

Seeking Justice, Speaking Hope



Christian Reformed Centre for Public Dialogue

# Moving From Regret to Substantive Change

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Reconciliation in Indigenous Education

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## Reconciliation in Indigenous Education

*A working document of the Christian Reformed Centre for Public Dialogue*

### I. Background Note: this is ongoing work....

In conversation with Indigenous partners and with a deep yearning for reconciliation and justice, the Christian Reformed Centre for Public Dialogue has undertaken a research, advocacy and public awareness program on Indigenous education. The following *environmental scan* is an initial and rooting element of this developing program.

### II. Introduction: Education as a tangible implication of reconciliation

In the pages that follow we provide an overview of current and historical realities in Indigenous education.<sup>1</sup> We discuss the serious financial and administrative barriers to the justice principle of *First Nation Control of First Nation Education*.<sup>2</sup> We examine research on success factors in Indigenous education. And, finally we discuss the importance of broad engagement and responsibility for reconciliation in education. As you will see dear reader, we have been motivated by a conviction that words of reconciliation and apology have implications for all people in Canada.

The *United Nations Declaration on the Rights of Indigenous Peoples* (the *Declaration*) cites education as a key right. Advances in education most certainly facilitate the fulfillment of other rights in the *Declaration*. Therefore it is hardly surprising that Indigenous leaders, such as AFN National Chief Shawn A-in-chut Atleo, identify education as a key priority. The weakness of educational systems in many First Nations communities is a stark and painful reality. Regrets about this reality, while noble, are not enough. Reconciliation and systemic change is urgent in an era defined by the Truth and Reconciliation Commission, the Prime Minister's Apology to Survivors of Indian Residential Schools (June 11, 2008), and Canada's affirmation of the *Declaration*. However, this is a deeply layered subject, steeped in history, popular misconceptions and stereotypes, a disinterested general public and a corresponding lack of political will. We know full well that Churches – with or without a direct residential school heritage – are a part of these layers of complexity, pain and institutional failures to do justice in Indigenous education. Therefore, the way forward for the Christian Reformed Centre for Public Dialogue will be steeped in listening and collaboration with Indigenous voices (ecumenical, civil

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<sup>1</sup> The information herein is both a historical scan, and a snap-shot of the statistical and political contexts in the first half of 2011. This policy context will be impacted by subsequent developments related to the AFN-Government of Canada Joint Action Plan and other measures not yet known. The Centre for Public Dialogue will continue to observe forthcoming developments in light of the research and foundations of this working document.

<sup>2</sup> Assembly of First Nations (AFN). "First Nations Control of First Nations Education"

society and Indigenous communities and organizations). From the foundation of continual listening we will participate, as appropriate, in constructive advocacy concerning Indigenous education and in public awareness efforts for non-Indigenous Canadians – because our broken history and the journey of reconciliation are shared.

## **A. Realities in Educational Achievement**

Better education is a key determinant of a better future. Currently, however, statistical evidence demonstrates that Indigenous youth have the lowest educational outcomes in Canada. Indigenous youth represent more than half of the Indigenous population today and are the fastest growing segment of Canada’s society.<sup>3</sup> On-reserve, only 36% of men and 42% of women aged 20-24 have completed high school.<sup>4</sup> Indigenous people are also much less likely to have a post-secondary degree than the general population.<sup>5</sup> Evidence from BC shows that the proportion of Indigenous students who are meeting or exceeding grade expectations in the key areas of reading, writing and numeracy is significantly lower than for their non-Indigenous counterparts,<sup>6</sup> and that the proportion of Indigenous students who are not meeting grade expectations is increasing.<sup>7</sup> According to the Auditor General, in 2004 there was a 28 years educational attainment gap between people living on reserve and the Canadian population as a whole.<sup>8</sup> This gap continues to widen today.<sup>9</sup> The gap in outcomes clearly points to systemic problems in educational services for Indigenous students.<sup>10</sup>

## **B. United Nations Declaration on the Rights of Indigenous Peoples as a Policy Tool**

The recently endorsed United Nations *Declaration on the Rights of Indigenous Peoples* lays out the right to “education that is well resourced, culturally sensitive, respectful of heritage and takes into account history, cultural security, community and individual development and is

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<sup>3</sup> Environics Institute, “Urban Aboriginal Peoples Study,” 25.

<sup>4</sup> John Richards, Jennifer Hove, and Kemi Afolabi, “Understanding the Aboriginal/Non-Aboriginal Gap in Student Performance”, 1.

<sup>5</sup> Statistics Canada, “Education.” On a positive note, the percentage who have a trade certificate or college diploma is comparable to the general population.

<sup>6</sup> John Richards and Meghan Scott, “Aboriginal Education,” 23-25.

<sup>7</sup> *Ibid.*, 26-27.

<sup>8</sup> Auditor General of Canada, “Indian and Northern Affairs Canada – Education Program,” section 5.2.

<sup>9</sup> Auditor General, “Programs for First Nations on Reserves,” section 4.17.

