

The Absentee Minister of Education of Canada: The Canadian federal government's constitutional role in First Nations education

L'absence d'un ministre d'éducation canadien : le rôle constitutionnel du gouvernement fédéral dans l'éducation des premières nations

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Résumé de l'article

Au Canada, l'éducation est généralement considérée comme une responsabilité exclusive des provinces et des territoires. Or, le gouvernement fédéral possède une responsabilité constitutionnelle. Celle-ci émane de l'Acte constitutionnel de 1982 et des traités 1 - 11 ratifiés entre la Couronne (le gouvernement du Canada) et les Premières Nations à travers le Canada. Malgré cela, il est extrêmement ardu de déceler une quelconque mention des responsabilités constitutionnelles du gouvernement fédéral en matière d'éducation dans la littérature ou des documents. Cette situation a permis au gouvernement fédéral de minimiser leurs responsabilités en éducation au Canada et sur le plan international. Cet article analyse donc les responsabilités constitutionnelles du palier fédéral relativement à l'éducation des populations autochtones et formule des recommandations.

THE ABSENTEE MINISTER OF EDUCATION OF CANADA: THE CANADIAN FEDERAL GOVERNMENT'S CONSTITUTIONAL ROLE IN FIRST NATIONS EDUCATION

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ABSTRACT. In Canada, education is generally referred to as being the exclusive constitutional responsibility of the provinces and territories. However, the federal government has a constitutional responsibility. This responsibility comes from the Constitution Act 1982 and Treaties 1 - 11 between the Crown (i.e., The Government of Canada) and First Nations throughout Canada. It is very difficult to find any mention of the federal government's constitutional education responsibilities in the literature or documents. This has allowed the federal government to downplay their educational responsibilities throughout Canada and the world. This paper examines the federal government's constitutional responsibilities in First Nations education and makes recommendations.

L'ABSENCE D'UN MINISTRE D'ÉDUCATION CANADIEN : LE RÔLE CONSTITUTIONNEL DU GOUVERNEMENT FÉDÉRAL DANS L'ÉDUCATION DES PREMIÈRES NATIONS

RÉSUMÉ. Au Canada, l'éducation est généralement considérée comme une responsabilité exclusive des provinces et des territoires. Or, le gouvernement fédéral possède une responsabilité constitutionnelle. Celle-ci émane de l'Acte constitutionnel de 1982 et des traités 1 - 11 ratifiés entre la Couronne (le gouvernement du Canada) et les Premières Nations à travers le Canada. Malgré cela, il est extrêmement ardu de déceler une quelconque mention des responsabilités constitutionnelles du gouvernement fédéral en matière d'éducation dans la littérature ou des documents. Cette situation a permis au gouvernement fédéral de minimiser leurs responsabilités en éducation au Canada et sur le plan international. Cet article analyse donc les responsabilités constitutionnelles du palier fédéral relativement à l'éducation des populations autochtones et formule des recommandations.

“The airport” was the response my 3-4 year old daughter gave when asked “Where does granny live?” My wife and I laughed and then thought about her response. In her mind, the response made sense. We drove to the airport to pick up granny and dropped her off there when she left. There was no reason for my daughter to think differently.

My daughter's response came back to me while reviewing the federal role in education in Canada. Textbook writers (Naested, Potvin & Waldron, 2004; Winzer, 2002), researchers (Dworet & Bennett, 2002), and newspaper columnists (Ibbitson, 2005) clearly state that education in Canada is solely the prerogative of the provinces. The Canadian Teachers Federation (2010) references the British North American Act, 1867 (later renamed Constitution Act 1867) to proclaim that "In Canada, education does not fall within the scope of federal jurisdiction – it is the singular responsibility of each province and territory" (p. 1). The Council of Ministers of Education, Canada (CMEC) an educational body that represents provincial and territorial ministers of education in Canada continue the misinformation on education in Canada. In CMEC (2008a) education in Canada is described as being "the responsibility of each province and territory" (p. 1). Earlier, the CMEC (2001) noted "in Canada, as we stressed earlier, the provinces and territories are responsible for all levels of education" (p. 9). Recently, Senator Sibbeston, a member of Standing Senate Committee on Aboriginal Peoples, during proceedings on issues concerning First Nations education clearly demonstrated his lack of awareness of the federal government's constitutional responsibilities in education by stating that "The federal government is not in the education business" and "Education is in the provincial domain" (Standing Senate Committee on Aboriginal Peoples, 2010a, p. 6). Richards and Scott (2009) had similar thoughts regarding the federal role in education when they state that "education is a provincial responsibility," (p. 53).

