First Nation Education Law Template for First Nation Governments

Prepared For

Ontario Native Education Counselling Association

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Rights Holders

Authorities for the Template

Chiefs of Ontario Resolution 13/13

" .development of templates by ONECA….to support First Nations in building independent education capacity."

"..without prejudice to First Nations undertaking education negotiations, First Nation rights and initiatives."

ONECA Resolution, May 2013

Indigenous in our Homelands

Authorities for Nation Building

Sacred Laws of Original Instructions

- Creation- Instructions
- Scrolls, birch bark, rock paintings, rock glyphs, rock forms, land formations
- Songs, stories
- Sacred Laws, Codes
- Cycle of Ceremonies
- Medicine Lodges and Societies, Prophecies

International Recognition of Self Governance Over Education for Indigenous Peoples

Instruments	Standards	Covenants
Human Rights Instruments	UNDRIP, Convention on the Rights of the Child	Covenant on the Rights of the Child
Expert Mechanism on the Rights of Indigenous Peoples	Universal Declaration of Human Rights	Covenant on Economic, Social and Cultural Rights

Law Making Protocol

- First Nation Government will enact and amend Laws
- First Nations Government Drafts the Education Law
- Post the Education Law, make copies available
- **Discussion Guide** in all languages of daily usage, and a **Summary** that is easy to understand
- Community meetings, 30 days notice
- Members suggest amendments in writing or orally
- After community meeting another 30 days
- Vote by First Nation Government or a Community Referendum

Our Nation Law in Education

- Template is a tool for Nation Building
- First Nations have never relinquished claims to sovereignty or lands, hold a right to autonomy in internal affairs
- Education Law establishes self determination, jurisdiction over education
- Enacts our inherent rights and treaty rights to education
- Right to Self Government is the same as the power to make laws

FIRST NATION GOVERNMENTS and LAW MAKING

First Nation Government

develops its

Constitution

Sovereignty

Jurisdiction

Protocol for Law Making

First Nation Government develops its

First Nation Education Law

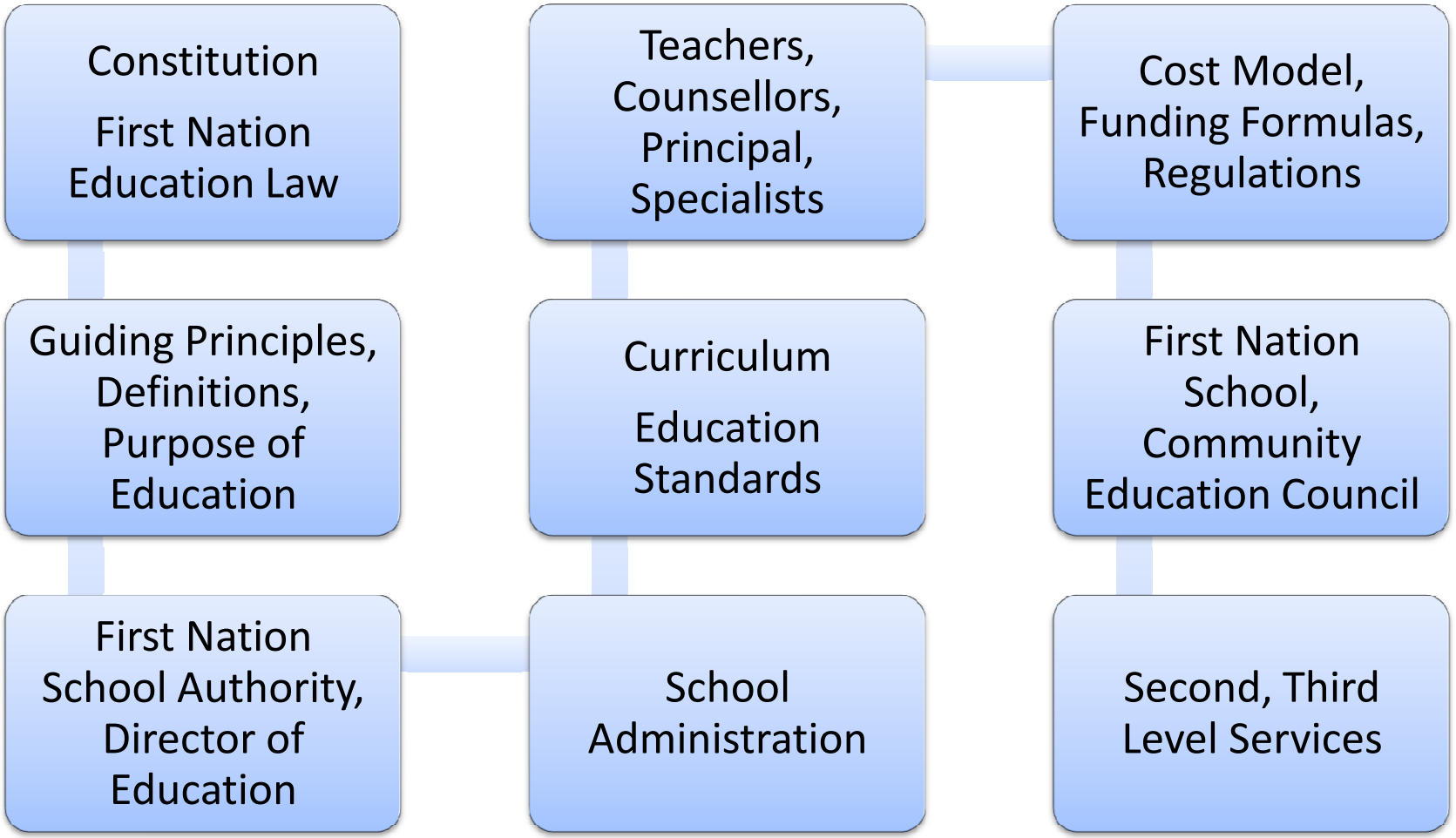
First Nation Government and Education Law authorizes

First Nation School Authority

First Nation School Authority operates education system

Develops a contract with **Regional First Nation Education Authority** for 2cd, 3rd level services

Elements of an Education Law



Next Steps

First Nation Government Constitution

First Nation Education Laws

Governance Model for Education

Modern Funding Formulas

Policy Templates-Education Standards, Curriculum, Human Resources, Administration

Based on the best models of First Nations education in Canada, Hawaii, Aotearoa

Challenge to Canada

- Forge a **new relationship** with First Nations as First Order of Government with inherent rights and treaty rights to self determination, self government, jurisdiction over education

- **Enabling legislation** situates statutory obligation on the federal government to acknowledge FN jurisdiction in its diversity and to fund

- Federal and Provincial Governments **align their laws** to support First Nations jurisdiction over education as well as implementing **UNDRIP**

- Make **targeted investments** over time to create equity, new funding relationship with First Nation Governments, new and modern formulas, mechanisms

Sonkwiatison Kwa Ha’Kwa Ta Ko

Resources

- First Nations Law Making Protocol
- First Nations Education Law Template
- Historical Highlights Leading To The Development of First Nations Education Law

For More Information

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