

AN OVERVIEW OF FEDERAL AND PROVINCIAL
POLICY TRENDS
IN
FIRST NATIONS EDUCATION

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Introduction

The Chiefs of Ontario (COO) requested an overview of recent federal and Ontario policy trends in education. The overview will include a description and comments on the pros and cons of the main features of major Indian and Northern Affairs Canada (INAC) initiatives, processes and policies over the last 5 years with a focus on current initiatives approaches and directions and those being seriously considered by the federal and provincial governments.

The paper will also list a range of options that First Nations can consider as processes for Federal and Ontario policy development in education. The acceptable standard will be one based on nation-to-nation, government-to-government, joint policy development. Several options and an outline for a process that First Nations can consider for formalizing relationships and negotiated agreements with Canada and Ontario in education supplement the list.

This paper presents an Ontario-wide perspective, though, Aboriginal best practices in education which are occurring in other regions of the country are referenced.

The Problem

For many observers the elementary-secondary education that is and has been delivered to First Nations in Ontario is broken, and badly broken, at that. For the most part, the educational content bears little or no connection to the people and children that it purports to benefit. It does not reflect the realities of First Nations communities or the aspirations of its members. It ignores the cultural differences of the First Nations to the point where many teachers in a majority of First Nations schools lack the skills and knowledge to communicate meaningfully with their students. First Nations elementary-secondary education in Ontario constitutes a one-size fits all, an approach that everyone challenges and criticizes in other government-First Nations areas but not education.

These difficulties exist because there is no system of First Nations education in Ontario. Instead, what exists is an Ontario provincial education system – a system that has been developed and implemented for the benefit of Ontario elementary-secondary education students - into which Ontario First Nations students have been forced to fit, with results similar to an attempt to force a round peg into a square hole. The literal results are provocative: First Nations endure massive chronic under-education of its children throughout Ontario - an under-education that has persisted over eight generations of First Nations students.

What are the elements of the under-education? The statistics are familiar: The Royal Commission on Aboriginal Peoples indicated that 57% of all Native children drop out of school before graduation as compared to 15% for non-Natives; school registers record student absenteeism rates that average 30% or higher annually in a majority of First Nations elementary schools; too many elementary school graduates who are one to three years behind their provincial cohorts in literacy and numeracy skills that gives them few alternatives to dropping out before Grade 12. The Standing Committee on Public Accounts in their report of June 2000 commented that between 1991 and 1996 the high-school completion rates of on-reserve students rose to 37 percent compared to the rate of 65 percent for the overall Canadian population. In the words of Professor Andrea Bear, Chair in Native Studies at St. Thomas University in New Brunswick, “Native education is still in an atrocious state from almost any perspective.”

The question has to be asked: Why does the provincial education system play such a dominant role in the education of First Nations elementary-secondary education? The answer is simple:

The federal government since 1950 has maintained an education policy whereby the provincial education authorities are “responsible” for First Nations education. In effect, the federal government, which has the constitutional jurisdiction for Indian education, has abrogated its constitutional obligation for First Nations education to the provinces.

How Did We Get Here?

In 1948 the federal government conducted a major review of the Indian Act. Part of the review included the provisions of the Indian Act pertaining to education. Prior to 1948 the federal government met its constitutional obligations to Indian education by making agreements with religious authorities (United Church, Anglican and Roman Catholic, primarily) for the education of Indian children. These agreements resulted in residential schools and federal Day Schools on reserve that were operated and staffed principally by missionaries.

During the 1948 review parents and leaders pointed to the poor quality of the education program in these institutions and the lack of professional teaching qualifications of the teaching staffs in both residential and Day Schools. Many parents and leaders believed that First Nations students were receiving an inferior education in comparison to provincial students attending provincial schools.

The federal government agreed and during the 1950s under a banner of “integration” it set about to correct the imbalance in both the education curriculum and the qualifications of teachers. Residential schools were gradually phased out, the provincial education curriculum was introduced to reserve schools, and provincially certified teachers were recruited.

In addition, the federal government agreed to cost-share the construction of numerous secondary schools across Canada to facilitate the transfer of First Nations students from reserve elementary schools to provincial secondary schools. Several secondary schools in Ontario, including Pauline Johnson High School in Brantford owe their existence to federal funds under this program.

The policy of “integration” has been the foundation of the federal government’s policy on First Nations elementary-secondary education since that time. Although the practice of cost-sharing the construction of provincial secondary schools ceased during the early 70s, the federal government continues to buy secondary education for First Nations students through tuition agreements.

Just how evident this policy is today, one only has to examine any self-government agreement (SGA) that has been signed or under negotiation. In the education clauses of the SGAs that were reviewed for this paper, either signed or about to be signed, one finds a clause(s) that says regardless of the education students receive on reserve as a result of the SGA, *they must be able to move to the provincial system without penalty*, or words to that effect. These clauses amount to an affirmation and continuation of the federal policy on elementary-secondary education.

Another step along the path occurred in 1972 when the National Indian Brotherhood (NIB) presented its policy paper on education “Indian Control of Indian Education” to the Minister of Indian and Northern Affairs. Early in 1973 INAC adopted the policy paper as official departmental and government policy for First Nations elementary-secondary education.

It proposed among many other things a two-part philosophy of education for First Nations students that would “provide children the knowledge to understand and to be proud of themselves and the knowledge to understand the world around them.” There is no evidence that INAC ever developed or implemented a strategy to achieve that philosophy despite its official response to the

policy. First Nations students are still struggling with the first part and the failure and drop out rates of secondary school students demonstrate that INAC has been unable to satisfy the second part.