These textbook writers, researchers, newspaper columnists, politicians, researchers and the CMEC give very little, if any attention or mention to the federal role in education. Both assumptions, first, that granny lives at the airport and secondly that education is solely a provincial responsibility are based on the lack of awareness or unwillingness to acknowledge underlying principles and certain facts (e.g., plane travel and the Canadian constitution).

Education in Canada is not only a provincial responsibility. The above quotes are incorrect, misleading, and are indicative of a lack of understanding, awareness, and recognition of the constitutional role of the federal government of Canada in elementary and secondary education. These statements completely ignore the role of the federal government of Canada in First Nations education. The federal government's constitutional responsibility in education is rooted in the Constitution Act 1982, the Indian Act, and treaties between the Crown (i.e., The Federal Government of Canada) and the First Nations of Canada.

Former Prime Minister Hon. Jean Chretien, while Minister of Indian Affairs, stated it best while speaking to the Council of Ministers of Education, Canada in Regina in 1972 regarding the federal role in education. He spoke plainly and to the point "The Federal Government has the legal responsibility for the

education of Indian children” (Indian and Northern Affairs Canada [INAC], 1972, p. 1). The future Prime Minister also stated “the Federal Government will continue to provide all necessary financial support for improved and enriched programs” (p. 4).

HISTORY

However, it is not surprising that the federal role in education is relatively unknown. A short review of the history of First Nations education in Canada indicates that the federal government has done everything it can to get out of its legal responsibilities. First, the government gave this responsibility to the churches. First Nations students were forced to attend church-run residential schools. These children were subjected to well-documented abuses (sexual, physical, psychological, cultural, etc.). The federal government has recently acknowledged their responsibility in the operation of these schools and the abuses that occurred in them. Next, the federal government entrusted the education of First Nations students to the provinces. Students were to attend provincial schools. This attempt also failed.

In 1972, the federal government accepted the National Indian Brotherhood/Assembly of First Nations’ [NIB/AFN] (1972) “Indian Control of Indian Education” as their policy (INAC, 1972). At this time, the federal Minister of Indian Affairs, Hon. Jean Chretien (INAC, 1972) acknowledged “that paying the bills is not enough. With the participation of the people concerned [i.e., First Nations], we have the responsibility to examine the suitability of the services, to anticipate problems and to evaluate the success of the program” (p. 2). First Nations were to take over schools on reserves.

Somehow these words of hope and joint action became meaningless as INAC maintained control over decisions regarding the interpretation of the policies and the allocation of financial support. Goddard (1997) has called the idea of First Nation control an “oxymoron” (p. 220) as he describes the process of obtaining funds for First Nations schools:

control implies the means to determine resources rather than simply to manage the resources allocated by others. This is patently not the case. In order to acquire operating funds the First Nations are required to petition the federal government, through INAC, on an annual basis. The funds are determined by a “reverse” formula. That is, rather than establishing a base per capita funding rate and multiplying this by the number of students enrolled, as in the case with most provincial funding agreements, INAC divides the amount of funding by the number of students to determine the per capita rate.” (p. 220)

The process of First Nations assuming control of their schools from INAC was recently described by Al Rollins, a former INAC education manager in Alberta. He described the process of transfer of schools to First Nations as

“dump and run, that’s what happened” (Stolte, 2010, p. 2). Essentially, the schools were left on their own with little input in decisions.

First Nations participation in decisions and actions are constrained (Tremblay, 2001). The result is that schools are unable to provide the provincial levels of educational programs and services. Students continue to fall behind their provincial counterparts. The current thrust of INAC is to enter into tri-partite agreements between the provinces, First Nations and itself to provide educational services to First Nations schools (INAC, 2008). However, First Nations have complained about INAC’s attitude towards First Nations by stating “INAC shows a disregard to information we put forward, they don’t correspond with us properly and they won’t meet with us in a way that supports their renewal mandate” (Schumacher, 2008).

A common theme that runs through INAC’s actions in education is their reluctance to give First Nations any real authority or input into education decision-making. The Chiefs of Ontario (2006) have stated that INAC has a “paternalistic view” (p. 10) towards First Nations and that “INAC needs to respect First Nations decisions...” (p. 12).

CONSTITUTIONAL RESPONSIBILITY

Presently, there are 119,000 First Nations elementary and secondary students living on reserves throughout Canada. Approximately, 60% of these students attend one of the 515 First Nation-managed schools. In 2010, the federal government spent \$1.3 billion on these students (Standing Senate Committee on Aboriginal Peoples, 2010b).

Despite having a constitutional mandate, a federal act, and treaty obligations in First Nations education, the government of Canada “does not have a national office of education” (Woolfolk, Winne & Perry, 2003, p. 142). Also lacking is an education law for First Nations students (Mendelson, 2008). One result of the omission of a First Nations education act is that “First Nations students are the only children in Canada not protected by education legislation” (INAC, 2006a, p. 5).

