

Special Education Report

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SPECIAL EDUCATION - OUR VISION

“According to First Nations Natural Law, we believe that every First Nations learner is gifted. We believe that every First Nations learner must have access to an education from early childhood to post-secondary. That education must be characterized by quality and excellence of instruction, appropriate academic content, safe learning environment, and adequate professional and fiscal resources. That education must be equal to or exceed the standards of education received by other Canadian learners.”¹

These visionary statements give voice to what we believe collectively about First Nations education and are offered herein to give context to what we have to say about Special Education.

In the conceptualization of what Special Education is and how it is interwoven into the fabric of “regular” education, it must not be thought of as a separate entity. Serving special needs students is integral in providing quality and excellence of instruction, appropriate academic content, and safe learning environments for all. Ideally there is no Special Education. An effective education system provides for the needs of all students in an environment that is not restrictive, one that is inclusive of all. Special Education is, ultimately, good education grounded in strong beliefs and sound practises. For First Nations that means being guided by our ways of knowing, and implementing practises that we know to be relevant.

In reality, for First Nations in Canada in 2004, Special Education is being addressed as something separate and apart from “regular” education through the Special Education Program (SEP). For the immediate future, in order to protect the program and those that it serves, it seems necessary to treat it separately for funding is tied to such notions. Special Education is currently defined as programs and services designed for students whose needs cannot be met within existing resources available to the general population of students. We must also keep in sight the longer-term vision of developing a broader, inclusive education system for First Nations.

Key Principles

Education systems must be built on sound principles. Within the Ontario Special Education context, the success of our students means ensuring a system that is built around our statements of belief – a philosophy articulates the vision of the successful learner, is guided by clear and concise policy guidelines, consists of a supportive infrastructure, is supported by adequate funding, and is accountable.

¹ Minister's National Working Group on Education Final Report, p.9

A Philosophy of Special Education

An inclusive approach to education is one where the focus is on maximizing resources to support all learners. Rather than focussing on labelling students and thereby, creating barriers, inclusive education ensures creative and innovative teaching methodologies, relevant curricula, and inspiring and multi-faceted learning environments.

Key components of inclusive education are:

- All students are included in age appropriate, regular classroom settings in their community school
- Curriculum is relevant to individual needs
- Instructional and assessment practises are geared to student needs
- Learning styles and intelligence are recognized
- Record-keeping informs student progress
- Parental involvement is prevalent
- Acceptance and respect are at the forefront
- There is an integration of community services to meet student needs
- Professional development is supported
- Resources are available and accessible

The First Nations Education Council (FNEC) philosophy statement captures what we know to be true. “All First Nations children have the right to be educated in their community school, integrated with their peers in a regular classroom, that is, in as normalized and as least restrictive a classroom environment as is possible.”²

Policy

Successful, accountable systems are guided by policy. Where there are guidelines, stated principles, a framework for action, and standards there is hopefully, a common understanding.

Infrastructure

The Minister’s Working Group on Education has made a recommendation that addresses the need for an education infrastructure.

“Our vision of an education infrastructure is basically a structural framework – a system with resources, i.e., professionals, facilities, technical and research capacities, and decision making structures...”³

Within the context of Special Education, the development of an infrastructure is crucial in meeting the needs of students and staff. Ontario could be guided by other systems and successes such as those undertaken by the First Nations Education Steering Committee (FNEC) and the First Nations Schools Association (FNSA) in the B.C. region and by the First Nation Education Council (FNEC) in Quebec. Both regions have exemplary systems that address Special Education needs and are managed for and by First Nations.

² AFN, First Nations Special Education Policy, 2000, p.v

³ Minister’s National Working Group on Education Final Report, p.12

Funding

First Nations schools in Ontario are funded by the Band Operated Funding Formula developed and administered by Indian and Northern Affairs Canada. First Nations schools are operating primarily in an independent mode within the confines of an inadequate policy and funding structure that supports minimal education program delivery in schools and does not fund systems to support the schools. This is in direct contrast to the needs identified in numerous reports by First Nations, for example:

“Financial resources will be provided to support comprehensive special education programming including but not limited to: languages; program developments and delivery; research; capital requirements; training; governance; the development of fully qualified and certified special education teachers, professionals, para-professionals; learner assessment; and program evaluation.”⁴

Funding for Special Education that supports an inclusive learning environment must:

- Be in addition to the allocations for “regular” education
- Directly serve special needs students
- Ensure the support of a First Nations community and regional infrastructure

Accountability

To ensure the integrity of a program there must be transparency by government and accurate and timely reporting by both First Nations and government. To ensure achievement levels of students, there must be reporting and tracking mechanisms in place at the local level.

