

Report on First Nations' Governance over Education
RECLAIMING THE CIRCLE OF LEARNING

May 2004

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Introduction

This paper delineates the most important issues related to First Nations education and governance, and discusses a range of particular educational interests and needs, as communicated by the participants of a series of consultation meetings organized by Chiefs of Ontario in February and March 2004. According to the respondents, these interests and needs structure First Nations' participation in an engaged education process for thousands of First Nations' students in Ontario. In the school years 2002/03, 14, 873 First Nations students attended schools in their own communities, while 7,629 First Nations students, who normally live in First Nations communities, were schooled in the mainstream system. (http://www.ontarioschooltrustees.org/pdf/2003_handbook.pdf) These numbers are growing every day and without radical changes to the existing system, many First Nations' students will not be able to realize their full potentials to become active, creative and empowered members of their own communities and the Canadian community at large.

The paper is divided into five parts and closely follows the Research Framework for the Chiefs of Ontario Education manifesto project. The paper focuses on an Ontario-wide perspective, and wherever appropriate, discusses Aboriginal best practices in the works in other regions of the country. Their inclusion is intended to illuminate the Ontario context and none of the examples given are to be taken as definitive statements about specific needs of the First Nations' communities in Ontario. Existing best practices are emphasized and specific recommendations, given by the stakeholders, are provided in regard to changes necessary to modify outdated, static policies and current rigid and inflexible educational strategies. The recommendations are based on a contention, shared by the stakeholders, that once the current obsolete approach to First Nations' education is changed, and choice, action and strategic planning are considered, the formal education system will no longer be a site for predetermined failures. It will become a social forum for active cultural production, where First Nations people will accommodate, resist and deconstruct the mainstream system and structures of education so they fit their specific needs and aspirations. In this new system envisioned by First Nations, needs of students will be at the very centre of the circle of learning, as this is the very nature of teaching in Aboriginal understanding – “teaching is the act of putting someone else at the center: the student, the son or daughter, the employee, and the citizen. During the last years of the twentieth century, we lost our instinct for teaching. In the need to become experts, we had no room at the centre for anyone but ourselves” (Dryden, 1995:279). Now it is the time to reclaim ‘the centre’ for First Nations’ students.

The Vision for the Future - Reclaiming the Centre - Key Concepts:

- Active participation
- Self-determined, culturally appropriate education process
- Children at the center of the learning circle
- Autonomy and sharing
- Communal well-being

During a series of consultation meetings conducted by COO in February and March 2004 in regional locations across Ontario, participants predominantly used the symbolism of a circle to convey their overwhelming desire to reclaim the very center of the circle of learning. Aboriginal educators and

parents wish to become active participants in both a self-determined and culturally appropriate education process, and in their interactions with mainstream educational institutions.

This desire to be active participants in the educational system in order to ensure that First Nations children benefit is consistent with resolutions that have been drafted as far back as 1988 through the Chiefs of Ontario (COO) offices. Participants at workshops, conferences and meetings regarding First Nations education in Ontario identified Indian Control of Indian Education as a priority and resolved that;

“Whereas the Federal and Provincial educational systems have failed and are continuing to fail our peoples by not meeting our identified educational needs such as, adequate funding, improved facilities, quality teachings and learning, and system based in our First Nations. Therefore be it resolved that the Chiefs-in-Assembly support the intent of the various working groups on education to pursue the concept of Indian control of Indian education through their respective organizations.” (COO Resolution 88/41, 1988)

The symbolism of a circle and its inherent meanings are very important in all North American Aboriginal cultures. As Black Elk once said, “the sky is round, the earth is round and so are all the stars, the wind whirls in a circle, birds make nests in circles, the sun and the moon rise and set in a circle, and both are round, the seasons occur in a circular pattern as they change from spring, summer to fall to winter and back to spring again, and the life of an individual is a cycle from childhood to adulthood” (Black Elk and Neihardt, 1988:150). Everything in life proceeds in circles. This is also how people learn, share knowledge and educate their children in a never-ending process of giving and receiving, accepting and renouncing. At the center of the circle of learning are the children – “the sacred gifts that are the heart of our communities” (Anderson, 1999:32). Radiating from the center are all the forces and all the structures to help the children find the right knowledge and the right path in life.

According to First Nations stakeholders, the key principles on which an education system should be built include:

- First Nations inherent rights to jurisdiction in education shall be fully recognized by provincial and federal governments, and realized by a complete transfer of administrative power to First Nations
- Aboriginal communities (on and off reserve) shall be given full autonomy to decide how their children are to be educated, and how the money is being spent to guarantee a high quality education for First Nations’ students
- Self-determined, culturally appropriate educational processes in which Aboriginal history, culture, languages, philosophies of life and social organization shall be given an utmost priority as important parts of the curriculum
- Active participation of everybody in the community, including parents, grandparents, elders, and decision makers; sharing of knowledge
- Children shall always be at the center of the learning circle
- Communal well-being must be emphasized, with careful attention given to improving social condition for Aboriginal people on and off reserve

