

First Nation Elementary and Secondary Education Discussion Guide

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Introduction

Education is the cornerstone for improving lifelong opportunities. Higher education means greater earnings, better health, more stable employment, and improved community and individual well-being.

But only 40 percent of First Nation children who live on reserve complete high school.

Improving education results for First Nation students is an urgent priority.

However, the education of First Nation children in Canada is uneven at best, with no education legislation to provide assurances about the quality of education offered to students.

First Nation students deserve quality education that encourages them to stay in school and to graduate, and that enables them to acquire the skills they need to enter the labour market. That's why in Budget 2010 the Government of Canada announced that it would "work with First Nation groups and other willing partners to develop options, including new legislation, to improve the governance framework and clarify accountability for First Nation elementary and secondary education."

We know that access to quality education for First Nation students who live on reserve is about more than legislation and that legislation alone cannot ensure quality education.

Legislation can, however, provide the framework for reform by clarifying roles and responsibilities, strengthening governance and accountability, and addressing the need for stable and predictable funding.

This discussion guide focuses on possible approaches to First Nation education legislation.

"A shocking number of Aboriginal young adults are not completing high school. This is a gathering storm, which will have huge social and economic costs over the next decades. It must be addressed urgently now."

Michael Mendelson, Caledon Institute of Social Policy, Aboriginal People and Postsecondary Education in Canada, July 2006, <http://www.caledoninst.org/Publications/PDF/595ENG.pdf>

We Want to Hear Your Views

This is an opportunity to share your ideas on what education legislation is needed to help ensure that students attending First Nation schools have access to quality education that will help them succeed academically.

This guide and the accompanying website provide background information about Kindergarten to Grade 12 education on reserve, as well as ideas for First Nation education legislation. They also look at legislation in the context of work that is already under way to develop tripartite education partnerships among First Nations, provinces and territories, and the Government of Canada.

How you can participate

We want to hear from parents, students, leaders, elders, and teachers. We want to hear from regional and national organizations, provinces and territories, and the private sector. A National Panel on First Nation Elementary and Secondary Education will hold several meetings across the country with invited participants from urban and rural First Nation communities. The panel members will prepare a report on what they hear and will make recommendations to the Minister of Aboriginal Affairs and Northern Development. The report will also be presented to the National Chief of the Assembly of First Nations.

We encourage you to discuss the issues raised in this guide. Questions at the end of this guide can be used to focus the discussion.

Submissions can be made either online or by mail.

Online: Through our website you may send a written submission and fill out a questionnaire.
www.firstnationeducation.ca

By mail: You may send a written submission to:
National Panel on First Nation Elementary and Secondary Education
Room 900
255 Albert Street
Ottawa ON K1A 0H4

Note about post-secondary education

This engagement process focuses solely on elementary/secondary education. We are continuing to pursue other opportunities to hear from First Nations and other interested parties on ways to help First Nation and Inuit students receive the support they need to participate in post-secondary education.

I. How First Nation Education Works Now

Many partners are involved

Governments, communities, elders, educators, families, and students all have a role to play in student success. The educational issues facing First Nation students cross jurisdictions and involve many partners.

The Government of Canada invests about \$1.4 billion annually

Aboriginal Affairs and Northern Development Canada (AANDC) provides support to First Nations or their regional organizations to pay for programs and services in on-reserve schools and for tuition for students who attend provincial schools.

Funding is used for teachers' salaries, instructional services, and student support services such as transportation, counselling, accommodation, and financial assistance.

Funding is also used for education management, curriculum and language development, teacher recruitment and retention strategies, engagement of parents and the community in education, and technological and other resources and supplies, including computers.

First Nations deliver educational services on reserve

First Nations or their regional organizations are responsible for managing and delivering education programs and services in band-operated schools on reserve. However, the way education is managed may vary significantly from one community to another.

The federal *Indian Act* provides no framework for 21st century education. Only a small number of First Nations have self-government agreements and can use law-making authorities under those agreements to create their own education legislation.

On reserves, First Nations or their regional organizations hire and fire teachers, set curriculum and manage their education funding without a legislative framework.