Qualities and Outcomes of Individuals

In addressing Special Education, First Nations tend to focus on the structures and programs that must be in place. It is important to envision the lives of those for whom services are provided. It is important to focus on the desired outcomes for these individuals. A First Nations vision of special needs students who emerge from the formal learning environment are those who:

- are able to celebrate their uniqueness and creativity
- have increased self-esteem
- maintain a strong First Nations identity
- are able to apply their knowledge and skills in a productive way
- are armed with strategies and coping skills
- understand their own strengths
- operate comfortably in two worlds
- respect and are respected by their peers

First Nations in Ontario realize the responsibility for providing for the needs of all learners and are well informed of the implications of accepting that complete responsibility. As First Nations embark on the articulation of the structures and practises

⁴ AFN First Nations Special Education Policy November 2000, p.5

that are envisioned to address needs in Special Education, it is necessary to consider the education system as a whole.

Working Vision Statement

Programs and services for First Nations learners that are designed, managed and directed by First Nations in an adequately funded, supported structure that is guided by the philosophy of inclusion.

WHAT CURRENTLY EXISTS

This section will outline how the Special Education Program (SEP) funding has unfolded nationally and provincially. It will offer an overview of Ontario programs and services currently in place, state examples of best practises, and describe the local mainstream education environment in which many First Nation students participate.

Current Funding Structures

National Level

In 2000, the Assembly of First Nations released the First Nations Special Education Policy. This was not adopted nationally because First Nations were already engaged in developing and tailoring processes in Special Education at the regional level. It is, however, a valuable resource document.

In December 2001, as part of its Children's Agenda, the Government of Canada committed to spend \$185 million over two years to improve the lives of Aboriginal children. \$60 million of this was targeted as a Special Purpose Allotment. It would be directed to Special Education for the purposes of serving on-reserve "students identified with moderate to profound special education needs."⁵

The 2002 National Special Education Guideline serves as the operational guideline for the SEP. It is based on terms and conditions required by Treasury Board. That it was developed jointly by INAC and the Assembly of First Nations Special Education Working Group comprised of First Nation educators working in the field of Special Education has helped to ensure that the program unfolds in a meaningful way and that the examination of the data is grounded in a working knowledge of Special Education. The First Nations Working Group members have a clear understanding of the criteria and impacts of the program. One of the key features of the SEP is the substantial annual reporting by First Nations that is required. While provided useful data, it has proven to be a labour intensive burden to First Nations already overburdened by reporting.

The duration of the current authority for the Special Education Program (SEP) goes to June 2005. At that time, INAC will be required to report on the following:

1. SEP program implementation and evaluation results
2. Analyses of assessment-based and intervention-based funding approaches to SEP

⁵ Special Education National Program Guidelines, p.5

3. To substantiate the “real need” of SEP to continue to provide school-based programs and services to special needs students

There are two approaches currently in place for accessing this new funding. One is the “assessment-based approach” whereby First Nations must apply to their INAC Regional Office for the funds on a case-by-case basis. The other is the “intervention-based” approach where the funds are allocated to local First Nations at the outset of the fiscal year and there is no “hold-back” at the regional office. In this approach the First Nations have complete responsibility for ensuring the provision of special education programs and services at the local level. Two provinces have been designated to proceed using the “intervention-based approach” and, as such, are “pilots.” They are B.C. and Ontario.

Accountability measures include annual reporting by First Nations. This is critical in establishing the “real need” and the data gathered will be used to inform the business case being developed in preparation for the 2005 Authority Renewal process.

Regional Level

In Ontario, in the absence of a regional Special Education policy guideline and formal funding protocol, the administration of the funding was determined through a collaborative and consultative process between INAC and the Ontario First Nations. The information flowed through the First Nations Education Coordination Unit. Resolutions in support of the allocation methodology were passed at the All Ontario Chiefs Conference in June 2003.

