigenous people that are constitutionally protected under section 35 of the *Constitution Act, 1982*, and supported by international mechanisms and instruments, including the UN Declaration.
- D. In 1972 First Nations in Canada endorsed the policy of *Indian Control of Indian Education*, advancing an education approach premised on parental and local control. In 2010, through Assembly of First Nations (AFN) Resolution 12/2010, First Nations endorsed the updated AFN "First Nations Control of First Nations Education" document as a core policy position on First Nations education.
- E. In ministerial mandate letters to all Cabinet Ministers, Prime Minister Trudeau states that, "No relationship is more important to me and to Canada than the one with Indigenous Peoples. It is time for a renewed, nation-to-nation relationship with Indigenous Peoples, based on recognition of rights, respect, co-operation, and partnership."
- F. The Minister of Indigenous Services is mandated to "Ensure the successful delivery of the significant investments made in Indigenous services through Budget 2016 and Budget 2017. This includes, ensuring First Nations children on reserve receive a quality education."
- G. The Government of Canada committed \$2.6 billion for First Nations elementary-secondary education in Budget 2016, which is considered by First Nations as a first step to address the historic funding shortfall between First Nations education and the rest of Canada.
- H. Indigenous and Northern Affairs Canada's (INAC) current education programs are based on an outdated funding approach developed over thirty years ago, with additional funding that has been added using predominantly proposal-based programs that do not provide any predictable or sustained funding for First Nations. This funding approach has created a chronic underfunding overall for First Nations elementary and secondary education.
- I. In accordance with AFN Resolution 16/2016, *Honourable Process to Develop Recommendations to support First Nations Education Reform*, the AFN and the Chiefs Committee on Education (CCOE) established a 'Terms of Reference (v17)' to engage in the development of new funding mechanisms for First Nations elementary-secondary education. This process included the creation of nationally-representative task teams that have discussed and provided recommendations on key priorities, including education funding reform.
- J. The Minister of Indigenous Services will return to Cabinet early in 2018 with a Memorandum to Cabinet (MC) related to First Nation education. The process under the 'Terms of Reference (v17)' between INAC, AFN and CCOE has been an attempt to guide the co-development of a policy proposal to implement a new approach to funding First Nations elementary-secondary education ("Policy Proposal (v15)"), which would inform and be reflected in the new MC.

Certified copy of a resolution adopted on the 5th of December 2017 in Ottawa, ON



PERRY BELLEGARDE, NATIONAL CHIEF

- K. The CCOE identified a 'Drafting Team' to engage in the co-development of the MC on elementary-secondary education funding that would be brought back to CCOE, AFN Executive and ultimately Chiefs-in-Assembly.
- L. This new funding approach for First Nations education is not federal legislation. The approach is a policy and programmatic change for INAC's existing education programming.
- M. Federal process requires that MC's include three options to be presented to Cabinet; however, the CCOE has advised Canada that only one option, which represents the First Nation option, be presented. The First Nation option is represented in the final draft Policy Proposal (v15).
- N. Overall, the First Nation version of the draft Policy Proposal (v15) identifies a new funding approach for First Nations elementary-secondary education that:
- i. Supports First Nations, through funded regional tables, to negotiate and conclude regional "First Nation Education Agreements" that will include their own education funding model that provides funding for the unique needs of First Nation students, communities and schools (starting in 2018-19). (Note: First Nations will determine what constitutes a 'region' for the purposes of their First Nation Education Agreement).
 - ii. Unlock the remaining "Transforming First Nation Education" funding commitments (approximately \$665 million) from Budget 2016 (currently limited to the development of First Nation school boards) and combine with total federal commitments to allocate education funding equitably to First Nations across Canada.
 - iii. Provides core funding directly to First Nation governments, education organizations and schools to ensure First Nations Control of First Nations Education.
 - iv. Replaces INAC's outdated, education funding policies and programs with regional education approaches and funding models that provide predictable and sustained funding (starting 2019-20).
 - v. Provides significant increases to First Nation communities and includes funding protection to ensure no First Nations will realize a decrease in funding with this new funding approach.
 - vi. Identifies the need for a supplementary budget ask for the federal Budget 2019 that will identify the funding required (over and above the \$2.6 billion committed in Budget 2016) for First Nations to conclude regional "First Nation Education Agreements" that meet the needs of their learners.
- O. The draft Policy Proposal (v15) on First Nation education funding is being presented to the AFN Chiefs-in-Assembly for consideration and direction at the December 2017 Special Chiefs Assembly.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

1. Reaffirm First Nations' inherent and Treaty rights to education.
2. Reaffirm that jurisdiction over First Nations education remains with each First Nation.
3. Reaffirm that Canada will not delegate its fiduciary obligations owed to First Nations over First Nations' education to provincial, territorial governments, or other third-party entities.

Certified copy of a resolution adopted on the 5th of December 2017 in Ottawa, ON



PERRY BELLEGARDE, NATIONAL CHIEF

4. Support policy or program changes in regards to First Nations education that:
 - a. Exercise First Nations' inherent and Treaty rights to education, honours and advances First Nations control of First Nations education, and conforms to and upholds Canada's moral and legal obligations to First Nations.
 - b. Does not impose any criteria or requirements on First Nations to implement provincial-style school boards.
 - c. Provides each First Nations with the opportunity to opt-in or opt-out from any new policy or program.
 - d. Unlocks later-year investments from Budget 2016 to ensure funding can be accessible immediately.
 - e. Ensure Canada will work in full partnership with First Nations to co-develop Indigenous and Northern Affairs Canada program and service terms, conditions, and guidelines to give effect to First Nation control of First Nation education.
5. Establish a new funding approach to First Nations education that:
 - a. Reflects a phased approach that initially allocates investments from Budget 2016 using an interim funding approach until First Nations sign their own regional First Nation Education Agreement. Interim funding is recognized as being inadequate and First Nations will identify the full funding required to support their students, schools, communities and education organizations.
 - b. Requires the Government of Canada to work directly with First Nations to ensure the regional education funding approaches (when implemented in 2019-20) are jointly developed and agreed upon by First Nations and fully funds the diverse needs and circumstances of First Nation learners, schools, communities, and education organizations.
 - c. Supports each First Nation to advance and implement their vision of First Nation control of First Nation education through needs based predictable and sustained funding.
 - d. Does not give any authority to provinces/territories with regard to First Nations education.
6. Support the First Nations recommended model for a new funding approach for First Nations elementary-secondary education as represented in Policy Proposal (v15) to be presented to Cabinet through Indigenous Services' Memorandum to Cabinet (MC).
7. The MC process must reflect that only Treaty people speak for Treaties and that Canada must meet directly with Treaty First Nations.
8. Inherent and Treaty rights language must be implemented into the MC.

Certified copy of a resolution adopted on the 5th of December 2017 in Ottawa, ON



PERRY BELLEGARDE, NATIONAL CHIEF