They have the flexibility to deliver services in a way that is reflective of their community needs and that aligns with their budget allocations and priorities.

Provinces and territories also deliver education to First Nation students

Some 60 percent of students who live on reserve attend band-operated schools. The other 40 percent go to provincially run schools that are governed by provincial legislation or to private schools.

First Nation students who reside off reserve rely on provincial or territorial systems for their education.

Provinces and territories are responsible for education in Canada. According to the Organisation for Economic Cooperation and Development, Canada's education system is ranked among the highest in the world. Unfortunately, we know that Aboriginal students as a whole, in provincial and territorial schools, are not performing as well as their non-Aboriginal classmates.

First Nation children living on reserve often move between on-reserve and provincial schools three or four times between Kindergarten and Grade 12. Some students go to primary school on their reserve, move into the public system at Grade 4, and then change again for middle or high school. A high rate of mobility on and off reserve can mean a higher risk of dropping out.

Provinces and territories play an important role in providing education to First Nation students. All provinces and territories have education legislation and have initiated reforms in many areas over the past 20 years, some of them aimed at supporting Aboriginal students. Many provinces and territories have gone to great lengths to increase parental and community involvement in decisions that affect the education of their children.

Parents play a critical role

When parents are involved, students do better at school.

First Nation parents, like all parents, want education to help their children to be literate, numerate and qualified to go on to post-secondary education and/or training. First Nation parents also want their children to be grounded in their First Nation language and culture.

Higher grades and test scores, and enrolment in higher level programs and advanced classes, are all influenced by the involvement of parents.

Parents can also have an effect on drop-out rates, high school graduation rates, and whether or not students go on to post-secondary education.

Researchers have found that a student’s academic achievement is influenced more by support in the home for learning than by the parents’ level of education. This is especially true in the early years. (Dr. Charles Pascal, 2009)

Influence of parents

“Children do better in school when parents are involved in their education, know their educators, and keep track of what is happening in the classroom”

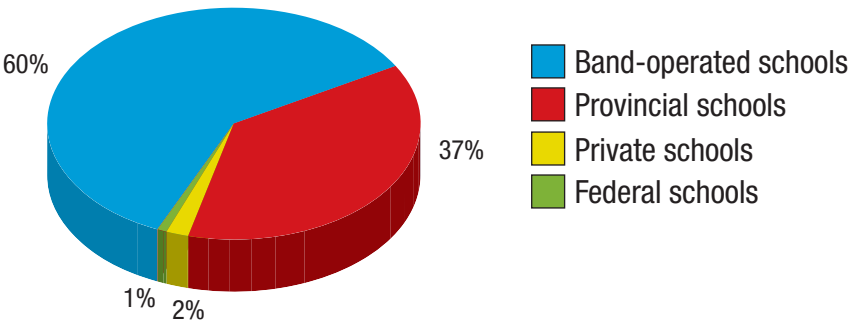
Dr. Charles E. Pascal, Executive Director, Atkinson Foundation; former special advisor on early learning to Ontario Premier Dalton McGuinty



II. The Current State of First Nation Education

About 118,000 First Nation students live on reserve and attend school.

Where K-12 First Nation students living on reserve attend school (2008-09)



Small stand-alone schools

Sixty percent of First Nation students attend one of 520 on-reserve schools. More than half of these schools (55 percent) have enrolments of 100 students or less. One quarter of them have enrolments of 25 students or less.

Strong focus and interest in language and culture

Most band-operated schools have incorporated some element of language and culture into their curriculum or school activities. Many see their schools as an important medium for transmitting language and self-identity, and for building self-esteem in students.

Some schools have full-day language immersion programs to Grade 3. Others use elders or language learning resources in the classroom. Still others use approaches to teaching and learning that reflect First Nation culture.

Most provincial or territorial schools provide varying degrees of support for Aboriginal languages and cultures in education. Some have formal policies in place that provide for culturally relevant curriculum. Others do so on a more ad hoc basis. These initiatives benefit Aboriginal students and serve to build awareness in mainstream Canada of our Aboriginal heritage.