First Nations people wish that their intentions, goals and desires be fully considered as part of the larger social and political process; of which the school is but one element. The prevalent sentiments expressed by participants was that their desired engagement with the larger education system be constructed, negotiated, interpreted and enacted through three prominent cultural themes: autonomy,

sharing, and communal well-being, and this is echoed in the National Chief's response to 2004 Federal Budget:

“We need a coordinated and comprehensive approach that recognizes the links between effective and meaningful self-government and health, health and education, and education and economic development. They are all inter-related. A comprehensive plan is the only way to stem the tide of poverty and move forward on the road to self-reliance and self-determination. This builds stronger First Nations and a stronger Canada.” (National Chief Phil Fontaine's response to 2004 Federal Budget, <http://www.turtleisland.org/discussion/viewtopic.php?p=2518#top>)

This statement reiterates the declaration already made by the National Lobby for Post-Secondary Education Funding by resolution at the 19th Annual All Ontario Chief's Conference in 1993 where Chiefs in attendance resolved that,

“Whereas there is a need for a coordinated effort in Ontario to support the said AFN Post-Secondary Education Lobby; Therefore be it resolved that the Chiefs of Ontario and the Planning and Priorities Committee assist in the coordination of the national lobby to ensure that Ontario First Nations' interests are represented and that the lobby is carried out.” (COO Resolution 93/14, 1993).

All the stakeholders expressed that they highly valued education and they interpreted education as a way to promote growth, and that they wanted to utilize the school system in ways that fit their specific needs and their perceptions of themselves, their community and their relationship to the dominant culture. They agreed from a more general perspective, that mainstream education has had some successes, and this Ontario agreement is echoed in the National perspective. AFN National Chief Phil Fontaine further noted in his response to 2004 Federal Budget that, “In 1969 there were approximately 100 First Nations university graduates. Strategic investments in post-secondary education resulted in an increase of up to 30,000 graduates today.” (<http://www.turtleisland.org/discussion/viewtopic.php?p=2518#top>)

What currently exists in the First Nations' Education System – Reclaiming the Raddii - Key Concepts:

- Community involvement and participation
- Life-long learning
- Integrated services
- Easing up the process of transition into the mainstream
- First Nations representation on school councils and school boards

There are many lines going from the center of the circle to any point on its circumference. Each radius represents First Nations peoples involvement and participation in an engaged education process. First Nations people fully embrace an understanding that education is not simply a 'good' brought in from outside, delivered through an institution that stands outside the community. They envision an education system in which an entire community is drawn into the school and in which the school extends itself to the community. In this model, the focus is on education for the community, including children, parents, grandparents and elders. In the on-reserve context, people look to the school to meet many community needs, and it seems sensible for policy makers to attempt to build upon this expectation as a mechanism for enhancing educational outcomes. Stakeholders mentioned many different initiatives that would

involve an entire community and many of these are successfully operating at the First Nation level: adult education, self-help programs, mentoring programs, Caring and Sharing initiatives, elders and grandparents' teachings, cultural activities, and many, many others. In such a system, all the people participating in an engaged education process are the radii that connect the students to their dreams and aspirations.

Our respondents agree that a community education model has powerful symbolic value, illustrating and displaying the importance of lifelong learning (a 'cradle-to-grave' model mentioned during the meetings). They also agree that there is particular power in enabling children to observe adults involved with learning, and this understanding is also supported by mainstream research initiatives. Brisebois (1986, quoted by Leavitt, 1993) mentions a teacher from Kahnawake, Quebec, who contrasts the English way of learning – “if at first you don't succeed, try, try again” with the Mohawk version - “watch and listen and do it right, watch and listen and do it right”.

In engaging an entire community in the education process, First Nations people are also taking aim at the integration of various child and family-related services to secure a range of community services, many of which have traditionally been delivered in First Nations communities. They are exploring ways to coordinate and integrate such services with education services. The physical co-location of services and schooling would bring more parents and family members into contact with the school (as it already does in some communities). This would increase the sense of community ownership and potentially help to lower barriers in attendance by increasing community familiarity with an engaging education system.

When First Nations students leave their communities to continue their education in the mainstream, their very communities, in a sense, must begin to grow bigger to encompass new places of opportunity and learning. First Nations people see an urgent need to ease up this process of transition to the mainstream education system for their children. In order to help the students achieve their potential and realize their aspirations in the mainstream, the radii that connects the centre of the learning circle (with all these new places on its circumference) must be extended. This means extended participation of First Nations parents, grandparents and educators in the mainstream education system and a full awareness of all of the possible points of entry into the system. This extension of participation is exactly what the participants of the consultation meetings saw as a priority. One avenue of participation consistently raised by the Chiefs in Assembly and their member organizations is the representation of First Nations people as trustees on Provincial Boards of Education. Ten years ago a resolution was passed at the 20th Annual All Ontario Chiefs Conference which requested an amendment to the Ontario Education Act to ensure increased Aboriginal representation. The resolution's final statement read,

“Be it further resolved that the Chiefs in Assembly demand that, as an interim measure, the Government of Ontario amend their discriminatory Legislation and implement the Aboriginal Trustee Sub-Committee's Recommendations to ensure adequate Aboriginal representation.”
(COO Resolution 94/10, 1994)

School Councils

The first entry point into the mainstream education system is a school council. Involvement in a school council gives a parent/grandparent/guardian an opportunity to build and strengthen a partnership between parents, schools, school boards, governments and community. This ensures a high-quality and

fully accountable education system for First Nations students. In 2000-2001, the government of Ontario created new regulations to secure parental influence in their children's education. This confirmed that the advisory role of school councils is to improve student achievement and enhance accountability of the education system to parents.

