

Memorandum of Understanding for First Nations Education in Alberta



**Government
of Alberta** ■

Canada 





**Government
of Alberta** ■

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**MEMORANDUM OF UNDERSTANDING
FOR FIRST NATIONS EDUCATION IN ALBERTA
(Hereinafter referred to as the “MOU”)**

BETWEEN THE PARTIES:

CONFEDERACY OF TREATY 6 FIRST NATIONS
as represented by its duly elected Grand Chief

TREATY 7 MANAGEMENT CORPORATION
as represented by its duly elected Grand Chief

TREATY 8 FIRST NATIONS OF ALBERTA
as represented by its duly elected Grand Chief

(hereinafter called the “Assembly of Treaty Chiefs in Alberta”)

AND:

HER MAJESTY THE QUEEN IN RIGHT OF CANADA as
represented by the Minister of Indian Affairs and Northern
Development

(hereinafter called “Canada”)

AND:

HER MAJESTY THE QUEEN IN RIGHT OF ALBERTA as
represented by the Minister of Education and the Minister of
Aboriginal Relations

(hereinafter called “Alberta”)

PREAMBLE

Whereas, the Treaty and Aboriginal Rights of First Nations people are recognized and affirmed in section 35 of the *Constitution Act, 1982*, and the Treaties are a fundamental part of the relationship between First Nations, Canada and Alberta;

Whereas, the Parties recognize the authority and autonomy of individual First Nations in Alberta;

Whereas, the Government of Alberta and the Chiefs of the First Nations in Alberta, in accordance with the *Protocol Agreement on Government to Government Relations* (May 2008), and the Government of Alberta's Aboriginal Policy Framework (2000) have committed to work on a government to government basis;

Whereas, the First Nations in Alberta believe the right to education is an inherent right granted by the Creator, reflects the original spirit and intent of the Treaties, and therefore supports the vision of "Indian Control of Indian Education" (1972);

Whereas, education is a life-long learning process that requires recognizing both the value of practical educational initiatives as well as the unique circumstances of the First Nations in Alberta, which include but are not limited to language and culture;

Whereas, the Parties believe in preserving, supporting and revitalizing the language, culture and identity of First Nation peoples;

Whereas, the Parties desire to improve the monitoring and reporting of outcomes to First Nation governments, communities, Alberta and Canada, and the accountability of First Nation and provincial education authorities for the education outcomes of all First Nation students in Alberta;

Whereas, First Nation students attending First Nation schools or provincial schools are not achieving educational outcomes or levels of success similar to all other students in Alberta;

Whereas, the Parties desire to improve the services and quality of education for all First Nation students attending both First Nation schools and provincial schools in order to improve educational outcomes while respecting their cultural identity; and

Whereas, the Parties agree to ever increase the knowledge of First Nation students by remedying barriers and creating strategic opportunities for First Nation learners to achieve or exceed the full educational outcomes, levels and successes of all other learners in Alberta.

THEREFORE:

PART I – Vision and Principles

1. Vision

Canada, Alberta and the Assembly of Treaty Chiefs in Alberta hold a common vision for First Nations students in Alberta where First Nations students are achieving or exceeding the full educational outcomes, levels and successes of all other students in Alberta.

2. Principles

The Parties, as equal partners, intend that the MOU be interpreted and implemented in a manner that is consistent with the following principles:

- (a) Work collaboratively and expeditiously to continuously improve educational outcomes for First Nation students.
- (b) Recognize the diversity of First Nation peoples, communities, language, culture, traditions and spiritual practices and the need for standards-based and culturally-appropriate education.
- (c) Ensure First Nation students have equitable access to quality education and smooth transitions between First Nation and provincial schools.
- (d) Achieve comparable quality and standards between First Nation on-reserve and provincial education.
- (e) Enhance governance, policy, program and fiscal accountability to students, communities and funding agencies.
- (f) Empower and engage First Nation Elders, students, parents, and communities to improve educational outcomes.
- (g) Maximize effectiveness of existing activities and investments, and pursue initiatives to improve educational outcomes.
- (h) Promote building of institutional capacity and relationships.

Part II – Commitments

1. Treaty No. 6, Treaty No. 7 and Treaty No. 8 Indigenous Knowledge and Wisdom Centre (hereinafter called the “IKWC”)

- (1) To assist in fulfilling the Vision and Principles of the MOU, the Parties agree to support First Nations in Alberta in the establishment of an IKWC that is focused on improving the educational outcomes of First Nation students in a culturally appropriate and responsive education environment.
- (2) The Assembly of Treaty Chiefs in Alberta agrees to develop an IKWC work-plan to submit to the Alberta First Nations Education Circle described in Part III.
- (3) Canada will support First Nations in Alberta to develop a work plan for the Centre, make annual funding available for initial core operations, and make annual funding available for individual initiatives undertaken by the Centre.
- (4) Alberta will provide in-kind support and expertise to build capacity in the following areas:
 - a) data collection and management;
 - b) accountability and reporting;
 - c) system improvement; and
 - d) curriculum and resource development.