<sup>10</sup> This conclusion is supported by the most recent report of the Auditor General, which observed that “many of the problems facing First Nations go deeper than the existing programs’ lack of efficiency and effectiveness. We believe that structural impediments severely limit the delivery of public services to First Nations communities and hinder improvements in living conditions on reserves” (Auditor General, “Programs for First Nations on Reserves,” preface). Please also note, the primary focus of the present study is on-reserve education systems. Nevertheless it is critical to recognize that the educational attainment gaps are also experienced by Indigenous students in provincial systems. Essentially it is important to note here that on-reserve systems are not the sole contributor to attainment deficits.

designed in a way that is implementable.”<sup>11</sup> The right to education is addressed specifically in Articles 12 (1), 13, 14, 15 and 17 (2). Articles 2 (non-discrimination) and 44 (gender equality) are also relevant to the elucidation of educational rights. Numerous provisions of the *Declaration* closely correspond with State obligations under the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child.<sup>12</sup> Canada is a full supporter of these UN instruments and has a longstanding reputation for upholding human rights. Indigenous rights for education, including those in *the Declaration* are a viable framework for policy change.

The uniqueness of the *Declaration* is its recognition of Indigenous people as people with equal rights. It does not create or advance new or unique rights for Indigenous peoples; rather, it expands the interpretive scope of other human rights documents in a way that allows Indigenous rights to be recognized and realized.<sup>13</sup> In so doing, the *Declaration* challenges the historical and paternalistic Canadian practice of considering Indigenous people to be wards of the state. It affirms Indigenous peoples as groups with collective and individual rights with the ability to make their own decisions and determine what is good for themselves. It implies the need to move from dependency to independence.

It is important to remember that education for all is a right in Canada. The *Declaration* elucidates previously granted rights – like education – in a spirit of partnership and mutual respect. Additionally, all new policy direction must be formulated with direct consultation with Indigenous peoples (Articles 3, 4, 5). Under s. 35 of the Constitution Act, 1982, the government has a duty to consult and accommodate Indigenous peoples. Under the *Declaration*, s. 35 rights and treaty rights are certainly human rights.

However, in the current political context, the *Declaration* is only one of many tools for the fulfillment of Indigenous rights. Canada has repeatedly stated that it will uphold those principles contained within the *Declaration* that align with current policies.<sup>14</sup> The document is viewed as aspirational and applicable only when it is consistent with the constitution of Canada.<sup>15</sup> These caveats suggest that the *Declaration* has more symbolic than substantive significance for Canadian policy in the current political context. Therefore, advocacy on the Indigenous right to education must focus on a broader range of tools. These include policy development and oversight mechanisms in: Canada’s Parliament; civil service; intergovernmental affairs; and possibly the International Covenant on the Rights of the Child. It

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<sup>11</sup> United Nations Human Rights Council, “Study on Lessons Learned,” 4.

<sup>12</sup> *Ibid.*, 5.

<sup>13</sup> *Ibid.*, 4, paragraph II.4.

<sup>14</sup> See, for example, Aboriginal Affairs and Northern Development Canada, “Backgrounder.”

<sup>15</sup> Gina Cosentino, “It’s time to reconcile indigenous rights and democracy in Canada,” December 6, 2010.

It must also be noted that the caveats discussed here are the subject of a cogent challenge from an impressive coalition of Indigenous organizations, human rights and faith groups (“Joint Statement,” November 6, 2010).

is also important to recognize that the language of reconciliation, and the context of the Truth and Reconciliation Commission, are significant frames for advocacy on Indigenous education.<sup>16</sup>

### III. Historical Overview of Indigenous Education

Indigenous peoples in what is now Canada had their own educational philosophies and systems in place before the arrival of European settlers. These were based in a holistic vision of life-long learning that involved the entire community, from parents to elders.<sup>17</sup> According to the Royal Commission on Aboriginal Peoples (RCAP), there was deep shared commitment to education that cut across diverse cultural lines.<sup>18</sup> Children were viewed as gifts and education was a holistic process intended to help children reach their full potential as individuals and community members.<sup>19</sup> Although different educational models existed in different nations, lifelong learning was a commonly held value.

After contact, life changed dramatically for Indigenous people in Canada. The Royal Proclamation of 1763 set out the foundation of treaty relationships between Indigenous people and the Crown. While the prime motivation of treaty-making was access to land for settlement, rights to education for Indigenous were also mentioned as a treaty responsibility. As Carr-Stewart points out,

Over the next century the two signatories debated the spirit and intent of the treaties and found little consensus in their understanding of the treaty negotiations and specifically what the treaty right to education entailed. The issue caused frequent dissension and at times conflict. The disparity solidified as First Nations continued to maintain their right to education stemmed from reference in the numbered treaties, while the Crown chose to make no reference to its treaty commitment and instead, relied upon the Indian Act, its own legislation, to provide educational services, which were often subservient to the Crown's financial priorities and national issues.<sup>20</sup>

The British North America Act of 1867 (BNA) and then the Indian Act of 1876 "institutionalized the exclusion of Aboriginal people in the delivery of educational services."<sup>21</sup> Therefore, the time honoured traditions of community, elder and parental participation in Indigenous education were threatened.

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<sup>16</sup> See the Prime Minister's Apology to Former Students of Residential Schools, June 11, 2008, for this language of reconciliation in Canadian public discourse (Aboriginal Affairs and Northern Development Canada, "Statement of Apology").

<sup>17</sup> Canadian Council on Learning, "The State of Aboriginal Learning in Canada," 10.

See also the Canadian Council on Learning's "Aboriginal Learning Knowledge Centre" webpage for more information on Inuit, Metis and First Nations educational models.

<sup>18</sup> Royal Commission on Aboriginal Peoples, "Education," 405.

<sup>19</sup> Dan Smoke (Elder), interview with Anna Vogt, March 2011.