Assembly of First Nations on education

The Assembly of First Nation (AFN) released its updated policy paper on First Nation education called “First Nations Control over First Nation Education” in July 2010. It is a revision of “Indian Control of Indian Education”, issued in 1972 by the AFN’s forerunner, the National Indian Brotherhood.

Steady improvements in First Nation education over time, but gaps persist...

Since 1996, the proportion of First Nation young adults obtaining high school or higher certification has improved steadily. Yet high school completion for First Nation residents on reserve is a disappointing 40 percent for First Nation students between the ages of 20 and 24. This compares with 56 percent for Aboriginal students in public school and 86 percent for all Canadians.

Challenges are about more than education

The challenges for First Nation students are compounded by unique characteristics that are prevalent in First Nation communities, such as geographical remoteness, socio-economic challenges, and mobility.

More than 65 percent of First Nations are in special access, remote, and rural locations, and close to 75 percent of First Nation communities have fewer than 500 residents.

Small student populations and remote locations limit the range and the quality of educational services that First Nation schools can provide.

Funding arrangements with the Government of Canada include a requirement that First Nations deliver education comparable to that delivered in provincial/territorial schools. This means they are to use accredited teachers, adapt provincial/territorial curricula, and offer services such as special education, transportation, and counseling. While funding agreements include this requirement, many First Nations lack the capacity and support to fulfill it.

First Nation regional organizations emerging across the country

Despite the dedicated and talented educators who work in First Nation schools, often the schools are not equipped to manage and deliver services similar to those in provincial/territorial schools. For example, provincial/territorial schools frequently rely on a network of school boards and ministries of education for services like teacher training and curriculum development.

Many First Nation schools operate alone and their location may further limit the opportunity to connect with one another or with publicly funded provincial schools. First Nation regional organizations are emerging across the country and becoming important bodies that work on behalf of First Nation schools.

“We need our students to stay in school.”

“I want to acknowledge the parents, friends and families of all our First Nations students. We need our students to stay in school and your support, encouragement, advice and assistance is a vital part of this effort. I must also acknowledge the strong voice of First Nations leaders who are working to ensure our students have access to quality education and safe schools.”

AFN National Chief, Shawn Atleo, September 8, 2009

First Nation schools and organizations have managed to build promising partnerships, but they find it difficult to provide the same scope and level of services that provincial schools offer. Nor do they benefit from valuable resources already in place in provincial schools that could help their students do better in school.

Likewise, provincial/territorial schools may be challenged to meet the unique needs of First Nation students. Provincial/territorial schools may not be benefitting from the expertise in band-operated schools.

III. Moving Forward

Regardless of whether First Nation students are in provincial or band-operated schools, we need to establish the foundation for quality education for First Nation children to accomplish three things:

- We must increase student retention and completion of high school;
- We must improve the quality of education offered to students on reserve; and
- We must ensure that First Nation students can move between on and off reserve schools without academic penalty.

We can observe what high performing schools and education systems have done to help students do well:

- They have placed a high priority on improving literacy and numeracy;
- They have improved their ability to measure and report on results and to use those results to improve;
- They have given schools/educators access to educational tools that are conducive to delivering quality education;
- They have supported talented, dedicated teachers and principals;
- They have provided opportunities for parents to demonstrate strong support for their children’s education; and
- They have encouraged students to be eager to learn and to see post-secondary education and training as a part of their life plan.

A quality First Nation education system should include:

- Well-defined roles and responsibilities for all partners;
- A system for measuring and reporting results, that also uses those results to improve;
- A full range of school supports, standards, and services comparable to those available off reserve;
- Strategic investments to address the unique needs of First Nation students on reserve; and
- Stable, predictable funding.

Reform in progress

The Government of Canada is working with its partners to reform First Nation education based on extensive education reform efforts undertaken in First Nation communities, by Canadian provinces and territories, and internationally over the last 20 years. Important steps were taken in 2008 with new student success and education partnership programs.

Today, six province-wide tripartite partnerships are in place with British Columbia, New Brunswick, Nova Scotia, Prince Edward Island, Manitoba, and Alberta. There is also a sub-regional agreement in Saskatchewan. These are arrangements among the three key partners in First Nation education – First Nations, the province, and the Government of Canada – to work together to improve First Nation student achievement and to help students successfully make the transition between provincial and First Nation schools.