The Constitution Act 1982 does give responsibility of education to the provinces (Department of Justice, Canada, 2008a). Each province has developed legislation concerning education in its elementary and secondary schools. However, this same act gives responsibility of “Indians, and Lands reserved for the Indians” (section 91-24) to the federal government of Canada. Section II, Aboriginal Peoples “affirmed and recognized treaty rights”. Each of the eleven numbered treaties signed between the First Nations and the Crown had an education statement. For example, Treaty 3 (INAC, 2006a) stated that “Her Majesty agrees to maintain schools for instruction in such reserves hereby made as to Her Government of the dominion of Canada may deem

advisable, whenever the Indians of the reserve shall desire it" (p. 4). The federal constitutional responsibility for First Nations education comes from such statements.

CONSTITUTIONAL ACKNOWLEDGEMENT?

However, it is extremely difficult to find any acknowledgement of this constitutional responsibility anywhere in the literature and research. This federal responsibility in First Nations education has been narrowly described as a "fiscal responsibility" (CMEC, 2001, p. 9), "financial responsibility" (INAC, 2006a, p. 3), "support" (INAC, 2003, p. 1), "shares responsibility" (CMEC, 2008b, p. 10) and "primary responsibility" (INAC, 2008a, p. 1). The federal government (Dedicated Services for First Nations and Other Aboriginal children, 2002) has stated that INAC's role was "to provide access for First Nations students, ordinarily resident on-reserve, to elementary education services that are reasonably comparable to that offered by their province/territory of residence" (p. 2). The federal department, Human Resources and Skills Development Canada (2008) has stated "INAC funds such services as education, housing and social services to Status Indians on reserve" (p. 1). The department of Indian and Northern Affairs Canada now referred as Aboriginal Affairs and Northern Development Canada (AANDC, 2011b) has also stated that it "delivers funding support directly to Band Councils and First Nation education organizations" (p. 1).

However, the Constitution Act 1982 does not describe the federal responsibility in these ways. The Auditor General of Canada (2000) noted that the federal government "has held, and continues to hold statutory power for the education of Indians" and that the government has "under various agreements delegated its authority to First Nations and provinces for the design and delivery to Indian students" (p. 5). In 2004, the Auditor General of Canada reported INAC had not acted on its earlier recommendation to clarify the department's role and responsibilities in education (Auditor General of Canada, 2004).

The Indian Act is very clear in stating where authority rests in First Nations education. This Act "empowers the Minister of Indian Affairs and Northern Development to operate schools and also to enter into agreements with provincial governments, territorial Commissioners, school boards and religious and charitable organizations for the education of registered Indian children (INAC, 1982, p. 7-8). Under this Act, "the Minister is responsible for Indian education and ultimately accountable to Parliament for both the expenditure of public funds and the results achieved" (INAC, 1982, p. 7) and "the Indian Act sets out the Minister's power of the Minister of Indian Affairs and Northern Development to arrange for their education" (AANDC, 2011c, p. 1).

"The Indian Act sets out the Minister's powers to arrange for the education of Indian [First Nation] children" (INAC, 2008c, p. 1). Section 114 (2) of

the Indian Act (Department of Justice, Canada, 2008b) states “The Minister may, in accordance with this Act, establish, operate and maintain schools for Indian children” (p. 14). Section 115 of the same act states, “The Minister may (a) provide for and make regulations with respect for buildings, equipment, teaching, education, inspection and discipline in connection with school ...” (p. 14). In effect, the Minister of Indian Affairs is Canada’s National Minister of Education.

The absence of a federal education act or law results in the reliance on federal policies, guidelines and directives for First Nations education. This has caused administrative and practical problems because federal policies in First Nation education have been described as:

skeletal, incremental and, in many respects, lacking in coherently articulated foundations or premises.... These provisions are exceptionally skeletal and vague and paint almost no picture of the organizing principles, key substantive policies or important process of Indian education. Federal policy must be researched for in a bewildering array of laws, subordinate laws, policy directives and individual agreements (both intergovernmental and government-Indian band). Moreover, a good portion of federal policy cannot be found anywhere; it just happens depending on who might be involved in a particular matter at a particular time in a particular locale. (MacPherson, 1991, p. 12)

INAC (1982) found that the federal government’s “failure to establish guiding principles and develop operational guidelines has impeded the development of Indian education” (p. 10). Eighteen years later the federal government still had not developed these principles and guidelines as the Auditor General of Canada “could not find a formal articulation of the department’s roles or responsibilities in education” (Auditor General of Canada, 2000, p. 5). McCue (1999) also noted “The simple fact is a First Nations system of education has never existed in Canada” (p. 11).