<sup>20</sup> Sheila Carr-Stewart, "A Treaty Right to Education," 127.

<sup>21</sup> Shelia Carr-Stewart and Larry Steeves, "First Nations Educational Governance," 2.

The BNA Act established a dual system of education: provincial authority for non-Indigenous students and federal authority for Indigenous education on reserves. Canada committed to provide schooling that equaled the education provided by the provinces.<sup>22</sup> Under the BNA Act, “In and for each Province the Legislature may exclusively make Laws in relation to Education” (s. 93), while the federal educational system for children living on reserves, stems from Canada’s responsibility for “Indians, and land reserved for Indians” (s. 91).<sup>23</sup> However, the federal government’s commitment to provide schooling that equaled provincial systems was weak early on. Within the Indian Act itself there were no clear guidelines on educational development or means to maintain educational services on the same level as the provincial systems. Therefore, from 1867 onward, all aspects of education, including standards, expectations, control and attainment were significantly different for students within each system.<sup>24</sup>

Despite the commitment to mirror provincial systems, federally administered education has not served Indigenous communities well. On the contrary, the historical record shows educational systems to be a critically harmful factor in Indigenous communities and cultures. Regrettably, churches and church structures were key players in these destructive systems. The contributions of Indigenous people to their own education systems have been largely ignored and marginalized over the past 130 years. Aggressive colonial policies of assimilation have been the norm, especially reflected during the residential school period. During this time, children were forcibly removed from their families and communities, forbidden to speak their own language or practice their own traditions, often subjected to horrific abuses and isolations, all with the clear goal of ‘killing the Indian in the child.’<sup>25</sup>

The Indian Act education provisions underwent significant changes in 1951. “The amended Act, Sections 113-122, related to education and specified that the Minister “may, in accordance with this Act, establish, operate and maintain schools for Indian children” (Section 114-2) as well the Minister “may enter into agreements ...on behalf of Indian children” with a variety of organizations – such as provinces, school boards, religious organizations (Section 114-1).”<sup>26</sup> These changes to the Act did not include significant new provisions for Indigenous leadership in education. Instead, the Minister was still *acting on behalf* of Aboriginal children.

The Trudeau government 1969 White Paper was a catalyst for the mobilization of Indigenous social and political movements in Canada. Indigenous groups around the country rallied in opposition to the policy, which proposed to transfer all responsibilities for Indigenous people to the care of the provinces and the abolition of treaty rights. Indigenous people viewed this as a fundamental assault on their collective rights as Canada’s first peoples. Community leaders and activists united under a common banner of Indigenous rights and, through hard work and determination, managed to stop implementation of the White Paper.

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<sup>22</sup> Ibid., 2-3.

<sup>23</sup> Ibid., 3

<sup>24</sup> Ibid., 4

<sup>25</sup> For an overview of Government policies regarding education for Indigenous peoples, see Where are the Children?, “Government Policies,” 2.

<sup>26</sup> Sheila Carr-Stewart and Larry Steeves, “First Nations Educational Governance,” 6.

These unified actions gave rise to the National Indian Brotherhood (NIB), now the Assembly of First Nations (AFN). In 1972, the Brotherhood presented a partial response to the White Paper in the document *Indian Control of Indian Education*. This foundational paper focused on the need for parental and community involvement, and Indigenous governance in Indigenous education. The document states

We want education to give our children the knowledge to understand and be proud of themselves and the knowledge to understand the world around them... We believe that if an Indian child is fully aware of the important Indian values he will have reason to be proud of our race and of himself as an Indian.<sup>27</sup>

Education was seen as meeting two basic needs: reinforcing Indigenous identity and providing the training necessary for making a good living in contemporary society.<sup>28</sup> In this response to the White Paper Indigenous peoples forcefully argued that they were the best judges of the kinds of school programs which would contribute to stronger culture, identity and economic opportunity.

Based on the arguments of *Indian Control of Indian Education*, the Government of Canada began ceding control of educational administration to local bodies. However,

The transfer of schools to (for the most part) individual First Nations was accomplished within existing federal legislation, administrative arrangements, and policies without any significant increase in budgetary levels – salary costs previously required for federally employed teachers offset requirements for teachers salary at the First Nations level. Maintaining statutory responsibility for Indian education, the role of INAC became one of establishing the level of funding for schools and ensuring that annual educational statistical information was completed through the national Nominal Role – a school reporting of basic student information related to age, grade, and school attended.<sup>29</sup>

Education policies today fail to fulfill the aspirations of the NIB *Indian Control of Indian Education*, and principles for educational reform laid down in the RCAP report. In fact, discrimination is evident in the way Indigenous education is funded and organized. As the United Nations Report of the Expert Mechanism on the Rights of Indigenous Peoples states:

The elimination of discrimination against indigenous peoples, and the elimination of conditions that cause such discrimination, are an important precondition for ensuring that indigenous individuals are not excluded from education. This requires that States take measures to identify existing and potential barriers of discrimination of indigenous individuals in the education system, including legal, political, administrative and fiscal barriers.<sup>30</sup>

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<sup>27</sup> National Indian Brotherhood, “Indian Control of Indian Education,” 2.

<sup>28</sup> Ibid., 3.

<sup>29</sup> Sheila Carr-Stewart and Larry Steeves, “First Nations Educational Governance,” 7.

<sup>30</sup> United Nations Human Rights Council, “Study on Lessons Learned,” 8.

Therefore, this paper will now turn to a discussion on current barriers in Canada.