2. Education Improvement and Resourcing

- (1) **Resourcing and supports**
 - a) Canada agrees to pursue additional agreed-upon targeted, strategic funding opportunities to increase the success of First Nation students in Alberta.
 - b) Alberta agrees to pursue targeted, strategic funding opportunities designed to increase the success of First Nation students in Alberta and pursue opportunities to share knowledge and expertise with First Nations in Alberta.

- c) The Assembly of Treaty Chiefs in Alberta agrees to explore additional funding opportunities designed to increase the success of First Nation students in Alberta and explore opportunities to share knowledge and expertise with Alberta.

(2) Comparative education funding analysis

The Parties agree to continue work on a comparative analysis of federal funding for First Nation education (including Band-operated schools and provincial tuition) with provincial funding for education.

(3) Education programs and services analysis

- a) The Parties agree to do a review of existing education programs and services, including a catalogue of those related to employment and training.
- b) The Parties agree to do an analysis of program and service gaps that limit First Nation student success, including but not limited to an analysis of gaps between the First Nation education system and the provincial education system.
- c) The Parties agree to consider other promising practices.
- d) The Parties agree to identify opportunities for collaboration.

(4) Review of legislation & policies

- a) The Parties agree to review existing relevant legislation, policies and funding arrangements in order to identify barriers to First Nation student success including, but not limited to, those barriers which impede the smooth transition of First Nation students moving between First Nation and provincial education systems.
- b) The Parties agree to support First Nations in Alberta in the examination of the options for establishing an appropriate and effective legislative basis for First Nation education.

(5) Tuition/education service agreements

The Parties agree to continue work on addressing ongoing issues related to tuition or educational services agreements including, where appropriate, the implementation of new tuition or educational services agreements.

(6) Develop long term strategic action plan

The Parties agree to develop a long term strategic action plan for First Nation education in Alberta, based on the aforementioned reviews and analyses, which propose measures for the restructuring of First Nation education in Alberta in order to improve First Nation student outcomes.

3. Accountability and Performance Management

- (1) The Parties agree to develop processes necessary to maximize the successful implementation of existing programs, initiatives and resources.
- (2) The Parties agree to improve accountability and efficiency in the management of First Nations education funding.
- (3) The Parties agree to establish and implement a protocol concerning the collection, protection, ownership, use and disclosure of First Nation student information that:
 - a) provides capacity to use the information to measure and monitor educational outcomes for First Nation students;
 - b) assists in providing information for program enhancement and development; and
 - c) is consistent with federal and provincial information and privacy legislation including obtaining necessary parental consents.

4. Relationship Building

- (1) Alberta, in accordance with the *Protocol Agreement on Government to Government Relations* (May 2008), agrees to engage provincial departments and facilitate relationships between the Assembly of Treaty Chiefs in Alberta and provincial departments to identify and support opportunities to address issues that may affect or have an impact on the educational outcomes of First Nation students.
- (2) Canada agrees to engage other federal departments and facilitate their involvement in partnerships with provincial and First Nation parties, where their participation will contribute to improving First Nation student outcomes in Alberta.

- (3) The Parties agree to engage in strategic discussions, in the development or implementation of all initiatives, programs or other matters that affect the educational outcomes of First Nation students.
- (4) The Parties agree to actively encourage the development of collaborative frameworks between provincial school authorities and local First Nation communities.

5. First Nation Children in Care, Special Education, School Aged Children Not in School

- (1) The Parties agree to develop strategies to address the educational outcomes of the following:
 - a) First Nation children in care;
 - b) First Nation students with special education needs; and
 - c) school aged First Nation children not attending school or at risk of not attending school.
- (2) Further, the Parties agree to work with the necessary federal, provincial and First Nation agencies and professionals to enhance or develop culturally-appropriate, comprehensive and coordinated approaches that:
 - a) are school-based or school-linked;
 - b) maintain the culture, language and identity; and
 - c) improve educational outcomes for these First Nation children.

6. Parental and Community Engagement

The Assembly of Treaty Chiefs in Alberta agree to engage Canada and Alberta in the development of strategies to encourage and support the engagement of First Nation parents, Elders and communities to improve educational outcomes of First Nation students.

