



# Memorandum

**Date:** April 19, 2024  
**To:** Board of Education  
**From:** Terry-Lee Beaudry, Deputy Superintendent of Schools  
**Prepared by:** Jesse Bruce, Director of Instruction – Indigenous Education and Equity  
**Information Item:** Westbank First Nation Council Resolution – Schools of Choice (Bill 40)

## 1.0 ISSUE STATEMENT

The Province of British Columbia's School Amendment Act (2023) includes new First Nation Schools of Choice provisions that set out a process for First Nations to choose which school First Nation students, who live on-reserve, self-governing First Nation lands, or Treaty lands, will attend. Bill 40 ensures that Westbank First Nation and Okanagan Indian Band can designate a Central Okanagan Public Schools elementary, middle, and secondary school for their students. Further, First Nations will not have to negotiate this with the Board of Education. The Board will accommodate the First Nation students. The following resolution was passed by Westbank First Nation Chief and Council on March 26, 2024:

### RESOLUTION 240318-17

**MOVED BY** səx<sup>w</sup>k<sup>w</sup>inmaʔm A. Alexander

**Seconded by** səx<sup>w</sup>k<sup>w</sup>inmaʔm S. Tronson

**THAT** iʔ yilmix<sup>w</sup>m naʔt yi səx<sup>w</sup>k<sup>w</sup>inmaʔm waʔ

yaʔspuʔúsməlx/Council resolves to designate Chief Tomat Elementary as the Elementary School of Choice, Constable Neil Bruce as the Middle School of Choice and Mount Boucherie Secondary as the School of Choice based on proximity and previous years registrations.

**CARRIED**

## 2.0 RELEVANT BOARD MOTION/DIRECTION

None.

## 3.0 BACKGROUND

Prior to the School Act changes relating to First Nation Schools of Choice, Boards of Education set catchment areas for all schools in their district. While some Boards entered into agreements with First Nations relating to a choice of schools, this practice was not consistent across the province. Bill 40 legislation requires that local First Nations determine which schools the First Nation students, living on-reserve, self-governing First Nation lands, or Treaty lands, will attend through their own internal process.

At the local level, District staff consulted with the Local Education Agreement Oversight Committee on January 18, 2024, and the Indigenous Education Council on January 23, 2024. Subsequently, Westbank First Nation conducted an internal process to determine Schools of Choice for First Nation's students living on-reserve. Through Westbank First Nation Council Resolution 240318-17, Westbank First Nation designated Chief Tomat Elementary School, Constable Neil Bruce Middle School, and Mount Boucherie Secondary School. This was confirmed by email on March 26, 2024.

In addition, the District Enrolment Application has been updated to reflect the Bill 40 mandates, enabling parents/caregivers to identify as living On or Off Reserve, and as a registered member of a local First Nation, Westbank First Nation or Okanagan Indian Band.

#### **4.0 INFORMATION STATEMENT**

The new legislation aligns with the District's commitment to "Equity in Action for Truth and Reconciliation."

#### **5.0 DEPUTY SUPERINTENDENT'S COMMENTS**

First Nations were not considered when school districts were created and catchment areas designated. Schools of Choice legislation is a response to the Truth and Reconciliation Calls to Action and British Columbia's Tripartite Agreement. It is intended to reconcile past trauma and displacement.

#### **6.0 NEXT STEPS**

A process will now be put in place to ensure that Westbank First Nation students, living on-reserve, self-governing First Nation, or Treaty lands, have priority enrolment when enrolling in the designated Schools of Choice (Chief Tomat Elementary School, Constable Neil Bruce Middle School, Mount Boucherie Secondary School).

District staff will continue to consult with Okanagan Indian Band Chief and Council to determine their schools of choice for Okanagan Indian Band students enrolled in Central Okanagan Public Schools.