Along the way, Indian control of education became synonymous with local control. Admittedly, the policy paper was short on details in terms of what actually constituted “Indian control”. But local control as an objective was clearly enunciated in the document and INAC cheerfully accepted this interpretation of Indian control because it fit conveniently with its emerging policy on devolution (for a more detailed critique on the manipulation of the NIB education policy paper by INAC see Prof. Bear Nicholas’ article “Canada’s Colonial Mission: The Great White Bird”). Devolution, like local control of education, transferred a range of INAC programs from the department to communities with few if any intervening institutions or structures to assist communities with issues of capacity to tackle the programs’ administrative and operational complexities. It also provided an illusion of control.

Devolution never equaled control – the programs and services that INAC and other federal departments devolved to First Nations were still controlled by Ottawa. Nowhere is this inadequacy and illusion more apparent than in elementary-secondary education.

Provincial elementary-secondary students have a vast range of institutions, structures and staff to serve their education needs. At the top is a Ministry of Education. Included in its vast authorities and powers are: Setting education policy for the province’s schools, determining the elementary-secondary curricula, approving texts and other learning materials, and establishing a range of standards that cover student promotions and graduations, teacher qualifications and class room size. All Ministries, including territorial ones, have large staffs for research, analysis, statistics and administrative tasks all related to the maintenance and improvement of education.

In addition to a Ministry of Education, Ontario also supports numerous regional Boards of Education. Typically, Boards implement Ministry policies as well as their own and they provide various kinds of assistance to teachers and administrators in elementary-secondary schools. They have large professional staffs, also. Boards include education professionals and Superintendents in pedagogy and curriculum development who specialize in all the subject areas as well as researchers, analysts, engineers, and on and on.

At the school and community level School Councils serve students, teachers, parents and school administrators with a range of educational, administrative and related topics such as nutrition, in-school policies, student trips, and so on. Typical School Councils include student representatives, parents, teachers, administrators, Principals, as well as community appointments.

In addition to School Councils, schools benefit from a variety of parent volunteers who assist teachers to strengthen the quality of education for their children.

But that is not all. There are provincial Teacher federations, an Ontario Parent Council association, a Public School Board association as well as several national and provincial education organizations and associations all designed to contribute to the improvement of elementary-secondary education in Ontario.

What do federal and First Nations schools on reserve have, by comparison? Nationally, there is no representative education structure or institution that exists to strengthen or improve First Nations education. The National Indian Education Council (NIEC) is an education body made up of several First Nations Directors of Education and other educators that is a part of the Assembly

of First Nations (AFN). Members are appointed and it responds to the AFN's Chiefs Committee on Education (CCOE). Its mandate is limited by its lack of money and jurisdiction.

The AFN's Chiefs Committee on Education is the principal political body in the AFN for education and it, too, lacks money and jurisdiction to do much more than lobby INAC on education topics and issues that find their way to the committee. Members are either self-selected or appointed. The AFN also maintains a small education capacity, usually two to three staff depending on INAC funding, whose mandate is limited by INAC funding. Normally, the AFN education unit responds to the issues that emerge from either the NIEC or the CCOE.

At the provincial level, several Provincial/Territorial Organizations (PTO's) maintain an education capacity that, similar to the national level, is limited by INAC funding. No PTO has the capacity, mandate or funding to match even a tiny portion of what a provincial Ministry of Education does.

Regionally, several Tribal Councils have an education capacity – usually a Director of Education and perhaps one or two research/administrative staff. Their ability to serve the needs of the schools, students and staff within their membership is restricted by funding and their size.

At the community level, the range of education support includes a Director of Education and perhaps several support staff, a Parents Council and possibly a small handful of volunteers. The standards and qualifications for Directors of Education are uneven. Some First Nations are ably served by their Director of Education even though they are often required to work within a limited capacity. Regardless of their effectiveness, the presence of First Nations Directors of Education does enable INAC to point to them as a validation of their policy of local control of Indian education.

What this brief summary reveals is that First Nations elementary-secondary education in Ontario comes nowhere near to matching the institutions, structures and staff (and accompanying dollars) that exists for the benefit of Ontario elementary-secondary students and their quality of education. The education dollars that these First Nation structures and staffs receive are a miniscule fraction of the budgets provided for the Ministry of Education, for Boards and the various associations and federations.

One could argue that all of these provincial elements exist to serve First Nations students, too, being that First Nations schools and students use the provincial curricula, are taught by teachers who are trained in provincial faculties of education, use texts approved by the province and so on and so on. But the reality is that in all of these provincial education institutions, structures and staff, knowledge of First Nations communities, their aspirations, their histories, their cultures and cultural differences, and most importantly, of their children is all but non-existent.

It is simply unreasonable for anyone to expect that provincial education authorities will be able finally to set about to improve the education performance of First Nations students when a chasm of ignorance separates them, i.e., the thousands of education bureaucrats, educators, researchers and analysts who constitute these education authorities, from our communities and children. To get a glimpse of this chasm, all one has to do is examine any faculty or college of education in Ontario to see if the teachers-in-training there have access to courses and resources that teach them how to teach First Nations children effectively. Appendix 1 provides some details on what teachers for First Nations schools need to learn in order to become effective teachers.

This is not meant to denigrate or criticize the small steps that have been taken in the past 30 or so years by the Ministry of Education to respond to First Nations education issues, but in the final analysis, the chronic under-education of First Nations children is due in large part by the failure of the provincial authorities and provincial education institutions to acknowledge the problem and to do something about it. Complicit in the failure is the federal government that has chosen to fulfill its constitutional obligations in First Nations education on the backs of provincial governments for more than half a century without any regard for measuring the effectiveness of the provincial system of education to successfully educate First Nations children.

The bottom line is that First Nations, like the federal government, have relied too long on the province to educate their children. First Nations have decided that it is time to reclaim the right that every other parent has in Ontario, and that is the right to educate their children by the means they choose, to achieve the education goals they decide.

Where Are the Feds Taking Us?

