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AGREEMENT TO SUPPORT THE SUCCESS  
OF FIRST NATIONS STUDENTS

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Concluded between:

**The First Nations Education Council**, represented by Ghislain Picard,  
Chief of the Assembly of the First Nations of Quebec and Labrador

and

**the Government of Quebec**, represented by  
the ministre de l'Éducation, du Loisir et du Sport

and by

the ministre responsable des Affaires autochtones

and by

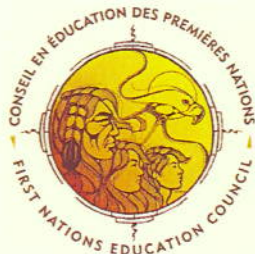
the ministre responsable des Affaires intergouvernementales canadiennes  
et de la Francophonie canadienne

and

**Her Majesty the Queen in Right of Canada**  
Represented by the Minister of Aboriginal Affairs and Northern Development  
Canada

Hereinafter the "**Parties**"

Québec 



Canada 

**WHEREAS** the First Nations members of the First Nations Education Council are nations and officially and mutually recognize themselves as being empowered to conclude between them formal agreements concerning cultural, educational, economic, political or other sectors;

**WHEREAS** First Nations members of the First Nations Education Council are nations, which was, among others, recognized by resolution of the National Assembly on March 20, 1985, and that existing ancestral rights, as well as those recognized by Treaty are recognized and affirmed by section 35 of the Constitution Act, 1982;

**WHEREAS** First Nations members also assert that their peoples have the right to self-determination, which includes the right to full autonomy in the area of education, a right that they never relinquished;

**WHEREAS** the Government of Canada supports, within the framework of Canada's Constitution and laws, the United Nations Declaration on the Rights of Indigenous People, as set out in its Statement of Support of November 12, 2010;

**WHEREAS** the First Nations Education Council, the Government of Quebec and the Government of Canada wish to enter into an agreement with the objective to improve the collaboration between them, in a perspective of school success for students of First Nations;

**WHEREAS** the First Nations Education Council, the ministère de l'Éducation, du Loisir et du Sport, and Aboriginal Affairs and Northern Development Canada, recognize the importance to better factor the cultural specificity of each nation in the objective of improving, in urgent manner, the success rate of First Nations students;

**WHEREAS** the First Nations Education Council, the ministère de l'Éducation, du Loisir et du Sport, and Aboriginal Affairs and Northern Development Canada wish to establish an agreement dedicated to the academic success of First Nations students, which objectives would be in continuity to those of the Memorandum of understanding entered into in 2007 regarding a discussion table between the Assembly of First Nations of Quebec and Labrador and the Government of Quebec;

**WHEREAS** the First Nations Education Council is an association devoted to defending the shared vision of member communities, in order to provide a quality education to all First Nations children, and it exercises its mandates in accordance with the directives issued by the First Nations members of the Council, as set forth or confirmed at General Meeting;

**WHEREAS** the Minister of Aboriginal Affairs and Northern Development Canada, accepts the responsibility to fund educational services for preschool, elementary and secondary levels for students living on reserve, and financial aid for students living on and off-reserve for post-secondary educational services;

**WHEREAS** the ministère de l'Éducation, du Loisir et du Sport exercises jurisdiction over education for the province of Quebec, notably through its mission and activities as well as through the Québec education network;

**WHEREAS** the First Nations Education Council, the ministère de l'Éducation, du Loisir et du Sport, and the Department of Aboriginal Affairs and Northern Development Canada, have agreed to develop, while respecting the responsibilities of all Parties, a joint action plan establishing the priorities and setting out the undertakings and roles of each party; while specifying the resources they shall provide; and presenting strategies that will be made available to all communities members of the Council.

## THE PARTIES AGREE TO THE FOLLOWING:

### 1. Subject

This Agreement addresses the collaboration of the Parties to the implementation of a joint action plan (see Appendix) developed to increase the academic success of students of First Nations members of the First Nations Education Council through a better collaboration between the First Nations educational institutions and the educational institutions of the Quebec schools network.