## IV. Financial Barriers

### A. Educational Services

As noted, the funding of Indigenous schools is part of a complex system administered by Indian and Northern Affairs Canada (INAC)/Aboriginal Affairs and Northern Development Canada (AANDC).<sup>31</sup> Funding for education is delivered as part of a single annual allotment for all on-reserve social programming. This is delivered to either the band council, board or other designated educational authority.

This covers the cost of providing instruction in on-reserve schools, repayment of tuition costs for on-reserve students who attend provincial schools, and student support funding for services such as transportation, counselling, accommodation and financial assistance. INAC's objective is "to ensure that eligible Indians (Indians or Inuit normally resident on a reserve or Crown land) have access to the education programs and services available in public schools in the province in which the reserve is located."<sup>32</sup>

According to AANDC, funding and resources are intended to equip reserves to direct their own education system and enable students to enjoy the same opportunities as students in provincial systems.<sup>33</sup>

Despite AANDC commitments, there is a serious funding shortage for Indigenous students.<sup>34</sup> Funding formulas for social programming, including education, are based on the Band Operated Funding Formula (BOFF) from 1988. This formula has not been updated to reflect the growth of the Indigenous youth population or to ensure the quality of education matches that provided by the provinces. The BOFF was first enacted as an attempt to answer criticisms about funding delivery. It was scheduled to be reviewed in two years time, but this review has never taken place.<sup>35</sup> Furthermore the BOFF does not address socio-economic disadvantages common on many reserves. Lower income levels contribute to a need for more programs addressing special

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<sup>31</sup>And indeed it is complex: according to INAC estimates in 2003, there were 445,436 status Indians living on-reserve and 285, 139 living off-reserve. There were 614 widespread and generally isolated reserves across Canada. Only six percent of these communities had more than 2000 residents and 61 percent had fewer than 500 residents (Simon Management Services, "A Study of Educational Cost Drivers to First Nations Education," 5). \*Please also note: On May 18, 2011, the name of Indian Affairs and Northern Development Canada/Indian and Northern Affairs Canada (INAC) was changed to Aboriginal Affairs and Northern Development Canada (AANDC). See <http://www.ainc-inac.gc.ca/ai/aand-eng.asp> for details. Both acronyms (INAC and AANDC) are used in this document to refer to the same department.

<sup>32</sup> Helen Raham, "Introduction to *Sharing our Success*," 19.

<sup>33</sup> Aboriginal Affairs and Northern Development Canada, "Education."

<sup>34</sup> This applies to Aboriginal students who go to on reserve schools as well as to those live on reserve but attend provincial schools off-reserve.

<sup>35</sup> First Nations Education Council, "Towards the Financial Accessibility of Lifelong Learning," 15.

needs and related areas.<sup>36</sup> It is well documented that children from lower economic backgrounds find it more difficult to be successful in school.<sup>37</sup>

Funding levels for education are based on the National Distribution Formula, which provides a student base unit Cost of \$4,091 per full time equivalent (FTE).<sup>38</sup> This is to cover classroom instruction, professional development, low cost special education, cultural education, curriculum development, paraprofessionals for cultural, linguistic and psychological support, second languages, books and supplies, special clothing and equipment and education boards/program management costs. The student unit cost was increased a further \$215 per FTE for First Nations Language instruction and \$216 per FTE for Special Education, for a total of \$4522 per student attending on-reserve school. There are also adjustments built into the formula for geographical factors.<sup>39</sup>

Two other adjustments have been made to the original National Distribution Formula: “a small school factor based on the average number of students per grade, and if applicable, a Languages Adjustment for Second Official Language and/or for English as a Second Language. This was applied where the language of instruction differed from the first language of the majority of the student population.”<sup>40</sup> As well, any school with a full-time enrollment of 10 or more students is allocated \$20,000. This distribution formula was last updated in 1996-7, and regions have received an annual increase of about 2%.<sup>41</sup>

The net result of this patchwork is illustrated by the contrasts to provincial education funding in Ontario. According to Fulford et al.,

The unit cost [of on-reserve education] in Ontario in 2003/04 was \$4,127, with an additional “incremental student allocation” of \$444 to cover low-cost special education, “second level services,” and Aboriginal language instruction. Band-operated schools also receive \$20,000 for school administration (for a school of 500 students this would amount to \$40 per student). The Ontario Ministry of Education provided an average of \$7,694 per student to its schools in 2003/04.<sup>42</sup>

This stark funding contrast indicates structural discrimination.

In 1996 the federal government implemented a two percent cap on Indigenous social spending as part of a general austerity program. It is a common – but not universal – assumption that this cap remains in some form today.<sup>43</sup> Taking into account inflation and the growing

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<sup>36</sup> Ibid., 15.

<sup>37</sup> Simon Management Services, “A Study of Educational Cost Drivers,” 7.

<sup>38</sup> Ibid., 25.

<sup>39</sup> Ibid.

<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

<sup>42</sup> George Fulford et al., “Sharing Our Success,” 328.

<sup>43</sup> While numerous reports (including *First Nation Control of First Nation Education*) refer to the capping of funding, the Parliamentary Budget Officer’s 2009 Report indicates that it can find no clear evidence that the 2% cap is in fact a reality (Ashutosh Rajekar and Ramnarayanan Mathilkath, “The Funding Requirement for First Nations

Indigenous population, education costs are estimated to have required an annual funding increase of 6.2%.<sup>44</sup> By contrast, provincially funded schools have received an average annual funding increase of about 3.8%.<sup>45, 46</sup> The funding growth restrictions have resulted in a cumulative shortfall of \$1.54 billion between 1996 and 2008 for instructional services alone, and an immediate funding shortfall of \$233 million in 2008.<sup>47</sup> The outdated funding formulae and practices, and rapidly growing Indigenous populations severely constrict educational funding and the just aspiration of *Indigenous control of Indigenous education*.