A few years ago (1999) an analysis of the education clauses in several SGAs was undertaken to see if the agreements were establishing jurisdiction in education for the affected First Nations. The Agreements included: The Federal Framework for Transferring Programs and Services to Self-Governing Yukon First Nations, 1998 (YFN); An Agreement with respect to Mi'kmaq Education in Nova Scotia, 1997 (ME); The Manitoba Framework Agreement: 7/12/94 (MFA); Nisga'a Treaty Negotiations: Agreement in Principle, February 15, 1996; (NTN); The James Bay and Northern Quebec Agreement (JBNQA); The United Anishnaabeg Councils Government Agreement-In-Principle, March 6, 1998 (UAC).

Because the SGAs were negotiated with the federal government they serve as an indicator for where the federal government is on the various parts of the agreements. The education clauses in these agreements clearly indicate that the federal government still supports their 1950 policy of integration – every one of the SGAs referred to, with the sole exception of the Manitoba Framework Agreement (which can be argued is not an SGA) includes a clause or clauses that in effect say that the education that the affected First Nation(s) provides as a result of the SGA must be comparable to the provincial system, or that students must be able to move from the First Nations education program to a provincial school “without penalty”.

So, regardless of the amount of jurisdiction that the SGA provides to the First Nations (at least, in the ones examined), the affected communities must ultimately adhere to the provincial curriculum and provincial standards to educate their children. In effect, what these SGAs are saying is that, yes, a First Nation can have jurisdiction in education, but that jurisdiction must ensure that the status quo regarding the curriculum and education program are maintained in First Nations schools. There is no explicit recognition of First Nations jurisdiction in this regard. Provincial curriculum continues to be the baseline standard for First Nations education.

Closer to home there are two additional SGAs to examine to see where the federal government stands on education (a third set of negotiations is currently underway by the majority of First Nations in the Fort Frances area but details of the negotiations or draft documents were not available at this time). The Union of Ontario Indians has negotiated an AiP on education recently and the United Anishnaabeg Councils (UAC) is currently negotiating an SGA. What, if any differences, exist in the education clauses in these two agreements?

In the Union agreement sections 12.1 and 13.1 state that the standards for education programs and services shall be comparable to the provincial model and students from the participating First

Nations should be able to transfer from a First Nations school to a public school off-reserve without academic penalty (*italics added*). It also includes references to an Anishinabek education system (clause 10.1) but no definition or description of what this might consist of appears anywhere in the document.

The UAC agreement indicates in clause 40 that education standards at the First Nation level “will be at least equivalent to provincial standards in Ontario”. For greater clarity lest there be any doubt about the application of the provincial education program in UAC schools after the SGA is signed, the UAC General Assembly Workshop Kit on the SGA states in Section 5 “that the AGA (Anishnaabe Government Agreement) does not give First Nations the authority to make laws which affect provincial curriculum, policy or post-secondary programs and policies.”

In effect, nothing has changed as far as the federal government and First Nations elementary-secondary education is concerned. The federal government is still endorsing the application of the provincial curriculum and education program in First Nations schools. To be fair, the Union agreement identifies an education structure - Kinomaadswin Education Body – that will assist member First Nations in their education programs as well as a recognition that cultural and language programs shall be an integral part of the member First Nations education program.

However, both the education structure and the provisions regarding culture and language in the curriculum referred to in the AiP already exist in other First Nations in other provinces, including many First Nations where no SGA is or has been negotiated. Which means that the Union could create the Kinomaadswin Education Body and introduce the cultural and language programs without the need of an AiP or the Final Agreement. The obvious question is why is the federal government insisting on terms in a First Nations education SGA in Ontario that could be achieved without an SGA?

To some extent the Kinomaadswin education body might have its genesis in an education agreement that the federal government signed with nine of the thirteen Mi’kmaq chiefs in 1997. The agreement that eventually became a federal act soon thereafter (Bill C-30: The Mi’kmaq Education Act) established the Mikmaw-Kina’matnewey (MK) as the education body in Nova Scotia that would deliver education programs and services to the participating Mi’kmaq communities. To date, the funding and resources that the MK receives annually from the federal government has not enabled it to mount anything similar to the 2nd and 3rd level education programs and services that the provincial government provides to its provincial schools. Nor has its small staff (7-8) succeeded in creating a Mi’kmaq education system. This experience must provide a caution to First Nations involved in SGA negotiations.

The bottom line as far as the federal government is concerned is that the provincial curriculum and system are and remain paramount as the principal means by which First Nations students obtain an elementary-secondary education in Ontario.

Other recent activities by the federal government include efforts by the previous INAC Minister, Bob Nault, and his Parliamentary Secretary, Stephen Owen. They met several times with the Council of the Ministers of Education as well as with several individual Ministers of Education, perhaps to encourage the provincial Ministers to increase their efforts to improve the educational results of First Nations students.

In addition to meeting with the Council of Ministers of Education Minister Nault convened a National Working Group on Education that over the course of four months and four meetings produced a Final Report that to this point seems to have been forgotten or ignored. Of the 27

recommendations contained in the report, only one – bringing teachers’ salaries in First Nations schools on par with their provincial counterparts – appears to have prompted any visible action. Despite some headway in this one recommendation, there is concern that INAC may not sustain any projected salary increases for teachers in First Nations schools.

Apart from several recent initiatives such as the funding for Special Education the SGAs remain as the principal indicators of the federal government’s position on First Nations education.

Where Is the Province Taking Us?

There does not appear to be any significant developments at the provincial level to indicate what if anything the provincial government is doing or planning to do in First Nations education other than their presence at the negotiation tables of several SGAs currently underway in Ontario. If the two SGAs discussed here (the Union AiP and the AGA) are any indication, it would appear that the province supports the federal position, i.e., First Nations can do anything they want in elementary-secondary education as long as students are not penalized (whatever that means) when they move into the provincial system.

