



PROTOCOL

Between

**THE FIRST NATIONS LEADERSHIP COUNCIL
(BC ASSEMBLY OF FIRST NATIONS, FIRST NATIONS SUMMIT,
UNION OF BC INDIAN CHIEFS)**

And

FIRST NATIONS EDUCATION STEERING COMMITTEE

And

**HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA
("THE PROVINCE")**

As represented by

THE MINISTER OF EDUCATION

THE MINISTER OF CHILDREN AND FAMILY DEVELOPMENT

THE MINISTER OF ADVANCED EDUCATION, SKILLS & TRAINING

Collectively referred to as "the Parties"

WHEREAS

- A. The First Nations Leadership Council is a collaborative working relationship between the political executives of the BC Assembly of First Nations, First Nations Summit, and the Union of BC Indian Chiefs.
- B. The First Nations Leadership Council has been directed by resolution from First Nations to wholly reform the current Indigenous child welfare system in BC, including working with federal and provincial governments to develop First Nations-supported legislation, policies, and practices that recognize and affirms Indigenous child welfare systems.
- C. The First Nations Education Steering Committee is a policy and advocacy organization that represents and works on behalf of First Nations in British Columbia, with a mandate to advance First Nations education in British Columbia by disseminating information, undertaking research, working with the First Nations Schools Association (FNSA) to administer programs and services, and advocating and negotiating with the provincial and federal governments and other key stakeholders at the direction of First Nations.
- D. The Province is committed to true, lasting reconciliation with First Nations in British Columbia and is committed to fully adopting and implementing the *United Nations Declaration on the Rights of Indigenous Peoples*, and the Calls to Action of the Truth and Reconciliation Commission.
- E. The Ministry of Education has a responsibility to First Nation students, their Parents and First Nations to help improve their school experience and educational outcomes. Locally elected boards of education are responsible for the provision of educational programs within public schools in British Columbia pursuant to the *School Act* and subject to the Minister of Education's authority governing the provision of educational programs.
- F. The Ministry of Children and Family Development has a mandate to fully move forward on the Calls to Action of the Truth and Reconciliation Commission and determine how to bring the principles of the *United Nations Declaration on the Rights of Indigenous People* into action, including a reduction of the number of Aboriginal children in care and ensuring that Indigenous children are provided equitable services and support to that of non-Indigenous children.
- G. The Ministry of Advanced Education, Skills & Training provides leadership and direction for post-secondary education and skills training systems in British Columbia as well as labour market information and programs.
- H. Children and youth in care under the Child, Family and Community Service Act experience poorer education outcomes than those not in government care. Further, Indigenous children and youth in the care of the Province experience significantly poorer educational outcomes than their non-Indigenous counterparts.
- I. First Nations have the inherent right of self-determination, which includes jurisdiction over children and families as whole, and must be included in determining meaningful approaches to address educational outcomes for First Nations children.
- J. Systemic barriers exist and need to continue to be addressed across both the K-12 and post-secondary systems to allow First Nation children and youth in care to reach their potential and benefit the most

from their education. A cross-government approach, developed jointly with First Nations, can support improved education outcomes for Indigenous children and youth in care and former youth in care.

- K. The ongoing work of the Tripartite Working Group on First Nation Children and Families (TWG), the BC Tripartite Education Agreement (BCTEA), the Province's commitment to implementing the United Nations Declaration on the Rights of Indigenous Peoples as reflected in the *Declaration on the Rights of Indigenous Peoples Act* (BC), and the recent federal *Act Respecting First Nations, Inuit and Métis children, youth and families* create an opportunity and environment to better support this vulnerable population of students.
- L. The Parties seek to formalize their ongoing relationship by articulating a process to engage in regular dialogue on First Nations child and family wellness, and on related issues of mutual interest and concern.