In order to address the obvious funding shortfalls, there have been a number of supplementary initiatives and short term agreements. According to a report presented to a joint AFN and INAC working group, "These include the Gathering Strengths Initiatives following the Report of the Royal Commission on First Nations Peoples [sic]. This funding has been re-profiled as New Paths for education, with an annual budget of \$40 million."<sup>48</sup> Another example is Industry Canada's First Nations SchoolNet program. This program was mandated to provide internet schooling technology on remote reserves, especially for secondary students. However, its mandate ended in 2006, with no sustainable plan to continue providing these services, leaving nearly 500 schools without the needed funding to continue internet services.<sup>49</sup> There is no ongoing national program to fund essentials like technology, libraries, playgrounds, curriculum development, teacher development, etc. Thus, although supplementary funding programs make important contributions to improving the quality of education in certain schools, their short term, ad hoc nature does not address the systemic issue of significant funding inequity.

## **B. Infrastructure**

Besides the costs associated with basic educational materials and services, capital funding for school infrastructure is a necessity. On many reserves, buildings and infrastructure are in desperate need of repair, or need to be replaced. INAC databases on the conditions of schools on reserves list approximately 49% of the 803 assets in good condition. 726 assets are reported as permanent structures and 77 are described as temporary structures. Almost 21 percent of the schools are listed as not inspected.<sup>50</sup> Even when inspections do take place, there are no

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Schools in Canada," 18, 67-68). As well, additional grants and funding programs provided by INAC are in place to supplement funding formula shortfalls.

<sup>44</sup> FNEC, "Paper on First Nations Education Funding," 16.

<sup>45</sup> Ibid.

<sup>46</sup> The funding shortfall is further illustrated by statistics from Quebec. The FNEC (2009, 16) reports that "In the province of Quebec, First Nations communities demanded an annual funding increase of 4.5% based on actual inflation and population growth since 1996. This means that for any given year since 1996, funding for instructional services has been underfunded by 2.5 percentage points. During the same period, Quebec schools saw their funding increase by 4.3% per year." Tremblay and Mahfoudh observe that "[i]n 2001, Aboriginal peoples represented 1.9% of the working-age population in Quebec. Their growth rate was 10.3% between 1986 and 1991, compared to 1.4% for all of Quebec." This population growth trend indicates that real education costs will continue to increase at a rate surpassing the 2% annual funding increases.

<sup>47</sup> FNEC, "Paper on First Nations Education Funding," 17.

<sup>48</sup> Simon Management Services, "A Study of Education Cost Drivers," 26.

<sup>49</sup> Ibid., 8

<sup>50</sup> Ashutosh Rajekar and Ramnarayanan Mathilakath, "Funding Requirement," 8.

indications of the standards that the inspections are based upon. Labels such as *good, fair and poor* are not based on clear, measurable standards, such as those used by building or home inspectors.<sup>51</sup> In 2007 INAC concluded that 69 new schools were needed across Canada and 27 additional schools needed major renovations. However, funding was only provided for 21 new schools and 16 renovation projects. For the remaining work, an estimated \$235 million in additional funding will be required over the next five years.<sup>52</sup>

Capital and infrastructure funding is not provided under the Band Operated Funding Formula (BOFF). There are no separate Parliamentary allocations for the funding of Indigenous school infrastructure. Instead, INAC works with an internal Long-Term Capital Plan under the Capital Facilities and Maintenance Program (CFMP). The Parliamentary Budget Officer's Report (PBO) indicates,

In the absence of Parliamentary appropriations specifically for funding First Nations schools, and which can be tracked through Parliamentary reporting tools such as the Estimates, it is impossible to determine how much Parliament intended to appropriate for school infrastructure funding and consequently, how much was actually spent on schools.<sup>53</sup>

Additionally, capital funding is inconsistent and unpredictable since it is often based on financial agreements between the federal government and individual Indigenous communities.<sup>54</sup>

Total capital funding needs estimated by INAC are significantly lower than the figures produced by the PBO, using INAC data.

The PBO's analysis shows that the total funding requirement for capital expenditures as projected by the PBO methodology for the next three years (from 2009) ranges between \$287 million to \$308 million annually. Compared to the PBO projections, the planned capital expenditures as reported by INAC in its CFMP LTCP for the next three years range from \$118 million to \$123 million, annually.<sup>55</sup>

This indicates that current plans for capital expenditure are under-funded between \$169 to \$189 million.<sup>56</sup> Historically, INAC's actual expenditure for capital and operating and maintenance under the CFMP has been much lower than its Planned Expenditure, leading to an ever larger deficiency in capital funding.<sup>57</sup> As the Parliamentary Budget Officer observes,

Regardless of the choice of funding instrument (grants, contributions, or other financing arrangements), given the mandate to build and to meet the operating

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<sup>51</sup> Kevin Page, Letter to Mr. Michael Wernick, 9.

<sup>52</sup> FNEC, "Paper on First Nations Education Funding," 24.

<sup>53</sup> Ashutosh Rajekar and Ramnarayanan Mathilakath, "Funding Requirement," 8.