PROVINCIAL EDUCATION STANDARDS AS TEMPLATES

The lack of federal legislative education standards and guidelines has resulted in the use of provincial education standards and guidelines as templates for First Nations schools. An earlier review of federal programs found that “there is a policy requiring federal schools to operate in manners consistent with provincial standards and practices” (Supply and Services Canada, 1985, p. 160). The same report recommended that First Nations schools have “standards consistent with the quality of education offered to other Canadians” (p. 161). Hurton (2002) noted that while INAC does not have “a written policy on program and service standards there is always a referral to provincial standards and comparability to the provincial system” (p. 14).

The use of provincial standards as benchmarks for INAC’s education programs and services can be found in other federal documents and reports. For

example, in 2004, the Government of Canada released a funding agreement with First Nations which stated

that Indian students ... have access to kindergarten, elementary and secondary level education programs and services comparable to the programs and services required to be provided in public schools generally in the province in which the service is being provided and to ensure that the service is delivered to a standard sufficient to enable students to transfer with the schools systems of the Province without academic disadvantage. (Government of Canada, 2004, p. 20)

FUNDING

The level of funding support is crucial for First Nation schools. One would expect that since INAC expects the schools to provide for the seamless transition of students between the provincial and federal schools, it would provide the provincial level of funding supports. However, many reports document the severe discrepancy between provincial and federal funding supports. Postl (2005), in a comparison of federal and provincial school funding in British Columbia, found a gap of \$2,126.00 per student (p.22). Den Heyer & Wein (2001) in comparing funding for special education for First Nations noted that "it was established that the funding that M-K [Mi-kmaw Kina'matnewey] has available for addressing these needs is much lower on a per capita basis than the case for other Nova Scotia students" (p.5). In Alberta, Fortin (2004) found that there was "a significant difference in special education funding for First Nations students living on reserve and attending their band school to those who attend provincial school and receive provincial funding" (p.84). Alberta Education (2007) noted in a report to provincial schools that "INAC does not offer or match Program Unit Funding (PUF) or funding for Severe Communication Disability (Code 47) for ESC learners" (p.6). The Ontario Public School Board Association (2006) wrote to the Minister of Indian and Northern Affairs Canada (INAC), regarding recent reductions in special education funding. The Association's president wrote that: "We believe that every student in our provincial schools deserves the level of assistance and support that will help them achieve their full potential. INAC's funding shortchanges First Nations students and runs counter to equity of opportunity" (p. 1). The president then referred to INAC's mandate and statements regarding comparability of services to highlight the need for increased special education funding as he reminded the Minister that "Your Department's mandate includes ensuring that First Nations receive services comparable to those available to other Canadian residents. Equitable treatment for students with special needs is one of these services" (p. 1)

The funding shortfall is best illustrated by the situation faced by the Ahkwehsahsne Mohawk Board of Education (AMBE). Fulford (2007) in a review of the school found that:

If Ontario's special needs formula were applied to AMBE in 2005/06, it would receive \$249,159 based on overall enrolment. To comply with provincial regulations (from which, as a federally funded school it is exempt), AMBE would have to hire an additional 9.5 special education teachers, adding approximately \$570,00 to its special education budget. A minimum of \$81,000/year would also be provided by Ontario's special needs formula for Ahkwesahsne falling into the highest category of ISS [Intensive Support Students]. Taken together (and without including equipment purchases), AMBE special needs students would qualify for an estimated \$900,159/year in 2005/06 if they had been funded by Ontario. In 2005/06 INAC provided AMBE with \$360,200 for special needs students. (p. 44)

INAC (2005) has acknowledged the discrepancy between INAC education support to First Nations schools and the amount the provinces give to their schools. The report found that "INAC's figures show a level of funding for instructional services per student that ranged from \$5,500 - \$7,500. The Pan-Canadian Education Indicator Project (PCEIP) shows a range of per student expenditure from \$6,800 to \$8,400 across Canada" (p. iv).

Such funding shortfalls make it very difficult if not impossible for First Nations schools to provide the provincial level of educational services. This difficulty can be exasperating. Fulford (2007) in a review of the Eskasoni school in Nova Scotia found that the school wanted to participate in the provincial assessment program but "presently does not have funding from INAC to pay to have them marked" (p.130). Peter Garrow, Director of Education, Assembly of First Nations (Wawatay News 2007), sums up the frustration of many First Nations education leaders by stating "INAC continues to tout that bringing First Nations education to par with their provincial counterparts is its priority, but fails to provide sufficient funds to allow for this process to happen" (p.2).