7. Recruitment, Retention, and Professional Development of Teachers

- (1) The Parties agree to develop strategies to improve the recruitment, retention and professional development of teachers in First Nation schools.
- (2) The Parties agree to develop strategies to increase the number of First Nation teachers in Alberta.
- (3) The Parties agree to develop strategies to improve the professional development for all teachers respecting the learning needs of First Nation students.
- (4) The Parties agree to explore partnerships with post-secondary or other institutions that contribute to preparing teachers.

8. Treaty and Cultural Awareness

The Parties agree to develop strategies to assist First Nation schools and provincial school authorities to increase the knowledge and awareness for all Alberta students and teachers of First Nations' histories including treaties, cultures, and traditions.

9. Holistic approach to education

The Parties agree to enhance or develop culturally-appropriate strategies to address land-based and experiential education, health and physical education, excellence in the arts and sports, extracurricular opportunities and to prepare the next generation of leaders and elders.

PART III – Alberta First Nations Education Circle

1. Establishment and Mandate

- (1) The Parties agree to establish an Alberta First Nations Education Circle (the "Circle") that will serve as a mechanism for ongoing partnership and be responsible for:
 - a) overseeing the implementation of the commitments set out in Part II of this MOU including the prioritization of commitments and the establishment of action plans, timelines, resource requirements and their source;
 - b) establishing its own rules of procedure including meeting dates, roles and responsibilities;

- c) celebrating successes;
- d) monitoring, evaluating and reporting outcomes annually; and
- e) any other responsibilities as determined by the Parties.

2. Membership

- (1) Membership on the Circle shall be comprised of the following:
 - a) Assembly of Treaty Chiefs in Alberta – Chief Executive Officer or Executive Director and the Education Directors of Treaty No. 6, Treaty No. 7 and Treaty No. 8.
 - b) Alberta – Deputy Minister of Education and Deputy Minister of Aboriginal Relations, as well as appropriate Assistant Deputy Ministers.
 - c) Canada – Assistant Deputy Minister and Regional Director General from Indian and Northern Affairs Canada.
- (2) Membership may be expanded or modified as agreed upon by the Parties including, but not limited to, representation from the Treaty No. 6, 7 and 8 Indigenous Knowledge and Wisdom Centre, when appropriate.

3. Resourcing of the Circle

- (1) The Assembly of Treaty Chiefs in Alberta will provide the cultural and spiritual element, including the involvement of Elders, to the Circle.
- (2) Canada will support Treaty No. 6, Treaty No. 7 and Treaty No. 8 First Nations in their capacity to participate in the Circle.
- (3) Alberta will support the secretariat functions of the Circle.

PART IV – General Articles

1. Term

This agreement will be in effect upon execution and in force for 10 years unless terminated in writing by any Party upon 150 days notice or extended by the written agreement of the Parties.

2. Annual Meeting

- (1) The Parties agree that the Grand Chiefs of Treaty No. 6, Treaty No. 7 and Treaty No. 8 and the Ministers of Indian and Northern Affairs, Alberta Education and Alberta Aboriginal Relations will meet annually to monitor progress of the MOU and give direction to the Circle.
- (2) The first meeting will be held within 6 months of signing this MOU.

3. Scope of MOU

- (1) None of the existing Treaty or Aboriginal rights, as recognized and affirmed in section 35 of the *Constitution Act, 1982* are derogated or abrogated by this MOU.
- (2) For greater certainty, this MOU is not a Treaty.
- (3) This MOU is not intended to define, create, recognize, deny or amend any rights or obligations of individual First Nations in Alberta.
- (4) This MOU is not intended to effect a transfer of responsibilities among the Parties.
- (5) This MOU is not intended to create legally enforceable obligations among the Parties or as between any two Parties herein.

The Parties, as represented by respective Grand Chiefs and Ministers, have signed this MOU.

SIGNED on behalf of the
CONFEDERACY OF TREATY 6 FIRST NATIONS

Grand Chief

Date: _____

SIGNED on behalf of the
TREATY 7 MANAGEMENT CORPORATION

Grand Chief

Date: _____

SIGNED on behalf of the
TREATY 8 FIRST NATIONS OF ALBERTA

Grand Chief

Date: _____

SIGNED on behalf of HER MAJESTY THE QUEEN IN RIGHT OF ALBERTA,
as represented by the Minister of Education

Minister

Date: _____

SIGNED on behalf of HER MAJESTY THE QUEEN IN RIGHT OF ALBERTA,
as represented by the Minister of Aboriginal Relations

Minister

Date: _____

SIGNED on behalf of HER MAJESTY THE QUEEN IN RIGHT OF CANADA,
as represented by the Minister of Indian and Northern Affairs

Minister

Date: _____

APPROVED pursuant to the Alberta *Government Organization Act*,
R.S.A 2000, chapter G-10.

Minister of Alberta International
and Intergovernmental Relations