“The partnership of school and community representatives on a school council helps to build mutual understanding and interaction between a school and its community, resulting in benefits for both. By giving information to parents and community representatives, getting feedback from them, and presenting their views to the school and the school board, a school council involves the community in the discussion of educational issues and helps the school identity and responds to the educational needs of the community.” (<http://www.edu.gov.on.ca/eng/general/elemsec/council/council02.pdf>)

All parents whose children are enrolled in the school are eligible to become members of the school council. All the rules and regulations governing school councils are found in the Ontario Ministry of Education – School Councils: A Guide for Members, 2001: Revised 2002 (available at <http://www.edu.gov.on.ca/eng/general/elemsec/council/council02.pdf>). All the stakeholders expressed their wishes to increase First Nations parents' participation in school councils and their interests in learning how it can be facilitated. It was firmly stated that more information should be available to parents to help them get engaged. In discussing an on reserve scenario, where local school councils are already in operation, the stakeholders stressed the needs to strengthen the links between parents and educators.

School Boards

Participants of the consultation meetings pointed to an urgent need to extend First Nations influence over the provincial education system. One way to ensure that First Nations voices are heard is to increase First Nations representation on school boards. In 1998 the Chiefs in Council at the Annual All Ontario Chiefs Conference resolved the following in an effort to ensure that representation,

“Therefore be it resolved that the Chiefs and delegates in Assembly fully support and endorse the right of First Nations to have trustees, as part and parcel requests in their Tuition Agreements with these Boards (of Education) and that this right does not prejudice other First Nations from creating their own projects.” (COO Resolutions 98/27, 1998).

Presently, according to Section 188 (5) of the *Education Act*, Regulation 462/97, Native Representation on Boards, and conditions for appointing Native trustees (provided a tuition agreement is in place) are as follows:

- * When the lesser of 10 percent of the students of a board or 100 students are from First Nations communities, the First Nations communities may name, and the board must appoint, one representative. That person is deemed to be elected to the board.
- * When 25 percent of the students of a board are from First Nations communities, the board may appoint a second representative.
- * When First Nations students number less than 100, or less than 10 percent of the total student enrolment, the appointment of the Native representative is at the discretion of the board. (<http://www.ontarioschooltrustees.org/chpt04.html#4>)

According to the government publication – *Educating Together: A Handbook for Trustees, School Boards and Communities*, the role of trustees is to help create the vision and set the strategic direction that will guide the board and its schools. As the representative of a First Nation community on the school board, a Native trustee is responsible for ensuring that the Native culture is part of that vision and that the strategic direction of the board includes the interests of the First Nations community (<http://www.ontarioschooltrustees.org/chpt04.html#4>).

First Nations people, however, point to the many difficulties their trustees have in providing input into strategic planning on their respective boards, mainly because they are under-represented there. In a scenario where potential First Nations representatives are dealing with a large school board, even if the population of First Nations students is large in actual numbers (it may be just between 10% and 25% of the entire student population), this still means that the communities will have just one trustee. Again, similarly as in the nominal roll formula, the focus is not placed on the actual needs of the First Nations people, but on the size of the educational structure; in this case – a structure that is external to the First Nations education system (school board). The situation is not much better in small school boards with small First Nations student populations – here ‘the appointment of the Native representative is at the discretion of the board’ which, in practice, means that often no First Nations trustee is appointed. A First Nations trustee’s responsibilities include:

- * monitoring the negotiation of the tuition agreement
- * ensuring that the actions of the board reflect the tuition agreement
- * ensuring that both parties of the agreement are fulfilling their obligations
- * ensuring that mechanisms are in place for effective accountability to the First Nations community
- * ensuring that racism and harassment are not part of the Native student's experience at school. (<http://www.ontarioschooltrustees.org/chpt04.html#4>)

Without proper representation, none of these responsibilities mentioned in the prior section, (including the responsibility to encourage the involvement of the parents and the First Nations community in the First Nations students' education) are fulfilled. This means that all these issues remain largely un-addressed and putting it rather simply, there is no one to do the job.

To address the concern of lack of ‘meaningful representation on boards’ the Chiefs in Assembly at the 1999 All Ontario Chiefs Conference declared that,

“[Whereas] there is a need to move beyond discussion of the problems we face, and move forward to develop and advance a First Nations position on jurisdiction in education; Whereas there is a need for access to financial planning, analysis, management/control at the Education Committee Authority level, and a need to access financial and human resources to support initiatives in education, especially in the smaller communities, which experience greater challenges in this area.” (COO Resolution 99/34, 1999)

One of the recommendations of the *Report of the Royal Commission of Aboriginal Peoples* (Volume 3, page 472) is that "all schools serving Aboriginal children adopt policies that welcome the involvement of Aboriginal parents, elders and families in the life of the school—for example, by establishing advisory or parents committees, introducing teaching by elders in the classroom, and involving parents in school activities." Unfortunately, as respondents observed, current rules and regulations that govern the appointment of First Nations trustees contradict these recommendations, as they neither ‘welcome’ nor encourage an adequate native representation on the mainstream school boards.