Recently, Ontario created a College of Teachers. As part of their mandate, the College has begun to examine teacher training throughout the province and in particular the training that teachers in First Nations schools receive. It is too early to tell if the College will make any recommendations on this issue so it is unclear at this time if any conclusions can be drawn as to what the province might do in this regard. Nevertheless First Nations have little reason for optimism – the College currently lacks any First Nations staff nor has it unveiled any strategy or plans for addressing First Nations education topics.

A Separate Education System – Fear Factor!

If one reduces the education references/clauses in the SGAs referred to here to their basics, two inescapable conclusions emerge. One is that the provincial system of education with some modifications such as culture and language curricula should apply in First Nations education. Modifications are acceptable but, overall, students must be educated in a program, i.e., an elementary-secondary curriculum that enables them to move freely between First Nations schools and provincial schools and without academic penalty.

The second conclusion is that the creation of a separate and distinct First Nations system of education is being avoided. Not one of the agreements identified above have provisions that give the affected First Nations the power and authority to create their own education system to meet their own goals, objectives and philosophy of education for their children. In the face of cumulative evidence over several decades that the provincial education system is unable to educate successfully First Nations children, one must ask, why not? Is there an irrational fear of creating a separate First Nations education system among First Nations and governments or are there other obstacles?

Historically, the federal government has by a variety of methods tried to contain the costs of First Nations programs and services by insisting that existing delivery agents, e.g., the provinces, be used whenever possible. The federal government has also argued that it has no jurisdiction in First Nations education because Section 93 of the Constitution Act, 1867 gives the provinces exclusive jurisdiction to make laws in relation to education. Until now, these and other factors

have all but eliminated any serious discussion by Ontario First Nations on the value and advisability of creating a First Nations education system.

On the other hand, if First Nations fear the creation of a “separate” system of education for their children for whatever reason, i.e., the taint of segregation, or a belief that First Nations can’t develop and deliver a superior education to that provided by the province, or an irrational conviction that the province knows what is best for our children’s education, there is no need to fear a “separate” system because it already exists.

INAC statistics indicate that in 1999-2000 only 32% of First Nations students graduated from secondary school, less than half the rate of provincial students (Basic Departmental Data 2001). It is often the case that the education program that exists in many First Nations schools lack objectives relevant to First Nations communities and parents, there is no philosophy of education to inform either parents, teachers or administrators why and how their children are to be educated, and the accountability for First Nations education is lacking. The Standing Committee on Public Accounts noted in its 2000 report to Parliament that approximately 23 years would be required to close the gap between First Nations and non-First Nations high-school completion rates.

Student absenteeism in most First Nations schools is chronic and out of control. Too many First Nations children attend school suffering from poor nutrition, lack of sleep and a diet laced with sugar. Parental involvement with the school is negligible and many teachers complain that parental involvement arises only when either a teacher or a principal or both subject a student to some form of disciplinary action.

Other evidence for a separate system is the absence of any 2nd and 3rd level support for most First Nations schools and educators. In Ontario schools, Boards of Education and the Ministry of Education normally provide these services. 2nd level support covers a broad range of services and professionals that help teachers in a variety of ways. 3rd level support usually is less focused on the classroom and teacher than 2nd level support but it also includes a broad range of programs, services and professionals for education-related activities such as planning, research, analysis, evaluation, engineering and assessments. There are literally thousands of professionals who are employed to deliver 2nd and 3rd level education support and programs to Ontario teachers and schools. The budgets for these programs are in the hundreds of millions of dollars.

First Nations schools, on the other hand, have at their disposal a small handful of education support staff, usually one to six people, at the regional level in the various PTOs and one to three staff, on average, in Tribal Councils. In addition, there are previously identified Directors of Education (but not in every community) who might have additional staff (mostly counsellors) depending on the size of the First Nation and the student population (several larger communities, i.e., Six Nations, Akwesasne, Wikwemikong, are able to maintain local education support staff that might number as many as 10-12 employees but they are the exception, not the rule).

Compared to the professional and program assistance and support that provincial schools and teachers receive, Ontario First Nations schools and communities are bereft and impoverished. Is it any wonder that First Nations students are chronically under-educated?

Is it reasonable to fear the creation of a parallel “separate” education system for First Nations students when there is overwhelming evidence that a “separate” system for First Nations students already exists?

Reference was made earlier to the James Bay and Northern Quebec Agreement (JBNQA) that the Cree of James Bay in northern Quebec signed along with the federal and Quebec governments in 1978. The Agreement provided the eight, now nine, Cree communities with a delegated jurisdiction for education in their elementary-secondary and post-secondary/adult education. The delegated jurisdiction came in the form of the creation of the Cree School Board, a board with the full and exclusive powers under the Quebec Education Act. The Cree School Board is a rare example of First Nations having almost total control of their children's education.

What is interesting for the First Nations of Ontario is the special powers that the Cree negotiated in the JBNQA for their school board. They include the authority to select and develop courses, texts, and teaching materials appropriate for Cree students and the power to change the elementary-secondary education curriculum. The Cree also have the authority to train their own teachers and to develop, test, and implement courses and teaching material for the transmission of their language and culture. The Board receives funding to maintain an active Student Services department that includes administrators and counsellors in each community and in Montreal and Ottawa for post-secondary students.

In effect, the Cree of James Bay in northern Quebec have the jurisdiction sanctioned by the Quebec government and the fiscal resources provided by both the province and the federal government to create a separate elementary-secondary education program for their children.

The Cree School Board has been funded since its inception in 1978 to carry out these and many other special powers by a funding formula agreed to by both the provincial and federal governments. The result is that the Cree School Board has a significant education infrastructure (approximately 80 professional and support staff that serve nine Cree schools with about 3500 students at the elementary-secondary education and post-secondary levels) of which 75% of the costs are paid by the federal government (the remainder is paid by Quebec). The Board also includes an Adult Education department with a complement of professional staff that develops and delivers adult education courses and programs in all nine communities.

Not only is this education infrastructure unprecedented in Indian country, but the total money paid by INAC to support the Cree School Board exceeds the education formula allocation the department uses to determine the education budget for other First Nations in Canada.