### 2. Principles

The Parties agree that this Agreement must be interpreted and implemented in a way that is compatible with the following principles:

(A) The First Nations are distinct peoples, having their own languages, their cultures, and their traditions.

(B) First Nations students are entitled to receive in the First Nations educational institutions, educational services of a quality that is comparable to that offered in educational institutions of the Quebec school network, in order to foster the academic success if and when they transition from one educational system to the other, whether this transition being voluntary or made by obligation.

(C) Respect and the search for mutual understanding of the Parties are the guarantors of an effective collaboration.

### 3. Collaboration and other participants

In the framework of this Agreement and in the implementation of the joint action plan, the Parties agree to do their part in order to maximize the collaboration and efficiency opportunities. With the view to developing a holistic and inclusive approach, other participants could be approached on a timely basis in the framework of the tasks of the joint action plan, such as: universities and colleges, certain healthcare and social services institutions, as well as other participants that could contribute to the academic success of First Nations students. The timely participation of those participants may only be done with the consent of all Parties.

The collaboration approach is also developed to complement the various efforts, programs, and measures for increasing the academic success of Aboriginal students in Aboriginal settings by government of Canada and, within the Quebec school system, by the government of Quebec. The joint action plan of this Agreement thus intends to complement rather than duplicate the *First Nations Student Success Program* of Aboriginal Affairs and Northern Development Canada, in which the First Nations Education Council participates.

4. Intervention priority

In the framework of this Agreement and in the implementation of the joint action plan, the Parties recognize that interventions shall focus on the sharing of expertise, the exchange of information, and consensus-building, with the main goal of adequately supporting First Nations students who are undertaking a transition between the First Nations and the Quebec educational systems.

5. Specific objectives

In the respect of the agreed intervention priority and the related joint action plan, the Parties shall pursue the following specific objectives:

(A) Identify the issues, challenges, problems, and solutions that could be encountered by managers, students, parents, teachers, professionals, and education specialists, as well as schools, communities, school boards, and support organizations when First Nations students transition between the First Nations education institutions and those of the Quebec school network;

(B) Support the coordination between First Nations educational institutions and the educational institutions of the Quebec school system in order to accompany and support First Nations students who are undertaking a transition from one educational system to another.

6. Action plan

The Parties have drafted a joint action plan, integral part of this agreement, annexed, describing the principles, objectives and strategies which they commit to undertake in the framework of this Agreement.

Also is annexed the process of voluntary adhesion for participant communities.

7. Awareness-raising tool

The Parties recognize the importance of regularly updating the awareness-raising tool, provided for in the action plan, to ensure that it can be used over a long period of time.

8. Coordination Committee

The Coordination Committee shall ensure the follow-up of this Agreement and coordinate the implementation of the joint action plan. The Committee shall make recommendations to the Parties concerning the follow-up and the evaluation of the concrete measures implemented by the participants.

Any modification to the action plan requires approval from the Parties.

Each Party shall appoint two representatives to the Coordination Committee. Each party will be responsible for the financing of the participation of their representatives. One of the persons appointed by the Education Council of First Nations will chair the committee.

The Coordination Committee will hold its first meeting no later than two months after the signing of this Agreement. At its first meeting, the Coordinating Committee will adopt, by a unanimous vote of its members, its operating rules and procedures.

The Coordination Committee shall perform, before the end of the 3<sup>rd</sup> year of this Agreement, an assessment of the reaching of the specific objectives of the Agreement with the view of proposing, if necessary, an update of the joint action plan.

The Coordination Committee will also report to the Parties.

#### 9. Funding

As a result of this Agreement, the First Nations Education Council, on behalf of participating First Nations, may be eligible to receive additional funding through targeted Government of Canada programming, including the Education Partnerships Program, in order to support the implementation of collaborative activities proposed in the Joint Action Plan.