At an appearance before The Senate Standing Committee on Aboriginal Peoples (2010c), Ms. Cindy Fisher, President, Ontario Native Education Counseling Association, highlighted the difficulties encountered by First Nations schools being expected to provide provincial education standards but not receiving the provincial level of funding to achieve these standards. She noted that INAC would provide \$8,156 to a First Nation school (i.e., Pic River) compared to \$15,211.53 per student to attend the nearby provincial school (i.e., Marathon) for elementary education and \$17,131.88 for secondary education. It must be emphasized that the students did not change. The only difference was that one school was on a First Nation while the second school was a provincial school. Different funding levels for different schools. The funding was simply "not comparable" (p. 9).

However, both First Nations and the federal government of Canada agree that provincial standards are the benchmark of INAC's education policies. INAC (2004) stated that the "objectives of the Elementary/Secondary Education Program is to ensure that eligible Indians have access to the education programs

and services available in public schools in the province in which the reserve is located" (p. 20). The Auditor General (2004) noted that "Under the current departmental [INAC] policy, First Nation schools are required, at a minimum to follow provincially recognized programs of study, hire provincially certified teachers and follow education standards that allow students to transfer to an equivalent grade in another school within the province in which the reserve is located" (p. 3). The Assembly of First Nations (AFN, 2005) has called upon the federal government to "begin fulfilling its commitment to First Nations students by providing the necessary levels of funding for First Nations to develop educational systems that are comparable to those that exist in provinces and territories" (p. 37).

Has this benchmark ever been achieved? Sadly, most of the evidence on the academic achievement levels found First Nations schools are consistently behind. A study completed in 2005 in First Nations schools throughout northwestern Ontario (Brown, 2005) using Canadian norms found that more than 86% of the students in Grade 1, 3, 5, and 7 were two or more years behind in vocabulary, reading comprehension, and computational math. It was also noted that these students with such scores "would classify them as special needs students under Ontario's education system" (p. 2). The study also found that 53% of the students had vision or hearing problems and 23% had Fetal Alcohol Spectrum Disorder. The schools were described as having empty bookshelves, high teacher turnover, no achievement testing, and no second-level support.

The Auditor-General of Canada has documented the dismal record of INAC. In 2000, the Auditor General (2000) estimated that it would take twenty-three years to close the achievement gap between First Nations on reserve and the Canadian population. In 2004, the Auditor General (2004) found that the time-frame had increased to twenty-eight to close the gap.

SUMMARY/DISCUSSION

In summary, the federal government of Canada through the department of Indian and Northern Affairs Canada (INAC) has a constitutional responsibility (i.e., legal), as well as treaty obligations in First Nation education. McCue (1999) stated "federal bureaucrats and politicians must acknowledge that jurisdiction for First Nations education has always been, and remains, in the federal, not provincial domain (p. 25).

However, there are no federal education laws concerning First Nations education. Instead, INAC has policies for providing the provincial level of educational services. There is no evidence to suggest that First Nations schools on reserves have achieved the provincial level of educational funding, services or academic achievement.

The reliance on federal policies rather than laws is problematic for First Nations. Policies do not have the force of law and may be affected by difficulties in accessing funding. For example, the Minister of INAC (1986) has acknowledged that his “government is in agreement with providing the best possible services within the existing economic climate to the Indian people” (p. 1). Moreover, of greater consequence to First Nations education is that INAC’s focus on provincial level of services has meant that a national First Nations education system has not been developed by the Canadian government.

This provincial focus on education has also allowed the federal government to control the agenda in First Nations education. It must be noted that there is no legal requirement for the federal government or First Nations to follow and/or establish educational programs comparable to the provincial systems. It must also be emphasized that while the federal government has used the provincial systems as templates, at no time has the federal government provided the necessary funds to provide a provincial level of programs, services, personnel and administrative structure in First Nations education.

There is another problem with the use of the provincial systems as templates for First Nations. Some of the treaties (e.g., Treaty 10) signed with First Nations involved territory across two or more provinces stretching from Manitoba through Saskatchewan and into Alberta. Does the federal government simply follow the provincial system in which each First Nation resides as it currently does or should it provide an educational system based on the treaty territory? Was there ever an attempt to develop a Treaty 10 educational system by the federal government? If not, why not?

This is an important point. The treaties did not mention provincial educational systems. Leaders from First Nations groups, e.g., AFN have simply accepted the federal assertion of provincial systems as guides, while rightfully complaining about the lack of provincial level of funding, without questioning the core of the federal government’s strategy. Maybe it’s time for a reexamination of both INAC and AFN policies regarding the matter of provincial systems as guides for First Nations to follow.