<sup>54</sup> FNEC, "Paper on First Nations Education Funding," 24.

<sup>55</sup> Ashutosh Rajekar and Ramnarayanan Mathilakath, "Funding Requirement," 11.

<sup>56</sup> *Ibid.*, 12.

<sup>57</sup> *Ibid.*, 13.

and capital expenditures related to First Nations schools, it is imperative to have a systematic approach and methodology to determine the annual funding that needs to be set aside each year by INAC for the First Nations school infrastructure.<sup>58</sup>

In the absence of a clear capital budgeting methodology, infrastructure funding remains ad-hoc and insufficient.<sup>59</sup>

Structural budgeting realities create even further complications: The majority of provincially run school boards are able to plan their budgets to run throughout the school year, from September to June. INAC funded schools run on the March to April federal fiscal year. Planning according to two distinct budget years, plus all of the recording required by INAC<sup>60</sup> often leads to ineffectively run schools.<sup>61</sup>

## V. Administrative Barriers

Much of the administrative jurisdiction for education has been transferred to First Nations with INAC considering itself only a funding agent under this system. In a March 2010 hearing of the Senate Standing Committee on Aboriginal Peoples, Christine Cram, INAC Assistant Deputy Minister, Education and Social Development Programs and Partnerships, testified that

The challenge for the department is that we are basically a funder. We provide funding to First Nations and other organizations that deliver the programs and provide the services. In most provinces, you have a ministry of education, school boards and schools. Those ministries of education can be quite large, and they have expertise. The department has probably 60 people who work on education. Thus, they could not possibly have the level of expertise provided by the provinces.”

While this devolution of control over education may appear to satisfy a desire for “Aboriginal control over Aboriginal education,” in reality, the minimal educational expertise within INAC and lack of funding support for expert local or regional administrative structures (such as school boards) renders this moot.<sup>62</sup> As the Auditor General reported as far back as 1986,

Provincial education acts and regulations provide a clearly defined management framework within which provincial education jurisdictions must carry out their managerial and professional responsibilities. The relevant sections of the Indian

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<sup>58</sup> Ibid., 7.

<sup>59</sup> Ibid., 15.

<sup>60</sup> For more information on the rigorous reporting required, see the Auditor General’s 2004 report.

<sup>61</sup> George Fulford, “Sharing Our Success,” 37.

<sup>62</sup> Waabiginoojii/David Anderson, “Report on Second Level Services.” According to Auditor General Sheila Fraser’s November 2004 report, “Indian and Northern Affairs Canada cannot demonstrate that it meets its stated objective to assist First Nations students living on reserves in achieving their educational needs and aspirations.”

Act under which education to Indians is provided do not define education or provide any direction for its delivery. This means there is no firm basis on which a coherent and consistent policy on education can be formulated.<sup>63</sup>

Some communities and nations have organized themselves into school boards with the relevant administration, but this has often required additional funding and support from INAC and, in some cases, the provinces.<sup>64</sup> The First Nations Educational Steering Council in British Columbia and the Mi'kmaq Education Act in Nova Scotia are promising examples of cooperation between the First Nation, the province and the federal government, indicating that it is possible to reach tripartite agreements for regionally based solutions.<sup>65</sup> However, it is not sustainable for these types of agreements to continue on an ad-hoc basis.

The status quo of *ad-hocery* means that there is a minimal amount of unifying policy, as the quote above from the Auditor General illustrates. If INAC is to act as only a funding agency, provisions must be put in place that empower Indigenous structures to provide quality education. Accountability and value for tax dollars is a common public expectation concerning First Nations governance. However, federal government accountability to Canada's promises and responsibilities towards First Nations is all-too-often missing from expectations among mainstream Canadians. There is no compelling evidence to suggest that educational funds are being managed inappropriately at the level of local First Nations. Rather, educational outcomes fail to improve, in part, because the structures and resources necessary to ensure positive, sustainable educational outcomes are lacking. Indeed the Council of Ministers on Education (a grouping of Provincial Ministers) has noted that there is no way of measuring educational progress because there are no educational standards in place.<sup>66</sup> The best efforts of committed people and communities have not and cannot overcome the structural barriers to the fulfillment of Indigenous rights to education.<sup>67</sup>

*Declaration* provisions regarding the right to culturally appropriate education are not widely met in provincial schools nor are they fully carried out in reserve school systems. Indigenous education and ways of learning often operate on a principle of life-long learning, where language, culture and community all play an important role. When education is carried out in a culturally appropriate way, the rights of Indigenous communities are met. Indigenous students who have the most success in mainstream education are those who are strongest in their Indigenous identities.<sup>68</sup> Onowa Mclvor found that culture is a key determinant of health; and that language is the foundation for culture. Cultural and language education is, therefore, key to the well-being of Indigenous people and communities.<sup>69</sup>

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<sup>63</sup> Quoted in AFN, "Selected Findings and Recommendations," 1.

<sup>64</sup> George Fulford et al., "Sharing our Success."

<sup>65</sup> Ibid.

<sup>66</sup> Amanda Parriag et al., "Transitions by Aboriginal People."

<sup>67</sup> Michael Mendelson, "Why We Need a First Nations Education Act."

<sup>68</sup> John Richards and Meghan Scott, "Aboriginal Education," 41.

<sup>69</sup> Onowa Mclvor, "Language and Culture as Protective Factors," 21.