What do First Nations need to realize their vision for a successful education system – Reclaiming the Diameter - Key Concepts:

- Transfer of jurisdiction
- Changes to existing funding formulas
- Full participation in decision-making process
- Recognizing cultural complexities
- Setting standards

First Nations people in Ontario and across Canada recognize the urgent need to introduce radical changes to existing educational strategies on all government levels. This means replacing outdated educational policies with a strategic and sequenced plan based on identified First Nations needs, demands and aspirations, which can be categorized in four ways:

1. The transfer of the exercise of jurisdiction from the federal government to First Nations governments, which will ensure that First Nations people will be able to “educate their children in any way, by any means, for whatever purpose they so choose” (McCue, 1999:4).
2. Fundamental changes to the existing funding formulas, including tuition agreements and on reserve school funding based on enrollment and attendance (eliminate nominal roll).
3. Full participation of First Nations people in decision-making processes on all levels, from school councils, to school boards, boards of trustees or any appropriate Provincial and Federal Ministries responsible for providing support for First Nations education.
4. An education system (both on and off reserve), which will facilitate cultural maintenance and reinforce cultural competence.

Communal and cultural autonomy (versus the dominant post-colonial system) frames much of First Nations social action. This educational practice is one of the most pervasive and powerful ordering structures in First Nations society. As it was related to us during the consultation meetings, every First Nation, as a community and as a society, has its own needs and requirements, which have to be addressed specifically and locally. Each First Nation governance structure and each First Nation community has an undeniable right for autonomy and self-determination. And, as empowered and active participants in a larger political process, they also need and demand more direct control over the education of their children. In doing so, they want to reclaim the diameter of the traditional circle of learning.

At the present moment, First Nations notions of autonomy and community involvement conflict deeply with many of the traditional structures of mainstream education (in its assumptions of authority and expectations of procedure). First Nations people are struggling to find a balance between the costs and benefits of participating in the mainstream education system, and fully implementing their own, and they are often vocal in their expressions of frustration. The communities are confused about the role the federal and provincial governments want them to play in the mainstream education process. People feel excluded from the decision-making process; they feel that their choices are being limited by outsiders, who do not have the knowledge and appreciation of First Nations culture, social structures and philosophy of life. They complain that the existing system is not a part of their communities. Aboriginal parents do not feel the current system has a place for them. First Nations educators, when they do have

educational structures on-reserve, have too many responsibilities and too many roles to play. There is confusion regarding roles and responsibilities at many levels.

There are many cultural complexities that make mainstream schooling challenging for First Nations students. There is not enough cooperative learning, not enough one-on-one interaction, not enough culturally trained and sensitive instructors, not enough funding, in reality there is not enough of everything. In 2000 at the Annual All Ontario Chiefs Conference the Chiefs in Assembly reiterated the familiar refrain of funding shortages and the need for Special Education access for their children,

“[Whereas] Indian and Northern Affairs (INAC) has consistently and historically under-funded Special Education for First Nations; Whereas students with ‘special needs’ are being deprived of their right to quality education due to lack of resources...Further be resolved that we support the AFN National Special Education initiative for... Increases to the level of funding to at least match the Provincial standard in Ontario.” (COO Resolution 00/68, 2000)

No wonder that in the mainstream educational landscape First Nations students often feel lost. They go out of their way not to bring public attention to themselves to avoid embarrassment, particularly in interaction with non- First Nations students and teachers. For many, mainstream school is not an intellectual challenge, but a cultural one and those who cannot meet the challenge are in danger of being ‘sifted out’ or tagged for remediation. For those who are schooled on reserve the challenges and obstacles are equally overwhelming. There is not enough funding, not enough teachers, not enough infrastructure, not enough programs to provide a meaningful and culturally relevant education for Native students.

According to Frideres and Reeves (1993:37-38), an education system provides a predictable, often age-graded series of learning sequences that shape the life course of a population. Elementary and high school are followed by four years of undergraduate studies, and two or more graduate or professional education years. Those able to make the transition into an organizational or occupational career ladder continue to experience sequenced structuring of important opportunities. Members of the public who remain ‘on-track’ display high levels of personal efficiency, self-control and self-esteem, attributes we associate with competence and success. Marginal ‘off-track’ groups in society; school dropouts, women outside the labour force, the unemployed, and Native people do not display these qualities. The psychological reaction to exclusion from these sociologically significant structures tends to produce a self-fulfilling cycle of action and reaction that may be termed a status disability.