On an international note, the federal government’s reluctance to acknowledge their educational responsibilities should make researchers question the reliability and validity of Canadian education information and statistics from international organizations such as the Organization for Economic Cooperation and Development (OECD). For example, a report from the OECD (2003) examined international data on special education and inclusion compared information from sixteen countries including Italy, Japan, Poland, Turkey, Luxembourg, France, United States, and Canada. The only problem is that the Canadian information came from only one province, New Brunswick. Questions must be asked: Does the educational system in New Brunswick really represent the

educational policies and procedures across Canada? Where is the data from the federal government?

CONCLUSION

In conclusion, there is little evidence to indicate that the federal government of Canada and its department of Indian and Northern Affairs Canada (INAC) have accepted their role as the provider of the only pan-Canadian education system. There has never been an attempt to provide a comprehensive educational system for First Nations students throughout Canada. Their refusal to acknowledge their role and to develop such a system has resulted in previous attempts to off-load their responsibility first to the churches, and then later to the provinces. INAC appears to have a great reluctance to accept or actually involve First Nations in education decision-making. It is obvious from this review that INAC ministers and officials do not have the answers. Maybe, it is time for INAC to listen and actually implement First Nations control of First Nations education.

Aside from Chretien's statement in 1972, federal government ministers and bureaucrats have been consistent in their refusal to acknowledge their constitutional responsibilities in education. This refusal has resulted in failing schools and failing students.

RECOMMENDATIONS

It is recommended that the federal government of Canada live up to its constitutional responsibilities and obligations in First Nations education by:

1. *Acknowledging their role.* The Minister of Indian and Northern Affairs, Canada (INAC) must publicly acknowledge INAC's constitutional responsibilities in First Nations education. The Minister must acknowledge that he/she is Canada's Minister of Education.
2. *Acknowledging that their attempts in the past have failed.* The Minister must publicly acknowledge that their previous attempts in providing education for First Nations students have not been successful.
3. *Demonstrating respect for First Nations expertise in education.* The Minister and the federal officials must acknowledge First Nations educators, parents, chiefs and councilors know what is best for their children. Their views, ideas, and proposals must be treated with respect.
4. *Planning for the future.* The Minister of Indian and Northern Affairs, Canada (INAC) should call for a national symposium on First Nations education with representatives from First Nations, tribal councils, First Nations provincial organizations, treaty organizations, and the Assembly of First Nations. First Nation representatives should lead all discussion groups. INAC bureaucrats

and other government officials should be there to take notes and to listen, not to direct the discussions. Their past endeavours in First Nations education have not been successful.

The focus of such a symposium should be on the development of a comprehensive system of education for First Nations students across Canada. This would include, but not be limited to such topics as programs and services, personnel, operating procedures, professional development, university programs, specialist/consultant training, pre-schools, and funding.

5. *Enacting a First Nations Education Act (FNEA)*. This law would provide First Nation parents, students and communities with an administrative framework, operating procedures/guidelines and legal responsibilities for their schools. The law must be national in scope. Provincial laws and policies should be used only as a guide.

The law must only be enacted after consultation and collaboration with First Nation elders, parents and educators.

6. *Establishing a National First Nations Education Centre*. This centre would provide both First Nations and the government of Canada with research and studies on “best practices” in education in general and First Nations education in particular. This centre’s role would include advocacy, and the monitoring and distribution of education funds.

7. *Establishing Regional First Nations Educational Administrative, Research and Support Centres across Canada*. These centres would provide First Nations schools and communities with educational administrative and consultant support. They would also act with the National centre in the areas of research, consultant support and advocacy, monitoring of programs, and the monitoring and distribution of education funds.

8. *The federal government must ensure that educational data from Canada includes information from the only government that has pan-Canadian responsibilities*. INAC must contact agencies such as the OECD to advise them that previous education data, statistics, and information from Canada may be not be valid or reliable due to the absence of education data from the federal government (i.e., First Nations education).

9. *Funding*. If the government of Canada expects First Nations schools to provide a provincial level of educational programs and services, then equitable funding must be in place. Funding must include second- and third-level supports to the First Nation schools.