Currently the SEP funding for Special Education in Ontario is managed through the INAC Regional Office. The Education Directorate and the Funding Services Officers have the responsibility for ensuring reporting and dispersing of dollars. Funds are transferred to the First Nations for program implementation as per the intervention method model.

Ontario Region does hold back program dollars to reimburse First Nations for provincial High Cost Special Education. This is a complex situation at present.

No Special Education dollars have been directed to the INAC Regional Office for administrative purposes or to First Nations second-level service providers. Thus, no formal supporting infrastructure is in place.

Local Level

The regional allocation for 2002-2003 was approximately \$8 million in “new” money.

Prior to the announcement of the new SEP, provision for Special Education was block funded as per the following table.

| Target School Population | Formula Allocation for Special Education |
|--------------------------|--|
| 0 – 50 | 41,000 |
| 51 – 100 | 41,000 |
| 101 – 200 | 82,000 |

| | |
|-----------|---------|
| 201 – 300 | 123,000 |
| 301 – 400 | 164,000 |
| 400 + | 205,000 |

In the intervention model, the block funding continues with an increase to the base rates. The \$41,000 was increased to \$72,000 and so on. These amounts are transferred directly to the First Nation. In order to receive their increases, First Nations had to provide INAC Region with policies and an outline of how they would be directing the “new” money.

Programs, Services and Human Resources

The following information has been gleaned directly from First Nations through the Special Education Focus Group workshops held in March 2004 and from the Special Education report prepared by Kenjgewin Teg in July 2002. The 2003 Annual Special Education Reports were also a source of information.

Ontario First Nations report that they are providing only adequate programs and services to meet the needs of special education students in somewhat inclusive learning environments. On a positive note, most First Nations have now developed their own operational guidelines and are in the implementation phase.

A brief description of the key components of Special Education programs and services that are in place is as follows:

Generally the model of Special Education program delivery at the local level follows the Cascade model. This is characterized by a continuum of student placements, with the optimum placement being the regular classroom.

Identification of High Cost Special Needs Students - students are formally identified through a process determined by the First Nation. This process is generally in line with the provincial Identification, Placement, and Review Committee (I.P.R.C.) process. Since there is no regional First Nations definition of High Cost Special Needs Students, First Nations use their own definition. They have been advised to be guided by the Ontario Ministry of Education’s Categories of Exceptionality and the I.S.A. Guidelines in their identification processes.

Individual Education Plans (I.E.P.) – when a student is identified, formally or informally, an I.E.P. is developed for the student. This plan outlines the specific learning expectations for the student and is used to measure progress. It is the key indicator of student success.

Qualified Personnel - Many First Nations schools have teachers who have Special Education Qualifications. In Ontario a qualified Special Education teacher must have a minimum of Special Education Part 1 of the Ministry of Education Additional Qualifications. The teacher in the school who oversees the Special Education programs and services is the Special Education Resource Teacher (SERT). Other support staff are the Educational Assistants (EA) or tutor-escorts. Regular classroom teachers and the

school administrators are also involved in the programming processes for special needs students.

Ongoing Professional Development – Ontario First Nations have reported that some opportunities for professional development were made available through workshops – some provided by First Nations organizations, conferences, in-school training, coaching/mentoring, university/college courses.

Professional Services Provided by Schools – in addition to the Special Education Resource Teachers and para-professionals the services of psychologists, speech/language pathologists, psychiatrists, physiotherapists, professional counselling, occupational therapists, psychometricians, dieticians, ophthalmologists were involved in assessments and assistance with programming and are accessed on a fee for service basis.

Best Practices

With total funding going directly to First Nations for their schools as per the intervention model, a level of autonomy has been achieved. Locally designed programs and services are the most effective route for student success.

There are many examples of how First Nations have been resourceful in terms of providing for special needs learners outside of the SEP and despite its restrictions. Some examples are shared herein.

Some communities are providing supplemental programs such as the Alderville Student Services program. This is a service being “provided with the purpose of enhancing academic performance amongst the students in our community.”⁶ It has its own facilities and is staffed by qualified Special Education personnel. One facet of the program has a Special Education Teacher providing direct support in the local school where the Alderville students attend. The tutoring aspect of the program is available outside of school hours, reinforces core skills, and encourages parental participation. That there have been no new identifications of students during the three years of the project attests to its success. Further, the program is a successful example of how First Nations and school boards can work together to improve student achievement.