In Ontario, as elsewhere in Canada, there is a steady movement toward self-determination for First Nations people. First Nation governments, decision-makers and educators are fully aware that many First Nations students fall ‘off-track’ because of the gross inadequacies of the existing educational system (over which First Nations people have little control). They realize that First Nations students are often perceived and stereotyped as incompetent and unable to succeed in the mainstream. They are fully aware of the fact that “status disabilities violate our society’s notions of natural justice and equality” (Frideres and Reeves, 1993:38). This is accompanied by a growing politicization of First Nations communities and Nations, as people grow to understand that their demands for complete jurisdiction over education are part of a larger political action. First Nations’ leaders have called many times for a major overhaul of the education system and the political process. This call is associated with an understanding that needed changes must include a complete transfer of jurisdiction over education from the federal and provincial governments to the First Nations, thereby giving them the power and authority to:

- Determine objectives

- Identify the principles of jurisdiction
- Set standards
- Define and select delivery methods (McCue, 1999:21)

According to McCue (1999:19), total and exclusive jurisdiction in education would legally empower First Nations to:

- Define the goals of education of their children
- Identify and establish how education will be delivered in their communities
- Decide how their children will be educated
- Define and determine the curriculum in their schools, as well as the teaching and learning materials
- Define and set standards for every facet of the education program, including: the qualifications of teachers and administrators, the promotion of students and the curriculum, including courses, subjects and teaching materials.

First Nations people in Canada obviously see themselves as responsible for their own cultural input into the education process. But, they also feel responsible and responsive to the institutions that non-Aboriginal people have introduced into their world. It is very important to stress that while complete jurisdiction over education would give First Nations undivided and undisputed power over all issues pertaining to the education of their children, it does not and cannot mean that they would have authority only over the on-reserve schooling system. As more and more First Nations students want to and do make a transition into the mainstream, and as many of their parents perceive mainstream education as necessary and useful, a transfer of jurisdiction from the federal and provincial governments to the First Nations must include a clause regarding First Nations' authority and power in conjunction with non-Aboriginal educational institutions.

Funding - Reclaiming the Semicircles - Key Concepts:

- Nominal roll (on reserve)
- Tuition agreements (off reserve)

On-reserve semi-circle

In the school years 2002/03, 14,873 First Nations students attended schools in their own communities (http://www.ontarioschooltrustees.org/pdf/2003_handbook.pdf). The financial responsibility for their education fell under the jurisdiction of Indian and Northern Affairs Canada (INAC). School funding for on-reserve education is currently based on enrollment and attendance (nominal roll formula). This formula has a long historical precedent but does not fit well with the realities of Aboriginal communities. The formula is too rigid and too static to reflect the reality of on-reserve life. Short-term fluctuations in attendance and enrollment are taken as an indicator of how many students are to be funded, and this process replaces viable and strategic long-term educational planning. The following case study presented by Edwin Jebb, Director of Education for Opaskwayak Educational Authority, Joe E. Ross School, before the House of Commons Subcommittee on Aboriginal Education in 1995 illustrates this situation very well:

“My name is Edwin Jebb. I am the director of education for, and I look after Joe E. Ross School, which is a school on our reserve. The educational authority is the educational arm of Opaskwayak Cree Nation. Our community has a population of approximately 2,800. We are located about 600 kilometers north of Winnipeg in Manitoba.

Our educational authority is incorporated under a by-law with the powers given to us by the chief and council. Under the by-law, the trustees of the education authority number seven; five are elected by the voters of Opaskwayak Cree Nation and two are appointed by chief and council. This by-law I referred to documents the obligations and powers of the trustees or directors, with the rights of appeal in the by-law being with the chief and council. In essence, the board of directors of the educational authority reports to the chief and council as per by-law, and as director I report to the board of directors.

There is one school on the reserve that is nursery to grade 12 with an enrolment of 734. We have just finished our fourth year of operation and last Friday we had a graduating class of 29. The school was originally designed for 602 students, and by the end of the second year we had to get four portables to take care of the overcrowding. We feel we are still overcrowded, and we have had to put limits on the number of private home placements coming into our school. This is further complicated by the fact that the board of directors of our educational authority, as well as the chief and council of the Opaskwayak Cree Nation, have, by policy, accepted members of our band living off the reserve to attend our school. Because of different reasons, with the lack of housing being the main one, we have had a number of band members living off the reserve in the town of The Pas who wish to enroll in our school.

For those students, Indian and Northern Affairs Canada has declared that they are not eligible for funding under the nominal roll process. For the students in private home placement, the sponsor would fund those students; in this case the sponsor would be the education authorities. Those numbers, however, are not incorporated into the nominal roll and are therefore not part of the formula in determining the space requirements for our school.” (http://www.parl.gc.ca/committees/sabe/evidence/17_95-06-21/sabe17_blk101.html)

All the stakeholders who participated in the series of COO consultation meetings overwhelmingly agreed that the nominal roll funding formula must be eliminated and replaced with a formula based on the number of school-aged children in the catchment area. These figures are to be calculated based on actual number of children and, in the long-term planning formulas, on long-term projections (using birth records). The existing, unrealistic and inflexible nominal roll funding formula sets up a scenario for certain failure of the education system. If funding, staffing and supply levels are funded based on enrolment during one period of time, schools can find themselves seriously under-funded when students are returned to or moved from the system mid-semester. In time the school may manage to secure appropriate funding again, but many students are lost to the system or education levels falter for lack of adequate funding. The year-to-year planning window is far too short and should be replaced with a 3-5 year planning strategy and formula. This would help to catch and address special needs students and education concerns in every area. These are not new requests and the Chiefs in Assembly have been attempting to push this agenda forward in these areas through the resolutions passed at the All Ontario Chiefs meetings,

