



FIRST NATIONS EDUCATION

A PLEA FOR MORE ACCURATE INFORMATION

2012



First Nations Education Council
(FNEC), Quebec
www.cepn-fnec.com



Federation of Saskatchewan Indian Nations
Federation of Saskatchewan
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SEPTEMBER 2012

PREFACE

This project is the result of findings shared by our two regional organizations: the First Nations Education Council (FNEC) and the Federation of Saskatchewan Indian Nations (FSIN).

Our shared findings are *that some information circulating on the heels of numerous consultations and various reports on the state of First Nations education is either totally or partially wrong, and requires clarification and context along with accurate information.*

Therefore, in light of these common findings, we have drafted these documents. While they are not extensive, it is our intention that they serve as a launching point for discussion and the dissemination of accurate information. We hope any misleading information or affirmations will be thus corrected.



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REPORT ON PRIORITY ACTIONS IN VIEW OF IMPROVING FIRST NATIONS EDUCATION (report available on the FNEC and FSIN Web sites)

This brief sets the record straight on the events that motivated the FNEC and the FSIN not to participate in the elementary and secondary education consultations held by a national panel mandated by the national chief of the Assembly of First Nations (AFN) and the minister of Aboriginal Affairs and Northern Development Canada.

It needs to be noted that this consultation mechanism was announced to the Chiefs Committee on Education on December 8, 2010, without their participation in the decision-making process. Faced with this fait accompli, the FNEC, FSIN, and First Nations Education Coordination Unit (Ontario) proposed the inclusion of a number of non-negotiable conditions or commitments in the panel's terms of reference. This document is available on our respective Web sites, titled "Terms of Reference of the Expert Panel - to be considered as non-negotiable".

The federal government refused to include the proposed commitments in the panel's terms of reference and despite this refusal, the AFN agreed to move forward. Evidently, this process was driven by the federal government, the FNEC, FSIN, and Nishnawbe Aski Nation, at the request of their respective chiefs, decided to collaboratively produce an independent report that focused on previous consultations and reports on which consensus was reached. This independent process was totally democratic and respectful of our First Nations.

However, regrettably, it seems to be common practice amongst First Nations not to require clear commitments from government in relation to consultative/negotiated outcomes and our rights when we engage in joint undertakings or negotiations. Even when they fail to commit to respecting the outcomes of their consultative processes or respecting our rights and international law, we stay at the table and continue to engage in fruitless and redundant processes.

With regards to any consultations or negotiations, we believe it is high time that our political leaders require that the government clearly state their commitments with respect to outcomes, our rights, and in conformity with international law, foster the conditions required for the expression of our rights. Further and to reiterate, we need to know if the federal government is committed to taking concrete action, such as amending its laws to take into account international conventions that it signed, and if it is committed to respecting the inherent and treaty rights of our people.



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PROVINCIAL EXPERTISE

The message often received from various reports and articles, written by non-natives, is that it is the provinces that possess the expertise in education. Such a presumption is incomplete, misleading and simplistic.

It is also situational. For instance, when provincial expertise in education is compared to that of the federal government, we tend to agree with this presumption. On the other hand, when provincial expertise in First Nations education is compared to our own, we completely disagree.

As First Nations regional organizations, we favourably compare our expertise to provincial school boards on the basis of three factors: educational training, our employees' work experience in the education field, and their knowledge of the First Nations reality; and this despite the fact that we have never received adequate funding to offer comparable wage conditions.

At the community level, it is certainly possible to identify and refer to specific provincial schools that are more successful than First Nations schools. On the other hand, many references can also be made to First Nations schools that are more successful than their provincial counterparts.

In fact, there is no significant statistical data which confirms that the First Nations student body is more successful in provincial schools than in First Nations schools and this even if the former have more financial resources. Moreover, looking back at the 1950s and 1960s, the policy to integrate First Nations students into provincial schools was a terrible failure and parents of First Nations students insisted that this policy be abolished in favour of creating First Nations schools.

In conclusion, it would be a more accurate and nuanced view to say that both First Nations and provinces possess an expertise in education, but in terms of First Nations education, the expertise of First Nations overrides that of the provinces.



STAND-ALONE SCHOOLS

Admittedly, a First Nations education system that can offer dedicated and comparable school board services does not yet exist, simply because the federal government has not recognized the need nor offered any investment to support such an initiative. However, it is wrong to presume that First Nations schools lack any support from their regional organizations.

First Nations educators have long recognized the need for a First Nations education system and have advocated for the establishment of First Nations organizations devoted to offering essential support services to First Nations schools. Recent consultations and discussions have resulted in a consensus that the situation of stand-alone First Nations schools must be resolved, in a manner that best reflects the strengths and expertise of existing First Nations educational organizations.

Both organizations authoring these fact sheets have been in operation for many years, and have provided much-needed support to our member schools in a multitude of ways. In addition, the structures our organizations have put in place have proven their efficiency and worth by being based on the decision-making power and representation of our communities. Members of our various organizations are regularly consulted to establish action plans based on needs analysis of our communities. Despite the paucity of sustainable financial support from the federal government, we have worked towards resolving the most urgent needs and have maximized the potential of the federal programs we successfully administer. It should be added that we are not the only First Nations regional organizations in the country.