THEREFORE, the Parties have reached the following understanding:

1.0 Purpose

- 1.1 This Protocol confirms and sets out a mutual commitment of the Parties to engage in dialogue and joint action on specific issues and initiatives to improve the education outcomes of all First Nations children and youth in care, and former youth in care, in British Columbia, including those First Nation children and youth who are or have been under temporary or continuing custody orders or youth agreements.
- 1.2 The dialogue and work under this protocol is intended to be complementary to, supportive of and, as appropriate, informed or guided by, the work under:
 - a) the bilateral *Commitment Document* (2015) between the Province and the First Nations Leadership Council, including:
 - i. the *Joint Agenda: Implementing the Commitment Document – Shared Vision, Guiding Principles, Goals and Objectives* (2018) (“Vision”); and
 - ii. the *Joint Agenda: Implementing the Commitment Document - Concrete Actions: Transforming Laws, Policies, Processes and Structures* (2018) (“Concrete Actions”);
 - b) the *Declaration on the Rights of Indigenous Peoples Act* (BC) and the implementation of the *United Nations Declaration on the Rights of Indigenous Peoples*;
 - c) the BC Tripartite Education Agreement (BCTEA), which commits FNEC, the Province and the Government of Canada to work together to achieve systemic shifts to improve education outcomes of First Nation learners in BC;
 - d) the bilateral Protocol on Cooperation and Communication between the FNLC and the Minister of Children and Family Development (July 4, 2019);
 - e) the tripartite *Reconciliation Charter for First Nations Child and Family Well-Being in British Columbia*, entered into by the FNLC, the Province and the Government of Canada in April 2017, whereby the signatories commit to a partnership process to achieve First Nations child and family welfare reform;

- f) the bilateral BC-FNESC Protocol (2015), which formalizes a bilateral process to assist the Ministry of Education and FNESC to improve the educational outcomes of First Nations students through collaborative efforts; and
- g) the BC-FNESC-Indigenous Adult and Higher Learning Association (IAHLA) Protocol (2016), which formalizes a bilateral process to assist BC, FNESC and IAHLA to improve First Nations and Aboriginal post-secondary education, training and adult educational participation and outcomes.

2.0 Principled Framework

- 2.1 The Parties acknowledge that an existing principled framework is available for guiding collective work and collaboration to support improved education outcomes of First Nation children and youth in care, which includes:

- a) section 35 of the *Constitution Act, 1982*;
- b) the *United Nations Convention on the Rights of the Child*;
- c) the *United Nations Declaration on the Rights of Indigenous Peoples*;
- d) the *Declaration on the Rights of Indigenous Peoples Act* (BC);
- e) the *Commitment Document, Vision and Concrete Actions*;
- f) the Truth and Reconciliation Commission Calls to Action; and
- g) the Murdered and Missing Indigenous Women and Girls Calls to Justice.

3.0 Objectives

- 3.1 The Parties seek to address systemic barriers experienced by First Nations children and youth in care, and former youth in care, which requires an effective partnership approach, including improved and effective inter-ministerial processes and relationships.
- 3.2 The Parties are committed to supporting improved educational experiences and outcomes of First Nations children and youth in care, including former youth in care, and seek to work together, along with other government bodies and partners as appropriate and agreed, on key matters including, but not limited to:
 - a) legislative and/or policy reform and practice reform, including a policy framework for improved educational outcomes and accountabilities to ensure high-quality learning plans are in place;
 - b) funding to directly support children and youth in care in their education;
 - c) supporting former children and youth in care pursuing post-secondary education and accessing supports, in particular those who have been under a continuing custody order; and
 - d) other matters, as agreed.

4.0 Implementation

- 4.1 The Parties agree to hold meetings two times per year involving the Ministers, the FNLC and FNEC (“Oversight Table”), to:
- a) identify priority issues and establish a mutual and focused agenda;
 - b) determine and direct work to be jointly undertaken regarding the priority issues and to advance the mutual agenda;
 - c) establish process and mechanisms by which information will be shared; and
 - d) discuss any other issues related to the effective implementation of this Protocol.
- 4.2 The Parties will establish a technical table to carry out the direction under section 4.1 (“Technical Working Table”), including the development of a workplan, and report back to the Oversight Table.
- 4.3 The Parties agree to provide advance notice, whenever possible, on actions and communications that may have significant implications for the collective work under this Protocol.
- 4.4 The Ministers agree to communicate, whenever possible and as early as possible, changes or potential changes, to programming, service delivery, and/or policies that would reasonably be of interest to the FNLC and FNEC in the context of this Protocol.

5.0 Term and Review

- 5.1 This Protocol may be signed in counterparts and shall take effect from the date that it is signed by all Parties.
- 5.2 The Parties may agree to amend or terminate this Protocol at any time.
- 5.3 The Parties will review the effectiveness of this Protocol and identify opportunities for improving this Protocol within two years of it taking effect.

In witness thereof, the Parties have executed this Protocol on Cooperation and Communication
on this 26th day of May, 2020.

[Signature]