“[Whereas] there is a need for First Nation specific information on the impact of the provincial Education Quality Improvement Act and regulations, and the operation of the federal funding models, including the Comprehensive Funding Arrangement (CFA), and the Canada First Nations

Funding Agreement (CFNFA); and Whereas there is a need for access to financial information to enable financial planning, analysis and management/ control at the Education Committee/Authority level, and a need for access to financial and human resources to support initiatives in education, especially in the smaller communities.” (COO, Resolution 00/06, 2000)

Our respondents perceived the nominal roll formula as an example of a ‘If you don’t spend it, you will lose it’ attitude from the government agencies, which further fostered subsequent delayed allocation of scarce resources. The stakeholders also stressed the fact that the nominal roll formula does not really fund education; it provides funding for schools (responding to their size), not students and their needs. Only if funding is based on the number of children in the area, will realistic planning and securing of adequate educational opportunities and allocations be possible. A new formula must also allow for the flexibility required to deal with sudden and short-term shifts and changes in enrolment patterns. A new funding formula should strive to fit with the realities, sometimes unexpected, of life in Aboriginal communities.

Off-reserve semi-circle

In the 2002/03 school year, 7,629 First Nations students, who normally live in First Nations communities, attended elementary (3,052) and secondary (4,577) schools in Ontario’s publicly funded school system. There has been a significant decline in recent years in the percentage of First Nations students who are educated in district school boards—from 60 percent in 1990 to only 40 percent today. Of the 81 band-operated schools in Ontario, 31 offer secondary education. With the increase in band-operated schools, there has been a proportionate decrease in the number of federally administered schools. There are now six federally administered schools for Grades 1 to 8. One school is in Tyendinaga Mohawk Territory, near Belleville; the other five schools are on the Six Nations of the Grand River Territory, near Brantford. (http://www.ontarioschooltrustees.org/pdf/2003_handbook.pdf).

First Nation students who attend schools operated by a district school board do so under a tuition agreement. Fifty-eight public and Catholic school boards in Ontario have tuition agreements with First Nation communities. The tuition agreement is a written agreement stating that the school board will provide, on a cost-recovery basis, accommodation, instruction and special services to First Nations students. Tuition agreements vary, depending on the type of services and programs that the First Nations community and the board agree should be provided. Beyond the contractual obligations, however, the board has a general obligation to provide:

- * educational services on par with the general provincial standards
 - * an educational environment and teaching staff that are sensitive to Native culture
 - * Native cultural-specific programs and instruction
 - * consistent and timely reporting to the First Nations education authority
 - * First Nations community involvement in schools attended by First Nations students
- (http://www.ontarioschooltrustees.org/pdf/2003_handbook.pdf)

According to the stakeholders who participated in COO consultation meetings, tuition agreements do not respond to the First Nations students’ special needs. As it was mentioned in the Education Equality Task Forces’ recommendations on Aboriginal education,

“...when Aboriginal students who live on reserves attend schools of a local school board, their bands make tuition agreements with the boards, using funds from the federal government, to pay

for the education of the students involved. Tuition agreements provide the same amount of money per pupil for a board as the ministry's funding formula provides for the board's resident students . . . [however] Aboriginal students in many areas of Ontario, but particularly in the northwest, are achieving results in the Education Quality and Accountability Office's literacy and numeracy tests for Grades 3, 6, and 10 students at a rate well below that of the general student population . . . the graduation rate of Aboriginal students is very low and that it is expected to be even lower now that the Ontario Secondary School Literacy Test (the Grade 10 literacy test) has been introduced . . . Aboriginal students who arrive at school inadequately prepared to learn, particularly with respect to their skills in the language of instruction . . . Aboriginal status is one of the socio-economic indicators used to calculate the size of the at-risk student population for purposes of the LOG. The indicator is the percentage of persons who, in the census, gave 'Aboriginal' as their sole ethnic origin. . . The present LOG may not be providing boards with sufficient funds to meet the needs of these students. . . Other provinces have introduced special grants for Aboriginal students. In British Columbia, for example, school districts receive a supplement of \$950 (2002-03) for each Aboriginal 'full-time equivalent' student. This targeted grant requires school districts to spend this money on Aboriginal education with a view to improving this at-risk group's level of achievement." (<http://www.turtleisland.org/discussion/viewtopic.php?p=1481>)

In addition, as the respondents indicated, the existing tuition agreements are based on 1988 agreement costs, which are understandably outdated. The participants also pointed out to huge discrepancies in allocations between boards and the fact that First Nations parents and decision makers are not always familiar with the complicated funding allocation process. The communities feel cut out of this process and perceive that there is too much mystery about how funding is derived and a mainstream reluctance to give First Nations information about how allocations are determined. Throughout the education forums participants recommended that a new funding formula be developed and implemented with the input of First Nations educators and decision makers. Once again the Chiefs in Assembly have made efforts through their resolution process to turn attention to the increasing short-falls and education needs of their communities. In 2001 the following concerns were tabled,

“[Whereas] the Education needs of First Nation communities in Ontario are very serious and need continual political support at the regional and national levels; Whereas existing Education needs requiring the immediate and ongoing lobby efforts of First Nation political leaders include, but are not limited to, the following: a) First Nation need additional funding for Post-Secondary Education as indicated by more than 9,000 First Nations students across Canada who were unable to access funding last year due to shortages.” (COO Resolution 01/33, 2001).