However, despite our longstanding presence, and the fact that we have done what was necessary while recognizing the needs of our communities, our important work and accomplishments have essentially been ignored by the federal government in the information that is currently circulating. Rather than proposing an unnecessary national commission, or some other kind of forum to decide on the structures, roles, and responsibilities of regional organizations, we believe that it would be more logical, respectful and pertinent to consult the organizations already in place, benefit from their existence, and finally recognize the importance of supporting them financially.



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THE IMPORTANCE OF ADEQUATE FUNDING

“It’s not only about money” is an argument often heard from senior federal public servants when attention is drawn to the urgent need for a remedy to address the chronic underfunding of First Nations schools and educational systems. This response is, to say the least, a simplistic and insulting argument that seeks to avoid the real issue. Moreover, First Nations organizations who have been operational for many years, have led numerous consultations and studies on the needs of our communities; and our research and results are not limited to funding.

Another argument being heard is that adequate funding must be made conditional to outcomes. We agree that there must be a link between funding and outcomes; however, in order to assess if adequate funding achieves expected outcomes, logically (following logical models) adequate funding must be counted on first. Everyone agrees that it is important to ensure that objectives, in terms of outcomes and timelines, are reasonable within a logical model. In research, conditions having an impact on expected outcomes can be placed in three categories: useful but unnecessary conditions, necessary but insufficient conditions, and sufficient conditions. Adequate funding can be placed in the second category since it is a necessary but insufficient condition.

We deplore the fact that the above arguments serve to question the necessity of adequate funding and our right to it. Further, in a context where underfunding has been documented for years, and the lack of political will to remedy this situation is evident, the situation is ripe for political exploitation. We must ensure that adequate funding is a prerequisite to outcomes, rather than the opposite where outcomes are a prerequisite to adequate funding. This is somewhat backwards; an illogical rather than logical model!

In conclusion, adequate funding of First Nations education is a necessity and a right. It is also a federal responsibility.



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DEFINITION OF QUALITY EDUCATION

We all recognize the importance of First Nations students having access to a quality education. However, what is worrisome is the urgency with which some parties commit to a non-inclusive process aimed at defining “quality education” and specifying parameters for First Nations students, with the presumption that they can accomplish this better than the First Nations themselves.

The Assembly of First Nations Chiefs adopted an operational definition that should be respected by all parties; this definition is contained in a policy document entitled *First Nation Control of First Nation Education*. For a more concise definition, we recommend that the definition given in a report entitled *Study on Lessons Learned and Challenges to Achieve the Implementation of the Right of Indigenous Peoples to Education* be considered by First Nations Leaders and the federal government. Published in 2009 by the *Human Rights Council’s Expert Mechanism on the Rights of Indigenous Peoples* this definition reads as follows:

“Quality education may be defined as education that is well resourced, culturally sensitive, respectful of heritage and takes into account cultural security and integrity, encompasses community and individual development, and is designed in a way that is implementable.”

In conclusion, we reject any process with a strong connotation of colonialism enabling civil servants or another party besides First Nations, to sign off on what quality education should be for First Nations.



WILLING PARTNERS

“We are interested in doing business with willing partners.” This is the public invitation that has been made by the federal government to First Nations, yet the example of tripartite agreements already challenges this kind of statement.

From the outset, and to avoid being misinterpreted, we want to make it clear that we are not opposed to bipartite or tripartite agreements per se, we only ask that they respect First Nations rights, and are entered into on an actual voluntary basis. We also accept that some incentives may be used to promote the conclusion of such agreements, which seems inherent to any negotiation between willing partners each of whom needs their interests to be recognized.

However, we deplore the federal government’s well-documented practice of only giving access to a new funding method to those communities who fall under a tripartite agreement. This same government also confirmed that the status quo would continue to apply to communities who choose not to enter into a tripartite agreement.

Since there is consensus on the fact that current funding (status quo) is inadequate, the government’s commitment to elaborating a new funding method means that funding to schools in communities who do not adhere to a tripartite agreement will continue to be inadequate. We can therefore conclude that the negotiating process does not simply include incentives, as the government attempts to make us believe, but restrictions that give communities no negotiating leeway.

In addition, upon reading the federal budget presented on March 29, 2012, and with regards to the creation of new First Nations education legislation, we realize that the government continues to reiterate the same message: that they want to do business with willing partners. We fear that the scenario will be the same, meaning that the government will see to it that the First Nations who refuse to bend to the imposed conditions of the process that is set forth, will find all their requests, as legitimate as they may be, ignored.

Consequently, unless the government officially commits to respecting First Nations inherent and treaty rights, First Nations jurisdiction, international law, and the honour of the Crown, and that such a commitment is confirmed through concrete actions, which is currently not the case, we, as First Nations, believe that this government is not acting as a willing partner. We are rather of the opinion that the government is attempting to mislead us, and the general public, by pretending to satisfy the conditions of prior, free and informed consent, as stated in article 19 of the *United Nations Declaration on the Rights of Indigenous Peoples*.