REFERENCES

- Aboriginal Affairs and Northern Development Canada [AANDC]. (2011a). *Tripartite agreements*. Retrieved from <http://www.aadnc-aandc.gc.ca/eng/1308840098023/1308840148639>
- Aboriginal Affairs and Northern Development Canada [AANDC]. (2011b). *Elementary/secondary education programs*. Retrieved from
- Aboriginal Affairs and Northern Development Canada [AANDC]. (2011c). *Background – Education*. Retrieved from <http://www.aadnc-aandc.gc.ca/eng/11001000336676>
- Alberta Education (November 2007). *The director's report, Zone 1 Services Branch*. Edmonton, AB: Author.
- Assembly of First Nations. [AFN]. (2005). *Getting from the roundtable to results. Canada – Aboriginal Peoples roundtable process, April 2004 – March 2005, Summary report*. Ottawa, ON: Assembly of First Nations.
- Auditor General of Canada. (2000). *2000 Report of the Auditor General of Canada, April, Chapter 4, Indian and Northern Affairs – Elementary and secondary education*. Ottawa, ON: Author.
- Auditor General of Canada. (2004). *Report of the Auditor General of Canada to the House of Commons. November, Chapter 5, Indian and Northern Affairs – Education program and post-secondary student support*. Ottawa, ON: Author.
- Brown, L. (2005, April 25). Ontario's forgotten children: Making the grade. *The Toronto Star*. Retrieved from <http://www.thestar.com/GTA/NativeEducation/article/108027>
- Canadian Teachers Federation. (2010). *Teaching in Canada*. Retrieved from <http://www.socialunion.gc.ca/ecd?2002?1-6.htm>
- Chiefs of Ontario. (2006). *INAC's roles and responsibilities in First Nation education: Final report*.
- Council of Ministers of Education, Canada. (2001). *The development of Education in Canada: A report of Canada*. Toronto, ON: Council of Ministers of Education, Canada.
- Council of Ministers of Education, Canada. (2008a). *Home page*. Retrieved from
- Council of Ministers of Education, Canada. (2008b). *Education in Canada*. Toronto, ON: Council of Ministers of Education, Canada.
- Dedicated Services for First Nations and Other Children (2002). Retrieved from <http://www.socialunion.gc.ca/ecd?2002?1-6.htm>
- Department of Justice, Canada. (2008a). *Constitutional Acts 1867-1982: The Constitution Act, 1867*. Retrieved from http://lois.justice.gc.ca/en/Const/c1867_e.html#distribution
- Department of Justice, Canada. (2008b). *Indian Act*. Retrieved from http://laws.justice.gc.ca/en/showdoc/cs/1-5/boga:s_114/en#anchorbo-ga:s_114/en
- Den Heyer, I., & Wien, F. (2001). *The cost of addressing the special education needs of Mi'kmaw Kina'matnewey students in Nova Scotia*. Membertou, NS: Mi'kmaw Kina'matnewey.
- Dworet, D., & Bennett, S. (2002). A view from the north: Special education in Canada, *Teaching Exceptional Children*, 34(50), 22-27.
- Fortin, T. (2004). *Atikameg School*. In David Bell (Ed.), *Sharing our success: Ten case studies in Aboriginal schools* (pp. 69-95). Kelowna, BC: Society for the Advancement of Excellence in Education.
- Fulford, G. (2007). *Ahkwesahsne Mohawk Board of Education*. In G. Fulford(Ed.), *Sharing our success: More case studies in Aboriginal schooling, band operated school* (pp. 29-56). Kelowna, BC: Society for the Advancement of Excellence in Education.
- Goddard, J.T. (1997). Reversing the spirit of delegitimation. *The Canadian Journal of Native Studies*, 17(2), 215-225.
- Government of Canada. (2004). *Canada/First Nations funding agreement: National model for use with First Nations and Tribal Councils for 2005/2006*. Ottawa, ON: Author.