As unique and unparalleled as the Cree School Board is, it is worth noting that it is a provincial school board that by law must observe the rules and regulations of the Quebec School Act notwithstanding the special powers and authorities it derives under the JBNQA. One can conclude from this that as far back as 1978 federal authorities were insistent on maintaining their allegiance to the provincial education system as the principal means for First Nations education.

Achieving Educational Success – Options

Option 1

The first option is to simply strengthen the status quo. Under this option, the province would be required to a) accept more responsibility for the under-education of First Nations children and b) work with First Nations parents, educators and leaders to identify and implement solutions to the chronic problems of First Nations elementary-secondary education. The federal government would a) be required to acknowledge the absence of any accountability in First Nations elementary-secondary education and b) work with First Nations parents, educators and leaders to establish the appropriate accountability frameworks for elementary-secondary education in First

Nations schools. Under Option 1, the role of parents, First Nations educators and leaders would continue to be subordinate to that of both the province and the INAC.

In reality, Option 1 is quite unrealistic, for several reasons. First, the province through the Ministry of Education simply does not have the resources, human and fiscal, to undertake the massive program that will be required to redo the provincial education program and curriculum to meet the needs of First Nations elementary-secondary students. Second, even if these imposing resources did exist in the Ministry, the province would be unable, if not unwilling, to devote them for the time required to repair First Nations elementary-secondary education.

The political reality is that any proactive program for First Nations initiated by any Ontario government will not be cheap – either in dollar terms or in terms of voter support. As a small voting minority, First Nations lack any clout that would prompt the provincial government to respond to educational issues to the degree that is necessary to produce real change in student performance. By the same token, the lack of clout eliminates any desire by the government to decide to fly in the face of the numerically larger electorate and target an immense amount of human and fiscal resources over a five or ten year period, or however long it would take to correct the imbalance in First Nations education.

Is there any reason or evidence on the part of the federal government to support Option 1? To be blunt, no. The new Prime Minister, Paul Martin, has identified education as a topic that he wants to address but there is nothing of substance from either him or INAC to indicate that the federal government after all these years is prepared to account for the clear failure of its policies and programs on First Nations elementary-secondary education. To repeat, Option 1 is unrealistic.

Option 2

A second option, more effective and realistic than the first, is made up of three parts and is based on the principle that the responsibility and accountability for First Nations elementary-secondary education be entirely in the hands of First Nations. The three parts are: An acknowledgement that in elementary-secondary education, one size does not fit all; the creation of an Ontario First Nations elementary-secondary education infrastructure; and the creation of an Ontario elementary-secondary education curricula.

One-Size Fits All

It is time to acknowledge that the one-size fits all approach in elementary-secondary education does not work for First Nations in Ontario. All of the elements of the provincial system from the curriculum through to the training of teachers to the selection of textbooks and teaching materials have not succeeded and will not succeed in enabling the majority of First Nations children to receive a decent and meaningful elementary-secondary education. A First Nations Ontario elementary-secondary education system that integrates and reflects First Nations education objectives, philosophies and aspirations for their children is a key building block to achieving education success.

First Nations in Ontario need an elementary-secondary education program that respects and reflects their geographic, economic and cultural diversity.

There are 13 Nations located in Ontario. Profound cultural, political and social differences exist among them. Communications differ from one Nation to another, decision-making and concepts of leadership differ as do a long list of other social, political and spiritual behaviour and beliefs.

The economic diversity among First Nations is equally dramatic. Some communities benefit from their close proximity to urban centres, several from seasonal and tourism-related activities, and others from subsistence activities including fishing, forestry, mining and trapping.

The geographic diversity extends from urban southern communities to less urban communities in the mid-north of the province to remote, isolated communities in the north (east and west).

Elementary-secondary curricula are needed for First Nations schools that a) reflect these diversities and b) integrate the realities of these diversities into the teaching materials and the learning content.

Education Infrastructure

Ontario First Nations need a central education body that is empowered by First Nations with the authority and fiscal and professional resources to develop and deliver a quality elementary-secondary education to First Nations students. First Nations schools must have an appropriate level of 2nd and 3rd level education services and programs that are developed and delivered by First Nations professional educators if the elementary-secondary education program and student graduation rates are to improve.

This education body, a First Nations Ministry of Education, would be responsible for a range of education topics, including, but not limited to, the following:

- The constituents of a quality elementary-secondary education for First Nations schools
- Enabling and supporting an individual or an aggregation of First Nations to establish and deliver an elementary-secondary education program that meets their needs and education objectives for their children
- Establishing and maintaining standards for:
 - Student promotion and graduation
 - Student tests and evaluations
 - Teacher qualifications
 - School and classroom space requirements
- Identification, development and evaluation of elementary-secondary curricula, teaching resources and learning materials
- Establishing, defining and supporting School Councils in those communities with schools
- Education research, analyses and evaluations to strengthen First Nations elementary-secondary education in Ontario
- Providing an Annual Report to parents, students and leaders on the condition of First Nations elementary-secondary education
- The roles and responsibilities of First Nations Boards of Education
- Working with First Nations to establish standards and qualifications for Directors of Education and to develop and implement training for potential Directors of Education

- Working with First Nations to define, develop and deliver e-content for e-learning
- Working with Ontario faculties and colleges of education to prepare teachers who can teach effectively and successfully in First Nations schools

The First Nations Ministry of Education would be accountable to students, parents and leaders for all aspects of First Nations elementary-secondary education in Ontario including but not limited to:

- The curricula in First Nations elementary-secondary schools, including e-learning
- Student attendance policies
- Graduation and promotion rates
- Researching and developing education policies in First Nations elementary-secondary education
- Early Childhood education
- Special education programs and policies
- Cultural and linguistic policies, programs and curricula for application in First Nations schools
- Defining and enforcing teacher qualifications
- Reviews and evaluations on such topics as student performance, graduation rates, parental involvement and the state of the quality of First Nations elementary-secondary education

An essential aspect of an Ontario First Nations education system would be the emergence of elementary-secondary curricula and programs that would not only reflect and respect the immense diversity among First Nations in Ontario but also enable First Nations to create an elementary-secondary education program that would meet their education requirements and their education goals for their children. The education infrastructure will be central to that achievement.