In Budget 2010, the Government announced \$30 million over two years to support an implementation-ready tripartite Kindergarten to Grade 12 education agreement. This agreement will ensure First Nation students benefit from comparable education and achieve comparable results whether they go to school on or off reserve.

The Government of Canada believes that these practical partnerships are valuable but that additional reform is needed to help First Nation students succeed.

Focus on literacy

“We have, for the first time in our school history, a school-wide literacy assessment program that has provided teachers with clear direction in planning students’ programs. We are just doing our second round of assessment and the teachers are seeing real growth in many of their students. It is very exciting!”

Elva Krushelnitzky, Teacher, Chief Napew Memorial School, Big Island Lake Cree Territory, Saskatchewan



IV. Is Now the Time for Action on Legislation?

First Nation children who attend schools on reserve are the only children in Canada whose education is not governed by comprehensive education-specific legislation, except for a limited number of First Nation children whose education falls under self-government agreements.

Many educational experts recommend the introduction of First Nation education legislation to provide the framework for reform and to obtain better results. While legislation alone cannot ensure better education results, legislation could govern the quality of education. Further, it could help to strengthen partnership arrangements, which are proving critical to the success of First Nation students.

In provinces and territories across Canada and in countries around the world, education legislation is typically a comprehensive package that provides detailed requirements for education. It is common for education legislation to begin with a statement of purpose, principles, or interests served by the legislation. They also set out detailed requirements for the management and delivery of education.

Good governance no guarantee

“Good governance doesn’t guarantee that you’ll have a good school, but bad governance does probably guarantee you’ll have a bad school.”

Michael Mendelson, Caledon Institute of Social Policy, Edmonton Journal, September 18, 2010

Common legislative features of education systems in Canada

- 1) **Management and delivery, with clear roles and responsibilities of all partners – students, parents, educators, school boards, school districts, trustees, and ministries of education**
 - Education systems in the provinces and territories use a variety of structures to make decisions or provide advice to decision makers. There is a trend towards increasing the involvement of parents and other community partners in decisions, along with the traditional elected school board model.
- 2) **Education financing, including transfers from governments to school boards**
 - Provinces and territories often fund education with grants from government and property taxes collected by municipalities and transferred to school boards, while others use special levies.
- 3) **Curriculum and program development and delivery, the responsibility of school boards and teachers**
 - Provincial and territorial ministries establish programs of study and a curriculum. School boards implement the provincially mandated curriculum. Some school boards can establish local programs such as programs for religious instruction, physical education or trades.
- 4) **Student and school evaluation**
 - Student evaluation is usually managed by teachers but both school boards and education ministries usually play a role in establishing policies and standards for evaluation.
- 5) **Staff hiring and evaluation**
 - Teachers and staff are generally employed by the school board through a collective bargaining process. Ministries have the power to suspend or revoke teachers’ licences and handle discipline and the dismissal of teachers. Some legislation has sections specific to the evaluation of teachers and principals.
- 6) **Regulation of the school environment**
 - Legislation often regulates the language of education and the right to be taught in a minority language; the school day and year; the duty of students to attend school; the duty of parents to send their children to school; student discipline; student transportation; and activities permissible on school property.

Possible approaches for legislation for First Nation education

Legislation could set out the responsibilities of all partners. It could affirm the Government of Canada’s role in education on reserve, as well as First Nation control and responsibility for managing and delivering education programs and services in band-operated schools.

Legislation could also accommodate additional features and standards that are unique to the First Nation experience. It could give options to First Nations that would allow them to deliver education in more efficient ways, for example, through regional education authorities.

Using legislation to incorporate Inuit culture in education

In Nunavut, a strong commitment to protecting the Inuit culture is reflected in the education legislation. It is the responsibility of the education authorities and staff to ensure that Inuit societal values are incorporated throughout the education system, and legislation requires education to be bilingual – English and Inuktitut.

There are three possible approaches to federal legislation to improve the quality of education on reserve.