- Human Resources and Skills Development Canada (2008). *Advancing the inclusion of people with disabilities. Chapter 6: Aboriginal people with disabilities*. Retrieved from http://www.hrsdc.gc.ca/eng/disability_issues/reports/fdr/2008/page9
- Hurton, G. (2002). *A review of First Nations special education policies and funding directions within the Canadian context. A paper commissioned for the Minister's National Working Group (WG) on education*, Oct., Ottawa, ON: INAC.
- Ibbitson, J. (2005). *A lesson from Canadian education*. Globe and Mail, p. A4, September 16, 2005.
- Indian and Northern Affairs Canada. [INAC]. (1972). *Minister's address to the Council of Ministers of Education, Canada, Regina, June 23, 1972*. Ottawa, ON: Author.
- Indian and Northern Affairs Canada. [INAC]. (1982). *Indian education paper: Phase 1*. Ottawa, ON: Author.
- Indian and Northern Affairs Canada [INAC]. (1986). *Letter from Minister of Indian Affairs and Northern Development to Mr. Rod Murphy, M.P., March 7, 1986*. Ottawa, ON: Author.
- Indian and Northern Affairs Canada. [INAC]. (2003). *Educational programming*. Retrieved from http://www.ainc-inac.ca/ps/edu/rep03/educ_e.html
- Indian and Northern Affairs Canada. [INAC]. (2004). *Elementary/Secondary education*. Retrieved from http://www.ainc-inac.gc.ca/ps/edu/elem_e.html
- Indian and Northern Affairs Canada [INAC]. (2005). *Evaluation of the band-operated and federal schools (BOFS)*. Ottawa, ON: Author.
- Indian and Northern Affairs Canada. [INAC]. (2006a). *First Nations education: A proposed plan forward. Presentation to the CCOE/NIEC, November, 2006*. Ottawa, ON: Author.
- Indian and Northern Affairs Canada. [INAC]. (2006b). *Treaty 3 between Her Majesty and the Saulteaux Tribe of Ojibbeway Indians*. Retrieved from www.ainc-inac.gc.ca/pr/trts/trty3_e.html
- MacPherson, J.C. (1991). *MacPherson report on tradition and education: Towards a vision of our future*. Ottawa, ON: Department of Indian Affairs and Northern Development.
- McCue, H. (1999). *An analytical of First Nations elementary-secondary education*. Ottawa, ON: Harvey McCue & Associates.
- Mendelson, M. (2008). *Improving education on reserves: A First Nations Education Authority Act*. Ottawa, ON: Caledon Institute of Social Policy
- Minister of Indian Affairs and Northern Development and Federal Interlocuter for Metis and Non Status Indian (2008). *Letter from Chuck Strahl to Chiefs and Councillors, July 24, 2008*. Ottawa, ON: Author
- Naested, I., Potvin, B., & Waldron, P. (2004). *Understanding the landscape of teaching*. Toronto, ON: Pearson Education Canada
- Ontario Public School Boards' Association (2006). *Letter to Minister of Indian and Northern Affairs Canada. November 27, 2006*. Retrieved from http://www.opsba.org/index.php?q=advocacy_and_action/aboriginal_issues/aboriginal_students_and_special_education
- Organization for Economic Co-operation and Development [OECD] (2003). *Education policy analysis*. Paris, FR: Author.
- National Indian Brotherhood/Assembly of First Nations (1972). *Indian control of Indian education*. Ottawa, ON: Author.
- Postl, B. (2005). *British Columbia First Nations schools funding analysis: 2003/04 school year*. Ottawa, ON: Indian and Northern Affairs Canada. (Revised April 5).
- Richards, J., & Scott, M. (2009). *Aboriginal education: Strengthening the foundations*. Ottawa, ON: Canadian Policy Research Network.
- Schumacher, K. (2008). *Villages struggle with poorly funded schools*. Prince Rupert Daily News, February 15, 2008. Retrieved from <http://canada.com/cityguides/princerupert/story.html?id=764b>

- Standing Senate Committee on Aboriginal Peoples. (2010a). *Issue 5 – Evidence – Meeting of May 5, 2010. Proceedings of the Standing Senate Committee on Aboriginal Peoples*. Retrieved from http://www.parl.gc.ca/Content/SEN/Committee/403/abor/05evb-e.htm?Language=E&Parl=40&3comm_id=1
- Standing Senate Committee on Aboriginal Peoples. (2010b). *Issue 3 – Evidence – Meeting of April 13, 2010. Proceedings of the Standing Senate Committee on Aboriginal Peoples*. Retrieved from http://www.parl.gc.ca/Content/SEN/Committee/403/abor/03evb-e.htm?Language=E&Parl=40&Ses=3&comm_id=1
- Standing Senate Committee on Aboriginal Peoples. (2010c). *Issue 7 – Evidence – Meeting of June 1, 2010. Proceedings of the Standing Senate Committee on Aboriginal Peoples*. Retrieved from http://www.parl.gc.ca/Content/SEN/Committee/403/abor/07eva-e.htm?Language=E&Parl=40&Ses=3&comm_id=1
- Stolte, E. (2010, Sept. 17). Ottawa fled responsibility for reserve schools. *Edmonton Journal*. Retrieved from <http://www.edmontonjournal.com/news/Ottawa+fled+responsibility+reserve+schools/3537782/story.html>
- Supply and Services Canada. (1985). *Education and research: A study team report to the task report on program review, Nov. 1985*. Ottawa, ON: Author.
- Wade, T. (2007). Eskasoni Elementary/Middle School. In Helen Raham (Ed.), *Sharing our success: More case studies in Aboriginal schooling*. Kelowna, BC: Society for the Advancement of Excellence in Education, p. 125-150.
- Wayaway News (2007, October 18). Hunger strike at INAC. Retrieved from <http://www.wayawaynews.ca/node/12225>
- Winzer, M. (2002). *Children with exceptionalities in Canadian classrooms* (6th ed.). Toronto, ON: Prentice-Hall.
- Woolfolk, A.E., Winne, P.H., Perry, N.E. (2003). *Educational psychology* (2nd ed.). Toronto, ON: Pearson Education Canada Inc.

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