In addition to the central Ministry of Education, the education infrastructure would include regional education bodies, or Boards of Education. The Boards of Education would be established in parallel with existing Tribal Councils except in those communities that currently have a Board infrastructure. Those communities that currently have a critical mass in the administration and staff of their Board of Education would continue to maintain their Boards.

Members of the Boards would be elected by the communities and, in general, would be responsible for ensuring that community and parental views on elementary-secondary education would have a venue as well as implementing the programs and policies set out by the Ministry of Education.

The final addition to the education infrastructure would be School Councils. Both the First Nations Ministry of Education and the Boards of Education would be responsible for the operation and responsibilities of the School Councils. In general, School Councils would provide students, parents, leaders, teachers and school administrators a venue for their views and concerns on elementary-secondary education.

In a short discussion paper like this it is not possible to get into all of the details of what an Ontario First Nations education infrastructure as outlined here would do and how each structure would relate to each other and eventually to the parents and leaders in each First Nation in the province. In due course these details will need to be clearly stated and presented to parents and leaders for their approval and support. For example, some First Nations communities, particularly those that currently have a robust Board of Education, may want the right to choose to be part of a First Nations education infrastructure or continue under the status quo. Other First Nations may prefer an opting-in provision rather than a blanket application.

But, in the meantime, and for the purposes of this paper, such an infrastructure would unequivocally situate the authority, responsibility and accountability for elementary-secondary education in First Nations. For the first time in modern history First Nations – parents, Elders, educators, professionals, and leaders - would be creating and implementing elementary-secondary education for their children to meet education objectives by education philosophies that are determined by and for First Nations. Until the legal authority for elementary-secondary education is in the hands of First Nations and the infrastructure exists for First Nations to exercise that authority, there will be little if any meaningful progress in overcoming the education deficit that separates First Nations from other communities in Ontario.

There is a separate education system in Ontario for First Nations, albeit a largely unhealthy and under-resourced one. If the desire and the will are there, First Nations can turn that separate system upside down and create a system and program for elementary-secondary education that will result in healthier schools and better-educated students.

As quoted in the Report of the Auditor General in April 2000, Chapter 4, “We believe that success in providing education to Indian students can be achieved only if their needs and aspirations are appropriately identified and served by an education system that is designed to meet them”.

A First Nations Elementary-Secondary Curriculum

Earlier this paper identified the inadequacy of the provincial elementary-secondary curriculum for educating First Nations students and the need for a curriculum in First Nations schools that, at the very least, reflects the cultural, geographic and economic diversities among First Nations. It would be appropriate at this point to lay out in some detail what a First Nations elementary-secondary curriculum might look like, but it is more important here to lay to rest any fears or concerns about the advisability of replacing the provincial elementary-secondary curriculum with one that is developed by First Nations, one that meets First Nations education objectives.

Both the federal and provincial-territorial governments have been steadfast in their convictions that the only way for First Nations students to get an education is by way of the provincial (or territorial) curriculum developed and approved by the relevant Ministry of Education. And as discussed earlier, this endorsement of the provincial curriculum is an affirmation of the federal government’s modern policy on First Nations education. This is the principal reason why terms

like “comparability” and phrases such as “First Nations students must be able to transfer from one education program, i.e., a First Nations program, to the provincial system without penalty”.

First Nations need to confront this commitment to the provincial education system and curriculum head on. Achieving elementary-secondary education success for First Nations students will depend on First Nations convincing federal and provincial authorities of the ineffectiveness of the provincial system and the need to replace it with a First Nations elementary-secondary education system.

Every sovereign nation in the world maintains its own education system – with its own philosophy of education, its own set of education goals and, in particular, its own curriculum. Without much regard for what is happening in elementary-secondary education in other countries, each country researches, develops, implements and amends from time to time an elementary-secondary education curriculum that its authorities and parents believe will achieve the educational goals their society has set for their children.

Now, every year numerous children move with their families from sovereign nations around the world to Ontario. What happens to the school age children from these other countries when they arrive here? They enroll in Ontario elementary-secondary schools and continue their education. Are they penalized because their school curricula did not take into account the Ontario provincial curricula (the reality is that most education authorities in the world couldn’t care less about what the curriculum in Ontario schools looks like) probably not, although there are situations where Ontario education authorities might require some foreign students to redo a grade or write some tests so that they can determine in which grade the students should be placed.

It isn’t necessary to go outside of Canada to see what happens when students from other countries who have been educated in a different curriculum and education system come to Ontario. The Quebec elementary-secondary curriculum differs considerably from Ontario in that Quebec students begin high school grades after Grade Six, not after Grade Eight as in Ontario. Quebec elementary students graduate to high school after Grade Six, then spend five years in secondary school, then go to the equivalent of a community college for two years before they are eligible to register in a provincial university. There is little similarity between the movement of students from elementary school to university in Quebec and Ontario, although the length of time students spend in each system going from Grade One to graduation from university is more or less equal. Annually, students from Quebec and Ontario move freely between provincial education systems with few if any problems.

The question has to be asked – if foreign students from other countries and elementary-secondary students from other provinces/territories can enroll in any Ontario elementary or secondary school without any or minimal academic penalty despite obvious differences in the education system and curricula they left behind with the Ontario system and curricula, why are First Nations students and communities obliged to adhere to the provincial curriculum? Especially when it is and has been abundantly clear for several decades that the provincial curriculum has been so unsatisfactory for First Nations schools and students.