Even though no SEP funds have been allocated to second-level services some Ontario organizations are addressing needs as determined by their member First Nations. These approaches exemplify how First Nations combine resources for effective service delivery:

- The Ogemawahj Tribal Council employs staff with Special Education qualifications who provide direct service to communities in Special Education policy development, professional development workshops, participate as I.P.R.C. members, work directly with parents and assist with tuition agreements to ensure Special Education programs where needed.

⁶ www.aldervillefirstnation.ca

- The Indigenous Education Coalition (IEC) provides support by assisting in such areas as speech/language, formal assessments, and consultations for parents and educators with psychologists. The IEC has also partnered with the Aboriginal Healing Foundation to provide services for children with behavioural challenges. Special Education has been a major focus of the organization over the past few years because it was continually being identified by the member First Nations as a priority.

Key Components

“Moreover, a First Nations education system grounded in the wisdom of Indigenous knowledge, that respects the vision of parents and elders and reinforces the teaching of language and culture will measure its success through the development of caring and respectful people who are valued contributors to their communities and live in harmony with their environment.”⁷

While it is essential that special education for First Nations include relevant guidelines that ensure progress of the learners and includes some basis of comparability to the provincial system, the overall quality of the First Nations system is further enhanced by First Nations uniqueness.

- First Nations languages are ever present in the learning environment
- Community cultural practises are interwoven into the school day
- First Nations are guided by the traditional values including the Seven Grandfather teachings
- Supportive partnerships between First Nations service providers ie. Aboriginal Healing Foundation

Mainstream

The Ontario Education Act states that a school board may enter into an agreement with a First Nation to provide for the education of First Nations pupils. First Nations students attending schools of a board are provided for through the terms of a tuition agreement. The majority of tuition agreements in Ontario are negotiated between a First Nation and a board. Costs for First Nations students are determined by a calculation outlined in an Ontario Legislative Regulation.

In 1998 the provincial education funding structure changed. District school boards are funded through a grant system. The specific grants that are tied to Special Education are the special education portion of the Foundation Grant, which is known as the Special Education Per Pupil Amount (SEPPA), the Intensive Support Amount (ISA), and the Special Incidence Portion (SIP).

For all students attending schools funded through the province, Special Education services are available through SEPPA. This includes First Nations students attending

⁷ Minister's National Working Group on Education Final Report, p.9

schools of a board through a tuition agreement. The calculation of fees for First Nations students as per the regulation includes Special Education programs and services.

Some special needs students will require more intensive support. There is a specific process that guides the accessing of ISA funding and that is tied to specific pupil needs. The ISA process does not apply to First Nations students attending board schools through a tuition agreement. Boards may not make ISA applications to the Ministry of Education for First Nation students. Where it is determined that costs for programs and services for a First Nation student exceed that which a board is receiving overall ("the pot" generated by the total number of First Nations students) then the board and the First Nation may discuss additional "actual" costs. There is no formula or regulation to guide the costing of this aspect of the provision of service that a board may provide.

Minister's Advisory Council on Special Education – While this is not tied directly to student services, it may have implications for effective communications on behalf of students. There is one seat designated to First Nation representation on this council. The mandate of the council is to advise on broad issues and concerns. There is no formal process for Ontario First Nations to determine representation in this forum.

Since 1977 the Advisory Council on Special Education and its predecessor, the Advisory Committee on Special Education have provided guidance on issues concerning the development and delivery of programs and services for exceptional pupils in Ontario elementary and secondary schools.

Appointments to the Advisory Council will normally be for a three-year period. Members will be eligible for reappointment to a second three-year term, for a maximum of two terms or six consecutive years of service³. Each year approximately one third of the positions on the Advisory Council expire.

The Special Advisory Council meets three times each year with meetings in June, October and February. In addition, Council members are frequently asked to assist in special work groups and consultations with the Ministry of Education or other Ministries.

Members are expected to liaise with all organizations within their community of interest. The commitment required to accomplish this responsibility will vary considerably among members depending on the number of organizations and the complexity of issues. Contact should be made prior to each regular meeting of the Advisory Council in order to determine issues which should be raised. Following each Advisory Council meeting, members should report on the meeting to the organizations in their community of interest.