## VI. Successful Schools

A 2007 study by the Society for the Advancement of Excellence in Education (SAEE) examined a number of successful schools with a high percentage (95-100%) of Indigenous students with the intent of identifying key characteristics of successful schools. The study was undertaken with the support and input of First Nations, Provincial and Territorial ministries and INAC. These characteristics or 'success factors' were found to include:

- Strong leadership and governance structures, often with long tenure
- High expectations for students
- Focus on academic achievement and long-term success
- Secure and welcoming climates for children and families
- Respect for Aboriginal culture and traditions to make learning relevant
- Quality staff development
- Provision of a wide range of programs/supports for learning<sup>70</sup>

These key characteristics echo the provisions for self-governance in education and adequate supports for quality education in Article 14 of the *Declaration*. They demonstrate that funding concerns are not the only obstacle to educational justice in Indigenous communities. Most importantly, they show that creating successful schools requires systemic change, including long term planning, sustainable funding and local control. Lasting change is also rooted in holistic approaches, such as Head Start,<sup>71</sup> that attempt to address poverty and other socio-economic indicators.

Advocacy for successful First Nations Schools is a complex undertaking. A good beginning point is generating public awareness and support for AFN's *Call to Action on Education*:

1. Reconciliation – the federal and provincial governments must reconcile our rights within education acts across the country to ensure consistency with constitutional provisions.
2. First Nations Education Guarantee – a secure fiscal framework is needed for funding for education.
3. Sustainability – statutory funding arrangements based on real costs, indexation and appropriate treatment for northern and remote communities.
4. Systems – First Nation education must be supported through professional and accountable institutional supports delivering second and third level supports.
5. Support and Partnership – creating a learning environment in our communities and linking with organizations, the public and private sector to invest in our schools and for our kids.

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<sup>70</sup> Helen Raham, Introduction, 14.

See also AFN, "First Nations Control Over First Nations Education," 3.

<sup>71</sup> Health Canada, "Aboriginal Head Start on Reserve."

## VII. Education for Whom?

The historical and current realities discussed above demonstrate that the challenges in education on reserve, and among Indigenous students off reserve, are not new. These failures are the result of inadequate policy of the federal government. The link between education and reconciliation has been noted numerous times in recent history. The Royal Commission on Aboriginal Peoples presented a set of recommendations for education and educational structures in 1996.<sup>72</sup> They called for change at first, second and third level services, and the creation of an Indigenous based educational system. Beyond RCAP there have been numerous reports and recommendations on solutions from INAC, AFN and others since the draw-down of the residential school system.

In conversation with Indigenous leaders we have learned that there is an abundance of good ideas for substantive change but implementation is necessary. There are already solutions that are in line with the *Declaration*; what is needed is political will to implement them. Citizens concerned about reconciliation and a new relationship with Indigenous Peoples can mobilize that political will. Indeed it is urgent to do so.

Despite the wealth of information and recommendations, sustainable and widespread solutions are not being implemented. What explains this inertia? Ironically perhaps, both the problem and the solution appear to lie in the realm of education. There is a serious lack of knowledge and sensitivity among all Canadians to the historical and present realities of Indigenous life. This ignorance among mainstream Canadians is an obstacle to reconciliation. *Learning About Walking in Beauty*, a study undertaken by the Canadian Race Relations Foundation, documented the knowledge of first year university students concerning Indigenous people. The findings suggest a general lack of knowledge and the presence of disturbing stereotypes. The report notes that:

Repressive legislation such as The Indian Act is supported by individual, institutional and systemic racism. Aboriginal Peoples are socially, culturally, economically and geographically tethered into marginalized places in their own lands (at best) or made invisible (most frequently). The invisibilization and marginalization of Indigenous Peoples has been enforced by a pervasive educational pedagogy (the pedagogy of oppression), which is historically designed to achieve social goals of forced assimilation and cultural eradication. This harsh experience of Aboriginal Peoples' reality bears no resemblance to the Canadian program of "multiculturalism."<sup>73</sup>

This strong rhetoric indicates the reality of structural racism towards Indigenous peoples in Canadian society and institutions. This reality of racism has effects on both Indigenous and non-Indigenous people. A recent Environics Institute study on Urban Indigenous people bears this out:

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<sup>72</sup> RCAP, "Education."

<sup>73</sup> Coalition for the Advancement of Aboriginal Studies (CAAS), "Learning about Walking in Beauty," 137.

Only one-third (35%) of urban Aboriginal peoples say they learned a lot or a little about their culture in elementary school; most (62%) say they learned almost nothing. This improves slightly in high school, with just over four in ten (43%) who say they learned at least a little about Aboriginal culture. Among those who pursue a college or university education however, the proportion who say they learned something about Aboriginal culture increases to one in two (53%); this is due to the dramatic increase in those who say they learned *a lot* (29%) during their post-secondary experience.<sup>74</sup>

This same study documents the attitudes and knowledge of urban non-Aboriginal (NA) Canadians towards Indigenous people:

There is a general awareness of Aboriginal peoples and their place in Canada's history among NA urban Canadians. However, they know less about the contemporary situation of Aboriginal peoples. Majorities of NA urban Canadians, particularly new Canadians (i.e., those born outside Canada), view Aboriginal history and culture as an important symbol of national identity, and recognize the contributions that Aboriginal peoples and culture have made in the areas of the environment, culture and the arts in Canada. But there is a lack of awareness and apparent uncertainty about the most important issues for Aboriginal people today, and in particular, about the problems faced by those living in cities. There is a significant gap between Aboriginal peoples' socio-economic reality and the perceptions of NA urban Canadians. They believe Aboriginal people have the same or better socio-economic and other opportunities as any other Canadians. Most notably, almost half of NA urban Canadians have never read or heard anything about Indian residential schools, a situation that appears to have changed little following the federal government's official apology in June 2008.<sup>75</sup>