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TRIPARTITE AGREEMENTS: A SUCCESS

The ink does not even have time to dry on the signature of a tripartite agreement before it is considered a success. In fact, the federal government praises all tripartite agreements.

What is the cause of such enthusiasm? It certainly cannot be based on evidence that such agreements improve academic achievement or the graduation rate. It must be concluded that this enthusiasm is generated more from a belief and a political agenda than on evidence significantly proving the effectiveness of such agreements.

In addition, as these agreements come with additional funding, it is impossible to determine if any eventual improvements in outcomes are a result of the tripartite agreement or the funding increase. In order to truly be able to identify the cause of any improvements, a comparison would have to be made between a group of First Nations adhering to a tripartite agreement and a group of First Nations who obtained a comparable funding increase without entering into a tripartite agreement.

Our communities fear that these agreements are part of a government strategy aimed at facilitating their maximal integration into mainstream society at the expense of First Nations control of their education (which is equivalent to assimilation). Consequently, they fear that these agreements run counter to their right to survive and prosper as distinct peoples. For these reasons some communities refuse to enter into tripartite agreements despite the federal government's threat to maintain the status quo and inadequate funding levels.

The enthusiasm surrounding these tripartite agreements cannot be based on evidence, as none exists. There is no proof that they contribute to improving results more than an equivalent funding increase without a tripartite agreement. On the other hand, research does indicate that under the best circumstances, adequate funding of First Nations schools would certainly contribute to improved educational success.



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FEDERAL BUDGET

In the recent federal budget (March 29, 2012), new investments in First Nations education was announced. \$275 million (\$175 million for infrastructures and \$100 million for early literacy programming, and to strengthen partnerships between First Nations organizations and provincial school systems) will be spread over three years; other supports and services for First Nations schools and students are also to be provided. Further clarification or explanation was not given. This was all presented by the federal government in a context of their commitment to improving First Nations education as a government priority.

Without proper and factual context, this amount of money can impress and confuse the media and other observers, especially those who do not take the time to read or analyze reports showing the considerable funding gap between First Nations and provincial education. Our reality clearly demonstrates these investments will not even begin to cover the unavoidable cost increases related to demographic growth and inflation, and the gap will continue to widen.

The truth is, it was a long harvest for so little corn. Sixteen years after the publication of the *Report of the Royal Commission on Aboriginal Peoples*, ten years after the publication of the *Final Report of the Minister's National Working Group on Education*, six years after work and reports of various joint AFN/INAC committees, and a few weeks after the culmination of two years of numerous consultations by various governmental committees and within the framework of forums, including the one held by provincial education ministers and by provincial Aboriginal affairs ministers, the government once again turned a deaf ear to the real issues and realities of First Nations education.

Our conclusion is that the current government has missed the opportunity to put an end to years of neglecting First Nations education in order to pursue the objective of transferring responsibilities and costs to the provinces. Even while some provinces seem willing to accept responsibility for First Nations education, we are nonetheless paying the price of a never-ending confrontation between the federal and provincial governments to determine which one will be left paying the bill. In our opinion, the federal government must stop using this strategy of transferring responsibilities and costs and fully assume its fiduciary responsibility.



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THE MIRACLE SOLUTION FOR EQUITABLE FUNDING

On May 19, 2012 an article, written by Nick Martin, entitled “Higher education: Funding puts reserve schools on par with public system,” was published in the Winnipeg Free Press. The article is located at: <http://www.winnipegfreepress.com/opinion/fyi/education-emancipation-152134575.html>. According to the article, “With one deal struck among Ottawa, Waywayseecappo First Nation, Park West School Division and the Manitoba public school system, Waywayseecappo School went from classes of about 33 or more students to classes of fewer than 20, teachers’ salary skyrocketed, more teachers were hired and full-time resource specialists suddenly appeared. Overnight, an underfunded reserve school reached financial parity with the public schools in Binscarth, Russell, Rossburn and Birtle.”

This article highlights a rare situation where the federal government not only recognized the underfunding of a First Nations school in relation to provincial schools, but took measures to remedy the situation. However, this is an exceptional case, and the same government systematically refuses to deal with the prevalent reality of underfunding for hundreds of First Nations schools across the country.

The question then becomes what is the magic formula that suddenly ended the federal government’s persistent resistance to remedying the underfunding of this particular First Nations? The miracle solution, as reported by First Nations representatives during national meetings and presented to some schools by AANDC civil servants, is to become a provincial school and overnight your school will receive the same funding as neighbouring provincial schools.

It is therefore easy to see why some First Nations come to the conclusion that the federal government is pursuing a policy of forced integration and/or assimilation. Especially when, in addition to this, they are told that only regional organizations or aggregations of communities can sign tripartite agreements and that only the First Nations schools represented by those who sign tripartite agreements can become eligible for a new funding method.



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