WHAT DO FIRST NATIONS NEED TO REALIZE THE VISION

Gaps

Policy Guideline - At this time, a regional First Nations policy guideline on Special Education has yet to be developed. Therefore, there has been no consistent approach to the practises that are in place. It is envisioned that First Nations will be taking the lead on this issue by inviting INAC to participate in a joint working group to develop an approach which is responsive to First Nations needs.

Communications – Decisions are currently being made on a year-by-year basis with no clear, consistent rationale to guide this. Primary financial and policy control rests in the hands of INAC bureaucracy. First Nations report that communications in this area are poor and that they never really know what they are working with. Further, First Nations find it problematic that the funding services personnel at INAC Region are imparting information that is not consistent with what First Nations have come to understand to be the parameters and conditions of the SEP.

Funding Allocations - On the provincial side, additional costing has been an extremely problematic area for First Nations. It would appear that a clear and consistent understanding around special education costing from the perspective of both the boards and First Nations has yet to occur. First Nations contend that Special Education amounts are already included in the calculation of the per pupil fee. This includes SEPPA and ISA amounts. Not all students access Special Education programs and services, therefore, the board should not generally need to charge additional amounts.

However, there are cases where additional costing will be agreed upon, and quite justifiably. INAC has held back funds for this purpose. It has been difficult to estimate costs due to lack of reporting, lack of tuition agreements, invoices to support cost, lack of identification by the board back to the First Nation, and lack of response from the departmental programs to funding requests.

Professional development – First Nations require a network and structure for capacity building where First Nations can provide a uniform series of training sessions. First Nations have identified twenty-five topics for such sessions:

- ❑ *INAC process for determining high cost*
- ❑ *Accessing additional funding*
- ❑ *I.E.P development and tracking*
- ❑ *Parental Involvement/Working with Parents*
- ❑ *Funding for after-school programs (Catherine Davis at Alderville runs a highly successful program – we could set up a workshop so that she could share the process)*
- ❑ *Special education definitions*
- ❑ *Assessments and other services*

- ❑ *I.S.A. information*
- ❑ *Student portfolios*
- ❑ *School teams*
- ❑ *Case conference*
- ❑ *Specific School board information and sharing*
- ❑ *SEP and dealing with INAC*
- ❑ *Additional sessions like this one*
- ❑ *Linkages to adult education*
- ❑ *Reverse tuition agreements/tuition agreements*
- ❑ *Requirements for Special classroom*
- ❑ *Funding formulas and models*
- ❑ *"Indian Control of Indian Education"*
- ❑ *Behavioural Programs*
- ❑ *Early Intervention*
- ❑ *Process of Developing Policy*
- ❑ *FAE/FAS*
- ❑ *General information as part of orientation for newly elected FN education board members, councillors with Education portfolio, committees*
- ❑ *Designing programs/curriculum to match achievement levels*

First Nations from every geographical area and Political Territorial Organization have offered to facilitate. There is an enthusiasm for acquiring knowledge in the area of Special Education. It is clear that First Nations peoples have a preference for sessions that are First Nations developed and driven.

Background and Knowledge in Special Education

"The people making the decisions on special education need the proper background and knowledge. Both INAC officials and First Nation communities will require clear information on definitions of and goals for special education."⁸ While it is respectfully recognized that INAC and First Nations personnel may have a generalized background in education, it is essential that those administering and overseeing Special Education programs and services have a clear understanding of the program. This is a highly specialized area and it is of great concern that this particular program may be viewed solely from a funding perspective.

Education Agreements with Boards

In Ontario many First Nations continue to pay high cost fees to District School Boards for Special Education Programs and Services. A more informed approach in developing and negotiating education service agreements continues to be an area of need.

Formal Protocol Agreement between Ontario Ministry of Education and Provincial First Nations Body

The varying interpretations by school boards around the costing of Special Education programs and services for on-reserve Special Education students attending schools of the

⁸ A Review of First Nations Special Education Policies and Funding Directions Within the Canadian Context 2002, p.25

province is problematic and needs to be addressed on a formal level. It must be reinforced that the Chiefs of Ontario office is the recognized voice of First Nations.

Programs, services and structures required

Based on the premise that INAC will continue to administer the SEP for the short term, there needs to be further collaboration for improved structures, programs and services.