First Nations people are concerned that post-secondary allowances might become loans because post secondary is not considered a fiduciary obligation by the government. The fear that post secondary funding will become subject to taxation has now become a reality as communities have been instructed to issue T2202A forms to their students. There is a growing conviction that the dialogue with the INAC is 'just words'. People do not share the INAC conviction that First Nations education is adequately funded. They point out that the students in municipalities are getting more funding (\$11,000.00 per student versus \$6,000.00 per student).

First Nations people demand equalization of funding within the existing tuition agreements, so that the recommendation of the federal *Report of the Royal Commission on Aboriginal Peoples* (Volume 3, page 474), that "provincial ministries require school boards serving Aboriginal students to implement a comprehensive Aboriginal education strategy, developed with Aboriginal parents, elders and educators"

be actualized. In addition, they want to see the equalization of representation implemented in the Ontario districts where their children attend school. The following clause of a 2001 All Ontario Chiefs resolution reiterates the need to ensure a strong voice especially where there is a substantial Aboriginal student body,

“First Nations need additional representation on the Ontario district Schools boards, where they are currently limited to one trustee only, Regardless of how many First Nations exist within a district.” (COO, Resolution 01/33, 2001)

Roles and Obligations - Reclaiming the Full Circle of Governance - Key Concepts:

- Enforceability
- All-embracing circle of governance over First Nations education

Jurisdiction, according to McCue (1999:21), also includes enforceability - “if a First Nations government is unable to enforce its jurisdiction in education, then the jurisdiction is meaningless”. A common theme that emerged from recent consultation meetings is that First Nations in Ontario can envision the creation of an all-embracing education governance circle. This would encompass the national level, the provincial level, the regional level and the community level. In this model, the main role and obligation of the provincial and federal governments would be to speed up and facilitate the process of transferring jurisdiction over education to First Nations (leaving the issues of enforceability completely in the First Nations hands). Once the new model of First Nations education is in place, the future role of the federal and provincial governments will be one of a mentor or an engaged advisor, thereby relegated to assisting First Nations in implementing the necessary changes and modifications.

In a new First Nations education model of governance, the roles and responsibilities at each level would be as follows:

Community Level

All the respondents agreed that at the centre of the circle of learning are the students. Radiating from the centre, would be local community structures that would be comprised of youth, parents, elders and grandparents who would oversee the administration and operation of local schools as part of the community social and cultural milieu, including:

- Articulating a vision of education for First Nations at the local level
- Community planning and short term financial planning
- Information forums held regularly
- Everyday school activities, including extracurricular programs and services
- Liaison between parents and teachers, schools and elders (grandparents)
- Alignment of community educational projects
- Implementation of the (culturally revised) assessment tools
- Consistent and timely input to the regional educational body in regard to students progress, funds utilized and funds needed, and the implementation of regional policies and programs
- Designing ‘Sharing and Caring’ programs and other school-centered activities that would involve the entire community

These local community structures would be understandably closer to the centre of the circle of learning (meaning the students). This social proximity would assure that the whole community was involved in an engaged education process, just as First Nations envision it.

Regional Level

The next concentric decision body would consist of a regional centralized education structure (Education Council, Board of Education) which would work hand in hand with the more localized community structures (First Nation Education Councils). This body would “govern those aspects of an education system that are more broad and over-arching than local issues and concerns” (McCue, 1999:22). Regional First Nations School Boards (or Councils) would preside over broader educational issues relevant to all schools under its umbrella. Some potential responsibilities would include:

- Articulating a vision of education for First Nations at the regional level
- Setting the standards for education
- Designing appropriate assessment tools
- Development of culturally appropriate curriculum
- Schools and teachers evaluation
- Disposition of available funds
- Education and financial long term planning
- Providing access and funds for teachers’ education
- Organizing conferences and workshops for local educators
- Creating and sustaining networks of information

Provincial level

The decision-making body at this level would deal with even broader issues and would oversee matters such as:

- Articulating a First Nations vision of education for the entire Province
- Setting province-wide direction through legislation, regulations and policy memoranda
- Determining the funding for regional school boards.
- Conducting comprehensive research on education planning, curriculum design, teachers’ training and pedagogical strategies relevant to a First Nations’ engaged education process
- Liaison and information sharing with non-Aboriginal educational bodies and institutions
- Long term strategic financial planning
- Monitoring mainstream political processes and policies implementation

It is important to stress that although we use the term ‘level’, which may imply a hierarchy in services and roles and responsibilities; this structure would build up the circle of learning. It is concentric with the students whose needs are always at the centre in an Aboriginal engaged education process.