Nevertheless, the authors of this study also see reasons for optimism:

Despite their limited knowledge of Aboriginal people and issues, NA urban Canadians demonstrate a desire to learn more. Indeed, there's an apparent predisposition to be open, and interest in learning more about Aboriginal history, culture and experience. Many NA urban Canadians give Canadian schools a failing grade in terms of fulfilling this objective.<sup>76</sup>

So, to answer the rhetorical question: *education for whom?* Substantive reform in Indigenous education is most certainly urgent because it can begin a journey to overcome the tragedies of assimilation and attempted culture destruction. Simultaneously, it is critical that non-Indigenous Canadians step away from ignorance, stereotypes and racism and begin to learn deeply about Indigenous people and our shared history, in sound knowledge about the realities of contemporary Indigenous life, and in relationships of mutual respect with Indigenous

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<sup>74</sup> Environics Institute, "Urban Aboriginal Peoples Study," 118.

<sup>75</sup> Ibid., 11.

<sup>76</sup> Ibid., 142.

neighbours. New understanding and new relationships among Indigenous and non-Indigenous people in Canada are critical in an era of symbols like the Prime Minister's apology, the Truth and Reconciliation Commission and Canada's assent to the UN Declaration on the Rights of Indigenous Peoples.

## VIII. Academic Activism: *Shannen's Dream*

It is abundantly clear that substantive reconciliation in Indigenous education is a complex endeavour that requires Indigenous leadership and public support. Therefore, non-Indigenous Canadians, and indeed churches and faith based civil society must take an active but supporting/secondary role. A significant means to be supportive is to mobilize understanding and political support. This can take various forms. One that we have found helpful is the public education campaign *Shannen's Dream*. This project is led by the First Nations Child and Family Caring Society of Canada (FNCFCS), and raises public awareness about equity in education.

Cindy Blackstock, FNCFCS Director and spokesperson for *Shannen's Dream*, notes that non-Indigenous students are quick to spot the inequality in the contrasts between their schools and Shannen's in Attawapiskat. Schoolyard instincts about fairness lead to stark questions about why some students have playgrounds and others do not. Shannen's dream "for safe and comfy schools and culturally based education for First Nations children and youth" has rallied public support for needed schools in Attawapiskat and elsewhere.<sup>77</sup> Shannen Koostachin's story teaches a basic awareness of the need for fairness that touches children, moves adults, and underscores the need for substantive change. This is an excellent tool for citizen engagement that can generate political will for substantive change.

## IX. Conclusion

As the Assembly of First Nations states, "In the spirit of reconciliation, it is now time for federal, provincial and territorial governments to equal the commitment and leadership of First Nations."<sup>78</sup> They continue,

In the past, the Canadian governments' education policy has been a tool of oppression, but it can be a tool of liberation founded on First Nation control of First Nation education. First Nations view education as a means to achieving self-determination and redressing the negative impacts of colonial practices.<sup>79</sup>

As Cindy Blackstock states, *reconciliation means not saying sorry twice*. The effects of residential schools and the policies of assimilation certainly cannot be erased. But substantive

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<sup>77</sup> <http://www.fncfcs.com/shannensdream>

<sup>78</sup> AFN, "First Nations Control Over First Nations Education," 22.

<sup>79</sup> *Ibid.*, 4.

progress towards equity in education is a key element of reconciliation and a new way of living together in Canada. Therefore, the words of Indigenous theologian Terry LeBlanc are poignant:

*Deep reconciliation means moving beyond regret to personal change. Regret means sorrow about the exposure of the fault; reconciliation means changed behaviour.* The June 11, 2008 Apology from the Prime Minister has potential in this respect. The PM and leaders of the opposition admitted that *we were wrong* – this raises a counterpoint: Native communities can legitimately say we were right to struggle for our culture and our language. Parliamentary leaders also acknowledged that they robbed the nation of the contribution that Aboriginal people might make – the counterpoint is, again, that Aboriginal people have a contribution to make to this place and nation – we need to do things to ensure that this contribution can be re-acquired. If there was a wrong, there is a right. This needs to move from personal change to collective responsibility at multiple levels. Therefore the apology was not resolution – it was only a beginning point for a new relationship that is characterized by mutual responsibility.<sup>80</sup>

## **Acknowledgements:**

Anna Vogt served as a Research and Advocacy Assistant to the Christian Reformed Centre for Public Dialogue for an all-too short time in early 2011. Anna, thank-you for your passion and enthusiasm for a complex task. Your work has set an important foundation for us.

Profound thanks are also due to colleagues and Indigenous leaders who are shaping the journey of this ongoing work: Jennifer Preston, Ed Bianchi, Cindy Blackstock, Tim Thompson, Dan Smoke, Ann Pohl, Kenneth Deer, Terry LeBlanc and Stan McKay. Our Creator has blessed us with your wisdom.

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<sup>80</sup> Terry LeBlanc, speech to the Christian Reformed Church in North America's Canadian Aboriginal Ministry Committee and Committee for Contact with Government in Joint Session, November 27, 2008.

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