National in scope

National legislation for First Nation education could establish legislative standards on which to base quality education for all First Nations across Canada.

New legislation would supersede the “schools” section of the *Indian Act*.

Reference provincial legislation

Legislation could provide a framework for First Nation education and could use regulations to reference appropriate provincial education legislation. This flexibility could better reflect Canadian realities. For example, First Nations could choose whether or not they wanted to opt into legislation.

Self-Government agreements

First Nations already have the ability to enter into self-government agreements, giving them the responsibility and control to make their own education laws.

These agreements could cover a single sector, such as the education agreements in British Columbia, or could be broad enough to address a wide range of powers and responsibilities.

Education provisions exist, to varying degrees, in all of the approximately 20 self-government agreements in Canada.

Those First Nations entering into or operating under self-government agreements could choose the new yet-to-be-developed education legislation or could choose to use their law-making authority to create their own education laws.

Nisga’a and education

The Nisga’a Treaty is a negotiated agreement between the Nisga’a Nation, the Government of British Columbia, and the Government of Canada. The treaty and a financing agreement with the federal government give Nisga’a the authority and funding for education.

“For example the Nisga’a Lisims Government may make laws in respect of pre-school to Grade 12 education on Nisga’a lands for Nisga’a citizens including the teaching of the Nisga’a language and culture provided those laws include provisions for:

- a. curriculum, examination and other standards that permit transfer of students between school systems at a similar level of achievement and permit admission of students to the provincial post-secondary education systems;
- b. certification of teachers other than for the teaching of Nisga’a language and culture by:
 - i) a Nisga’a Institution, in accordance with standards comparable to standards applicable to individuals who teach in public or independent schools in British Columbia, or
 - ii) a provincial body having the responsibility to certify individuals who teach in public or independent schools in British Columbia; and
- c. certification of teachers, for the teaching of Nisga’a language and culture, by a Nisga’a institutions, in accordance with standards established under Nisga’a law.”

V. Conclusion

As all partners urgently work to reform education for First Nation students, we can be reminded of the achievements that are possible through partnerships.

Education partners are working together to ensure education systems provide quality education to students that meets provincial education standards. For example, communities and parents now have the ability to be involved in their children’s schools.

The Government of Canada wants First Nation students to have access to quality education. Practical measures like tripartite partnerships are helping us make progress. What new legislation would help accelerate our move to quality education?

VI. Themes for Discussion

The Government would like to hear your views on what education legislation is needed to help ensure that students attending First Nation schools have access to quality education.

The themes below will be used to guide discussions in roundtable sessions and those participating in the online engagement.

1. The form of federal legislation that would help make quality education more accessible to First Nation students and their families

Areas considered important to explore:

- legislation that enables and builds on provincial and regional efforts that can improve First Nation education
- legislation that enables each First Nation to make its own laws regarding education
- legislation that gives each First Nation the authority to make its own education legislation
- other suggestions

2. Requirements that should be in First Nation legislation to achieve effective management and delivery

Areas considered important to explore:

- governance and accountability requirements
- a First Nation delivery model where a regional education authority is responsible for the management of reserve schools
- other suggestions

3. The most important features to include in First Nation education legislation so that First Nation students would have access to quality education

Areas considered important to explore:

- roles and responsibilities of partners, including parents, in how education will be managed and delivered
- predictable financing of education
- curriculum and program development and delivery
- student and school evaluations
- teacher and staff hiring, accreditation and evaluation
- school environment regulations and standards
- other suggestions

4. Specific features of legislation that could best address the unique needs of First Nation students

Areas considered important to explore:

- how language and culture will be addressed
- how First Nation control will be maintained
- other features

5. Tools other than legislation that would help to ensure that First Nation students have access to quality education

Areas considered important to explore:

- strengthened financial arrangements
- strengthened partnership arrangements
- school- or student-focused programming
- other suggestions

6. As a parent, areas that would make the most significant difference in the success of your child’s education

Areas considered important to explore:

- standards for literacy, numeracy, and attendance
- better teachers
- focus on language and culture
- opportunity for more parental involvement in school
- other suggestions

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