This question is particularly acute because there is no evidence that foreign students, regardless the level of formal education they achieved in their own country’s system, are unable to complete their education in the Ontario system. In fact, thousands of foreign students come to Ontario universities for their post-secondary education and many of them do exceptionally well in their university studies even though their entire elementary-secondary education was conducted in a completely different curriculum and for many, in a different language!

The fact is First Nations can, if they choose, duplicate the experience of foreign students by developing an elementary-secondary education curriculum that educates their children successfully. There is no legal, moral, or constitutional reason why students in First Nations schools must be educated by a provincial curriculum.

Some critical questions: What would that curriculum look like? That can be decided in time and by the proper process. A process that is defined, approved and implemented by First Nations. Can a First Nations elementary-secondary curriculum be developed for use in First Nations schools? Absolutely! The professional resources exist to do that. Can the appropriate goals and objectives for a First Nations elementary-secondary curriculum be identified and agreed to? Absolutely! Putting an effective process in place that ensures that parents, Elders, educators and leaders have the time and access to contribute to the exercise will result in a well-defined and agreed to set of goals and objectives around which a First Nations elementary-secondary curriculum can be built.

Funding for an Ontario First Nations Elementary-Secondary Education System

The successful implementation of Option 2 will depend on the availability of an appropriate level of education dollars. The education infrastructure and the elementary-secondary curricula will require new dollars in amounts that exceeds the current level of education funding the INAC provides to First Nations today. Money will be needed to research, develop and test the new curricula. Teaching materials to accompany the new curricula will need to be researched, developed and tested. Laying the groundwork for the different levels of the education infrastructure and then staffing the infrastructure will require new money.

How much new money will be required is impossible to say at this time. A conservative estimate is at least twice the current education budget that INAC provides to Ontario First Nations. A process will be required to enable First Nations research thoroughly what a First Nations education system in Ontario will cost. The research will include but not be limited to: cost for planning and preparation, i.e., laying the groundwork; the provision and delivery of 2nd and 3rd level services; staff for the infrastructure, 2nd and 3rd level services and for the research, development and testing of a new First Nations elementary-secondary curriculum.

Providing First Nations students and schools with levels of professional support, services and programs comparable to provincial levels will require new money. But it is important to bear in mind that only a tiny fraction of these professional services, programs and support are currently funded. It is not unreasonable for First Nations to argue that much of the new money is money that should have been part of the federal education spending for First Nations education five decades ago.

When these and related costs have been researched and agreed upon, negotiations between First Nations and the federal government will be necessary to secure the appropriate level of education dollars to develop, implement and sustain the First Nations education system and curriculum in Ontario.

What Are the Ways to Create a First Nations Education System and Curriculum?

There are several ways for First Nations in Ontario to achieve a First Nations education system and curriculum. Each one will be discussed briefly here because the intention is to demonstrate

that options do exist. If parents and leaders are prepared to act, more detail can be provided to flesh out the pros and cons of each option to help people select the most appropriate and effective option.

OPTION 1

One option is for First Nations in Ontario to decide unilaterally to develop a First Nations elementary-secondary curriculum for First Nations schools and use it to replace the provincial curriculum. There is no legal requirement for any First Nations school to use the provincial curriculum – they do because there is no alternative and because INAC has accepted it. Legally, a First Nations school can choose to use any curriculum it wishes for the education of their children, if there is agreement in the community to do that.

As simple as this option is, there is one major stumbling block to its implementation: INAC would have to agree to fund the massive exercise that developing a First Nations elementary-secondary curriculum would require.

OPTION 2

Another option is to convince the federal government to pass legislation, an Ontario First Nations Education Act, that would create an Ontario First Nations education system, complete with an infrastructure something like the one discussed here and a First Nations elementary-secondary curriculum. Details of the Act would need to be spelled out and agreed to by First Nations and this would take time and money, but an Ontario First Nations Education Act would establish First Nations as the legal authority and jurisdiction for the elementary-secondary education of their children.

How realistic is this option? Actually, it is very possible. Mr. Justice James MacPherson of the Ontario Court of Appeal when he was Dean of Osgoode Hall Law School reported to INAC in 1991 that the federal government had the constitutional authority to enact a national education law for First Nations. He further recommended that federal legislation such as an Ontario First Nations Education Act is essential to expanding “Indian jurisdiction over Indian education”. A federal Act would require First Nations in Ontario and the federal government to reach an agreement on this approach and to work cooperatively on its contents.

OPTION 3

Another option would be the courts. First Nations would challenge the constitutionality of the Indian Act and its provisions on education and argue for exclusive First Nations jurisdiction in elementary-secondary education for First Nations students. Recent court decisions, particularly by the Supreme Court, have demonstrated some willingness on the part of the judiciary to take positions on First Nations issues and topics that federal legislators are reluctant or unable to address.

Is this a realistic option? It is to a certain extent. Mounting a court challenge to achieve jurisdiction in education may be best regarded as a final resort if other options fail.

OPTION 4

Another option is to continue with Self-Government Agreements. Other options exist, i.e., constitutional amendments, international courts, but for the purposes of this paper only five will be raised here. To some extent SGAs are already being implemented as a principal vehicle for the establishment of “new” powers for First Nations, including Ontario First Nations. What is evident, however, is that the education provisions in these SGAs do not recognize either the serious shortcomings in the provincial education system and curricula as they relate to First

Nations students or the importance of establishing complete and total jurisdiction for elementary-secondary education in the First Nations of Ontario.

Although SGAs do represent an alternative to getting rid of the status quo in education, it appears that constraints during their negotiations have been problematic thereby reducing their effectiveness as a useful approach.

Another problem with SGAs as the way to achieve a First Nations education system and elementary-secondary curriculum is the difficulty in ensuring that each SGA would include the same education provisions to enable a new system and new curricula to emerge.