The ministère de l'Éducation, du Loisir et du Sport will fund education services offered in the institutions of the Quebec school system from its regular budgets.

It is understood that this agreement allows access to additional funding from the government of Canada, and that it does not affect the base funding of First Nations. Those who have not acceded to this agreement will therefore not be penalized.

#### 10. Communications between the Parties

The regular communications of the Coordination Committee constitute the main mechanism of communication between the Parties.

#### 11. Public Communications

When the Parties will decide to make a joint public communication on the implementation of this Agreement, they will collaborate in the organization of announcements or ceremonies.

## 12. Dispute settlement procedure

The members of the Coordination Committee shall do their best to resolve in consensus all disputes that could arise from the interpretation or application of this Agreement.

Where it is not possible to reach a consensus, the dispute will be referred to an appeals committee comprised of one senior-level manager representing each of the Parties. Upon request of one the Parties, the Committee shall have recourse to an independent mediator, the choice being made with the consent of all Parties.

Each Party shall have the possibility to transmit all relevant documents to the mediator and to assert its position in an individual meeting. Once all parties met, the independent mediator will have thirty (30) days to prepare a settlement scenario, the acceptance of it remains the prerogative of the Parties in accordance with their respective responsibilities. The fees of the independent mediator will be shared equally between the Parties.

## 13. Termination

Either Party may terminate this Agreement with a notice of at least sixty (60) days and by giving their reasons.

## 14. Term

This Agreement has a term of five (5) years and takes effect upon signature by all Parties.

## 15. Renewal

Six (6) months before the expiry of this Agreement, the Parties may decide to renew it.

## 16. Scope of the Agreement

(A) This Agreement does not constitute a treaty within the meaning of Section 35 of the *Constitutional Act, 1982*, and should not be interpreted in any way as having the effect of a repeal, of a denial or a recognition of an existing ancestral right, a treaty right or other right.

(B) No provision of this Agreement shall be interpreted as derogating from the rights, privileges and benefits of the Parties. This agreement is made without prejudice to the position of the Parties nor of the members of the First Nations Education Council in any dispute, proceeding, negotiation or

other representation and can in no case be interpreted as a waiver of any right of First Nations with respect to their claims.

- (C) This Agreement does not aim to affect a transfer of responsibilities between the Parties.
- (D) The present Agreement is a declaration of the intention on the part of the Parties and creates no legal obligation.

#### 17. Accession

The accession of First Nations to this agreement is voluntary and must be confirmed by a resolution of its Council. The list of First Nations adherent is provided in the annex II.

Similarly, any First Nation having acceded to the agreement may, at any time, dissociate from it by a resolution of its Council transmitted to the Parties.



**IN WITNESS WHEREOF, THE PARTIES HAVE SIGNED FIVE COPIES:**

**FOR THE FIRST NATIONS MEMBERS OF THE FIRST NATIONS EDUCATION COUNCIL:**



Ghislain Picard

Chief of the Assembly of the First Nations of Quebec and Labrador

4 mai 2012

Date

**FOR THE GOVERNMENT OF QUEBEC:**

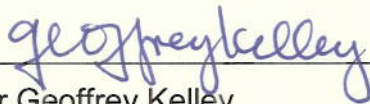


Madame Line Beauchamp

Ministre de l'Éducation, du Loisir et du Sport

4 mai 2012

Date



Monsieur Geoffrey Kelley

Ministre responsable des Affaires autochtones

4 mai 2012

Date



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Monsieur Yvon Vallières

Ministre responsable des Affaires intergouvernementales  
canadiennes et de la Francophonie canadienne

\_\_\_\_\_  
4 mai 2012

Date

FOR HER MAJESTY THE QUEEN IN RIGHT OF CANADA



\_\_\_\_\_  
John Duncan

Minister of Aboriginal Affairs and Northern Development Canada

\_\_\_\_\_  
May 4/12

Date