National Level

This structure would operate on the circumference of the circle of learning; possibly as a buffer and a main political force that would provide governance over a First Nations education authority at the national level. It would articulate a national vision of education for First Nations. It would also represent First Nations' interests both in national and international forums by designing national policies and educational strategies. It would include the input from all other decision-making structures, province by province, which are closer and closer to the centre.

According to McCue (1999:23-24), who discusses a very similar model for First Nations governance, this jurisdictional paradigm "represents the best opportunity for a responsible and accountable exercise of jurisdiction in First Nations education". In this model, each governing structure in a First Nations education system would be:

- Responsible to parents and leaders;
- Responsible to each other;
- Required to defend their decisions and policies;
- Required to account for failures or inadequacies of any aspect of First Nations education under its jurisdiction."

There are already examples of best practices from several regions of Canada that represent placing jurisdiction in education in independent, semi-centralized structures. The James Bay and Northern Quebec Agreement (1975 - JBNQA) is one of the "very first Self-Governance Agreements (SGAs) in Canada [that] has been considered by many First Nations as a comprehensive, if initial, blueprint for First Nations governance and education" (McCue, 1999:13). As McCue (1999:13) summarizes, this agreement involved the Cree of James Bay, Quebec, and the Inuit of northern Quebec, the federal government and the provincial government. Sections 16 and 17 of the Agreement conferred that jurisdiction for education for the Cree and the Inuit, included elementary, secondary and adult education. The jurisdiction was situated in two regional school boards, the Cree School Board and the Kativik School Board, which were empowered by the Quebec Education Act. Their 'special powers' include the power of the Cree School Board to build and maintain residences for its teachers and to "select courses, textbooks and materials appropriate for Native people" (McCue, 1999:14). The JBNQA also sets out several important 'resourcing' rules. Firstly, the costs of Cree and Inuit education are to be shared by the federal (75%) and provincial (25%) governments (the figures are for the James Bay Cree case). The Agreement also identified several areas in education that will receive special financial attention from both governments. They include:

- The geography of the Cree School Board and its population
- The development of curricula, textbooks and teaching materials appropriate to the Cree
- Physical education and sports programs
- The provision of adult education
- The development of courses, textbooks and teaching materials to preserve and transmit Cree culture and language

As a result of these and other sections of the education portion of the JBNQA, the Cree School Board receives an annual budget that is substantially larger on a per capita basis than any other First Nation education program in Canada (McCue, 1999:16).

What made this initiative different from the model presented in this paper was the fact that jurisdiction was to be exercised solely by the School Boards (at a regional level), they – as provincial school boards – are subject to the provincial Education Act and as a result,

“...are constrained in their exercise of jurisdiction... The level of constraint is nowhere more revealing than in the area of labour relations. As provincial boards, their teachers are members of the provincial teachers union, the Centrale Enseignement de Quebec (CEQ) and their professional duties and responsibilities are governed not by the needs of the Cree and Inuit but by the contract that the CEQ negotiates regularly with the two boards. In this one area alone, a great deal of jurisdiction in education is surrendered by the Aboriginal parties to an institution (the CEQ) that is as external and foreign to their cultures and interests as any previous federal regime. This is, of course, a partial jurisdiction where “the exercise and implementation of jurisdiction is limited by the conditions and qualifications that have been imposed by another government.” (McCue, 1999:16-18)

Although the issue of creating an independent First Nations teachers union did not surface during the consultation meetings in Ontario, many participants from different regions stressed the need to create a First Nations Teachers Association, similar to the Ontario College of Teachers (OCT), which is a self-regulating professional body that may confer, suspend or rescind the teaching certificates of its members. The Ontario College of Teachers establishes and implements standards for certification, teaching practices and professional development. It also accredits faculties of education (<http://www.ontarioschooltrustees.org/chpt01.html#4>). For many of the First Nations stakeholders the creation of such a professional body for First Nations teachers (which would be affiliated with a jurisdictional structure at a provincial level) would solve many problems involved in assigning responsibilities for the education process.

The Governance Circle model, contemplated by the First Nations stakeholders, envisions a significant widening of the First Nations sphere of influence. This would encompass jurisdictional structures beyond the regional level, which would be independent in their decision-making from any provincial or federal institution. This is perhaps the most prevalent directive that crystallized during the consultation meetings. First Nations people in Ontario want total and exclusive control over education to meet the aspirations of their people; the only limitations are associated costs. Placing jurisdiction completely in the First Nations hands is seen as a primary goal. Although, because of time constraints, it was impossible to cover in detail all actions, plans and structures necessary to implement a comprehensive education governance model, the stakeholders agreed that each governing structure in this system “would have jurisdiction in education that is appropriate to its proximity and place in relation to the schools and students” (McCue, 1999:23). In proposing a full circle governance model, the stakeholders were able to envision a wider horizon which “extends beyond the community and includes the potential for significant and much-needed reforms and changes” (McCue, 1999:24). They were able to do this without losing sight of all the communities and all the First Nations people without whom this horizon would be just a line separating them from the land of endless possibilities.

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