1. Vision and Philosophy – At present, First Nations and INAC are not working from a defined shared vision or philosophy. Section One of this paper has extensively expounded on the importance of this and may be useful in informing the direction First Nations need to consider.
2. Policy Guidelines- Development of a regional policy and procedures to guide how First Nations will proceed collectively to manage the SEP needs to be undertaken. The guideline should address the following headings and issues:
 - a) Special education programs and service standards
What is the First Nations definition of High Cost? How do First Nations define exceptionality? Should First Nations follow provincial standards and definitions? Is there portability of funds?
 - b) Funding protocols and allocations
How are SEP funds being allocated? What is the process for determining this? What is the model for allocation? How is the high cost for students attending schools of the province determined and managed? Is there a process for additional funding? Is a demographic factor included?
 - c) A program accountability process
What are the processes at the community and INAC level? Is the integrity of the program being protected? Are standards and mechanisms in place to measure student progress?

A comprehensive framework for developing a Regional First Nations Special Education Policy is outlined in the resource document “Special Education Reference Manual: A Guide for First Nations” produced by the AFN Education Sector.

3. Centralized Support Services – First Nations report that they require a level of support that is currently non-existent. In B.C. there is a designated First Nations Regional Management Organization (FNRMO). Within that structure, a portion of SEP dollars has been allocated to support collective initiatives as follows:
 - Special Education Resource Committee
 - Coordinated Student Assessments
 - Special Education Professional Services

- Toll-free Special Education Resource Line
- Professional Development
- Bulk Purchasing of Resources

While Ontario is not yet supported by a centralized structure, there are ways that movement could be made in that direction. By resourcing second-level capacity ie.tribal councils to develop some of the above services, First Nations system needs would be better met than is presently the case.

Impediments

INAC has become primarily a funding agent working within undefined policy parameters. While there is currently an Education Directorate, many personnel do not have an education background. It is essential that those working in the area of Special Education understand the program. External and internal communications around the current SEP have been woefully lacking. First Nations at all levels have expressed confusion and frustration over how the program has unfolded within INAC.

First Nations management and program expertise with regard to the SEP varies at all levels and in all geographical regions of Ontario. Some areas and communities have been fortunate to have the assistance of educators with a background in Special Education to guide them through the program thus far. Others have not. There has generally been an uneven approach to the implementation of the program as reported by First Nations.

Data collection was initially sporadic and this can probably be attributed to poor communications on the SEP. The data is being collected and analyzed at the national level. Many First Nations have reported that they did not fully understand the purpose of the reporting (data collection) and therefore, it was viewed as “just another report for INAC.” Some First Nations had no knowledge of the SEP and reporting requirements as of March 2004.

The overall SEP allocation is inadequate. It does not effectively support a “system.” That is what First Nations are attempting to address nationally. However, the Ontario approach to the allocation of what First Nations did receive has not resulted in much needed support services across the province. There is still no infrastructure.

Recommendations

The Special Education Program is a valuable tool in meeting the needs of First Nations special needs learners. It must continue to be a protected program. Ontario First Nations will need to continue to collect the data that will show the “real need.” To ensure accountability, the program will need to be more effectively managed. An analysis of the information provided by First Nations has resulted in the following recommendations.

1. Ontario First Nations form a First Nations Special Education Advisory Committee with a mandate to identify concerns in the delivery of special education programs and services for exceptional pupils and provide information, advice, and recommendations for consideration.
2. Ontario First Nations develop an Ontario First Nations Special Education Policy to guide the management of the SEP consisting of the following:
 - a) Philosophy Statement
 - b) Program and Service Standards
 - c) Funding Protocols
 - d) Accountability Procedures

An Ontario First Nation Special Education Policy is necessary to ensure a generally consistent approach is utilized in the implementation of Special Education Program within Ontario First Nations. This Policy should be broad enough to accommodate the diversities of all Ontario First Nations.

The Chiefs Committee on Education (CCOE), the National Indian Education Council (NIEC) and the Assembly of First Nations (AFN) jointly developed and produced a National First Nation Special Education Policy. This policy was presented to INAC in November of 2000. The National First Nation Special Education Policy would be a good starting point for Ontario First Nations to form a regional policy. An Ontario First Nation Special Education Policy will impart a unified and strengthened position on Special Education.

3. Ontario Region needs to provide additional funding for second-level services, which will support First Nation education as a whole, with a specific sector dedicated to the support of the First Nation Special Education Program. Currently First Nation schools are operating without any formal association between themselves. Central coordination organizations / second level service providers would be able to increase efficiency by offering technical resources and assistance, pooling resources, and liaison with other education organizations. In other provinces First Nations are supported through First Nation school boards, education resource centres, and regional management organizations.