OPTION 5

The final option to be discussed here is for the federal government either to amend unilaterally the education sections of the Indian Act or change its existing policy on First Nations education. As to what the changes might amount to is anyone's guess. As unrealistic as this option is, the federal government has demonstrated a preference in the past to act unilaterally in a range of key topics that affect First Nations.

The five options are presented here to provide some idea of the possibilities for achieving legislative or policy changes in First Nations education. In these and other options, qualified legal experts will be required at the appropriate time to research and to delineate the risks and benefits to First Nations that each option entails.

As a final comment on the options for achieving a First Nations education system and curricula, the issue of money cannot be ignored. The bottom line in what improvements and changes occur in First Nations elementary-secondary education in Ontario will depend on money, in particular the amount of money the federal government will be prepared to devote to the exercise.

If First Nations agree that the kind of fundamental change laid out in this paper is essential to reversing First Nations education statistics, First Nations students, leaders, parents, students and educators will be required to be relentless in their demand for an increase in the federal education budget that Ontario First Nations currently receive that may be two to three times greater than the status quo. The price tag will be high...but less than the price tag everyone currently pays for the shameful and chronic under-education of First Nations children. First Nations, the province of Ontario and Canada can no longer afford to waste the great resource First Nations children embody because of an education system that delivers an education program and curricula to First Nations children that are inadequate in so many ways and are either unresponsive or irrelevant to the educational needs of First Nations communities and youth. The time has long passed for the application of nickels and dimes and band-aids.

The elementary-secondary education of First Nations children has been conducted on an uneven playing field for 50 years or more. Vast and sustained fiscal and professional resources during the same period have enabled the people of Ontario to create an education system and curricula that are second to none in the world. First Nations must level the playing field and settle for nothing less than levels of fiscal and professional resources for First Nations education comparable to those that benefit Ontario elementary-secondary schools and students.

One can safely predict that the initial and perhaps sustained response by the federal government to First Nations education will be the addition of a few million dollars, a band aid here or there and a commitment to get the provincial government to be more attentive and vigorous to the needs of the elementary-secondary education of First Nations youth. First Nations must be

prepared to reject that approach unequivocally! Success in First Nations elementary-secondary education will only occur when First Nations have the authority, accountability and the fiscal resources to educate their own children.

A Process For Achieving Success

An outline for a process that is dedicated to achieving success in First Nations education is included here to provide First Nations leadership an idea of what will be required to go from under-education to success. It is simply an outline – details can be added at the appropriate time.

1. Draft a short Education policy paper, no more than 12-15 pages that includes the following:
An outline of the problems in First Nations elementary-secondary education
The objectives of a First Nations elementary-secondary education system and curricula
How the objectives will be realized, i.e., an education infrastructure, a First Nations elementary-secondary curriculum, a consultation process and how jurisdiction in education will be accomplished.
2. Review and approve the policy paper and distribute to every First Nations family in Ontario (the paper would be printed in a booklet format).
3. Establish a First Nations Education Commission:
2-3 Commissioners
Commission staff (Coordinator and support staff)
4. Conduct education hearings by the Commission throughout the province for feedback on the policy paper:
12 – 18 month timetable for hearings
invite written, electronic and other forms of presentations to supplement public sessions
5. Commission presents report to Chiefs of Ontario. Report includes:
results of consultations in the form of recommendations
a plan of action
timetable to implement plan of action
a budget for developing, implementing and sustaining a First Nations education system
6. Representatives of Chiefs of Ontario, including Commissioners, commence negotiations with the federal government to create a First Nations education system with the appropriate funding, jurisdiction and infrastructure to account and be responsible for elementary-secondary education of First Nations students.

Conclusion

This paper has attempted to demonstrate some of the major reasons why First Nations education in Ontario is so terribly deficient. The paper argues strongly in favour of the creation of a separate First Nations education system that includes a provincial education infrastructure and an elementary-secondary curriculum for First Nations schools and students as the only effective means of achieving education success for First Nations youth.

This paper alone will not achieve anything. Success in First Nations education will require leaders with the vision and commitment to take bold steps to reverse the underdevelopment of a

vital resource – First Nations children. There will be challenges to overcome. First Nations will have to convince themselves that educating our children ourselves is not only our right (a right already shared by other parents in Ontario) but it is the only path to success. The federal government will be a reluctant if not difficult partner in the process. The initiative will require a doubling, possibly more, of the current First Nations federal education budget in Ontario. Other challenges will emerge, some from First Nations parents whose opinions must be accommodated in the development of a First Nations education system.

But most importantly, Ontario First Nations have the human resources to get this done. In fact, it must be done! First Nations will never advance to their rightful place in Ontario and Canada or achieve their economic, social and cultural potential until we educate successfully our children to meet the goals and objectives that parents, Elders and leaders set.

First Nations children are a resource that we can no longer afford as a people, as a province and as a country to subject to an education system and curriculum that have proven themselves to be so wholly inadequate and underwhelming. We can and must do better. It is time for renewal.

APPENDIX 1

There is one area where the role of the province impacts heavily on First Nations education – teacher training. Ontario will be required sooner or later to meet with First Nations leaders and educators and agree on a revised set of goals and content for training teachers for First Nations schools.

First Nations need trained Teachers of First Nations Children. They are teachers who have taken more than Native Studies-type courses during their training. Teachers of First Nations Children will require new courses designed to educate teachers-in-training:

- of the cultural make-up of First Nations children
- how they communicate
- how they learn
- how their discipline in the family and community is achieved
- how they are motivated
- of their roles in the family and community
- the differences among First Nations children that result from culture and geography
- the differences/similarities among the 13 Nations in Ontario

Teachers-in-training need to learn effective teaching strategies for First Nations classrooms. Strategies that focus on cooperative learning techniques, how to balance verbal stimuli with visual stimuli, and how to communicate effectively with First Nations children are just a few examples. They need English as a Second Language skills. These are skills that are required even for those communities where the First Nations language is not a dominant language.

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