The development of the Special Education Program within Ontario varies from community to community. While some First Nation communities have educators with a background in special education many do not. As a result, the Special Education Program is not administered in a consistently effective manner across all First Nations within Ontario. First Nation communities are made to stumble through a system which they have little or no knowledge of without any support from outside agencies.

4. Ontario First Nations, through the Chiefs of Ontario initiate discussion with the Ontario Ministry of Education with the goal of developing a consistent approach by boards regarding the costing and provision of Special Education programs and services for First Nation students. This could possibly result in a formal Protocol Agreement between the Ontario Ministry of Education and the Chiefs of Ontario.
5. Ontario First Nations, through the Chiefs of Ontario Office, determine representation to the Ontario Ministry of Education Minister's Advisory Council on Special Education. As well additional seats must be made available for First Nation representation.

Currently one seat is available for a First Nation Representative. First Nation communities within Ontario are very diverse. It is impossible to find one person who would be knowledgeable about the varied needs and issues surrounding Special Education of all these communities.

6. Ontario First Nations and INAC Region undertake (commission) a comprehensive Special Education costing study to accomplish the following:
 - a) Critically analyse the Ontario data provided in the 2002-03, 2003-04 and 2004-05 Annual Special Education Reports
 - b) Review and publish the overall expenditures of the SEP for the past three years (available from INAC)
 - c) Illustrate the linkages to other funding related to education i.e. base allocation, capital expenditures, health and social programs
 - d) Make recommendations for the structure of the Special Education portions of the overall education funding formula (formula review currently in progress) and that includes the demographic factor
 - e) Offer a "bottom line" detailed calculation for an effective Special Education program
7. Many of the lower levels of interventions required for special needs students are of an educational or behavioural nature. However those requiring more intensive supports require not only special education programs but also health and social services supports. The latter need to be provided by agencies, which, though outside the educational sector should collaborate with the education authorities to help the pupil achieve the optimal development. This does not always happen. Therefore a strategy must be developed and implemented for First Nations, in which community organizations i.e. social services, health services, education services etc, collaborate and cooperate in order to arrange an effective plan for special needs students.

WHAT ARE THE COSTS

National and Regional Considerations

It is important to describe costs for special education programs in detail for greater clarity.

Provincial Structure

In order to be able to achieve an appropriate level of responsiveness to the special needs of the children within the community, the funding must be provided in a manner that is flexible and adequate. In Ontario, the provincial government has devised a model that attempts to meet these objectives and has established funding levels that it feels are reasonably appropriate.

1. The provincial government allocates an initial amount for the provision of Special education programs and services based on the numbers of pupils enrolled. In 2003-2004, the allocation was as follows:

- \$562 per pupil in grades JK to 3,
- \$424 per pupil in grades 4 to 8, and
- \$274 per pupil in grades 9 to 12

(These amounts were allocated based on full-time enrolment).

This allocation provides the education authority (school board) with a base amount of funding to help address the needs of those pupils that require low levels of intervention such as remediation, tutoring, counselling, support by a specialist teacher, etc.

The provincial government in Ontario recognizes that these amounts would not be sufficient to address the needs of pupils with severe or profound learning difficulties and accordingly provides supplementary assistance based on a child's specific need as assessed by the school board and approved by the provincial 'validators'.

2. These supplementary amounts provide an additional \$12,000 for a child with severe disabilities and \$27,000 for a child with profound special needs; for example an autistic child or severely blind child.

This is where systems differ. In the INAC Ontario special education model, the program has provided for 'pupils with severe or profound learning difficulties' by raising the base amounts overall. There is nothing held back for the situations as described in #2. Either model can work, if the overall amount is adequate. However First Nations in Ontario have demonstrated that they have a greater need than the amount allotted to them.

3. The above allocations for special education are in addition to funds provided by the provincial government within its basic instruction allocation (the foundation grant) for guidance counsellors, and professional and paraprofessional staff such as psychologists, psychometrists, speech pathologists, social workers, etc. The dollar value of these services is approximately \$83.00 per elementary pupil and \$269.00 per

secondary pupil. The INAC basic allocation to Ontario First Nations does not include funding for the provision of these services. Therefore, these services are provided through the Special Education Program allocations, which directly effects service availability and quality.

4. The ratio of First Nations students with special needs is higher than within the population at large and in many instances reach into the 40 plus percent range. A number of studies have shown that a key variable that affects the numbers of pupils with special needs is the socio-economic environment within the community. Communities that have a large proportion of their population with low income, low levels of formal education, etc. tend to have greater needs for special education programs and services. The provincial government uses a set of criteria to determine which geographical areas are likely to require additional financial resources in order to address their children's special education needs. The variables used by the Province of Ontario are low income, low education, recent immigration and Aboriginal status.

For the small, rural, remote, and northern school boards (the isolate school boards), this allocation, known as the Demographic Component of the Learning Opportunities Grant is \$175 per full-time equivalent pupil. However for boards having a majority of First Nations students (over 50%), the amount is raised to \$350 per pupil. Ontario First Nations recognize that there are greater costs in some geographical regions. There are many reasons for this i.e. a student assessment (approximately \$1200.) in southern regions may be double that in a northern, fly-in community.

5. The amounts outlined above, (the SEPPA, ISA, Demographic Component and the amounts for special staff incorporated in the basic instructional amount), provide the education authority with resources to provide special educational programs and services and the ability to provide varying degrees of intervention to assist students with special needs ranging from remediation to very intensive supports.

6. In 2003-2004 the Ontario government allocated to school board for operating purposes approximately \$14.25 billion. Out of this amount, \$1.65 billion (**11.6% of the total allocation**) was directed to special education programs and services and an additional amount of approximately \$200 million (**1.5%**) went to address the special educational needs generated by socio-economic factors in the various communities in the province.

An informal calculation for Ontario First Nations, using an approximate nominal roll figure and a mirrored version of what has been provided above, indicates that a comparable amount to support the First Nations special education program would be \$15,839,200 for one year. The First Nation SEP allocation for the 2004-05 year is \$8 million.

Financial support comparable to that provided by the provincial government would be a key step in meeting the special needs of First Nations pupils and a start toward effectively providing the educational programs required by First Nations pupils with special needs.

At the national level, INAC and AFN are jointly working to produce a business case that clearly defines the funding needs as they relate to Special Education programs and services. Each Region is responsible for providing data that is collected from First Nations and is also responsible for preparing a comprehensive report that will support the business case. It will offer the Ontario First Nations position, supported by substantial facts as outlined above.

Immediate Costs

Some recommendations in the previous section of this paper will require administrative costs from the SEP and could be considered indirect services. If First Nations are to begin erecting a structure that supports the Special Education Program and provides a sound level of management and accountability, this is a necessary expenditure. INAC needs to provide additional funding to be directed to this aspect.

ROLES AND OBLIGATIONS

The Special Education Program serves on-reserve First Nation learners. The current structure of the roles and responsibilities for the administration of the Special Education Program are as follows.

1. First Nations at the local level are responsible for:
 - a) Formally identifying special needs learners;
 - b) Providing direct services to students and for accessing indirect services;
 - c) Establishing a policy to guide services in community schools;
 - d) Ensuring accountability for program and student success;
 - e) Completing the Annual Report for purposes of data collection and accountability;
 - f) Have a policy in place that guides the provision of special education services and costs for students attending provincial schools.

2. Indian and Northern Affairs Canada has the fiduciary responsibility for all education programs. INAC Headquarters is responsible for ensuring the distribution of dollars to the regions in consultation with the Assembly of First Nations and for preparing treasury board submissions as required.

3. INAC Region is responsible for implementing, administering and monitoring the SEP at that level. Decisions are made through communications and consultations with First Nations.

*Should it be determined through a joint decision making process among Ontario First Nations that the SEP should be managed through a centrally controlled First Nations agency, or regional authorities, then the INAC Region responsibility would be changed.

4. First Nations Political Territorial Organizations are consulted through the First Nations Education Coordination Unit; collective decisions are made by resolution by the Chiefs in Assembly.
5. PROVINCE – The Ontario Education Act states that a school board may enter into an agreement with a First Nation to provide for the education of First Nations pupils. The two formal mechanisms in place are a) the Ontario Regulation that outlines the calculation of fees and b) the Education Services agreement between the board and the First Nation (or in some cases, INAC Ontario) that specifies the programs and services and this includes Special Education.

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